



## Council

Jubilee Centre Council Chamber  
9909 Franklin Avenue, Fort McMurray, AB T9H 2K4

Tuesday, March 14, 2023  
6:00 PM

## Agenda

1. **Call to Order**
2. **In-Camera Session (Commencing at 4:00 p.m.)**
  - 2.1. Advice from Officials / Privileged Information - Appointment of Integrity Commissioner  
(in camera pursuant to sections 24(1) and 27(1) of the *Freedom of Information and Protection of Privacy Act*)
3. **Adoption of Agenda (Public Session at 6:00 p.m.)**
4. **Consent Agenda**
  - 4.1. Minutes of Council Meeting - February 28, 2023
  - 4.2. Bylaw No. 23/004 Backyard Hen Bylaw and Bylaw No. 23/005 Amendment to Community Standards Appeal Committee Bylaw No. 19/001, Responsible Pet Ownership Bylaw No. 19/025 and Fees, Rates and Charges 2023 Bylaw No. 22/012.
    1. THAT Bylaw No. 23/004, being the Backyard Hen Bylaw, be read a first time.
    2. That Bylaw No. 23/005, being a bylaw to amend the Community Standards Appeal Committee Bylaw No. 19/001, the Responsible Pet Ownership Bylaw No. 19/025 and the Fees, Rates and Charges 2023 Bylaw No. 22/012, specific to Backyard Hens, be read a first time.
  - 4.3. Council Committee Appointments

THAT the Committee Appointments as outlined in Attachment 1 be approved effective immediately.
5. **Recognition**
  - 5.1. Proclamation - International Day of the Elimination of Racial Discrimination
  - 5.2. Proclamation - World Theatre Day

**6. Presentations**

- 6.1. Kevin Weidlich, President and Chief Executive Officer, Fort McMurray Wood Buffalo Economic Development and Tourism re: Economic Development and Tourism Update

**7. Unfinished Business**

- 7.1. Public Hearing re: Bylaw No. 23/003 - Land Use Bylaw No. 99/059 and Timberlea Area Structure Plan Bylaw No. 01/020 Amendments - 110 Prospect Drive, Lot 25, Block 20, Plan 152 4140

Second and Third Readings - Bylaw No. 23/003 - Land Use Bylaw No. 99/059 and Timberlea Area Structure Plan Bylaw No. 01/020 Amendments - 110 Prospect Drive, Lot 25, Block 20, Plan 152 4140

1. THAT Bylaw No. 23/003, being an amendment to the Land Use Bylaw No. 99/059 and the Timberlea Area Structure Plan Bylaw No. 01/020, specific to 110 Prospect Drive, Lot 25, Block 20, Plan 152 4140 be read a second time.
2. THAT Bylaw No. 23/003 be read a third and final time.

- 7.2. Draper Household Flood Risk Reduction Grant and Voluntary Buyout Program

1. THAT the Draper Household Flood Risk Reduction Program Policy FIN-420 as outlined in Attachment 1, be approved.
2. THAT Administration be directed to proceed with offering a voluntary buyout for properties in Draper below 250.9 m, at the highest assessed property value between the years of 2020 to 2022, and that the voluntary buyout be offered until September 29, 2023.

- 7.3. Fiscal Responsibility Policy FIN-160

THAT Fiscal Responsibility – FIN-160, dated March 14, 2023, be approved.

- 7.4. Councillor's Motion - Additional Snow Dump - Mayor S. Bowman

THAT Administration explore and bring forward options to coincide with consideration of the 2024 Capital Budget, for the potential development of an additional snow dump, to be located south of the Athabasca River Bridge.

