



Council Meeting

Jubilee Centre Council Chamber
9909 Franklin Avenue, Fort McMurray

Tuesday, April 11, 2017
6:00 p.m.

Agenda

In Camera (starting at 5:00 p.m.)

Advice from Officials

(in camera pursuant to section 24(1) of the *Freedom of Information and Protection of Privacy Act*)

Call To Order

Adoption of Agenda

Minutes of Previous Meetings

1. Regular Council Meeting - March 28, 2017

Recognition

2. Human Values Day - April 24, 2017
3. Community Identification Committee Recognition - Atkinson Lane

Bylaws

4. Bylaw 17/006 – Land Use Bylaw Amendment – Part 11 Wildfire Recovery Overlay
 - 1st reading
 - Proposed Public Hearing date - April 25, 2017
5. Bylaw 17/007 - Wood Buffalo Recovery Committee Recommendation - Repeal of Bylaw No. 16/015 – Noise Bylaw Amendment
 - 1st reading
6. Bylaw 17/008 - Wood Buffalo Recovery Committee Recommendation - Waiver of Fee - Acceptable Contaminated Soil
 - 1st reading
 - delegations
 - 2nd and 3rd readings

Reports

7. Wood Buffalo Recovery Committee Recommendation - Demolition and Protective Fencing Costs
 - delegations
8. Selection Committee Recommendations - Council Committee Appointments

Councillors' Motions

9. Property Assessments
(This matter has been deferred to the April 25, 2017 Council Meeting)

Adjournment

Unapproved Minutes of a Meeting of the Council of the Regional Municipality of Wood Buffalo held in the Council Chamber at the Municipal Offices in Fort McMurray, Alberta, on Tuesday, March 28, 2017, commencing at 6:00 p.m.

Present: M. Blake, Mayor
T. Ault, Councillor
L. Bussieres, Councillor
J. Cardinal, Councillor
S. Germain, Councillor
K. McGrath, Councillor
P. Meagher, Councillor
J. Stroud, Councillor
C. Tatum, Councillor
A. Vinni, Councillor

Absent: C. Voyageur, Councillor

Administration: A. Antoniak, Interim Chief Administrative Officer
J. Brown, Senior Legislative Officer
R. Billard, Director, Public Works and Transit Services
C. Bouchard, Director, Community and Protective Services
J. Doyle, Director, Planning and Development
D. George, Director, Engineering and Environmental Services
L. Ollivier, A/Chief Financial Officer
D. Soucy, Legislative Officer

Call To Order

Mayor M. Blake called the meeting to order at 6:01 p.m.

Adoption of Agenda

Moved by Councillor P. Meagher that the Agenda be adopted as presented.

Notices of Motion

Councillor S. Germain served notice of his intent to bring forward the following motion for consideration at the April 25, 2017 Council meeting:

THAT Administration work with the Recovery Task Force and other relevant internal and external stakeholders to investigate and explore policy options for Council's consideration on FireSmart building materials and property safety for residential and non-residential property owners in the Municipality.

Councillor K. McGrath served notice of his intent to bring forward the following motion for consideration at the April 11, 2017 Council meeting:

WHEREAS a number of properties in the Regional Municipality that were severely damaged or destroyed by the wildfire of May 2016 have been assessed for taxation in 2017 at values that in the opinion of the property owners do not accurately reflect the diminished market values of their properties resulting from the fire damage;

AND WHEREAS the Regional Assessor is a designated officer having statutory duties under the Municipal Government Act and regulations with respect to the property assessment process, that cannot be affected by a resolution of the Council;

NOW THEREFORE BE IT RESOLVED that Administration be directed to take appropriate steps, including but not limited to posting a notice on the municipal website and using the media, to inform residents that:

- (a) the Regional Assessor has the independent authority to issue a revised Notice of Assessment where it appears to the Regional Assessor that the original Notice of Assessment does not accurately reflect the market value of a property; and
- (b) residents who believe their 2017 Notice of Assessment does not accurately reflect diminished market value as a result of destruction of or damage to the structures on their properties caused by the wildfire, may contact the office of the Regional Assessor to present the facts of their situation and seek issuance of a Revised Notice of Assessment.

Voting then occurred on Councillor P. Meagher's motion.

CARRIED UNANIMOUSLY

Minutes of Previous Meetings

1. Minutes of Special Council Meeting - March 10, 2017

Moved by Councillor J. Stroud that the Minutes of the Special Council Meeting held on March 10, 2017 be approved as presented.

CARRIED UNANIMOUSLY

2. Minutes of Regular Council Meeting - March 14, 2017

Moved by Councillor T. Ault that the Minutes of the Council Meeting held on March 14, 2017 be approved as presented.

CARRIED UNANIMOUSLY

Recognition

3. Responders Way

Ms. Shelley Morrison, long-time resident, was presented with a sign commemorating the naming of Responders Way.

Councillor K. McGrath was also presented with a sign recognizing his contribution to the naming of Responders Way.

Presentations

4. **Carol Cleminson and Vaughn Jessome, Fort McMurray - Conklin and Fort McMurray - Wood Buffalo Wildrose Constituency Association re: Alberta Electoral Boundaries Commission**
(6:17 p.m. – 6:34 p.m.)

Carol Cleminson and Vaughn Jessome, Fort McMurray - Conklin and Fort McMurray - Wood Buffalo Wildrose Constituency Association, provided an overview of the current Alberta Electoral Boundaries Commission review of all provincial electoral boundaries, and requested a letter from Council supporting the retention of both electoral divisions in the Municipality and the realignment of the existing boundaries of both divisions.

Exit and Return

Councillor K. McGrath exited the Chamber at 6:24 p.m. and returned at 6:26 p.m.

Moved by Councillor T. Ault:

That the Mayor, on behalf of Council, issue a letter to the Alberta Electoral Boundaries Commission in support of:

- (a) retaining the division of the Regional Municipality of Wood Buffalo into two electoral divisions;
- (b) adjusting the boundaries of Fort McMurray – Conklin Electoral Division to make it a Special Electoral Division with a population just above the minimum for a special electoral division of 23,349; and
- (c) adjusting the boundaries of Fort McMurray – Wood Buffalo Electoral Division to make it a Regular Electoral Division with a population of approximately 40,000.

CARRIED UNANIMOUSLY

Public Hearings and Related Reports

5. **Land Planning and Transportation Committee Recommendation – Bylaw No. 17/001 – Undeveloped Government Road Allowance Closures within the Canadian Natural Resources Limited Horizon Project Area**
(6:35 p.m. – 7:06 p.m.)

Mayor M. Blake declared the Public Hearing for Bylaw No. 17/001 open at 6:35 p.m.

Jamie Doyle, Director, Planning and Development, gave an introduction from Administration, indicating that the road allowance closure will facilitate development of the project and address safety concerns related to public access within a mining operation. Vehicle traffic will be diverted through alternate routes around the site and away from mining operations.

Bob Dunn, District Landman, Horizon Oil Sands, Canadian Natural Resources Limited, provided an overview of the request for the road allowance closure, noting that the area is within a mining operation that is not accessible by the public.

It was noted for the record that a written submission had been received from Northland Forest Products Ltd. opposing the closure.

Exit and Return

Councillor S. Germain exited the Chamber at 6:42 p.m. and returned at 6:43 p.m.

Moved by Councillor A. Vinni that the Public Hearing for Bylaw No. 17/001 be adjourned to April 25, 2017.

DEFEATED

For: L. Bussieres, P. Meagher, C. Tatum,
A. Vinni

Opposed: M. Blake, T. Ault, J. Cardinal,
S. Germain, K. McGrath, J.
Stroud,

Exit and Return

Councillor K. McGrath exited the Chamber at 7:03 p.m. and returned at 7:05 p.m.

Mayor M. Blake declared the Public Hearing for Bylaw No. 17/001 closed at 7:06 p.m.

6. Land Planning and Transportation Committee Recommendation – Bylaw No. 17/002 – Undeveloped Government Road Allowance Closures within the Enbridge Pipelines (Athabasca) Inc. Project Area
(7:06 p.m. – 7:15 p.m.)

Mayor M. Blake declared the Public Hearing for Bylaw No. 17/002 open at 7:06 p.m.

Jamie Doyle, Director, Planning and Development, gave an introduction from Administration, noting the road allowance closure will facilitate development of the project and address safety concerns related to public access within a pipeline operation. Vehicle traffic will be diverted through alternate routes around the site and away from pipeline operations.

David Stock, Senior Land & ROW Specialist, Enbridge Pipelines Inc. provided an overview of the company's requirement for the road allowance, noting that it has a licence of occupation agreement for the area, which is fenced to limit access.

It was noted for the record that a written submission had been received from Northland Forest Products Ltd. opposing the closure.

In his closing statement, David Stock noted that extensive consultation with multiple stakeholders occurred prior to being granted the licence of occupation agreement.

Mayor M. Blake declared the Public Hearing for Bylaw No. 17/002 closed at 7:15 p.m.

7. Land Planning and Transportation Committee Recommendation – Bylaw No. 17/003 – Undeveloped Government Road Allowance Closures within the Total E&P Canada Joslyn North Mine Project
(7:15 p.m. – 7:36 p.m.)

Mayor M. Blake declared the Public Hearing for Bylaw No. 17/003 open at 7:15 p.m.

Jamie Doyle, Director, Planning and Development, gave an introduction from Administration, indicating that the road allowance closure will facilitate development of the project and address safety concerns related to public access within a mining operation. Vehicle traffic will be diverted through alternate routes around the site and away from mining operations.

It was noted for the record that a written submission had been received from Northland Forest Products Ltd. opposing the closure.

Jim Rogers, resident, spoke to the proposed road allowance closure, but did not indicate support or opposition.

Paul McLeod, resident, spoke to the proposed road allowance closure, but did not indicate support or opposition.

Exit and Return

Councillor S. Germain exited the Chamber at 7:32 p.m. and returned at 7:34 p.m.

Mayor M. Blake declared the Public Hearing for Bylaw No. 17/003 closed at 7:36 p.m.

Pecuniary Interest

Councillor T. Ault declared a pecuniary interest for the following agenda item due to an employment relationship and exited the Chamber at 7:36 p.m.

8. Land Planning and Transportation Committee Recommendation – Bylaw No. 17/004 – Closure of Forestry Road FRD 640002 within the Fort Hills Oil Sands Project Area
(7:37 p.m. – 7:45 p.m.)

Mayor M. Blake declared the Public Hearing for Bylaw No. 17/004 open at 7:37 p.m.

Jamie Doyle, Director, Planning and Development, gave an introduction from Administration, indicating that closure of the forestry road, which is no longer required for its intended purpose, will facilitate development of the project and address safety concerns related to public access within a mining operation. Vehicle traffic will be diverted through alternate routes around the site and away from mining operations.

It was noted for the record that a written submission had been received from Northland Forest Products Ltd. opposing the closure.

Mayor M. Blake declared the Public Hearing for Bylaw No. 17/004 closed at 7:45 p.m.

Return

Councillor T. Ault returned to the Chamber at 7:45 p.m.

Recess

A brief recess occurred between 7:46 p.m. and 7:53 p.m.

Reports**9. 2017 Tax Relief Request – 242 Kennedy Crescent, Fort McMurray**

(7:53 p.m. – 7:59 p.m.)

Phillip Schofield, Regional Assessor, provided an overview of the tax relief request.

Return

Councillor A. Vinni returned to the Chamber at 7:54 p.m.

Moved by Councillor T. Ault that the request for cancellation of two months' tax arrears payments, in the amount of \$1,600, for the property located at 242 Kennedy Crescent, be denied.

CARRIED UNANIMOUSLY

Councillors' Motions**10. 2017 Property Tax Relief**

(8:00 p.m. – 8:22 p.m.)

Moved by Councillor S. Germain:

Whereas the Council considers it equitable to

- (a) cancel the municipal portion of property taxes that will become due and payable upon enactment of the 2017 Property Tax Bylaw in respect of residential properties that were destroyed or irreparably damaged by the wildfire of May 2016 and that remained uninhabitable as of January 1, 2017, and
- (b) take other steps as set out in this resolution to further support affected residential property taxpayers in a fair and equitable manner and to seek financial support from the Government of Alberta for the loss of municipal revenue resulting from providing relief to such taxpayers;

Now therefore be it resolved that Council, in the exercise of its discretion and authority under Section 347 of the Municipal Government Act, hereby approves cancellation of the municipal portion of property tax on residential properties in accordance with the following, to become effective immediately after enactment of the 2017 Property Tax Bylaw:

For every residential property that continues to be uninhabitable as of January 1, 2017 because it was destroyed or irreparably damaged by the wildfire, cancellation of the amount representing the pro-rated daily amount of the whole municipal portion of 2017 property tax, including land and building, multiplied by the number of days in 2017 until the first to occur of:

- (a) Completion of reconstruction of the residence on the property as determined through the issuance of a Permit Service Report;
- (b) Sale of the property to a new owner, or;
- (c) The end of the calendar year 2017;

And be it further resolved that Administration is directed to implement the aforesaid tax cancellations when they take effect, in a manner that allows those who wish to voluntarily pay the full amount of their 2017 property taxes, to the extent that the software, systems and procedures of the Taxation and Assessment Department will so allow;

And be it further resolved that Council ask the Mayor to make a request to the Government of Alberta on Council's behalf to waive that portion of the provincial education requisition for 2017 that would ordinarily be payable by property owners for whom the municipal portion of property tax is to be cancelled in accordance with this resolution;

And be it further resolved that Administration be directed to make application to the Government of Alberta for funding support to the Regional Municipality in an amount equal to the municipal portion of property taxes to be cancelled in accordance with this resolution;

And be it further resolved that Administration be directed to prepare for Council's consideration a bylaw to over-ride the provisions of the Tax Penalty Bylaw in order to effect cancellations or refunds of penalties that were applied on January 1, 2017 and would otherwise be applied at later times in 2017 to residential property taxes in arrears, to the extent that such penalties arise from the portion of tax arrears that relates to the 2016 provincial education requisition, such over-riding bylaw to be drafted to be effective if and when and to the extent that the Government of Alberta pays a refund to the Regional Municipality of Wood Buffalo (RMWB) for all or a portion of the amount paid by the RMWB to the Government of Alberta on account of the 2016 provincial education requisition.

