



Wood Buffalo Development Advisory Committee

7th Floor Boardroom
9909 Franklin Avenue, Fort McMurray, AB T9H 2K4

Thursday, December 5, 2019
9:00 AM

Agenda

1. **Call to Order**
2. **Adoption of the Agenda**
3. **Minutes of Previous Meetings**
 - 3.1 Wood Buffalo Development Advisory Committee Meeting -
Thursday, November 7, 2019
4. **Presentations**
 - 4.1. *Freedom of Information and Protection of Privacy Act* Legislation
Overview
5. **New Business**
 - 5.1. Streamlining Commercial Development Permitting and Business Licensing
 - 5.2. Business Development Opportunities and Downtown Revitalization
 - 5.3. Committee Administrative Processes
 - 5.4. Committee Action Log

Meeting Date	Action	Assignment	Anticipated Due Date	Status Notes
2019-11-07	Administration committed to providing a graph demonstrating Development Permit fluctuations	P&D (B. McMurdo)		Nov 26/19 - Action sent to B. McMurdo for Action
2019-10-03	Administration committed to arranging for a presentation by representatives from the FOIP department, to present an overview of the legislation as it relates to Committee discussions and documentation, at the next meeting.	Committee Administrator (Margo Firman)		Oct 3/19 - FOIP Overview provided to Committee Members via hard copy and email. FOIP Personnel to provide presentation at Nov. 7 meeting
2019-09-06	Administration committed to arranging for various municipal departments to present to the Committee on their department's initiatives, beginning with the Planning and Development and Engineering Departments.	DCAO (Jamie Doyle)		Nov 7/19 - P&D provided presentation to Committee Oct 15/19 - Planning and Development to provide presentation at Nov. 7 meeting.

6. Next Meeting

6.1 Items to be brought forward to next meeting.

Adjournment

Unapproved Minutes of a Meeting of the Wood Buffalo Development Advisory Committee held in the Jubilee Centre, 7th Floor Boardroom at the Municipal Offices in Fort McMurray, Alberta, on Thursday, November 7, 2019, commencing at 9:00 a.m.

Present:

- Gilles Huizinga, Member - Public-at-Large (Chair)
- Scott Jackson, Member - Oil and Gas Industry
- Mike Jones, Member - Public-at-Large
- Bryce Kumka, Member - Business Community
- Jin Li, Member - Public-at-Large
- Ana Maria Mendez-Barks, Member - Arts, Culture and Recreation Sector
- David Secord, Member - Business Community
- Jane Stroud, Council Representative

Absent:

- Alexandria Carey, Member - Health and Wellness Sector
- Peter Diggle, Member - Land Development
- Diana Noble, Member - Public-at-Large (Vice-Chair)
- Dan Soupal, Member - Land Development

Administration:

- Jaime Doyle, Deputy Chief Administrative Officer
- Heather Fredeen, Legislative Officer

1. Call to Order

Chair, G. Huizinga called the meeting to order at 9:17 a.m.

2. Adoption of the Agenda

MOTION:

THAT the Agenda be amended by adding "Next Meeting Date" prior to Adjournment with a subheading "Items to be Brought Forward for Next Meeting."

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Ana Maria Mendez-Barks, Member - Arts, Culture and Recreation Sector
SECONDER:	Bryce Kumka, Member - Business Community
FOR:	Secord, Kumka, Huizinga, Jones, Mendez-Barks, Jackson, Stroud
ABSENT:	Li, Carey, Noble, Soupal, Diggle

Minutes Acceptance: Minutes of Nov 7, 2019 9:00 AM (Minutes Approval)

3. Minutes of Previous Meetings

MOTION:

THAT the Minutes of the Wood Buffalo Development Advisory Committee meeting held on October 3, 2019 be approved as presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Ana Maria Mendez-Barks, Member - Arts, Culture and Recreation Sector
SECONDER:	Bryce Kumka, Member - Business Community
FOR:	Secord, Kumka, Huizinga, Jones, Mendez-Barks, Jackson, Stroud
ABSENT:	Li, Carey, Noble, Soupal, Diggle

4. Presentations

Brad McMurdo, Director, Planning and Development provided a PowerPoint Presentation on Planning and Development initiatives.

Action Item

The Committee requested a graph be provided to demonstrate fluctuation of Development Permits.

MOTION:

THAT the following priorities as discussed at the Committee's priority planning session on October 16, 2019, be approved.