### 7.5. Legalities of Off-Highway Vehicle Use in the Urban Service Area

1. THAT Off-Highway Vehicle use continue to be prohibited in the Fort McMurray Urban Service Area, including on municipal roads, greenbelts and trails.
2. THAT Council supports the implementation of the Regional Municipality of Wood Buffalo Bylaw Services Off-Highway Vehicle Compliance Strategy for the Fort McMurray Urban Service Area, dated March 2023.
3. THAT Administration proceed with striking an inter-departmental Off-Highway Vehicle Working Group with a mandate to:
  - a. review and bring forward an updated Off-Highway Vehicle Bylaw for the Fort McMurray Urban Service Area;
  - b. encourage local Off-Highway Vehicle users to establish a local riders association; and
  - c. if a local riders association is successfully incorporated,
    - i. work with the association to explore options for community-led initiatives that may increase opportunities for responsible Off-Highway Vehicle use in the region; and
    - ii. identify and map public lands in the region where Off-Highway Vehicles may be operated legally.

### **Adjournment**

**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, February 28, 2023, commencing at 6:00 PM.**

**Present:**

Sandy Bowman, Mayor  
 Ken Ball, Councillor  
 Funky Banjoko, Councillor  
 Lance Bussieres, Councillor  
 Kendrick Cardinal, Councillor (via MS Teams)  
 Shafiq Dogar, Councillor  
 Allan Grandison, Councillor  
 Keith McGrath, Councillor  
 Jane Stroud, Councillor  
 Stu Wigle, Councillor

**Absent:**

Loretta Waquan, Councillor

**Administration:**

Paul Thorkelsson, Chief Administrative Officer  
 Jade Brown, Chief Legislative Officer  
 Deanne Bergey, Director, Community and Protective Services  
 Chris Booth, Acting Director, Planning and Development  
 Nina Caines, Acting Director, Public Works  
 Laurie Farquharson, Chief Financial Officer  
 Dennis Fraser, Director, Indigenous and Rural Relations  
 Matthew Harrison, Director, Communications and Engagement  
 Nasir Qureshi, Acting Director, Engineering  
 Antoine Rempp, Director, Environmental Services  
 Susan Trylinski, Director, Legal Services  
 Anita Hawkins, Legislative Officer

**1. Call to Order**

Mayor S. Bowman called the meeting to order at 6:00 p.m.

**2. Adoption of Agenda**

Mayor S. Bowman served notice of his intent to bring forward the following motion for Council's consideration at the March 14, 2023 Council Meeting:

"THAT Administration explore and bring forward options to coincide with consideration of the 2024 Capital Budget, for the potential development of an additional snow dump to be located south of the Athabasca River Bridge."

**MOTION:**

THAT the Agenda be adopted as presented.

<b>RESULT:</b>	<b>CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Allan Grandison, Councillor
<b>SECONDER:</b>	Funky Banjoko, Councillor
<b>FOR:</b>	Bowman, Ball, Banjoko, Bussieres, Dogar, Grandison, McGrath, Stroud, Wigle
<b>ABSENT:</b>	Cardinal, Waquan

**3. Consent Agenda**

THAT the recommendations contained in items 3.1, 3.2, 3.3 and 3.4 be approved.

**3.1. Minutes of Council Meeting – February 14, 2023**

THAT the Minutes of the Regular Council Meeting held on February 14, 2023 be approved as presented.

**3.2. Minutes of Special Council Meeting – February 15, 2023**

THAT the Minutes of the Special Council Meeting held on February 15, 2023 be approved as presented.

**3.3. Appointment of Chair - Assessment Review Boards**

THAT Sean Schaffer be appointed as Chair of the Assessment Review Boards, effective immediately to December 31, 2024.

**3.4. Council-Appointed Advisory Committee Meeting Minutes**

THAT the Minutes from Council-Appointed Committee Meetings, as outlined in Attachments 1-7, be accepted as information.

Minutes Acceptance: Minutes of Feb 28, 2023 6:00 PM (Consent Agenda)

**RESULT:** CARRIED [UNANIMOUS]  
**MOVER:** Jane Stroud, Councillor  
**SECONDER:** Stu Wigle, Councillor  
**FOR:** Bowman, Ball, Banjoko, Bussieres, Dogar, Grandison, McGrath, Stroud, Wigle  
**ABSENT:** Cardinal, Waquan

#### 4. Recognition

##### 4.1. Proclamation - Alberta Francophonie Month

Mayor S. Bowman declared March 2023 as Alberta Francophonie Month.