Arianna Johnson, resident, spoke in support of the motion, noting that the tax relief should only be applied to the primary residence of the homeowner.

Jim Rogers, resident, spoke in support of the proposed tax relief.

Voting then occurred on Councillor S. Germain's motion.

CARRIED UNANIMOUSLY

Adjournment

As all scheduled business matters had been concluded, Mayor M. Blake declared the meeting adjourned at 8:22 p.m.

Mayor

Chief Legislative Officer



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

OFFICE OF THE MAYOR
MELISSA BLAKE

PROCLAMATION

WHEREAS

raising and increasing the AWARENESS of *Human Values* of truth, right conduct, peace, love and non-violence, and all the multiple sub values like honesty, integrity, kindness and caring in the RMWB is a primary goal of this wonderful region; and

WHEREAS

these values are inherent in all creeds, countries, cultures and communities, making these value truly "*Values without Borders*"; and

WHEREAS

making the RMWB "*A Region of Character*" is for the greatest benefit of all our citizens; and

WHEREAS

reducing and even erasing the incidents of violence of all types in our communities and our Region will bring PEACE and PROGRESS in all aspects and activities of this province; and

THEREFORE NOW, I, Melissa Blake, Mayor of the Regional Municipality of Wood Buffalo do hereby proclaim that **April 24, 2017** as:

"Human Values Day"

Walk for Values is designed to raise the awareness of Human Values and to promote individual responsibility towards collective future of Humanity. Walk for Values is a platform to educate people on the importance of practicing these five Human Values in a daily life and the awareness it creates in making of enlightened citizens for universal peace.

IN WITNESS WHEREOF, I have hereunder set my hand and caused to be affixed the seal of the Regional Municipality of Wood Buffalo in Fort McMurray, Alberta, this **11th** day of **April, 2017**

Melissa Blake
Mayor



Description of Proposed Name

Name Request	Naming Item	Name Origin	Brief Biography
Atkinson Lane	Street	Norma Jean Atkinson	<p>In 1975, Norma Jean Atkinson arrived in Fort McMurray to teach music and organized the first Music Festival which took place in April 1976 over 3 days and had 216 entries. Norma Jean has devoted countless hours being involved socially and culturally within the community for over 40 years.</p> <p>Norma Jean has been honoured with the Alberta Choral Federation 2000 Con Spirito Award, the Fort McMurray Award for Outstanding Achievement in Cultural Endeavours, the Oilsands Rotary Music Festival Volunteer Award, the Rotary Club Integrity Award, and a life membership in the Federation of Canadian Music Festivals.</p> <p>Norma Jean has been President of the Alberta Music Festival Association for 4 years and is now Past President. She conducted the Y Community Choir, was a member of the Overture Concert Society, served on the ATA Professional Development Committee, directed choirs at both the Catholic and United Church, currently plays the piano and organ at First United and Faith Presbyterian Churches and has participated in the Pink Ribbon Run, UNICEF Campaigns, and Poppy Campaigns and organized the Lions Club Carol Festival.</p>



Subject: Bylaw 17/006 – Land Use Bylaw Amendment – Part 11 Wildfire Recovery Overlay

APPROVALS:

<p>Jamie Doyle, Director Annette Antoniak, Interim Chief Administrative Officer</p>

Administrative Recommendations:

THAT Bylaw No. 17/006, being a Land Use Bylaw amendment, be read a first time; and

THAT the required public hearing be held on Tuesday, April 25, 2017.

Summary:

Bylaw 17/006 is proposing two amendments to the Land Use Bylaw:

1. Part 11 of the Land Use Bylaw known as the “Wildfire Recovery Overlay”: These amendments are the result of the day-to-day observations during the development permit process and implementation of the “Wildfire Recovery Overlay” (Bylaw 16/020). If approved the revisions to the Wildfire Recovery Overlay will provide clarity with the regulations and facilitate the implementation of the Land Use Bylaw in the “Overlay Area”.
2. Repeal Bylaw 16/014 - Temporary Urban Accommodation: This bylaw opened the possibility for the construction of Temporary Urban Accommodation in the Urban Service Area (USA) to support the recovery and rebuilding efforts in Wood Buffalo. Thus far the vacancy rate in the rental market has demonstrated that Temporary Urban Accommodations are not needed in the USA.

Background:

The “Wildfire Recovery Overlay” was adopted by Council on September 27, 2016. The Overlay Bylaw (Bylaw 16/020) adopted Part 11 – Wildfire Recovery Overlay of the Land Use Bylaw creating regulations that deal with the rebuilding challenges of the affected areas by the Wildfire in May 2016.

The amendments proposed in Bylaw 17/006 are the result of a practical review and work experience when approving development permits for the “Overlay Area”. The intention of these amendments is to solve some of the challenges found and align the regulations of Part 11 with the rest of the Land Use Bylaw regulations.

The amendments to Part 11 can be summarized as follows:

- Include the required Districts in Part 11, to ensure that the properties affected by the Wildfire are provided the same opportunity to rebuild.
- Introduce the definitions of Pre-existing Building Footprint and New Footprint to ensure clarity.
- Include consistent regulations regarding the need for maintenance easements in all the required Districts.
- Add the necessary language to some Land Use Districts to align with Part 11.

Additionally, Bylaw 17/006 is proposing to repeal Bylaw 16/014 - Temporary Urban Accommodations. This bylaw was adopted by Council on June 23, 2016 and its intention was to allow additional accommodations for those entering the Regional Municipality of Wood Buffalo for temporary periods of time to perform tasks related to assisting the region in recovery and rebuilding. The intention of Council is clearly stated in this Bylaw as follows:

“...the Council of the Municipality desires to ensure that development of temporary accommodations occurs only if required to respond to the extraordinary circumstances caused by wildfire damage and does **not unnecessarily flood the market with excess housing.**”

The current vacancy within the rental market and the lack of interest for the proposed interim housing by the Government of Alberta does not support the construction of any temporary project accommodations within the USA. Therefore, Planning and Development is seeking to repeal Bylaw 16/014.

Rationale for Recommendation:

Administration is committed to facilitate the rebuilding of the areas affected by the Wildfire and make the regulations consistent to avoid further confusion and ensuring a streamline development permit approval process. The proposed amendments to the Land Use Bylaw and Part 11 will provide clarity in the regulations and will facilitate the implementation of the Land Use Bylaw in the “Overlay Area”.

Repealing Bylaw 16/014 before June 30, 2017 will avoid the need of processing new applications for temporary project accommodation in the Urban Service Area.

Strategic Plan Linkages:

Pillar 1 – Building Responsible Government

Pillar 4 – Building an Effective Land Strategy

Attachments:

1. Bylaw 17/006 – Land Use Bylaw Amendment

BYLAW NO. 17/006**A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND LAND USE BYLAW NO. 99/059**

WHEREAS the *Municipal Government Act* requires a council to enact a Land Use Bylaw and allows a council to pass bylaws amending a Land Use Bylaw;

AND WHEREAS the Council of the Regional Municipality of Wood Buffalo wishes to amend its Land Use Bylaw to take into account the experience to date with amendments made to the Land Use Bylaw on September 28, 2016, adding Part 11 (Wildfire Recovery Overlay) and a new discretionary land use defined as Temporary Urban Accommodation;

NOW THEREFORE the Regional Municipality of Wood Buffalo, in Council assembled, enacts as follows:

1. Bylaw No. 99/059, the Land Use Bylaw, is hereby amended.
2. Part 11 (Wildfire Recovery Overlay) including Schedule A but not including Schedule B is repealed and replaced by a new Part 11 and Schedule A which are Attachments 1 and 2 to this bylaw.
3. Bylaw 16/014 and all amendments to the Land Use Bylaw that resulted from enactment of Bylaw 16/014 are repealed.
4. The phrase “,including a 0.6 m eave and footing encroachment easement, along the affected side of the lot” is struck out in clauses 96.5(b)(i) and 100.5(a)(ii)(a).
5. This Land Use Bylaw Amending Bylaw comes into effect when it is passed.

READ a first time this ____ day of April, 2017

READ a second time this ____ day of _____, 2017

READ a third and final time this _____ day of _____, 2017

SIGNED and PASSED this _____ day of _____, 2017.

Mayor

Chief Legislative Officer

PART 11

WILDFIRE RECOVERY OVERLAY

(A) Purpose of Overlay and Intention of Council

The purpose of this Overlay is to address the situation that has arisen as a result of the widespread destruction of properties within the Overlay Area, caused by the wildfire of May 2016.

The intention of Council is to establish a legal and land use planning framework for the Overlay Area that will provide certainty to owners whose properties were destroyed or damaged beyond repair, with respect to their available re-development options and the requirements they must meet to be assured of obtaining development approval to rebuild.

(B) Overlay Area

The Overlay Area consists of the areas shown within the heavy dotted black lines on the diagrams that are Schedule “A” to this Part 11.

(C) Application

This Part 11 applies only to lots or parcels of land within the Overlay Area that are within the following land use classifications:

- (1) R1;
- (2) R1M;
- (3) R1P;
- (4) R1S;
- (5) R2;
- (6) C1 (in the Waterways area only)
- (7) DC (in the Waterways area only).

(D) Over-riding Effect of Overlay

Within the Overlay area and in respect of lots or parcels of land that are zoned as set out in Section (C) above, the provisions of this Part 11 apply notwithstanding anything to the contrary in this Bylaw. The range of possible uses on lots or parcels of land within

the Overlay area that are zoned as set out in Section (C) above are the uses described in other provisions of this Bylaw for the applicable land use classifications unless modified explicitly by, or by necessary implication from, a provision of this Part 11. If there is an inconsistency or conflict between any provision of this Part 11 and any other provision of this Bylaw, the provisions of this Part 11 shall prevail within the Overlay area.

(E) Interpretation of Terms

In this Part 11:

- (1) a reference to an application for a Development Permit means an application for which all necessary supporting information and documentation (including all relevant agreements affecting the property in question and all instruments registered on title) has been provided by the Applicant to the satisfaction of the Development Authority, and in respect of which the Development Authority has notified the Applicant in writing that the application is complete.
- (2) “Building Footprint” means the area and configuration of the ground floor of a building, measured from the exterior walls, including an attached garage but not including any projections.
- (3) “Multi-Site Development” means a group of three or more contiguous lots upon which some or all of the Dwelling Units and Accessory Buildings (if any) are attached or semi-attached to each other and the total configuration of structures comprises a distinct Development separate and apart from any other Development outside the contiguous lot group;
- (4) “Multi-Site Rebuilding Plan–pre-existing” means a plan for rebuilding a Multi-Site Development in its entirety either just as it was immediately prior to the May 2016 wildfire, or with changes only to the location or size or configuration of any Accessory Buildings that were part of the pre-wildfire Multi-site Development;
- (5) “Multi-Site Rebuilding Plan–new” means a plan for rebuilding a Multi-Site Development in its entirety on the same group of contiguous lots or parcels of land as immediately prior to the May 2016 wildfire but with changes to location of property lines or locations of Principal Buildings, or involving conversion of some or all of the Multi-Site Development to different types of residential use (for example, from townhomes to detached or semi-detached Dwelling Units).

- (6) “New Building Footprint” means a building to be constructed that differs in size, location on the lot, or building type as compared to the development lawfully in existence on that lot immediately prior to the wildfire.
- (7) “Pre-Existing Building Footprint” means a building that is the same size, in the same location on the lot, and of the same building type as compared to the development lawfully in existence on that lot immediately prior to the wildfire.

For greater clarity and certainty: a Development Permit application to rebuild destroyed or damaged structures that does not impact more than two lots or parcels of land or Dwelling Units, is not a Multi-Site Rebuilding Plan even though it may involve or include, without limitation: conversion of pre-wildfire townhouse developments to either single detached or semi-detached dwellings, or conversion of all or a portion of a block, street or neighborhood to one or more new residential uses that may involve new property lines or subdivisions or different Building Footprints or different types of residential uses as compared to the property lines or subdivisions, building footprints or residential uses that existed immediately prior to the wildfire.

(F) All Uses Discretionary subject to specific Council direction in this Part

All land uses within the Overlay area are discretionary uses but the discretion of the Development Authority to refuse to issue a Development Permit, or to issue a Development Permit with conditions, is subject to the specific directions of the Council set out in this Part.

(G) Council Direction to the Development Authority – all parts of the Overlay area

- (1) The Development Authority, in exercising its authority and discretion to make decisions on Development Permit applications for lots or parcels of land within the Overlay area, may impose site-specific conditions upon a Development Permit as it deems advisable to address technical, planning or land use issues that are unique to a property or to a limited number of properties, including a requirement to consolidate titles or obtain subdivision approval where appropriate, and including a requirement to obtain from an adjacent property owner any easement over the adjacent property that in the opinion of the Development Authority is necessary to provide adequate access for maintenance of a Development located anywhere in the Overlay Area, regardless of whether an instrument described as an easement or restrictive covenant is already registered either directly or by way of caveat on any relevant title.

- (2) The Development Authority shall not refuse to issue a Development Permit for a Single Detached Dwelling within the Overlay area, solely on the basis that the lot in respect of which the Development Permit is applied for is too small in width, length or area to meet the Development Regulations for such developments set out in other parts of this Bylaw. It is the intention of the Council that Single Detached Dwelling Developments on residential lots that meet the setback requirements of this Bylaw shall be allowed within the Overlay area.

(H) Council Direction to the Development Authority – R1, R1M and C1 Zoning

An application for development approval to rebuild on a lot zoned R1, R1M or C1 must be approved by the Development Authority, with or without conditions as described in Section (G) of this Part:

- (1) regardless of whether the proposed rebuild Development conforms to the development regulations set out in other provisions of this Bylaw, if the Building Footprint of the proposed rebuild Development is the same as that of the Development that lawfully existed on that lot immediately prior to the wildfire; or
- (2) provided that the proposed rebuild Development conforms to the development regulations set out in other provisions of this Bylaw, if the Building Footprint of the proposed Development is not the same as that of the Development that lawfully existed on that lot immediately prior to the wildfire.