1. Understand current processes for commercial development permitting and business license process to make recommendations and streamline the process;
2. Identify opportunities for business development with "outside the box" thinking; and
3. Commercial rent feasibility study and review of tax and how it impacts rates

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Bryce Kumka, Member - Business Community
SECONDER:	Ana Maria Mendez-Barks, Member - Arts, Culture and Recreation Sector
FOR:	Secord, Kumka, Huizinga, Jones, Mendez-Barks, Jackson, Stroud
ABSENT:	Li, Carey, Noble, Soupal, Diggle

Exit

M. Jones exited the meeting at 10:28 a.m.

Adjournment

Due to loss of quorum, the meeting adjourned at 10:28 a.m.

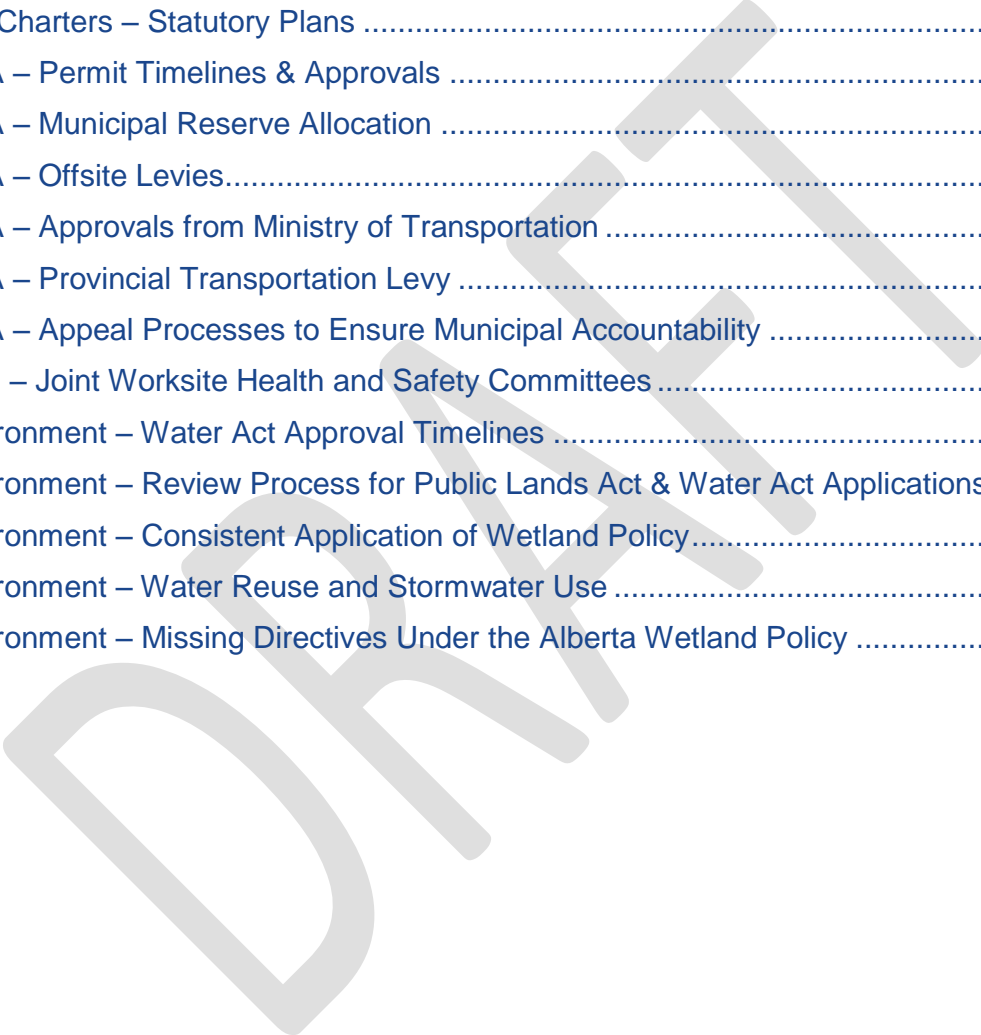


Red Tape Reduction

September 6, 2019

Contents

- 1. Mortgage Rules3
- 2. Building Codes – Energy Step Codes and Net Zero Ready 2030.....4
- 3. City Charters – Building Codes.....5
- 4. City Charters – Inclusionary Housing6
- 5. City Charters – Offsite Levies7
- 6. City Charters – Statutory Plans8
- 7. MGA – Permit Timelines & Approvals9
- 8. MGA – Municipal Reserve Allocation10
- 9. MGA – Offsite Levies.....11
- 10. MGA – Approvals from Ministry of Transportation12
- 11. MGA – Provincial Transportation Levy13
- 12. MGA – Appeal Processes to Ensure Municipal Accountability14
- 13. OHS – Joint Worksite Health and Safety Committees15
- 14. Environment – Water Act Approval Timelines16
- 15. Environment – Review Process for Public Lands Act & Water Act Applications17
- 16. Environment – Consistent Application of Wetland Policy.....18
- 17. Environment – Water Reuse and Stormwater Use19
- 18. Environment – Missing Directives Under the Alberta Wetland Policy20



1. Mortgage Rules

Ministry: Finance and Treasury

Issue

Federally imposed mortgage rules were designed for Vancouver and Toronto have been negatively impacting Albertan's seeking affordable market housing along with builders and developers. ATB and Credit Unions are not required to follow the federal rules.

Impact

- The Federal Mortgage Rules are designed to address issues in housing markets within British Columbia and Ontario. The same affordability issues that plague Toronto and Vancouver are not prevalent in Alberta.
- The federal mortgage rules prevent an additional 150,805 Alberta households from qualifying for an average priced home. This has led to historic numbers of housing inventories across Alberta which are risking the viability of companies and employment for skilled trades.
- The mortgage rules impact the ability for some Albertans to explore moving their mortgages to different lending institutions and receive more competitive rates.
- Inventory levels are at historic highs in Alberta and putting more Albertans into homes they can afford will reduce stresses on rental housing.

Recommendation

1. Government of Alberta to work with ATB in developing modified rules in Alberta for homes under a certain threshold (i.e. less than \$700,000).

2. Building Codes – Energy Step Codes and Net Zero Ready 2030

Ministry: Municipal Affairs

Legislation: Safety Codes Act

Issue