##### Entrance

Councillor K. Cardinal connected to the meeting at 6:03 p.m.

#### 5. Unfinished Business

##### 5.1. Public Hearing - Bylaw No. 23/002 - Land Use Bylaw Amendment - Text amendment to the "C1 - Community Commercial District" specific to Lot 4, Block 65, Plan 782 2691 and to Section 93B.1(c) of the Land Use Bylaw 99/059

Mayor S. Bowman declared the Public Hearing open at 6:04 p.m.

Chris Booth, Acting Director, Planning and Development, introduced Bylaw No. 23/002, which proposes an amendment to the Land Use Bylaw to allow the development of a Cannabis Retail Store specifically on Lot 4, Block 65, Plan 782 2691, known as 700 Signal Road; as well as allowing Cannabis Retail Stores to be located on lands abutting parcels with medium and high-density residential uses on the main floor.

There were no written submissions received for the Public Hearing.

##### Verbal Submission

Gene Dobie, President and Karen Puga, Recorder, Barrington Condo Association spoke in opposition to Bylaw No. 23/002.

Mayor S. Bowman declared the Public Hearing closed at 6:51 p.m.

**Second and Third Readings - Bylaw No. 23/002 – Land Use Bylaw Amendment – Text amendment to the “C1 - Community Commercial District” specific to Lot 4, Block 65, Plan 782 2691 and to Section 93B.1 (c) of the Land Use Bylaw 99/059**

##### Exit and Return

Councillor K. McGrath exited the meeting at 6:53 p.m. and returned at 6:56 p.m.

**MOTION:**

THAT Bylaw No. 23/002, being both a Land Use Bylaw amendment specific to Lot 4, Block 65, Plan 782 2691; and a general amendment to Section 93B.1(c) of the Land Use Bylaw, be read a second time.

<b>RESULT:</b>	<b>CARRIED [6 TO 4]</b>
<b>MOVER:</b>	Jane Stroud, Councillor
<b>SECONDER:</b>	Allan Grandison, Councillor
<b>FOR:</b>	Bowman, Banjoko, Cardinal, Grandison, McGrath, Stroud
<b>AGAINST:</b>	Ball, Bussieres, Dogar, Wagle
<b>ABSENT:</b>	Waquan

**MOTION:**

THAT Bylaw No. 23/002 be read a third and final time.

<b>RESULT:</b>	<b>DEFEATED [5 TO 5]</b>
<b>MOVER:</b>	Funky Banjoko, Councillor
<b>SECONDER:</b>	Jane Stroud, Councillor
<b>FOR:</b>	Bowman, Cardinal, Grandison, McGrath, Stroud
<b>AGAINST:</b>	Ball, Banjoko, Bussieres, Dogar, Wagle
<b>ABSENT:</b>	Waquan

Exit

Councillor S. Dogar exited the meeting at 7:07 p.m.

Recess and Return

A recess occurred from 7:08 p.m. to 7:24 p.m. at which time Councillor S. Dogar returned to the meeting.

**6. New Business****6.1. Community Plan on Homelessness 2023 - 2024 Grant Allocation**

Deanne Bergey, Director, Community and Protective Services, presented the Community Plan on Homelessness grant allocation report, noting that the Municipality receives funds from the Federal and Provincial Governments which are distributed to non-profit organizations whose goals and objectives align with the municipal, provincial and federal objectives to end homelessness.

Delegate

Michele Taylor, Homelessness Initiatives Strategic Committee (HISC), spoke in support of the funding allocations.

**MOTION:**

THAT \$5,267,728 be allocated to the 2023-2024 Community Plan on Homelessness grants as outlined in Attachment 1, dated February 28, 2023.