(I) Council Direction to the Development Authority – R1P, R1S and R2 Zoning

(1) Rebuilding to Pre-Existing Building Footprints - not more than two lots

When an application for approval to rebuild on a lot zoned R1P, R1S or R2 is for a proposed Development that:

- (a) would be constructed to a Pre-Existing Building Footprint that was lawfully in existence immediately prior to the wildfire; and
- (b) is not part of a Multi-Site Rebuilding Plan

then a Development Permit with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority regardless of

whether the proposed Development conforms to the development regulations set out in other provisions of this bylaw, provided that either:

- (c) the proposed rebuild Development would not be attached to another rebuild Development on an adjacent lot; or
 - (ii) if the proposed rebuild Development would be attached to only one other rebuild Development on an adjacent lot that meets conditions (a) and (b) of this subsection (I)(1), the Development Permits for the two rebuild Developments are being issued at the same time.

(2) Rebuilding to New Building Footprints - not more than two lots

When an application for approval to rebuild on a lot or lots zoned R1P, R1S or R2 is for a proposed Development that:

- (a) may or may not be on a lot or lots that formed part of a Multi-Site Development immediately prior to the wildfire;
- (b) would be constructed to a New Building Footprint; and
- (c) is not part of a Multi-Site Rebuilding Plan

then a Development Permit with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority if the proposed Development conforms to the development regulations, including but not limited to, setbacks, height restrictions on buildings and fences, maximum density and on-site parking requirements, as set out in other provisions of this Bylaw, provided that:

- (d) the proposed rebuild Development
 - (i) would not be attached to another rebuild Development on an adjacent lot, or
 - (ii) would be attached to only one other rebuild Development on an adjacent lot that meets conditions (a) and (b) of this subsection (I)(2) or of subsection (I)(1) and the Development Permits for the two rebuild Developments are being issued at the same time; and

- (iii) in the case of a proposed rebuild Development on a lot or lots that formed part of a Multi-Site Development immediately prior to the wildfire, would not in the opinion of the Development Authority have the effect of removing all re-development options for any other lot or parcel of land that was part of the pre-wildfire Multi-Lot Development.

(3) Rebuilding to a Multi-Site Rebuilding Plan

- (a) When a Development Permit application for approval to rebuild on a lot zoned R1P, R1S or R2 is part of a Multi-Site Rebuilding Plan--Pre-Existing, then a Development Permit or Development Permits for the Multi-Site Rebuilding Plan--Pre-existing with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority regardless of whether the proposed new Development conforms to the development regulations set out in other provisions of this bylaw.
- (b) When a Development Permit application for approval to rebuild on a lot zoned R1P, R1S or R2 is part of a Multi-Site Rebuilding Plan--New, then a Development Permit or Development Permits for the Multi-Site Rebuilding Plan--New with or without conditions as described in Section (G) of this Part 11 must be issued by the Development Authority, if:
 - (i) the Multi-Site Rebuilding Plan-New as a whole conforms to development regulations, including but not limited to, setbacks, height restrictions on buildings and fences, maximum density and on-site parking requirements, as set out in other provisions of this Bylaw; and
 - (ii) in the opinion of the Development Authority the proposed Multi-Site Rebuilding Plan--New would not have the effect of removing all re-development options for any lot or parcel of land that was part of the pre-wildfire Multi-Site Development but is not included within the Multi-Site Rebuilding Plan--New.

(J) General Provisions

(1) Voluntary Waiver of Claims

A development for which a Development Permit has been issued under this Part 11 may be commenced before the time period for appeal to the Subdivision and Development Appeal Board has expired, if

- (a) no appeal has been made by any person, including an appeal of conditions by the Development Permit holder; and
- (b) the Development Permit holder has executed and delivered to the Development Authority a Voluntary Waiver of Claims in the form set out in Schedule B to this Part 11.

(2) Public Notice Provisions

When a Development Permit has been issued under the provisions of either subsection (I)(2) or subsection (I)(3)(b) of this Part 11, then in addition to any other applicable notice provision the Development Authority shall ensure that notice of the Development Permit is posted to the Municipality's public website with a specific notation that the approved Development is not to the same Building Footprint as existed prior to the wildfire, and the notice shall remain on the Municipality's public website until the time for appeal to the Subdivision and Development Appeal Board has expired.

(3) Modifications to the application of certain provisions of land use classifications

Within the Overlay Area the following regulations or requirements of land use classifications shall prevail over provisions of this Land Use Bylaw that apply outside the Overlay Area:

- (a) In the R1M (Mixed Form Single Detached Residential) district, replacement of previously existing single detached dwellings with manufactured homes is allowed in the discretion of the Development Authority.
- (b) In the R1S (Single Detached Small Lot Residential) district the requirement of a minimum of 12 lots as set out in clause 96.5(b)(iii) of this Land Use Bylaw does not apply.
- (c) In the R2 (Low Density Residential) district the width of one only of the interior side yards of any lot may be reduced to zero if:

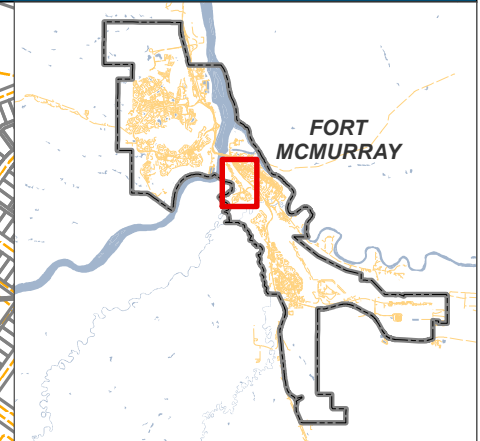
- (i) the building design and construction provides for all roof drainage to be directed to the lot itself (with subsequent flow to the municipal storm drainage system) and does not provide for drainage to any adjacent lot; and
 - (ii) a 1.0 metre wide maintenance easement is obtained from the owner of the lot adjacent to the reduced side yard, and is registered against the title to that adjacent lot.
- (d) In the RMH (Manufactured Home Residential) district:
 - (i) the requirement of a 3.0 metre private maintenance easement as set out in clause 100.5(a)(ii)(a) of this Land Use Bylaw is reduced to a 1.0 metre private maintenance easement, only in respect of residential lots located within Blocks 28, 29, 30 and 31 of Plan 1347TR, and subject to meeting all relevant requirements of the *Alberta Building Code*; and
 - (iii) the requirement of a minimum of 12 lots as set out in clause 100.5(a)(ii)(c) of this Land Use Bylaw does not apply.
- (e) In the C1 (Community Commercial) district:
 - (i) Front Yard setbacks must be not less than 1.0 metre and not more than 3.0 metres;
 - (ii) Rear Yard setbacks must be not less than 4.6 metres;
 - (iii) there is no restriction on Gross Floor Area for any individual business premises.
- (f) In the DC (Direct Control) district, a Development Permit to rebuild the same or substantially the same Development that lawfully existed immediately prior to the wildfire may be issued with or without conditions by the Development Authority, with no requirement to bring the application to the Council.






SUBJECT AREA MAP

Wildfire Recovery Overlay Area - Abasand

Attachment 2 to Bylaw No. 17/006

Part 11, Schedule A



-  Overlay_Area_Boundary
-  Water_Bodies
-  Survey_Parcels
-  Roadways
-  Landmarks

1 cm = 123 meters



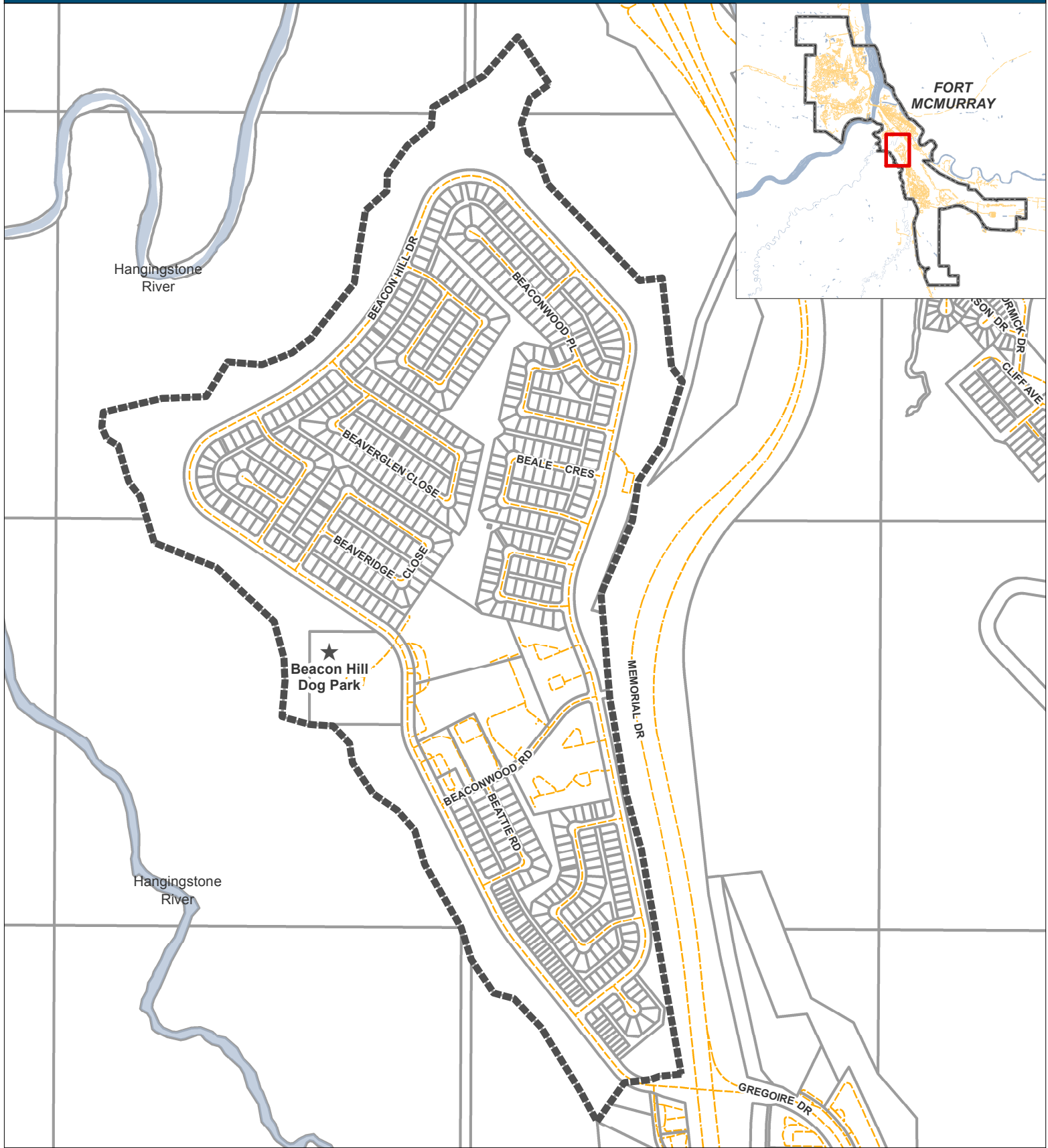
Map Produced by the Community Development Planning Branch
PD_CR00049_Abasand
04 Apr 2017






SUBJECT AREA MAP

Wildfire Recovery Overlay Area - Beacon Hill

Attachment 2 to Bylaw No. 17/006

Part 11, Schedule A



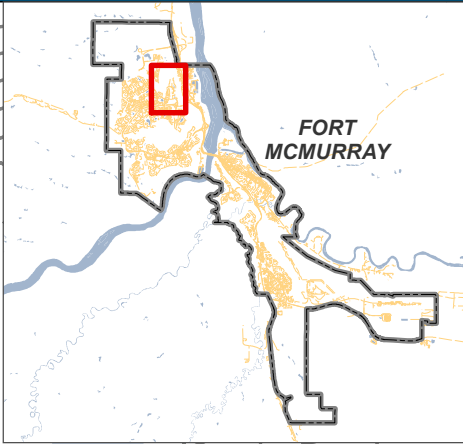
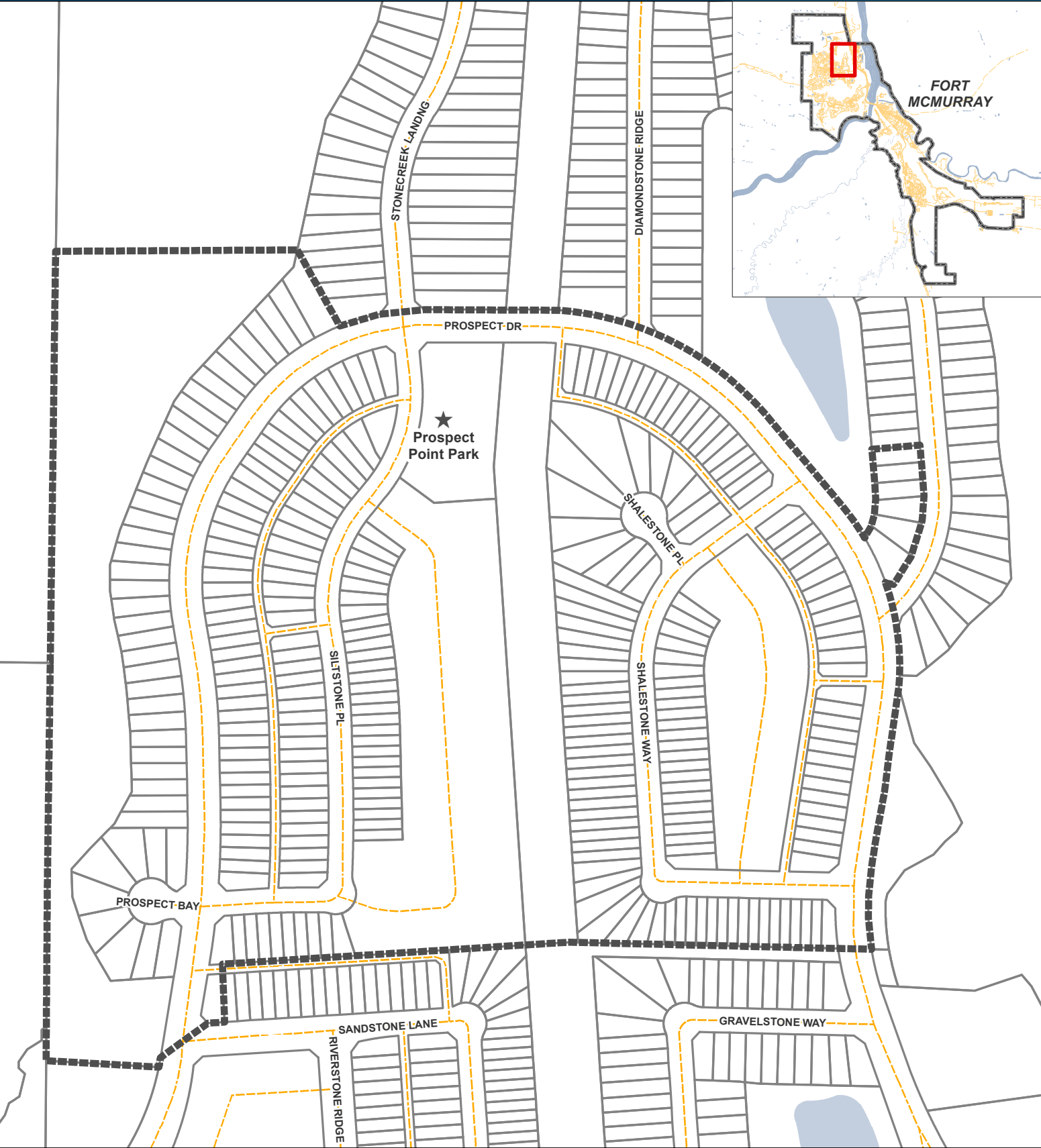
-  Overlay_Area_Boundary
-  Survey_Parcels
-  Roadways
-  Water_Bodies
-  Landmarks