The Federal Government will be mandating Energy Step Codes as part of the National Building Code in 2020. This is viewed as a pathway to all new homes being built to a Net Zero Ready energy standard by 2030. Current models and policies have been largely directed by British Columbia with little consideration of Alberta's climate. Cost impacts will be in the tens of thousands of dollars per house if not properly mitigated.

Impact

- Energy Step Codes have largely been developed in British Columbia and have not undergone scrutiny or assessment for the cost implications of building these homes in Alberta's climate.
- Development of Federally mandated Energy Step Codes will increase the cost of new homes while adding multiple layers of administrative burden for provincial and municipal staff.
- Delayed implementation of the Energy Step Codes will allow the province to evaluate the impacts in other provinces prior to determining an appropriate path for Alberta.
- Alberta builders are innovators with many already working on solutions to achieve greater energy efficiency while minimizing the cost impact on Albertans. BILD Alberta and its member companies are ready to work with the Government of Alberta in developing solutions to improve energy efficiency without adversely impacting businesses and housing affordability.

Recommendations

1. Maintain auto-adoption of the National Building Code but indefinitely delay the implementation of Energy Step Codes in Alberta through exemptions.
2. Monitor the impacts of Energy Step Codes on housing affordability in other jurisdictions.
3. Work with the home building industry to determine cost-effective and strategic improvements to energy efficiency in new and existing housing while maintaining housing affordability.

3. City Charters – Building Codes

Ministry: Municipal Affairs

Legislation: Municipal Government Act - City of Calgary Charter Regulation and City of Edmonton Charter Regulation

Issue

Different interpretations of one specific clause of the City Charters have the potential to lead to costly legal challenges and multiple building codes in Alberta.

Impact

- A policy added to City Charters is intended to support the construction of features such as green roofs. City of Edmonton staff have indicated they believe this policy provides more expansive powers and could allow them to make substantial modifications to the Alberta Building Code on matters related to Energy Efficiency, effectively leading to a situation where builders in Alberta must contend with multiple building codes.
- Despite multiple conversations between Municipal Affairs and the City of Edmonton, the city continues to assess the extent to which they can use this new power. This could potentially include the city accelerating Energy Step Codes or requiring Net Zero homes at great cost to home builders and future home buyers.
- Builders construct homes in multiple jurisdictions and having to contend with multiple building codes is an untenable situation. This occurred in British Columbia and led to significant confusion and cost increases.
- Removing the proposed policy does not impact financial powers granted to the cities under other sections.