<b>RESULT:</b>	<b>CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Funky Banjoko, Councillor
<b>SECONDER:</b>	Jane Stroud, Councillor
<b>FOR:</b>	Bowman, Ball, Banjoko, Bussieres, Cardinal, Dogar, Grandison, McGrath, Stroud, Wigle
<b>ABSENT:</b>	Waquan

**6.2. 2023 Public Art Work Plan**

Deanne Bergey, Director, Community and Protective Services and Sharon Heading, Chair, Public Art Committee, presented the 2023 Public Art Work Plan, noting that the mandate of the Wood Buffalo Public Art Plan is to strengthen community identity and sense of place through the creation and development of public art in the Region. It was further presented that funding in the amount of \$214,000 is required to support the Public Art Wood Buffalo 2023 Work Plan.

**MOTION:**

THAT the Public Art Wood Buffalo 2023 Work Plan, provided as Attachment 1 to the Report dated February 28, 2023, be accepted as information; and

THAT \$214,000 be drawn from the Public Art Reserve Fund to support the Public Art Wood Buffalo 2023 Work Plan.

<b>RESULT:</b>	<b>CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Allan Grandison, Councillor
<b>SECONDER:</b>	Ken Ball, Councillor
<b>FOR:</b>	Bowman, Ball, Banjoko, Bussieres, Cardinal, Dogar, Grandison, McGrath, Stroud, Wigle
<b>ABSENT:</b>	Waquan

**6.3. Wood Buffalo Wayfinding Strategy**

Matthew Harrison, Director, Communications and Engagement and Nadia Power, Manager, Public Engagement, presented the Wood Buffalo Wayfinding Strategy, noting that this is an overarching strategy intended to be applied to the entire Region over time, while further wayfinding plans will be developed for specific neighbourhoods and communities throughout the Region.



Exit and Return

Councillor K. McGrath exited the meeting at 8:21 p.m. and returned at 8:25 p.m.

**MOTION:**

THAT the Wood Buffalo Wayfinding Strategy, dated January 2023, be adopted as an overarching guiding document to support the development of wayfinding plans in the neighbourhoods and communities of the Regional Municipality of Wood Buffalo.

<b>RESULT:</b>	<b>CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Stu Wagle, Councillor
<b>SECONDER:</b>	Jane Stroud, Councillor
<b>FOR:</b>	Bowman, Ball, Banjoko, Bussieres, Cardinal, Dogar, Grandison, McGrath, Stroud, Wagle
<b>ABSENT:</b>	Waquan

Recess

A recess occurred from 8:26 p.m. to 8:40 p.m.

**6.4. 2022 Q4 Capital Budget Fiscal Amendments Update**

Laurie Farquharson, Chief Financial Officer, presented the 2022 Q4 Capital Budget Fiscal Amendments Update, noting that only one capital project, being Service Connections (Rural Water and Sewer Servicing), was amended in the fourth quarter, with no change to the overall capital project budget.

**MOTION:**

THAT the 2022 Q4 Capital Budget Fiscal Amendments update, as summarized on Attachment 1 (2022 Capital Budget Fiscal Amendments, dated December 31, 2022), be accepted as information.

<b>RESULT:</b>	<b>CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Jane Stroud, Councillor
<b>SECONDER:</b>	Stu Wagle, Councillor
<b>FOR:</b>	Bowman, Ball, Banjoko, Bussieres, Cardinal, Dogar, Grandison, McGrath, Stroud, Wagle
<b>ABSENT:</b>	Waquan

## 7. Councillors' Motions

### 7.1. Ice Surfaces - Northside Twin Arena - Councillor K. Ball

Councillor K. Ball spoke to the motion, noting concerns raised by users with respect to the challenges faced in accessing ice times within the current facilities available to them, impeding the groups' growth and development.

#### **MOTION:**

WHEREAS there is a significant shortage of available ice times for users within our community; and

WHEREAS there are currently four ice surfaces available, and studies have shown that Fort McMurray is short a minimum of two ice surfaces to properly service a community of our size; and

WHEREAS many organizations are currently restricted on how many participants can register due to ice shortage and as a result, some potential users are being turned away; and

WHEREAS this prohibits organizations in our community to grow and provide adequate services to our residents.