1 cm = 100 meters



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

Map Produced by the Community
Development Planning Branch
PD_CR00049_Beacon_Hill
04 Apr 2017



Overlay_Area_Boundary

Survey_Parcels

Landmarks

Water_Bodies

Roadways

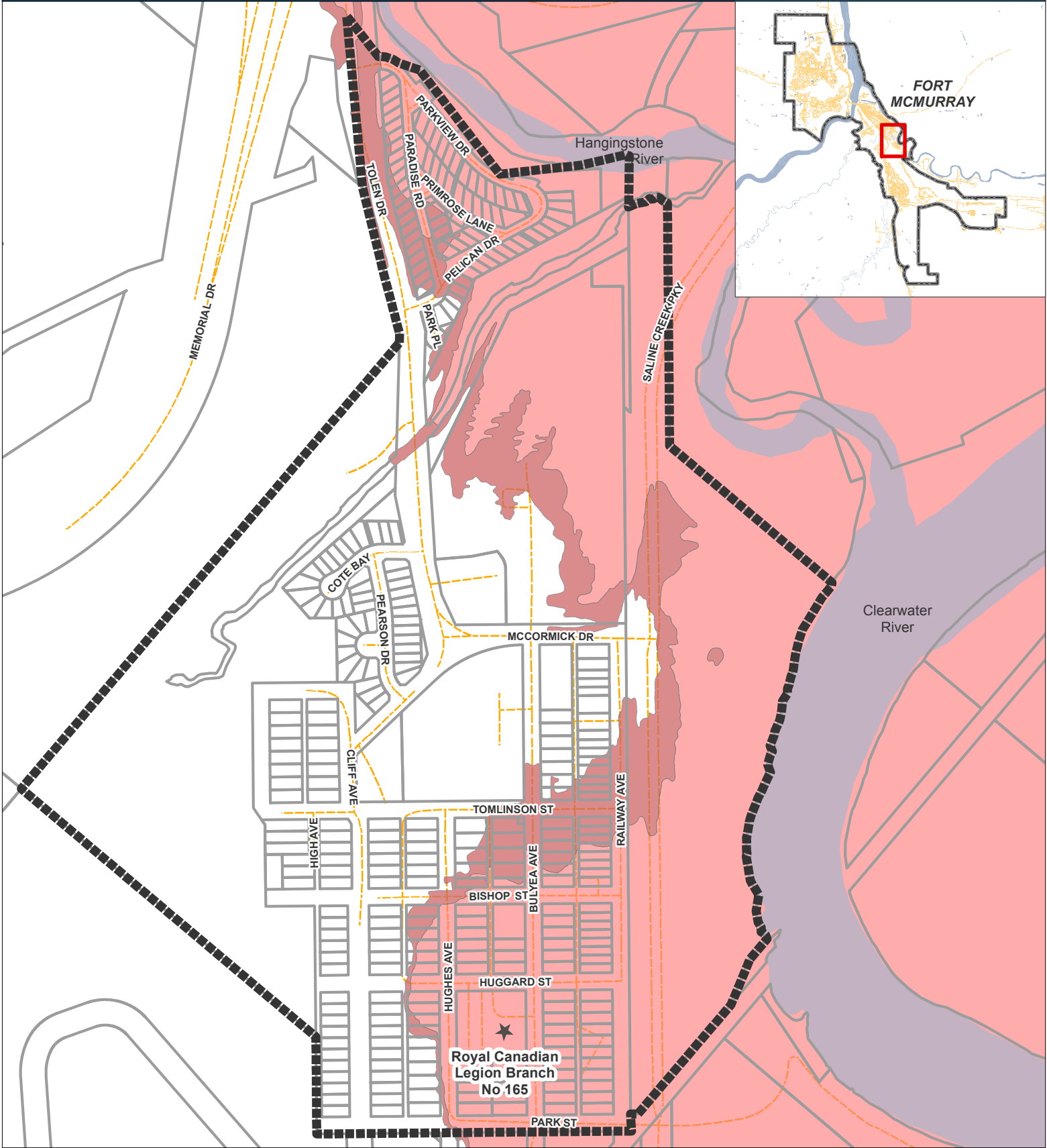
1 cm = 37 meters



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

Map Produced by the Community
Development Planning Branch
PD_CR00049_Stone_Creek
04 Apr 2017

SUBJECT AREA MAP
Wildfire Recovery Overlay Area - Waterways



Overlay_Area_Boundary

Survey_Parcels

Flood_Fringe

Floodway

Roadways

Water_Bodies

Landmarks

1 cm = 60 meters

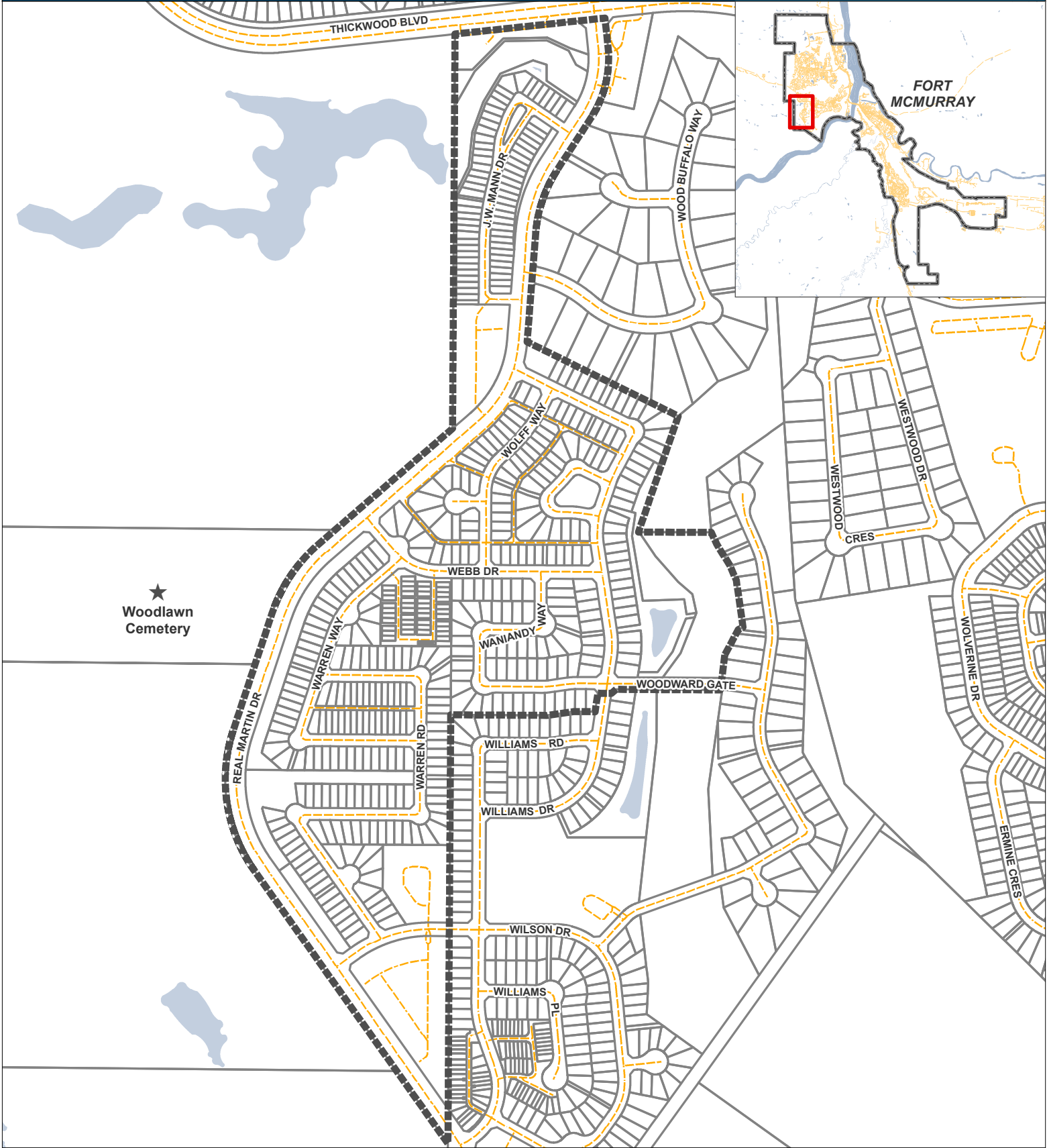


SUBJECT AREA MAP

Wildfire Recovery Overlay Area - Wood Buffalo Area

Attachment 2 to Bylaw No. 17/006

Part 11, Schedule A



Overlay_Area_Boundary

Water_Bodies

Survey_Parcels

Roadways

Landmarks

1 cm = 76 meters



REGIONAL MUNICIPALITY
OF WOOD BUFFALO

Map Produced by the Community
Development Planning Branch
PD_CR00049_Wood_Buffalo
04 Apr 2017



Subject: Wood Buffalo Recovery Committee Recommendation - Repeal of Bylaw No. 16/015 – Noise Bylaw Amendment

Wood Buffalo Recovery Committee Recommendation:

THAT Bylaw No. 17/007, being a bylaw to repeal Bylaw No. 16/015, being an amendment to Noise Bylaw No. 83/24, be read a first time.

Summary:

At the April 5, 2017 Wood Buffalo Recovery Committee meeting, the Recovery Task Force presented a recommendation to the Committee respective to the repealing of Bylaw No. 16/015, an amendment to the Noise Bylaw.

At the meeting, the Wood Buffalo Recovery Committee passed the following resolution:

“THAT the Wood Buffalo Recovery Committee recommend to Council that Bylaw No. 16/015, an amendment to the Noise Bylaw, be repealed.”

Attachments:

- I. Bylaw 17/007, Repeal Bylaw No. 16/015 (Noise Bylaw Amendment)
- II. Wood Buffalo Recovery Committee Report, April 5, 2017 - Repeal of Bylaw No. 16/015, an amendment to the Noise Bylaw.
- III. 2017-04-05, Unapproved Wood Buffalo Recovery Committee Minutes.

BYLAW NO. 17/007

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND THE NOISE BYLAW

WHEREAS on July 5, 2016 the Council of the Regional Municipality of Wood Buffalo passed Bylaw 16/015, amending Bylaw 83/24 to exempt Wildfire Recovery Noise from the restrictions on noise under Bylaw 83/24;

AND WHEREAS the demolition and cleanup phase of wildfire recovery is now largely complete, and there is accordingly no reason to maintain an exemption for Wildfire Recovery Noise from the restrictions on noise under Bylaw 83/24;

NOW THEREFORE the Regional Municipality of Wood Buffalo, in Council assembled, enacts as follows:

1. Bylaw No. 16/015 is repealed, and all amendments to Bylaw 83/24 consequential to the enactment of Bylaw 16/015 are repealed.
2. This Bylaw comes into effect when it is passed.

READ a first time this _____ day of April, 2017

READ a second time this _____ day of _____ 2017

READ a third and final time this _____ day of _____ 2017

SIGNED and PASSED this _____ day of _____, 2017.

Mayor

Chief Legislative Officer

WOOD BUFFALO RECOVERY COMMITTEE REPORT

Meeting Date: April 5, 2017

Subject: Repeal of Bylaw No. 16/015 – Noise Bylaw Amendment
--

APPROVALS:

Erin O'Neill, Operations Manager Dana Woodworth, Recovery Team Leader
--

Recommendation:

THAT the Wood Buffalo Recovery Committee recommend to Council that Bylaw No. 16/015, an amendment to the Noise Bylaw, be repealed.

Summary:

Bylaw No. 16/015 amended Bylaw No. 83/024, the Noise Bylaw, to allow Wildfire Recovery Noise at any time of the day, effectively allowing 24-hour demolition or noise related to delayed Municipal construction projects as a result of the wildfire.

As the majority of demolition, clean-up and debris removal activity is complete, the justification for this amendment no longer exists.

The Recovery Task Force recommends repealing Bylaw No. 16/015.

Background:

Bylaw No. 16/015 was passed on July 5, 2016 at a time when significant action was required to clean-up the wildfire damaged areas. As such, Wildfire Recovery Noise was defined as “any noise caused by or arising from any demolition, clean-up or debris removal activity related to the destruction caused by the wildfire of May 2016 or noise caused by or arising from construction projects of the Municipality that were delayed due to the wildfire.”

The Bylaw does not permit 24-hour noise for all construction activity nor has a need been identified for 24-hour construction based on discussions with the Fort McMurray Construction Association. While there are still a limited number of demolitions occurring, the number is not sufficient to justify 24-hour noise.

Rationale for Recommendation:

There no longer remains a need for 24-hour construction. Additionally, repealing Bylaw No. 16/105 would remove any potential confusion and enable consistent enforcement of the overarching Noise Bylaw.