Recommendation

1. Remove Section 7(2) from the City of Calgary Charter Regulation and City of Edmonton Charter Regulation.

4. City Charters – Inclusionary Housing

Ministry: Municipal Affairs

Legislation: Municipal Government Act - City of Calgary Charter Regulation and City of Edmonton Charter Regulation

Issue

Broad and expansive inclusionary housing powers were provided to Calgary and Edmonton through City Charters. These policies shift the burden of social housing onto private industry and new home buyers, effectively creating a new tax, while enabling a system of inefficient governance of the dollars and housing units collected. Inclusionary housing is a tax on housing, to pay for housing – this is an inherently backwards approach.

Impact

- Preliminary estimates are that inclusionary housing could increase the cost of each non-inclusionary unit by an average of \$4,000 - \$10,000. This prices more Albertans out of home ownership and will put more pressure on the rental market.
- The two cities have no limitation on the number of units they can take or amount of tax they can apply to new housing projects which creates uncertainty for investors both in the immediate and long term.
- There are limited requirements for the management, governance and use of the units and cash collected. There is nothing ensuring the funds collected are used to build actual housing versus funding a new municipal department.
- This will add additional layer of red tape to developers and home builders who will now have to also navigate through additional municipal requirements as part of their approval process.

Recommendation

1. Remove the following sections from the City of Edmonton Charter Regulation and City of Calgary Charter Regulation:
 - a) Section 31;
 - b) Section 35(c);
 - c) Section 35(d);
 - d) Section 35.5;
 - e) Section 36.1;
 - f) Section 37.5; and
 - g) Section 37.6.

5. City Charters – Offsite Levies

Ministry: Municipal Affairs

Legislation: Municipal Government Act - City of Calgary Charter Regulation and City of Edmonton Charter Regulation

Issue

The previous government rejected comprehensive and meaningful engagement on offsite levies with industry and municipal stakeholders by granting expansive powers to Calgary and Edmonton without prior discussion with industry. The powers provided allow the two cities to charge levies (taxes) for anything they deem to be a 'facility' or 'infrastructure' without demonstrating any benefit to the developer, builder and homeowner who paid the tax.

Impact

- The uncertainty created by these policies has and will continue to lead to lost private sector investment and job creation if not addressed.
- The Charters have removed the formal right of appeal for developers which is a critical process in ensuring the cities are transparent and accountable.
- The broad authority allows the cities to charge new communities for infrastructure and facilities that are not within close proximity and serve no benefit.
- Expanded levies are already permitted under the amended Offsite Levies Regulation which includes specific safeguards intended to provide a level of certainty to industry.

Recommendation

1. Remove the following sections from the City of Calgary Charter Regulation and City of Edmonton Charter Regulation.
 - a) Section 35.1;
 - b) Section 35.2;
 - c) Section 35.4; and
 - d) Section 39 – 5(3.1)

6. City Charters – Statutory Plans

Ministry: Municipal Affairs

Legislation: Municipal Government Act - City of Calgary Charter Regulation and City of Edmonton Charter Regulation

Issue

Calgary and Edmonton are being given the authority to designate any plan as a statutory plan. The only requirement will be that the cities must identify how these plans will interact with other statutory plans which could lead to substantial and unnecessary red tape for developers and home builders.

Impact

- This policy has the potential to add significant costs and red tape to projects. Anytime a new project is initially considered, planned and designed it requires a developer and/or consultants to review and work with the statutory plans to determine what is permitted, site design elements and other factors. While time consuming in its present form, there is a clear hierarchy for these standards. Calgary and Edmonton have numerous non-statutory plans that impact land development and the existing framework allows the cities to convert the policies from their non-statutory plans into policies within their statutory plans. This provides clarity to all applicants on what their requirements are.
- In Calgary, there are over 40 non-statutory plans. Through a relatively simple process those could all now be considered statutory documents. This would mean in preparing any development application you could be subject to reviewing and complying with over 40 statutory plans and obtaining Council approval of any amendments. Furthermore, there will likely be numerous inconsistencies between all these documents. This translates to considerably more work not only for applicants but city staff who will constantly need to provide clarity.
- Calgary and Edmonton already have the power to amend their statutory plans to include any policies from their non-statutory plans so this is an entirely unnecessary power that will lead to increased costs for applicants and the cities.