BE IT RESOLVED THAT Administration be directed to review the design from 2016 for the Northside Twin Arena at Abraham's Landing and bring forward a report that includes the following information:

- analysis of total cost of ownership (capital/construction costs, costs related to land, and operating costs);
- analysis of the approved 2023 Capital Budget that includes projects that would need to be moved to future years to accommodate a project of this nature; and
- a capital budget amendment should Council wish to consider adjusting the approved 2023 Capital Budget to include this project.

<b>RESULT:</b>	<b>CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Ken Ball, Councillor
<b>SECONDER:</b>	Stu Wigle, Councillor
<b>FOR:</b>	Bowman, Ball, Banjoko, Bussieres, Cardinal, Dogar, Grandison, McGrath, Stroud, Wigle
<b>ABSENT:</b>	Waquan

**7.2. Bus Stop - Quarry Ridge - Councillor K. McGrath**

Councillor K. McGrath spoke to the motion, noting that a bus stop at this location is required as it is a safety concern for riders getting off the bus from the Discovery Centre stop and having to cross Highway 63.

**MOTION:**

THAT Administration be directed to bring forward for Council's consideration at the March 28, 2023 Council meeting a report on the feasibility of a bus stop at the Quarry Ridge Sub-division located at the southwest corner of Highway 63 and Mackenzie Boulevard junction, such report to take into consideration any ridership, safety, and security requirements.

<b>RESULT:</b>	<b>CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Keith McGrath, Councillor
<b>SECONDER:</b>	Funky Banjoko, Councillor
<b>FOR:</b>	Bowman, Ball, Banjoko, Bussieres, Cardinal, Dogar, Grandison, McGrath, Stroud, Wigle
<b>ABSENT:</b>	Waquan

**Adjournment**

The meeting adjourned at 9:13 p.m.

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Mayor

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Chief Legislative Officer



## COUNCIL REPORT

Meeting Date: March 14, 2023

**Subject: Bylaw No. 23/004 Backyard Hen Bylaw and Bylaw No. 23/005 Amendment to Community Standards Appeal Committee Bylaw No. 19/001, Responsible Pet Ownership Bylaw No. 19/025 and Fees, Rates and Charges 2023 Bylaw No. 22/012.**

**APPROVALS:**

**Paul Thorkelsson**

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Director

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Chief Administrative Officer

**Recommended Motion:**

1. THAT Bylaw No. 23/004, being the Backyard Hen Bylaw, be read a first time.
2. That Bylaw No. 23/005, being a bylaw to amend the Community Standards Appeal Committee Bylaw No. 19/001, the Responsible Pet Ownership Bylaw No. 19/025 and the Fees, Rates and Charges 2023 Bylaw No. 22/012, specific to Backyard Hens, be read a first time.

**Summary:**

The Backyard Hen Pilot Project Bylaw No. 21/006 was approved on March 23, 2021. The pilot project's goal was to understand the impacts of urban hens and gauge the viability of allowing backyard hens. The pilot project was intended to ensure there were appropriate regulations, care, and management practices for the keeping of backyard hens in the region. The results of the pilot project are favorable towards supporting the continuation of backyard hens in the Urban Service Area.

**Background:**

The Backyard Hen Bylaw No. 21/006 was approved by Council on March 23, 2021 and became effective May 1, 2021. This Bylaw allowed for a two-year pilot project to determine the viability of keeping of hens in the Regional Municipality of Wood Buffalo. The pilot project end date is March 31, 2023, and Bylaw No. 21/006 is set to be automatically repealed on March 31, 2023.

**Pilot Results**

- Administration received 18 applications from residents in the Urban Service Area for the pilot project.

COUNCIL REPORT – Bylaw No. 23/004 Backyard Hen Bylaw and Bylaw No. 23/005 Amendment to Community Standards Appeal Committee Bylaw No. 19/001, Responsible Pet Ownership Bylaw No. 19/025 and Fees, Rates and Charges 2023 Bylaw No. 22/012.