Strategic Plan Linkages:

Pillar 2 – Building Balanced Regional Services

Pillar 4 – Building an Effective Land Strategy

Recovery Campaign Plan Linkage:

Rebuild Pillar – Make timely policy decisions that enable reconstruction by removing obstacles and barriers

Attachments:

1. Bylaw No. 16/015
2. Bylaw No. 83/24

BYLAW NO. 16/015

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND THE NOISE BYLAW NO. 83/024.

WHEREAS the City Council of Fort McMurray passed a bylaw to restrict, mitigate and abate the activities which can give rise to unnecessary noise in the City of Fort McMurray;

AND WHEREAS the City of Fort McMurray was amalgamated to form the Regional Municipality of Wood Buffalo and all bylaws of the City of Fort McMurray became the bylaws of the Regional Municipality of Wood Buffalo;

AND WHEREAS the Council of the Regional Municipality of Wood Buffalo wishes to facilitate the efficient and expedient demolition and clean-up of properties that have been damaged or destroyed by the May 2016 wildfire by lifting the restrictions on noise created by these activities;

NOW THEREFORE the Regional Municipality of Wood Buffalo, in Council duly assembled, enacts as follows:

1. Bylaw No. 83/24, the Noise Bylaw, is hereby amended.
2. The following is added as a new Part 7A:

“Part 7A – Post-Wildfire Recovery Noise

11.1 (1) In this Part

- (a) “Wildfire Recovery Noise” means any noise caused by or arising from any demolition, clean-up or debris removal activity related to the destruction caused by the wildfire of May, 2016 or noise caused by or arising from construction projects of the Municipality that were delayed due to the wildfire;
- (b) “Post-Wildfire Recovery Period” has the meaning ascribed to it in Bylaw No. 16/013.

11.1(2) Despite any other provision of this Bylaw a person who causes or allows Wildfire Recovery Noise during the Post-Wildfire Recovery Period, at any time of the day, is not in contravention of this Bylaw.”

3. This amending bylaw comes into force when it is passed and is deemed to be automatically repealed at the conclusion of the Post-Wildfire Recovery Period.

READ a first time this 28th day of June, 2016.

READ a second time this 5th day of July, 2016.

READ a third and final time this 5th day of July, 2016.

SIGNED and PASSED this 5th day of July, 2016.



Mayor



Chief Legislative Officer

By-Law No. 83/24

BEING A BY-LAW OF THE CITY OF FORT MCMURRAY TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS Section 160 of the Municipal Government Act, being Chapter M-26 Revised Statutes of Alberta 1980 and amendments thereto provides that a Council may pass by-laws for the purpose of prohibiting, eliminating, or abating noise; and

WHEREAS the incidence of noise in the City of Fort McMurray is such that the Council of the City of Fort McMurray deems it expedient that regulations be made restricting, mitigating and abating the activities which can rise to unnecessary noise in the City of Fort McMurray especially during the hours normally used for sleeping; and

WHEREAS the intent of this By-Law is that all noise shall be reduced as far as possible compatible with the normal activities of urban life and that unnecessary noise be eliminated;

NOW THEREFORE, the Council of the City of Fort McMurray, in the Province of Alberta, duly assembled, enacts as follows:

1. This By-Law may be cited as "The Noise By-Law"

Part 1. Definitions

2. In this by-law, including this section,

- (a) "Chief Building Inspector" means that person in charge of the Building Inspection Division or his designate;
- (b) "Chief By-Law Officer" means that person in charge of the By-Law Enforcement Division or his designate;
- (c) "City" means the corporation of The City of Fort McMurray or the area contained within the boundaries of the City as the context requires;
- (d) "Commercial District" means an area or district classified as commercial by the Land Use By-Law of and for the City;
- (e) "holiday" means any statutory holiday as defined in the Interpretation Act;
- (f) "hospital zone" means an area which
 - (i) is designated as such by signs or other devices, or
 - (ii) any portion of the City within one hundred and fifty metres in any direction from the boundaries of a site on which is situated a hospital as defined in the Hospital Act;
- (g) "Industrial District" means an area or district classified as industrial by the Land Use By-Law of and for the City;
- (h) "Land Use By-Law" means By-Law No. 919 as amended from time to time, and includes any by-law passed in substitution for or in addition thereto;
- (i) "residential building" means a building which is constructed as a dwelling unit for human beings and includes an apartment building, hotel or motel.
- (j) "Residential District" means any area or district classified as residential by the Land Use By-Law of and for the City;
- (k) "signalling device" means a horn, gong, bell, klaxon or other device producing audible sound for the purpose of drawing people's attention to an approaching vehicle, including a bicycle;

(l) "vehicle" or "motor vehicle" refers to such vehicles as defined in Section 2 of the Highway Traffic Act, being Chapter H-7 of the Revised Statutes of Alberta 1980, as amended.

(m) "weekday" means any day other than a Sunday or holiday.

Part 2 General Abatement Provisions

3. (1) Except to the extent it is allowed by this By-Law, no person shall make, continue, cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace, safety of other persons within the limits of the City.
- (2) Except to the extent it is allowed by this By-Law, no person shall allow property belonging to him or under his control to be used so that there originates from the property any loud, unnecessary noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace, safety of other persons within the limits of the City.
- (3) What is a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offense against this By-Law.
- (4) Where an activity which is not specifically prohibited or restricted by any provision of any legislature or regulations of Canada, or of the Province of Alberta, or by any provision of the By-Law involves creating or making a sound which;
- (a) is or maybe or become; or
- (b) create or produces or may create or produce a disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, a person engaging in such an activity shall do so in such a manner as to create so little of such sound practicable under the circumstances.
- (5) Where an area is designated by signs or other means as being a hospital zone no person shall:
- (a) carry on any noise-making activity in the area unless it cannot be carried on in some other area, or
- (b) make or continue any noise or loud sound within the area.

Part 3 Commercial and Industrial Noises

4. (1) No person shall load or unload motor vehicles in any area designated a Residential District or within two City blocks of the boundary of any such area between the hours of;
- (a) eleven o'clock in the evening and seven o'clock of the next forenoon on weekdays or;
- (b) eleven o'clock in the evening and nine o'clock in the forenoon of the following day which is a Sunday or holiday.
- (2) Notwithstanding the provisions of subsection (1), but subject to the provision of 3(4) motor vehicles containing the following items may be unloaded during the hours when such unloading is prohibited by subsection (1) whether or not the location at which they are unloaded is within a Residential District or within two blocks thereof:
- (a) motor vehicles containing foodstuffs, fresh fruit and merchandise of a perishable nature;

- (b) motor vehicles containing milk including motor vehicles delivering milk to the final consumers thereof;
 - (c) motor vehicles containing baked goods and
 - (d) motor vehicles containing daily or weekly newspapers being delivered to vendors of the same.
5. (1) Subject to subsection (2) and (3), no person shall advertise any event or merchandise by ringing bells, calling loud, playing any type of musical or noise making instrument or by any other audible means in any part of the City.
- (2) Notwithstanding subsection (1), a person may use an audible type of advertising for the sale of goods in a district other than a Residential District if;
- (a) the device is of a type approved by the Chief By-Law Officer and is operated at a noise level no greater than that approved for the purpose, and
 - (b) the device is used during only such hours and on such days as the Chief By-Law Officer may designate, and
 - (c) the person or company advertising is licensed under authority of the City's current Licensing By-Law.
- (3) The provisions of subsection (1) shall not be construed to prevent
- (a) the ringing of bells in churches, religious establishments and schools;
 - (b) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for charitable undertaking first approved by the Chief By-Law Officer during the Christmas season or some other time approved by the Chief By-Law Officer;
 - (c) the sounding of a general or particular alarm or warning to announce a fire or other emergency or disaster;
 - (d) the sounding of factory whistles or similar devices at normal appropriate times;
 - (e) the playing of a band in connection with a parade allowed pursuant to the provisions of the City's Traffic By-Law;
 - (f) the playing in a moderate manner of a musical instrument appropriate to a street service allowed pursuant to any By-Law;
 - (g) the sounding of police whistles, police, fire or ambulance sirens;
 - (h) the sounding of horns or klaxons on vehicles allowed on the streets for the purpose of and to the extent necessary to give signals or warnings to persons and vehicles using the streets;
 - (i) the operation of a musical device approved by the Development Officer and installed on a vehicle equipped for the sale of ice cream or confection while the vehicle is used for such sales; or
 - (j) the sounding of a whistle or similar device by a person in distress.
6. Without limiting the generality of any other provisions in this By-Law, no person shall ring a bell or similar device to promote or advertise the sale of ice cream in a Residential District between the hours of;

- (a) ten o'clock in the evening and eight o'clock of the next forenoon on weekdays or;
 - (b) ten o'clock in the evening and nine o'clock in the forenoon of the following day which is a Sunday or holiday.
7. (1) Notwithstanding anything elsewhere contained in this By-Law, whether or not the noise resulting therefrom may be heard in an adjoining area which is zoned other than as an Industrial District, nothing in this By-Law shall prevent the continual operation, or carrying on of an industrial activity or the performance, or carrying on thereof during some or any of the hours between ten o'clock in the evening and seven o'clock of the next forenoon in an area which is classed as an Industrial District, as long as the activity is one which
- (a) is a permitted use in the zoning district in which it is carried on or is a conditional use for which the required permission has been given or;
 - (b) is a non-confirming use as the same is defined in the Land Use By-Law.
- (2) In the operation or carrying on of an industrial activity, in a district in which it would be curtailed or restricted except for the provision of subsection (1), the person operating or carrying on the activity shall not make more noise than necessary in the normal method of performing or carrying on the activity.

Part 4 Motor Vehicle Noises

8. (1) The failure of a person to comply within the City with the following provisions of the Highway Traffic Act;
- (a) the prohibition against the use of signalling devices on motor vehicles and bicycles so as to make more noise than is reasonably necessary for the purpose of giving notice or warning to other persons in the highway as set out in subsection (2) of section 45;
 - (b) the restrictions in the type or use of mufflers and similar equipment on motor vehicles and other internal combustion engines as set out in section 46; and
 - (c) the prohibition against equipping a vehicle other than those specified with a siren as set out in section 59;
- shall constitute a violation of this By-Law in addition to and not in substitution for the offense created by the Highway Traffic Act.
- (2) If a person operates a vehicle of any type on a street in a Residential District at any time of the day or night in such a way as to unduly disturb the residents of the street in the Residential District in which he is operating the vehicle, he shall be guilty of an offense under this By-Law in addition to and not in substitution for any offence of which he may be guilty against the provisions of section 135 of the Highway Traffic Act.
- (3) Where a vehicle is allowed by the provisions of section 59 of the Highway Traffic Act to be equipped with a siren, the driver thereof shall only use the siren at such times as the vehicle is proceeding in response to an emergency call and at such other times as is allowed by the Highway Traffic Act and at such times shall only use the siren when it is necessary for the purpose for which the siren is allowed to be used.
- (4) Nothing in subsection (3) shall prohibit or restrict the use of a siren on a vehicle operated by a member of the Royal Canadian Mounted Police or an inspector of the Inspector Services Branch of the Department of the Attorney General.

- (5) No person shall allow the diesel motor on a tractor which pulls a trailer or semi-trailer truck to remain running for longer than twenty minutes while the tractor-trailer or tractor alone is not in motion in any Residential District or in any other location within one hundred fifty metres of a Residential District.

Part 5. Domestic Noise

9. (1) No person shall operate a power or hand lawn mower in any area designated as a Residential District between the hours of;
- (a) eleven o'clock in the evening and eight o'clock of the next forenoon on weekdays or;
 - (b) eleven o'clock in the evening and nine o'clock in the forenoon of the following day which is a Sunday or holiday.
- (2) No person shall operate a model aircraft driven by an internal combustion engine of any description during the hours when the use of a lawn mower is prohibited in subsection (1) in any Residential District.
- (3) No person shall operate a snow clearing device powered by an engine of any type during the hours when the use of lawn mower is prohibited by subsection (1) in any Residential District.

Part 6. Construction Noises

10. (1) Unless permission from the Chief Building Inspector of the City for such operation is first obtained, no person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any machine tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any district other than one designated in the Land Use By-Law as an Industrial District between the hours of;
- (a) eleven o'clock in the evening and seven o'clock of the next forenoon on weekdays or;
 - (b) eleven o'clock in the evening and nine o'clock in the forenoon of the following day which is a Sunday or holiday.
- (2) Unless permission from the Chief Building Inspector of the City for such operation is first obtained, no person shall operate or allow to be operated;
- (a) a riveting machine,
 - (b) a concrete mixer,
 - (c) a gravel crusher,
 - (d) a steam shovel
 - (e) a trenching machine,
 - (f) a drag line,
 - (g) an air or steam compressor, jack-hammer, pneumatic drill,
 - (h) a tractor or bull dozer, or
 - (i) any other tool, device or machine of a noisy nature so as it create a noise, confusion or disturbance which may be heard in a residential building between the hours of;
- (i) ten o'clock in the evening and seven o'clock of the next forenoon on weekdays or
 - (ii) ten o'clock in the evening and nine o'clock in the forenoon of the following day which is a Sunday or holiday.

Part 7. Miscellaneous

11. (1) Notwithstanding any other provisions of this By-Law, where an open area is provided for parking of patrons in connection with the operation of a retail store, group of stores, hotel or similar establishment, the owner or person in charge of the parking area may, after having secured a general permission from the Chief By-Law Officer for such use and making no more noise than is reasonably necessary in connection therewith, use a machine or machines for cleaning snow or debris from the said open area provided for the parking during such hours as is necessary or expedient to keep the area clear of snow and/or debris in order to allow the use thereof for parking of patrons.
- (2) Notwithstanding any other provisions of this By-Law
- (a) A City Department or employees of the City
 - (b) Alberta Power Co. Ltd.
 - (c) Northwestern Utilities Ltd.
 - (d) Alberta Government Telephones
 - (e) Alberta Broadcasting Corporation, or
 - (f) A contractor working for the City, Alberta Power Co. Ltd., Northwestern Utilities Ltd, Alberta Government Telephones or Alberta Broadcasting Corporation

shall not be in contravention of this By-Law when engaged in work deemed as being of non-repetitive and essential or emergency nature and which work is being conducted for the primary purpose of ensuring the health, safety, welfare or benefit of the inhabitants of the City.