Recommendation

1. Remove Section (33) from the City of Calgary and City of Edmonton Charter Regulations.

7. MGA – Permit Timelines & Approvals

Ministry: Municipal Affairs

Legislation: Municipal Government Act - Subdivision and Development Regulation

Issue

Under the Modernized Municipal Government Act legislated approval timelines for municipalities were removed which has added unpredictability and risks increasing costs for projects.

Impact

- The previous government removed all measures of accountability for municipalities approving subdivision and development applications. This has resulted in a situation where municipalities have no legal requirement to process applications in a timely fashion.
- Delays in municipal approvals have major cost implications on projects. They result in additional financing costs and the uncertainty puts projects and jobs at risk.
- In addition to property taxes, developers and builders pay (often) considerable application fees to help fund municipal staff responsible for processing permits.
- All municipalities (regardless of size) should have legislatively mandated timelines to process applications. Municipalities should be incentivized to be more efficient in policy development and internal processes. This provides tremendous benefits to the local and provincial economy. When timelines cannot be met, applications should be considered approved.

Recommendations

1. Re-instate mandated approval timeframes to improve business predictability and encourage investment by:
 - a) Delete of Section 640.1 of the MGA in its entirety.
 - b) Delete reference to Section 640.1 of the MGA from Section 6 of the Subdivision and Development Regulation.
2. Include clarifying policies within the Subdivision and Development Regulation that applications not approved / denied within the legislated timeline are deemed approved.
3. Establish a process for extended timelines in cases involving complex applications.
4. Establish performance measures (i.e. a report card) for municipalities related to approval timelines that translate to capital grants from the province.

8. MGA – Municipal Reserve Allocation

Ministry: Municipal Affairs and Transportation

Legislation: Municipal Government Act – Subdivision and Development Regulation

Issue

Outdated policies under the MGA could allow municipalities to take additional land from private sector developers.

Impact

- Under amendments to the MGA in 1995 a policy was added that allows municipalities to take an additional 5% (above the already granted 10%) of a developer's land at no cost for use as a municipal, school or special reserve. When introduced it was believed that a municipality would get that land as a bonus for allowing additional density. Since 1995, new communities have changed dramatically, and developments are now required by municipalities to have upwards of 40 units / hectare. This prevents developers and builders from providing the housing products that are in most demand. Additional density is no longer a privilege.
- Density used to be determined by market demand but is now being dictated by local governments and regional boards. Developers and builders have learned to manage under these conditions but allowing municipalities the ability to take an additional 5% of land at no cost when they mandate the density is not reasonable.
- Municipalities generate more property tax revenue from the increased density (which they dictate) and if they desire additional park space, it can be purchased with the increased tax revenue they are generating from these communities.
- Municipalities also have the option to support, rather than tax, resident's association which provide developer funded park space and programs / services funded by the community's residents. Amendments to the Community Organization Property Tax Exemption Regulation would help encourage more privately funded park space.

Recommendations

1. Remove Section 668(1) from the *Municipal Government Act*.
2. Remove Section 17(1) and 17(2) from the Subdivision and Development Regulation.
3. Amend the Community Organization Property Tax Exemption Regulation to prevent taxation of residents associations.

9. MGA – Offsite Levies

Ministry: Municipal Affairs

Legislation: Municipal Government Act – Offsite Levies Regulation

Issue

Offsite levies are a major cost component of any new community and the homes Albertans purchase. As an industry we support paying for infrastructure and facilities based on the degree of benefit but want to see additional measures of transparency, accountability and fiscal responsibility built into the existing regulation.

Impact

- There is nothing preventing municipalities from charging additional levies for the purposes of constructing gold-plated or excessive facilities. Limitations are required to ensure financial prudence. Businesses and residents should not be responsible for picking up these unnecessary costs.
- Municipalities can collect millions of dollars in levies, never actual build a facility and not be responsible for returning the funds to those who paid it. It is a fair expectation that municipalities build the facilities they are taxing for within a reasonable timeframe. If they are not built, the money should be returned to the parties who paid it.
- There are limited requirements for transparency of levy calculations. If a municipality is requesting a developer to pay millions in levies, they should have the right to access all calculations, figures and background data used by the municipality.

Recommendations

Under Section 3 (General Principles) of the Offsite Levies Regulation, add the following policies:

- 1) Components of infrastructure or facilities that do not benefit a development are not leviable. This would include items such as retail space, rentable space, public art or building design features that go beyond the core purpose and function of the facility.
- 2) Municipalities shall demonstrate that they will provide the facility or infrastructure for which a levy was collected within a reasonable timeframe or as stipulated by a specified trigger event based on consultation and collaboration with contributing parties.
- 3) Municipalities shall establish a method and procedure to refund any private entity who provides the front-end cost of infrastructure or facilities so that the entity does not pay more than the established degree of benefit.

Under Section 5 (Principles and Criteria for Determining Levy Costs) of the Offsite Levies Regulation, add the following policies:

- 4) A levy shall be based on a formula that is clearly stated with the calculations and input data being easily reproducible and verifiable by outside parties.
- 5) A levy bylaw shall include policies requiring any surplus or unused levy funds to be properly accounted for and either used to the benefit of those who funded the levy or returned to the contributing party in instances where the infrastructure or facility was not constructed or constructed to a lesser degree (size, scope or standard) from what was originally planned.

Under Section 11 (Appeal Period), modify the policy as follows:

- 6) An appeal must be submitted to the Municipal Government Board within ~~30 days~~ **90 days** of the day on which the bylaw imposing the levy was passed.

10. MGA – Approvals from Ministry of Transportation

Ministry: Municipal Affairs and Transportation

Legislation: Municipal Government Act – Subdivision and Development Regulation

Issue

All development and construction projects are required to go through municipal approval processes. Often, applications must also go to Alberta Transportation. Whether it be a simple referral or a more in-depth review, the timelines for response from these provincial departments have become unpredictable and often time consuming.

Impact

- Delays associated with approvals add considerable costs to projects and can risk investment.
- Internal commitments to approval timelines in addition to some minor regulatory changes could reduce delays currently experienced and increase the predictability for private sector investment.

Recommendations

1. Add timelines on permit and regulatory approvals and referrals involving the Ministry of Transportation.
2. Under Section 14 of the Subdivision and Development Regulation, change the referral requirements back to 0.8 km from 1.6 km as currently contained within the regulation. 1.6 km from a highway means that almost every application within small and medium sized community must be referred to Alberta Transportation. This creates additional red tape for applicants, municipal and provincial staff all while delaying projects.
3. Remove the words “at the time of subdivision” Section 14(e) of the Subdivision and Development Regulation. The Ministry of Transportation already receives and is to provide comment / approval on all Area Structure Plans (ASP) in proximity to a highway. If a subdivision application does not conform to the ASP, then the ASP must be revised and approved by Council. This will automatically mean that the revised ASP must be considered by Transportation prior to approval. This seemingly minor change adds another step to the approval process, and it is entirely unnecessary given an appropriate check and balance already exist.

11. MGA – Provincial Transportation Levy

Ministry: Municipal Affairs and Transportation

Legislation: Municipal Government Act – Offsite Levies Regulation

Issue

Funding and constructing highway improvements to facilitate private sector investment and development is a complex problem that requires thoughtful solutions.

Impact

- A clause added to the MGA and Offsite Levies Regulation related to off-site levies to pay for new or expanded provincial transportation infrastructure has created substantial confusion amongst industry and municipalities.
- Policies that were introduced conflict with Ministry of Transportation internal policy guidelines which make the implementation of the levy almost impossible.
- The greatest challenge with this infrastructure is finding the upfront funding to facilitate development to fund the levy and generate tax revenue, the levy does nothing to address this.
- Until these issues have been addressed, the existing policies have the risk of adding significant delays and even risking projects across the province.

Recommendations

1. Delete section 648(2)(c.2) from the *Municipal Government Act*.
2. Delete Section 5.1 from the Offsite Levy Regulation.
3. With stakeholders, undertake a substantial review of funding mechanisms and alternatives for highway infrastructure adjacent to new developments. This needs to include existing Ministry of Transportation internal policy documents.

12. MGA – Appeal Processes to Ensure Municipal Accountability

Ministry: Municipal Affairs

Legislation: Municipal Government Act

Issue

Private sector appeals are an effective tool in ensuring and promoting municipal accountability. Presently, formal appeal process vary, are often inadequate and occasionally non-existent. The consistent remedy often available is the Court of Queen’s Bench which is a costly and time-consuming process.