Part 8. Penalties


12. (1) Subject to the provisions of subsection (2) and (3), a person who contravenes any provision of this By-Law, either by doing something which he is prohibited from doing or failing to do something which he is required to do, is guilty of an offence and is liable on summary conviction to a fine not in excess of two thousand five hundred dollars, or in default of payment of the fine and costs, to imprisonment for a period not exceeding 6 months or until such fine and costs including the cost of committal shall have been sooner paid.
- (2) The minimum fine for the contravention of any provision of this By-Law shall not be less than twenty-five dollars for a first offence.
- (3) The minimum fine for a contravention of any provision of this By-Law shall not be less than fifty dollars for a second or subsequent offence.
13. By-Law Numbered 570 and all amendments thereto are hereby repealed.
14. This By-Law shall take effect as on and from date of final reading.

READ A FIRST TIME THIS 1ST DAY OF NOVEMBER, A.D. 1983

READ A SECOND TIME THIS 1ST DAY OF NOVEMBER, A.D. 1983


SEAL



MAYOR


CITY CLERK

READ A THIRD AND FINALLY PASSED THIS 15th DAY OF NOVEMBER, , A.D. 1983

SEAL


MAYOR


CITY CLERK - ACTING

Unapproved Minutes of a Meeting of the Wood Buffalo Recovery Committee held in the Council Chamber at the Municipal Offices in Fort McMurray, Alberta, on Wednesday, April 05, 2017, commencing at 6:00 p.m.

Present: J. Bancarz, Chair
M. Farrington
K. Fleury
S. Germain, Councillor
M. Giles
K. Jenkins
K. McGrath, Councillor
A. Vinni, Councillor

Absent: N. Aubrey

Administration: D. Woodworth, Team Lead, Recovery Task Force
A. Rogers, Chief Legislative Officer
S. Soutter, Legislative Officer

Call To Order

Chair J. Bancarz called the meeting to order at 6:01 p.m., and sent regrets on behalf of N. Aubrey.

Adoption of Agenda

Moved by K. Fleury that the agenda be adopted as presented.
CARRIED UNANIMOUSLY

Entrance

Councillor A. Vinni entered the meeting at 6:02 p.m.

Minutes of Previous Meetings

1. Minutes of Wood Buffalo Recovery Committee Meeting - March 22, 2017

Moved by K. Jenkins that the minutes of the Wood Buffalo Recovery Committee meeting held on March 22, 2017 be approved as presented.
CARRIED UNANIMOUSLY

Presentations

2. Laurie-Anne St. George, Rebuild Supervisor, Recovery Task Force and Chris Booth, Planning and Development re: Construction Site Safety Video (6:03 p.m. to 6:13 p.m.)

Laurie-Anne St. George, Rebuild Supervisor, Recovery Task Force and Chris Booth, Planning and Development, presented a Construction Site Safety Video aimed at school-aged children, illustrating how to stay safe during the rebuild.

3. Dana Woodworth, Erin O'Neill, Kelly Hansen and Nadia Power, Recovery Task Force re: RMWB 2016 Wildfire Recovery Campaign Plan Update
(6:14 p.m. to 6:57 p.m.)

Dana Woodworth, Erin O'Neill, Kelly Hansen and Nadia Power, Recovery Task Force, presented an overview of the Campaign Plan and highlighted the initiatives and priorities of the Recovery Task Force.

Moved by S. Germain that it be recommended to Council that the RMWB 2016 Wildfire Recovery Campaign Plan Update be scheduled for presentation at the April 25, 2017 Council meeting.

CARRIED UNANIMOUSLY

New and Unfinished Business

4. Demolition and Protective Fencing Costs
(6:58 p.m. to 7:15 p.m.)

Moved by M. Giles that the Wood Buffalo Recovery Committee recommend to Council that:

- the Municipality issue invoices to the registered property owner on title for the costs of any demolition and protective fencing, undertaken by the Municipality as a result of the 2016 Wildfire; and
- the costs of demolition and protective fencing undertaken by the Municipality as a result of the 2016 Wildfire, be added to the tax roll for the respective properties following the issuance of an invoice, with the intent that these costs be removed from the tax roll when invoices are paid.

Erin O'Neill, Operations Manager, Recovery Task Force, spoke to the recommendation, indicating that the cost of demolition and protective fencing associated with the 2016 wildfire for private properties be added to tax roll as these costs are the responsibility of the property owners.

Exit and Return

Councillor S. Germain exited the Chamber at 7:08 p.m. and returned at 7:09 p.m.

Jim Rogers, resident, spoke in opposition to the recommendation.

Voting then occurred on the motion.

CARRIED UNANIMOUSLY

5. Waiver of Fee - Acceptable Contaminated Soil

(7:16 p.m. to 8:27 p.m.)

Erin O'Neill, Operations Manager, Recovery Task Force, presented that the proposed waiver of Landfill fees for Acceptable Contaminated Soil will minimize the costs to residents and allow the Municipality to locate a soil stockpiling site so as to repurpose the soil for future projects.

Moved by Councillor A. Vinni that the Wood Buffalo Recovery Committee recommend to Council that:

- the Landfill Disposal Rate for Acceptable Contaminated Soil, as set out in the Utility Rates Bylaw, Bylaw No. 10/001, be waived for all residential properties within wildfire damaged areas until December 31, 2018;
- land owners apply and refunds be issued for any acceptable contaminated soil fees that have been paid to date resulting from wildfire damaged areas; and
- the Landfill Disposal Rate for Acceptable Contaminated Soil, as set out in the Utility Rates Bylaw, Bylaw No. 10/001, be waived for the Municipality and its contractors that dispose of soil from wildfire damaged areas until December 31, 2018.

Exit and Return

Councillor K. McGrath exited the Chamber at 7:26 p.m. and returned at 7:35 p.m.

Jim Rogers, resident, spoke in support of the recommendation.

Gilles Huizinga, President, UDI-Wood Buffalo, spoke in support of the recommendation, but indicated that it would be far more beneficial and environmentally responsible to allow the soil to be stockpiled outside of the landfill and repurposed.

J. Paul McLeod, resident, spoke in support of the recommendation, but also expressed support for Mr. Huizinga's position on the matter.

Voting then occurred on the motion.

CARRIED

For: J. Bancarz, M. Farrington, K. Fleury,
S. Germain, M. Giles, K. Jenkins, K.
McGrath.

Opposed: A. Vinni.

Exit and Return

M. Giles exited the Chamber at 7:36 p.m. and returned at 7:38 p.m.

Moved by Councillor S. Germain that a strategy be developed and presented to the Wood Buffalo Recovery Committee, for information purposes, that enables the acceptable contaminated soil to be diverted from the landfill sites and repurposed and stockpiled for future use.

CARRIED UNANIMOUSLY

Moved by Councillor K. McGrath that Administration be bring a report to the Wood Buffalo Recovery Committee which identifies:

- the shrinkage and life cycle impacts to the current cell as a result of the disposal of debris and materials resulting from the 2016 Wildfire and related events; and
- the cost implication to the Municipality as a result of the expedited need to bring another cell on-stream; and that the report be presented no later than May 31, 2017.

CARRIED UNANIMOUSLY

6. Repeal of Bylaw No. 16/015 – Noise Bylaw Amendment

(8:28 p.m. to 8:30 p.m.)

Erin O'Neill, Operations Manager, Recovery Task Force, indicated that there is no longer a need for 24-hour construction, repealing Bylaw 16/015 would remove any potential confusion and enable consistent enforcement of the Noise Bylaw.

Moved by K. Fleury that the Wood Buffalo Recovery Committee recommend to Council that Bylaw No. 16/015, an amendment to the Noise Bylaw, be repealed.

CARRIED UNANIMOUSLY

7. Sub-Committee Reports

(8:31 p.m. to 8:43 p.m.)

M. Giles, Economy and Mitigate Sub-Committees, provided an update on upcoming events and initiatives to date.

Nadia Power, Community Impact Strategist, Recovery Task Force, provided an updated on the People Pillar and upcoming events.

Kim Jenkins, Chair of the Rebuild Sub-Committee, provided an update on the rebuild progress to date.

8. Wildfire Recovery Team Update

(8:44 p.m. to 8:45 p.m.)

Dana Woodworth, Recovery Team Leader, provided an update on the tasks of Wood Buffalo Recovery Task Force to date.

Adjournment

As all scheduled business matters had been concluded, Chair J. Bancarz declared the meeting adjourned at 8:46 p.m.

Chair

Chief Legislative Officer



Subject: Wood Buffalo Recovery Committee Recommendation - Waiver of Fee - Acceptable Contaminated Soil

Wood Buffalo Recovery Committee Recommendation:

1. THAT Bylaw No. 17/008, being a bylaw to temporarily waive payment of tipping fees for disposal of material deemed to be acceptable contaminated soil, be read a first time.
2. THAT Bylaw No. 17/008, be read a second time.
3. THAT Bylaw No. 17/008, be considered for third reading.
4. THAT Bylaw No. 17/008, be read a third and final time.

Summary:

At the April 5, 2017 Wood Buffalo Recovery Committee meeting, the Recovery Task Force presented a recommendation to the Committee respective to the Landfill Disposal Rate for Acceptable Contaminated Soil as set out in the Utility Rates Bylaw 10/001.

At the meeting, the Wood Buffalo Recovery Committee passed the following resolution:

“THAT the Wood Buffalo Recovery Committee recommend to Council:

1. THAT the Landfill Disposal Rate for Acceptable Contaminated Soil, as set out in the Utility Rates Bylaw, Bylaw No. 10/001, be waived for all residential properties within wildfire damaged areas until December 31, 2018;
2. THAT land owners apply and refunds be issued for any acceptable contaminated soil fees that have been paid to date resulting from wildfire damaged areas; and
3. THAT the Landfill Disposal Rate for Acceptable Contaminated Soil, as set out in the Utility Rates Bylaw, Bylaw No. 10/001, be waived for the Municipality and its contractors that dispose of soil from wildfire damaged areas until December 31, 2018”.

Attachments:

- I. Bylaw 17/008
- II. 2017-04-05 - Wood Buffalo Recovery Committee Report, Waiver of Fee – Acceptable Contaminated Soil
- III. 2017-04-05, Unapproved Wood Buffalo Recovery Committee Minutes

BYLAW NO. 17/008

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO PROVIDE RELIEF FOR CERTAIN PERSONS AND PROPERTIES IMPACTED BY THE WILDFIRE, FROM THE REQUIREMENT TO PAY A TIPPING FEE AT THE LANDFILL FOR DISPOSAL OF MATERIAL DEEMED TO BE ACCEPTABLE CONTAMINATED SOIL

WHEREAS a tipping fee of \$75/tonne is prescribed under Bylaw 10/001, the Utility Rates Bylaw, for landfill disposal of material deemed to be or classified as “acceptable contaminated soil”;

AND WHEREAS Council has been advised that material used to backfill excavations which were formerly the basements of homes destroyed by the wildfire of May 2016 will be deemed to be “acceptable contaminated soil” when removed from those excavations and taken to the Regional Landfill for disposal, and will accordingly be charged a disposal fee of \$75/tonne unless accompanied by an acceptable analysis showing it to be clean fill;

AND WHEREAS Council considers it unacceptable to ask owners of such properties, or contractors, to pay for disposal of such backfill material or other similar material from wildfire impacted areas, or to require them to bear the expense and delay of laboratory testing to prove that the material should be classified as clean fill and thereby attract no charge;

NOW THEREFORE the Regional Municipality of Wood Buffalo, in Council duly assembled, enacts as follows:

1. The fees prescribed on the “Acceptable Contaminated Soil” row of Schedule “A” to Bylaw No. 10/001 shall not be charged in respect of any such material:
 - (a) that results from excavation of backfill material from the former basement area of a residence that was demolished because of destruction or damage by the wildfire;
 - (b) that results from any general cleanup of properties (including roads or streets) by the Regional Municipality or by a contractor of the Regional Municipality. in any area where a substantial number of buildings have been impacted by the wildfireregardless of whether the material is hauled to the Regional Landfill by a residential property owner or by a contractor or agent acting on behalf of a residential property owner or on behalf of the Regional Municipality.
2. A person who has paid a disposal fee for “Acceptable Contaminated Soil” prior to enactment of this bylaw, in respect of material falling within the description in subparagraph 1(a) of this bylaw, is entitled to a refund of the disposal fee upon presentation of proof of payment of the fee and the origin of the material.

3. This bylaw comes into effect when it is passed, and ceases to be in effect after December 31, 2018.

READ a first time this _____ day of _____, 2017.

READ a second time this _____ day of _____ 2017.

READ a third and final time this _____ day of _____ 2017.

SIGNED and PASSED this _____ day of _____, 2017.

Mayor

Chief Legislative Officer

WOOD BUFFALO RECOVERY COMMITTEE REPORT

Meeting Date: April 5, 2017

Subject: Waiver of Fee - Acceptable Contaminated Soil
--

APPROVALS:

Erin O'Neill, Operations Manager Dana Woodworth, Recovery Team Leader
--

Recommendations:

THAT the Wood Buffalo Recovery Committee recommend to Council:

1. THAT the Landfill Disposal Rate for Acceptable Contaminated Soil, as set out in the Utility Rates Bylaw, Bylaw No. 10/001, be waived for all residential properties within wildfire damaged areas until December 31, 2018;
2. THAT land owners apply and refunds be issued for any acceptable contaminated soil fees that have been paid to date resulting from wildfire damaged areas; and
3. THAT the Landfill Disposal Rate for Acceptable Contaminated Soil, as set out in the Utility Rates Bylaw, Bylaw No. 10/001, be waived for the Municipality and its contractors that dispose of soil from wildfire damaged areas until December 31, 2018.

Summary:

Soil within fire damaged areas has been deemed *acceptable contaminated soil* by Alberta Environment and Parks (AEP). The fee associated with the dumping of acceptable contaminated soil at the Fort McMurray Regional Landfill (the Landfill) is governed by Utility Rates Bylaw No. 10/001. Currently, residents disposing of soil via their contractor at the Landfill, from residential properties, have two options:

1. Arrange for soil analysis at the property owner's expense to determine if the soil meets the Landfill Class II lab analysis for disposal and can be used as daily cover, thus qualifying for a waiver of the dumping fees; or
2. Pay \$75 per tonne to dispose of the acceptable contaminated soil as specified in Utility Rates Bylaw No. 10/001.