Impact

- Creation of a more comprehensive and non-partial appeals process provincially would provide a timelier appeal mechanisms and tool that prevent costly legal challenges for all parties.
- Allowing industry to challenge all matters of offsite levies and engineering standards, for example, would encourage a more thoughtful, transparent and inclusive policy development at the local level.

Recommendations

1. Create a provincial level appeal board in order to provide a forum for challenging municipal accountability for items such as engineering approvals and levies.

Requires further refinement

13. OHS – Joint Worksite Health and Safety Committees

Ministry: Labour

Legislation: *Occupational Health and Safety Act*

Issue

Joint Worksite Health and Safety Committees are designed to operate in a single work site environment and do not function effectively in residential construction where companies operate on multiple temporary work sites. The reliance on rigid committee structures and cumbersome procedures has created significant administrative burden and increased costs for industry while providing no measurable improvements to job site safety outcomes.

Impact

- Employers need to contend with multiple committees, representatives or both, creating significant overlap, administrative burden and duplicate costs.
- Most sub-contractors are self-employed persons, are on each site for only a fraction of a project's length and often at differing times which makes participating in all committees or as representatives for the duration of temporary projects extremely burdensome.
- Committees and Representatives are responsible for duties that may be best handled by qualified designates who are better equipped to quickly deal with safety challenges on site.
- Employers are not seeing any measurable improvement in safety outcomes onsite since the creation of Joint Work site Health and Safety Committees or Representatives.

Recommendation

1. Alberta Labour and Immigration to continue working with BILD Alberta on comprehensive changes to Joint Worksite Health and Safety Committees for residential construction.
2. Working with industry stakeholders, undertake a review of the *Occupational Health and Safety Act* to ensure it is focused on health and safety outcomes.
3. Update Part 3 of the *Occupational Health and Safety Act* to eliminate the reliance on rigid structural requirements that do not improve safety on worksites.
4. Allow industry the flexibility to ensure that their health and safety practices meet the unique nature and challenges of their workforce and job sites.
5. Empower trained safety professionals to take leadership to in establishing and implementing health and safety programs.

14. Environment – Water Act Approval Timelines

Ministry: Environment

Legislation: Internal Policies and Procedures

Issue

Delays in *Water Act* approvals can add millions in financing charges, impact jobs and risk private sector investment.

Impact

- Applications for wetland disturbance under the *Water Act* take, on average, between 12-18 months for review and decision. There is also a high degree of variance in timelines and decision-making outcomes between regions of the Province. Rationale provided by AEP staff state that long review time is due to staff shortages and high demand.
- Longer approval timelines add increased financing charges which impact the viability of projects and cost of the eventual homes constructed. A one-year delay results in approximately \$1,000,000 in financing charges per quarter section of land. This is money that goes to banks and does not flow back into communities. If these interest charges cannot be passed on, it reduces the return-on-investment and impacts the ability to receive financing on future projects.
- Adding predictability to this process through mandated approval timelines would increase investor confidence, reduce costs on the end consumer and create more jobs through faster construction. Industry is willing to help facilitate this through modest application fee to help increase staffing levels.

Recommendations

1. Mandate a 6 month turn around on *Water Act* review, resulting in increased predictability and would greatly benefit industry.
2. Implement a modest *Water Act* application fee, through consultation with BILD Alberta, which would be used to increase staffing to appropriate levels.

15. Environment – Review Process for Public Lands Act & Water Act Applications

Ministry: Environment

Legislation: Internal Policies and Procedures

Issue

A lack of integration in review of *Public Lands Act* and *Water Act* applications have added, in many cases, a year or more worth of delays for projects.

Impact

- When an impact is proposed to a Crown-owned wetland, an application must be made, reviewed, and approved under the *Public Lands Act* prior to submission and review under the *Water Act*. Current process separates the review under two different acts, and relevant information is often lacking due to an incomplete view of a project or wetland impact. This can lead to misinformed rejection or denial of applications, and costly and time-consuming appeals processes.
- *Public Lands Act* applications take, on average, between 12-24 months for review and decision. Some projects have exceeded that timeline.
- When reviewing applications for disturbance of Crown-owned wetlands, an incomplete picture of the project is presented in the application (focused on the “land” portion of the wetland). Missing components of the “wet” are presented in the *Water Act* application, which is only submitted once a decision is rendered under the *Public Lands Act*.
- An incomplete view of a proposed project, and the opportunities and constraints of a site, can lead to a misinformed decision – either for approval or rejection of an application.

Recommendations

1. Establish a concurrent submission and review process for *Public Lands Act* and *Water Act* applications, when applicable.
2. Integrate teams at AEP so that applications can be reviewed holistically, instead of being compartmentalized.

16. Environment – Consistent Application of Wetland Policy

Ministry: Environment

Legislation: Internal Policies and Procedures

Issue

Developers are witnessing substantial variations in approval timelines and the application of policy from region to region, despite being subject to the same legislation and policy.

Impact

- BILD Alberta (and its legacy organizations) were highly engaged throughout the development of the Alberta Wetland Policy and advocated for a framework that would be consistently applied throughout the Province, resulting in a “level playing field” for development across municipalities.
- Application of policy, including timelines and requirements for approvals, remain widely varied across the Province:
 - Some offices will not meet with applicants as part of the pre-application and approval process.
 - Personal opinions of AEP staff, including objection to greenfield development voiced at meetings has been perceived as a basis to complicate the application process or deny approvals.
 - Variation of municipal wetland policy objectives, and roles of municipal staff versus provincial staff are inconsistent across the Province.
- The above has resulted in a perceived advantage of developing in one region of the Province compared to another.

Recommendations

1. Align implementation of existing policy across the Province to make it easy and cost effective for proponents to “do the right thing”. This includes working with municipalities on removing barriers to wetland retention within urban settings.
2. Provide training to approvals staff across the Province to ensure consistency of review times and comments on applications.
3. Provide applicants opportunity to meet with AEP staff to discuss projects prior to application to ensure that all components are included to allow for a fulsome and thorough review upon submission.

17. Environment – Water Reuse and Stormwater Use

Ministry: Environment

Legislation: Internal Policies and Procedures

Issue

Existing legislation often prevents the reuse of treated stormwater which benefits the environment, municipalities and industry.

Impact

- Water is a precious and finite resource in Alberta. Existing legislation, including the South Saskatchewan Basin Closure Order, often prevents the reuse of treated stormwater for irrigation, wetland conservation, or other valuable uses. AEP has worked to develop the draft Alberta Water Reuse and Stormwater Use Guidebook, which was circulated on January 21, 2019 for stakeholder discussion purposes, but has not yet finalized the Guidebook for application by industry.
- Conflicting legislation, and lack of guidelines, is preventing the reuse of captured water and treated stormwater within Alberta. This results in a higher than necessary use of potable water, leading to concerns with existing municipal water licenses, potential future drought conditions, and lack of water supply for future population growth.
- Potable water is being used for industrial activities (such as hydraulic fracturing and industrial / commercial processing, natural resource extraction, fire control, etc.) due to lack of guidelines, when there is opportunity to reuse water or use stormwater for the same activity.

Recommendations

1. Finalize the Alberta Water Reuse and Stormwater Use Guidebook and allow for implementation across the Province on a pilot basis.
2. Engage with user groups to review the results of the pilot after 12 months implementation and determine if modifications to the Guidebook are necessary.
3. Provide industry a mechanism to feedback valuable information, technology and learnings to AEP staff on an ongoing basis.

18. Environment – Missing Directives Under the Alberta Wetland Policy

Ministry: Environment

Legislation: Internal Policies and Procedures

Issue

An enhanced Alberta Wetland Policy will provide more opportunities for wetland banking and mitigation which benefits the environment and encourages private sector investment.

Impact

- The Alberta Wetland Policy references numerous directives, including two (wetland enhancement and wetland banking) that have yet to be developed. When the policy was released in 2013, it was anticipated that the completion of all directives would be completed in 5 years. Wetland enhancement and wetland banking are two mitigation options that the land development industry would like to implement within urban centres to replace lost wetland functions and provide natural amenities for residents.
- Opportunities for wetland banking and wetland enhancement are being lost due to lack of AEP directive.
- Opportunities for wetland mitigation in urban areas is currently limited to wetland construction. The requirements under the Wetland Restoration Directive severely limit application in urban areas.
- The missing directives do not allow for a fulsome suite of wetland mitigation opportunities within Alberta.

Recommendations

1. Task AEP with development of directives for wetland banking and wetland enhancement.
2. Engage with industry, including BILD AB, on opportunities to implement wetland banking and wetland mitigation directives within urban settings.