The existing bylaw imposes a charge to property owners for the dumping of soil associated with the rebuilding of homes, be that soil analysis testing to confirm its status or a dumping fee for deemed acceptable contaminated soil. To decrease the cost to homeowners, the Recovery Task Force recommends that the dumping fee for acceptable contaminated soil at the Landfill be waived.

Background:

As per the Landfill Operating Guidelines and AEP requirements, soil that meets both the Alberta Tier 1 Soil and Groundwater Remediation Guidelines for Industrial use and the outlined values for Class II Landfill Operations, can be disposed of at the Landfill. In order to determine if soil meets the Class II Landfill guidelines, a laboratory analysis of the soil is required. The cost of analysis is approximately \$400 per lot and takes one week for results to be returned.

Following the fire, AEP permitted the Landfill to accept soil from residential wildfire properties without laboratory analysis, as the soil was deemed acceptable contaminated soil.

As part of the environmental monitoring in Wood Buffalo following the wildfire, samples of ash, air and soil were taken from all areas that were affected. Specifically Phase 2 of the environmental monitoring analyzed the quality of the top layers of soil in burned and unburned areas. Results were compared against established Alberta ecological and human health guidelines.

None of the soil samples in any of the tested areas – burned or unburned – exceeded human health guidelines. There were testing results that exceeded ecological guidelines; however those results do not impact human health and are typical to ecosystems of the boreal forest.

The soil used to backfill demolished and excavated properties was sourced from various locations within the region. Importantly, the 23 lab analyses received at the Landfill to date, have found sampled soil to be clean and passed the Landfill Class II lab analysis. Given the Phase 2 soil testing and lab analyses to date, the expectation is that the future soil deposits will meet the Landfill Class II lab analysis or fall below the acceptable contaminated levels.

Between May 2016 and December 2016, the Landfill received 512 loads of acceptable contaminated soil. It is proposed that the land owners can apply for a refund of any fees paid to date to dump acceptable contaminated soil related to the 2016 wildfire. Further, it is proposed that the fee for dumping acceptable contaminated soil at the Landfill be waived for the Municipality, its contractors and all residential properties, within the wildfire damaged areas until December 31, 2018.

Contractors and home owners have expressed concern about the limited availability of space to stockpile soil from excavated foundations. While the waiving of landfill fees for acceptable contaminated soil is likely to reduce this concern, the Recovery Task Force (RTF) is working with the Planning & Development Department to facilitate a choice for residents by securing a soil stockpile location. This will decrease the amount of soil that will be directed to the Landfill and provide an opportunity for the Municipality to repurpose the soil for future municipal projects.

Budget/Financial Implications:

The proposed fee waiver will minimize the cost to residents and, subject to locating a soil stockpiling site, allow the Municipality the ability to repurpose the soil for future projects.

Rationale for Recommendations:

An objective of the RTF is to minimize the financial burden to residents impacted by the 2016 Wildfire. Notwithstanding the loss of Landfill potential revenues from a waiver of fees and lost Landfill capacity, it is the belief of the RTF that it is in the public interest to demonstrate consistency and commitment in the easing of financial burden of affected residents.

The RTF and the Landfill continue to receive complaints about the current soil disposal procedures. Residents were previously informed that the Phase 2 environmental testing did not present any concerns, and lab analyses completed to date in the wildfire affected areas have shown the soil is clean. The regulatory requirement for costly soil sampling, or a disposal fee, is at odds with this messaging. The waiver of fees as recommended would result in an approach that is consistent with the policy shifts to date and Recovery's goal to minimize the financial burden to residents.

Lastly, there are indications that recent complaints about the dumping of soil on vacant lots or within roadways are the result of landfill fees and soil sampling costs that deter use of the Landfill. As an additional benefit, the waiving of landfill costs associated with the disposal of soil is likely to relieve current pressures on development compliance and bylaw enforcement resources.

Strategic Plan Linkages:

Pillar 2 – Building Balanced Regional Services

Pillar 4 – Building an Effective Land Strategy

Pillar 6 – Building a Sustainable Region

Campaign Plan Linkage:

Rebuild Pillar – Make timely policy decisions that enable reconstruction by removing obstacles and barriers

Attachment:

Post Wildfire Requirements for Soil Disposal from Residential Properties affected by the Wildfire as the Fort McMurray Regional Landfill

Post Wildfire

Requirements for Soil Disposal from Residential Properties affected by the Wildfire at the Fort McMurray Regional Landfill

Any soils being disposed of at the Fort McMurray Landfill from residential properties affected by the wildfire or wildfire fighting efforts can follow one of two options:

Option 1:

- No lab analysis required,
- Will be charged \$75/MT
- Notify the Landfill of the address(es) the soil is coming from,
- Notify the Landfill of the quantity of soils and proposed date of delivery.
- Soil must be free of ash, wood, metal, plastics, oils or any other contaminants (soil not free of these items will have to have an analysis prior to disposal, see directions below and may be subjected to special handling charges of \$162/MT.)

Option 2:

- Have a lab analysis done on the soil (for the soils in question the analysis required would be a Landfill Class II and BTEX lab analysis),
- Fill out the Soil Disposal Application and supply the RMWB with a copy of the requested lab analysis,
- If the soil analysis results are less than the outlined value in the Alberta Tier 1 Soil and Groundwater Remediation Guidelines for Industrial use, the soil will be free to dispose of,
- If the soil analysis results are greater than those outlined in the Alberta Tier 1 Soil and Groundwater Remediation Guidelines for Industrial use and less than the outlined values for Class II Landfill Operations, the soil is classified as Acceptable Contaminated Soil and will be charged \$75/MT,
- If the soil analysis results are greater than both the Alberta Tier 1 Soil and Groundwater Remediation Guidelines for Industrial use and the outlined values for Class II Landfill Operations, the soil cannot be disposed of at the Fort McMurray Landfill at any charge.

(Note: Option 2 may be more economically feasible for large quantities of soil, if there are no known contaminants.)

Application for disposal can be obtained from the Landfill Administration Office or e-mail solid.waste@rmwb.ca.

Completed Applications can be returned to solid.waste@rmwb.ca or dropped off at the Administration Office at the Landfill.

Unapproved Minutes of a Meeting of the Wood Buffalo Recovery Committee held in the Council Chamber at the Municipal Offices in Fort McMurray, Alberta, on Wednesday, April 05, 2017, commencing at 6:00 p.m.

Present: J. Bancarz, Chair
M. Farrington
K. Fleury
S. Germain, Councillor
M. Giles
K. Jenkins
K. McGrath, Councillor
A. Vinni, Councillor

Absent: N. Aubrey

Administration: D. Woodworth, Team Lead, Recovery Task Force
A. Rogers, Chief Legislative Officer
S. Soutter, Legislative Officer

Call To Order

Chair J. Bancarz called the meeting to order at 6:01 p.m., and sent regrets on behalf of N. Aubrey.

Adoption of Agenda

Moved by K. Fleury that the agenda be adopted as presented.
CARRIED UNANIMOUSLY

Entrance

Councillor A. Vinni entered the meeting at 6:02 p.m.

Minutes of Previous Meetings

1. Minutes of Wood Buffalo Recovery Committee Meeting - March 22, 2017

Moved by K. Jenkins that the minutes of the Wood Buffalo Recovery Committee meeting held on March 22, 2017 be approved as presented.
CARRIED UNANIMOUSLY

Presentations

2. Laurie-Anne St. George, Rebuild Supervisor, Recovery Task Force and Chris Booth, Planning and Development re: Construction Site Safety Video (6:03 p.m. to 6:13 p.m.)

Laurie-Anne St. George, Rebuild Supervisor, Recovery Task Force and Chris Booth, Planning and Development, presented a Construction Site Safety Video aimed at school-aged children, illustrating how to stay safe during the rebuild.

3. Dana Woodworth, Erin O'Neill, Kelly Hansen and Nadia Power, Recovery Task Force re: RMWB 2016 Wildfire Recovery Campaign Plan Update
(6:14 p.m. to 6:57 p.m.)

Dana Woodworth, Erin O'Neill, Kelly Hansen and Nadia Power, Recovery Task Force, presented an overview of the Campaign Plan and highlighted the initiatives and priorities of the Recovery Task Force.

Moved by S. Germain that it be recommended to Council that the RMWB 2016 Wildfire Recovery Campaign Plan Update be scheduled for presentation at the April 25, 2017 Council meeting.

CARRIED UNANIMOUSLY

New and Unfinished Business

4. Demolition and Protective Fencing Costs
(6:58 p.m. to 7:15 p.m.)

Moved by M. Giles that the Wood Buffalo Recovery Committee recommend to Council that:

- the Municipality issue invoices to the registered property owner on title for the costs of any demolition and protective fencing, undertaken by the Municipality as a result of the 2016 Wildfire; and
- the costs of demolition and protective fencing undertaken by the Municipality as a result of the 2016 Wildfire, be added to the tax roll for the respective properties following the issuance of an invoice, with the intent that these costs be removed from the tax roll when invoices are paid.

Erin O'Neill, Operations Manager, Recovery Task Force, spoke to the recommendation, indicating that the cost of demolition and protective fencing associated with the 2016 wildfire for private properties be added to tax roll as these costs are the responsibility of the property owners.

Exit and Return

Councillor S. Germain exited the Chamber at 7:08 p.m. and returned at 7:09 p.m.

Jim Rogers, resident, spoke in opposition to the recommendation.

Voting then occurred on the motion.

CARRIED UNANIMOUSLY

5. Waiver of Fee - Acceptable Contaminated Soil

(7:16 p.m. to 8:27 p.m.)

Erin O'Neill, Operations Manager, Recovery Task Force, presented that the proposed waiver of Landfill fees for Acceptable Contaminated Soil will minimize the costs to residents and allow the Municipality to locate a soil stockpiling site so as to repurpose the soil for future projects.

Moved by Councillor A. Vinni that the Wood Buffalo Recovery Committee recommend to Council that:

- the Landfill Disposal Rate for Acceptable Contaminated Soil, as set out in the Utility Rates Bylaw, Bylaw No. 10/001, be waived for all residential properties within wildfire damaged areas until December 31, 2018;
- land owners apply and refunds be issued for any acceptable contaminated soil fees that have been paid to date resulting from wildfire damaged areas; and
- the Landfill Disposal Rate for Acceptable Contaminated Soil, as set out in the Utility Rates Bylaw, Bylaw No. 10/001, be waived for the Municipality and its contractors that dispose of soil from wildfire damaged areas until December 31, 2018.

Exit and Return

Councillor K. McGrath exited the Chamber at 7:26 p.m. and returned at 7:35 p.m.

Jim Rogers, resident, spoke in support of the recommendation.

Gilles Huizinga, President, UDI-Wood Buffalo, spoke in support of the recommendation, but indicated that it would be far more beneficial and environmentally responsible to allow the soil to be stockpiled outside of the landfill and repurposed.

J. Paul McLeod, resident, spoke in support of the recommendation, but also expressed support for Mr. Huizinga's position on the matter.

Voting then occurred on the motion.

CARRIED

For: J. Bancarz, M. Farrington, K. Fleury,
S. Germain, M. Giles, K. Jenkins, K.
McGrath.

Opposed: A. Vinni.

Exit and Return

M. Giles exited the Chamber at 7:36 p.m. and returned at 7:38 p.m.

Moved by Councillor S. Germain that a strategy be developed and presented to the Wood Buffalo Recovery Committee, for information purposes, that enables the acceptable contaminated soil to be diverted from the landfill sites and repurposed and stockpiled for future use.

CARRIED UNANIMOUSLY

Moved by Councillor K. McGrath that Administration be bring a report to the Wood Buffalo Recovery Committee which identifies:

- the shrinkage and life cycle impacts to the current cell as a result of the disposal of debris and materials resulting from the 2016 Wildfire and related events; and
- the cost implication to the Municipality as a result of the expedited need to bring another cell on-stream; and that the report be presented no later than May 31, 2017.

CARRIED UNANIMOUSLY

6. Repeal of Bylaw No. 16/015 – Noise Bylaw Amendment

(8:28 p.m. to 8:30 p.m.)

Erin O'Neill, Operations Manager, Recovery Task Force, indicated that there is no longer a need for 24-hour construction, repealing Bylaw 16/015 would remove any potential confusion and enable consistent enforcement of the Noise Bylaw.

Moved by K. Fleury that the Wood Buffalo Recovery Committee recommend to Council that Bylaw No. 16/015, an amendment to the Noise Bylaw, be repealed.

CARRIED UNANIMOUSLY

7. Sub-Committee Reports

(8:31 p.m. to 8:43 p.m.)

M. Giles, Economy and Mitigate Sub-Committees, provided an update on upcoming events and initiatives to date.

Nadia Power, Community Impact Strategist, Recovery Task Force, provided an updated on the People Pillar and upcoming events.

Kim Jenkins, Chair of the Rebuild Sub-Committee, provided an update on the rebuild progress to date.

8. Wildfire Recovery Team Update

(8:44 p.m. to 8:45 p.m.)

Dana Woodworth, Recovery Team Leader, provided an update on the tasks of Wood Buffalo Recovery Task Force to date.

Adjournment

As all scheduled business matters had been concluded, Chair J. Bancarz declared the meeting adjourned at 8:46 p.m.

Chair

Chief Legislative Officer



Subject: Wood Buffalo Recovery Committee Recommendation - Demolition and Protective Fencing Costs
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Wood Buffalo Recovery Committee Recommendations:

THAT Administration issue invoices to the registered property owner on title for the costs of any demolition and protective fencing, undertaken by the Municipality as a result of the 2016 Wildfire; and

THAT the costs of demolition and protective fencing undertaken by the Municipality as a result of the 2016 Wildfire, be added to the tax roll for the respective properties following the issuance of an invoice, with the intent that these costs be removed from the tax roll when invoices are paid.

Summary:

At the April 5, 2017 Wood Buffalo Recovery Committee meeting, the Recovery Task Force presented a recommendation to the Committee respective to demolition and protective fencing costs. At the meeting, the Wood Buffalo Recovery Committee passed the following resolution:

“THAT the Wood Buffalo Recovery Committee recommend to Council:

1. THAT the Municipality issue invoices to the registered property owner on title for the costs of any demolition and protective fencing, undertaken by the Municipality as a result of the 2016 Wildfire; and
2. THAT the costs of demolition and protective fencing undertaken by the Municipality as a result of the 2016 Wildfire, be added to the tax roll for the respective properties following the issuance of an invoice, with the intent that these costs be removed from the tax roll when invoices are paid.”

Attachments:

- I. Wood Buffalo Recovery Committee Report, April 5, 2017 - Demolition and Protective Fencing Costs.
- II. 2017-04-05 Unapproved Wood Buffalo Recovery Committee Minutes.

WOOD BUFFALO RECOVERY COMMITTEE REPORT

Meeting Date: April 5, 2017

Subject: Demolition and Protective Fencing Costs**APPROVALS:**Erin O'Neill, Operations Manager
Dana Woodworth, Recovery Team Leader**Recommendations:**

THAT the Wood Buffalo Recovery Committee recommend to Council:

1. THAT the Municipality issue invoices to the registered property owner on title for the costs of any demolition and protective fencing, undertaken by the Municipality as a result of the 2016 Wildfire; and
2. THAT the costs of demolition and protective fencing undertaken by the Municipality as a result of the 2016 Wildfire, be added to the tax roll for the respective properties following the issuance of an invoice, with the intent that these costs be removed from the tax roll when invoices are paid.

Summary:

Demolition Orders issued under Section 546 of the *Municipal Government Act*, were intended to establish timelines for property owners to complete their demolition, allow the Municipality to do the work if necessary, and provide the Municipality the authority to add the costs and expenses for carrying out the Order to the tax roll.

As of October 1st, 2016, 88 wildfire affected properties were not demolished by property owners as required by the Demolition Order. These properties were subsequently demolished by the Municipality at a cost of \$2,206,533.76.

To date, 93 demolished properties were found to pose additional public safety hazards and were enclosed with protective fencing by the Municipality. The cost to secure these properties was \$11,670.52 in 2016 and \$16,399.42 between January 1 and March 31, 2017. Properties that remain fenced incur an average monthly rental cost of \$58.78.

Background:

Properties which required demolition were issued "Demolition Orders" under Section 546 of the *Municipal Government Act*. Issued in July 2016, the Demolition Orders established the timeline for property owners to clean-up and secure their properties. The timelines associated with the Orders were:

- September 30, 2016: The deadline for removing and disposing of all debris, ash and contaminated soil.
- October 31, 2016: The deadline for removing the foundation and backfilling or otherwise electing to leave the foundation in place and take such other measures as are approved by a Safety Codes Officer to cover the homes in a manner that mitigates the risk of persons falling into the hole.
- June 30, 2017: The deadline for removing the foundation for those who chose to leave their foundation in place. The resident then has 30 days to backfill or commence their rebuild.

As of October 1, 2016, 88 properties affected by the wildfire were not demolished. As such, the Municipality hired five contractors to complete the work. In some instances, extra costs were incurred due to asbestos abatement or excess tipping fees. The total cost of demolition for the 88 properties was \$2,206,533.76.

Post demolition inspections were completed after properties were cleared. In some cases, bowl type depressions existed on site. While this was deemed acceptable for the post demolition inspection process, the Alberta Building Code requires that all open excavations and any basements that are not immediately removed be kept securely fenced and reasonably clear of water.

Disaster Recovery Program funding for perimeter fencing ended on October 31, 2016 and the Municipality demobilized security checkpoints, removing previous areas of perimeter fencing. This process exposed a number of bowl type depressions on individual properties where backfilling had not been levelled. As these depressions could accumulate water, they had to be fenced for safety purposes. Given the demolition order requires security be in place until the hole where the foundation of the structure originally was has been backfilled and leveled, it is proposed that the cost of the fencing be charged to the property owner.

As of December 31, 2016, 93 demolished properties were found to pose a public safety hazard. The hazards within these properties were fenced by the Municipality at a total cost of \$11,670.52 in 2016. The 2016 costs include both installation and monthly rental costs.

For properties that remain fenced in 2017, the average monthly rental cost per property is \$58.78, which does not include the cost of installation and dismantling. Installation and dismantling costs are \$185.85 per property. It is proposed that rental costs for fencing around private properties installed by the Municipality, be invoiced to property owners based on the number of rental days, on a bi-annual basis. The fencing charges would include panel rental costs, installation and dismantling fees.

Budget/Financial Implications:

The total cost of demolition and protective fencing for 2016 that is recoverable by invoicing and adding to the property tax roll is \$2,218,204.28.

While it is proposed that the protective fencing costs for 2017 be invoiced on a bi-annual basis, the costs incurred between January 1 and March 31, 2017 totals \$16,399.42.

As some property owners are selling their properties ahead of the invoices being sent, Administration proposes adding the cost of the demolition and protective fencing to the tax roll concurrently with the sending of the invoice.

Rationale for Recommendations:

The cost of demolition and protective fencing for private properties is the responsibility of the property owner. In the case of the 2016 Wildfire, the majority of demolition costs have already been covered by homeowner insurance. While the Demolition Order gave the authority to the Municipality to add the costs to the tax roll, all communications regarding the Order stated that the Municipality may add the cost to the tax roll subject to Council approval. Therefore it is recommended that Council ultimately approve any additions to the tax roll associated with this initiative.

Strategic Plan Linkages:

Pillar 1 – Building Responsible Government

Pillar 4 – Building an Effective Land Strategy

Campaign Plan Linkage:

Rebuild Pillar – Understand and address the full extent of wildfire damage across the RMWB and Make timely policy decisions that enable reconstruction by removing obstacles and barriers

Unapproved Minutes of a Meeting of the Wood Buffalo Recovery Committee held in the Council Chamber at the Municipal Offices in Fort McMurray, Alberta, on Wednesday, April 05, 2017, commencing at 6:00 p.m.

Present: J. Bancarz, Chair
M. Farrington
K. Fleury
S. Germain, Councillor
M. Giles
K. Jenkins
K. McGrath, Councillor
A. Vinni, Councillor

Absent: N. Aubrey

Administration: D. Woodworth, Team Lead, Recovery Task Force
A. Rogers, Chief Legislative Officer
S. Soutter, Legislative Officer

Call To Order

Chair J. Bancarz called the meeting to order at 6:01 p.m., and sent regrets on behalf of N. Aubrey.

Adoption of Agenda

Moved by K. Fleury that the agenda be adopted as presented.
CARRIED UNANIMOUSLY

Entrance

Councillor A. Vinni entered the meeting at 6:02 p.m.

Minutes of Previous Meetings

1. Minutes of Wood Buffalo Recovery Committee Meeting - March 22, 2017

Moved by K. Jenkins that the minutes of the Wood Buffalo Recovery Committee meeting held on March 22, 2017 be approved as presented.
CARRIED UNANIMOUSLY

Presentations

2. Laurie-Anne St. George, Rebuild Supervisor, Recovery Task Force and Chris Booth, Planning and Development re: Construction Site Safety Video (6:03 p.m. to 6:13 p.m.)

Laurie-Anne St. George, Rebuild Supervisor, Recovery Task Force and Chris Booth, Planning and Development, presented a Construction Site Safety Video aimed at school-aged children, illustrating how to stay safe during the rebuild.

3. Dana Woodworth, Erin O'Neill, Kelly Hansen and Nadia Power, Recovery Task Force re: RMWB 2016 Wildfire Recovery Campaign Plan Update
(6:14 p.m. to 6:57 p.m.)

Dana Woodworth, Erin O'Neill, Kelly Hansen and Nadia Power, Recovery Task Force, presented an overview of the Campaign Plan and highlighted the initiatives and priorities of the Recovery Task Force.

Moved by S. Germain that it be recommended to Council that the RMWB 2016 Wildfire Recovery Campaign Plan Update be scheduled for presentation at the April 25, 2017 Council meeting.

CARRIED UNANIMOUSLY

New and Unfinished Business

4. Demolition and Protective Fencing Costs
(6:58 p.m. to 7:15 p.m.)

Moved by M. Giles that the Wood Buffalo Recovery Committee recommend to Council that:

- the Municipality issue invoices to the registered property owner on title for the costs of any demolition and protective fencing, undertaken by the Municipality as a result of the 2016 Wildfire; and
- the costs of demolition and protective fencing undertaken by the Municipality as a result of the 2016 Wildfire, be added to the tax roll for the respective properties following the issuance of an invoice, with the intent that these costs be removed from the tax roll when invoices are paid.

Erin O'Neill, Operations Manager, Recovery Task Force, spoke to the recommendation, indicating that the cost of demolition and protective fencing associated with the 2016 wildfire for private properties be added to tax roll as these costs are the responsibility of the property owners.

Exit and Return

Councillor S. Germain exited the Chamber at 7:08 p.m. and returned at 7:09 p.m.

Jim Rogers, resident, spoke in opposition to the recommendation.

Voting then occurred on the motion.

CARRIED UNANIMOUSLY

5. Waiver of Fee - Acceptable Contaminated Soil

(7:16 p.m. to 8:27 p.m.)

Erin O'Neill, Operations Manager, Recovery Task Force, presented that the proposed waiver of Landfill fees for Acceptable Contaminated Soil will minimize the costs to residents and allow the Municipality to locate a soil stockpiling site so as to repurpose the soil for future projects.

Moved by Councillor A. Vinni that the Wood Buffalo Recovery Committee recommend to Council that:

- the Landfill Disposal Rate for Acceptable Contaminated Soil, as set out in the Utility Rates Bylaw, Bylaw No. 10/001, be waived for all residential properties within wildfire damaged areas until December 31, 2018;
- land owners apply and refunds be issued for any acceptable contaminated soil fees that have been paid to date resulting from wildfire damaged areas; and
- the Landfill Disposal Rate for Acceptable Contaminated Soil, as set out in the Utility Rates Bylaw, Bylaw No. 10/001, be waived for the Municipality and its contractors that dispose of soil from wildfire damaged areas until December 31, 2018.

Exit and Return

Councillor K. McGrath exited the Chamber at 7:26 p.m. and returned at 7:35 p.m.

Jim Rogers, resident, spoke in support of the recommendation.

Gilles Huizinga, President, UDI-Wood Buffalo, spoke in support of the recommendation, but indicated that it would be far more beneficial and environmentally responsible to allow the soil to be stockpiled outside of the landfill and repurposed.

J. Paul McLeod, resident, spoke in support of the recommendation, but also expressed support for Mr. Huizinga's position on the matter.

Voting then occurred on the motion.

CARRIED

For: J. Bancarz, M. Farrington, K. Fleury,
S. Germain, M. Giles, K. Jenkins, K.
McGrath.

Opposed: A. Vinni.

Exit and Return

M. Giles exited the Chamber at 7:36 p.m. and returned at 7:38 p.m.

Moved by Councillor S. Germain that a strategy be developed and presented to the Wood Buffalo Recovery Committee, for information purposes, that enables the acceptable contaminated soil to be diverted from the landfill sites and repurposed and stockpiled for future use.

CARRIED UNANIMOUSLY

Moved by Councillor K. McGrath that Administration be bring a report to the Wood Buffalo Recovery Committee which identifies:

- the shrinkage and life cycle impacts to the current cell as a result of the disposal of debris and materials resulting from the 2016 Wildfire and related events; and
- the cost implication to the Municipality as a result of the expedited need to bring another cell on-stream; and that the report be presented no later than May 31, 2017.

CARRIED UNANIMOUSLY

6. Repeal of Bylaw No. 16/015 – Noise Bylaw Amendment

(8:28 p.m. to 8:30 p.m.)

Erin O'Neill, Operations Manager, Recovery Task Force, indicated that there is no longer a need for 24-hour construction, repealing Bylaw 16/015 would remove any potential confusion and enable consistent enforcement of the Noise Bylaw.

Moved by K. Fleury that the Wood Buffalo Recovery Committee recommend to Council that Bylaw No. 16/015, an amendment to the Noise Bylaw, be repealed.

CARRIED UNANIMOUSLY

7. Sub-Committee Reports

(8:31 p.m. to 8:43 p.m.)

M. Giles, Economy and Mitigate Sub-Committees, provided an update on upcoming events and initiatives to date.

Nadia Power, Community Impact Strategist, Recovery Task Force, provided an updated on the People Pillar and upcoming events.

Kim Jenkins, Chair of the Rebuild Sub-Committee, provided an update on the rebuild progress to date.

8. Wildfire Recovery Team Update

(8:44 p.m. to 8:45 p.m.)

Dana Woodworth, Recovery Team Leader, provided an update on the tasks of Wood Buffalo Recovery Task Force to date.

Adjournment

As all scheduled business matters had been concluded, Chair J. Bancarz declared the meeting adjourned at 8:46 p.m.

Chair

Chief Legislative Officer

**Subject: Selection Committee Recommendations - Council
Committee Appointments****Administrative Recommendations:**

THAT the following appointments be approved, effective immediately:

- **Advisory Committee on Aging:**
 - Henry Hunter, Wood Buffalo Housing and Development Corporation representative, to December 31, 2018.
- **Public Art Committee:**
 - Kathleen Marsel to December 31, 2018.
- **Landlord & Tenant Advisory Board:**
 - Jennifer Comtois to December 31, 2017.

Summary:

The Selection Committee has made a number of recommendations pertaining to existing and upcoming vacancies on various Council committees. In keeping with the established bylaws, the appointment of individuals to Council committees must be approved by Council.

Background:

The Municipality has received written resignations from members of the Advisory Committee on Aging, Public Art Committee, and Landlord & Tenant Advisory Board; therefore, there are mid-term vacancies to be filled.

When the Selection Committee held its meeting in November 2016, to review applications received as part of the annual boards and committees recruitment campaign, they identified individuals for a waitlist in the event that mid-term vacancies occurred. As such, these waitlisted individuals were contacted to confirm their continued interest in filling these vacancies. Therefore, the Selection Committee is recommending these appointments to Council.

Rationale for Recommendations:

The appointment of members is necessary to ensure the continued viability of the various Council committees.

Strategic Plan Linkages:

Pillar 1 – Building Responsible Government