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- No applications were received from residents in the Rural Service Area.
- One application was denied as the address did not meet the requirements as outlined in the Bylaw.
- The Community Standards Appeal Committee (CSAC) received one appeal from an adjoining neighbor for an address that was approved for a backyard hen license. The appeal was heard on June 24, 2021, and the CSAC upheld the decision to issue a license.
- Bylaw Services received eleven calls for service for different infractions within the Bylaw, and 7 infractions found during proactive investigations. Investigations found:
  - o one resident had been keeping hens in a structure other than a Coop;
  - o one resident had been keeping hens without a Premise Identification Number under the *Alberta Animal Health Act*;
  - o one resident was keeping less than two hens;
  - o two residents were allowing hens to roam outside of a Coop;
  - o two residents were keeping hens on an unapproved parcel;
  - o two residents were keeping more than four hens; and
  - o nine residents were keeping hens without approval.

All investigations were completed with an education first approach and Officers were successful with gaining compliance from the residents involved.

Bylaw Services followed up with 11 of the 17 approved Backyard Hen License holders to obtain feedback on the project. Site inspections were performed throughout the pilot project to confirm all requirements were met.

Administration is recommending a Bylaw that would allow residents to continue keeping hens in the Fort McMurray Urban Service Area and the communities of Janvier, Conklin, Anzac, Gregoire Lake Estates, Draper and Saprae Creek. The Bylaw being recommended by Administration is largely similar to the Backyard Hen Pilot Project Bylaw No. 21/006. However, participant, and resident feedback has been considered and the following changes have been incorporated into the new proposed Bylaw:

1. The number of hens permitted is changed from 2-4 hens to 3-6 hens based on feedback from License holders; and

COUNCIL REPORT – Bylaw No. 23/004 Backyard Hen Bylaw and Bylaw No. 23/005 Amendment to Community Standards Appeal Committee Bylaw No. 19/001, Responsible Pet Ownership Bylaw No. 19/025 and Fees, Rates and Charges 2023 Bylaw No. 22/012.

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2. The Licensing fee has changed from an annual amount of \$150 to an annual amount of \$15 per hen to make the annual cost of owning hens more affordable. The proposed Bylaw also incorporates a new Coop Approval fee of \$150. This is not intended to be an annual fee but instead will be payable when the Coop is originally constructed, and inspection is required or when any changes are made to the Coop design.

If Council chooses not to pass the recommended Bylaw, the Backyard Hen Pilot Project Bylaw No. 21/006 is set to automatically repeal on March 31, 2023 and residents will no longer be permitted to keep backyard hens in these residential communities. Should that happen, Administration will work with the current License holders to develop a re-homing plan for the hens they are currently keeping under the Backyard Hen Pilot Project Bylaw No. 21/006 and support these individuals to come into compliance with all municipal bylaws.

#### **Rationale for Recommendation:**

Administration believes the Backyard Hen pilot project was a success and was well received by the community. The control measures adopted in the Backyard Hen Pilot Project Bylaw No. 21/006 have also been incorporated into the recommended Bylaw. The requirements to obtain a License are appropriate to ensure that only those who appreciate the responsibilities of keeping hens are eligible to receive a License. Administration feels these control measures strike an appropriate balance between the rights of residents who want to keep hens and neighboring property owners.

#### **Strategic Plan Values:**

Fiscal Management  
Local Economy

#### **Attachments:**

##### **1. Backyard Hen Bylaw No. 23/004**

##### **2. Bylaw No. 23/005 to Amend Community Standards Appeal Committee Bylaw No. 19/001, Responsible Pet Ownership Bylaw No. 19/025, and Fees, Rates and Charges 2023 Bylaw No. 22/012**

**BYLAW NO. 23/004****A BYLAW TO REGULATE THE KEEPING OF HENS IN THE REGIONAL MUNICIPALITY OF WOOD BUFFALO.**

**WHEREAS** pursuant to Section 7 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (the “MGA”), a Council may pass bylaws for municipal purposes respecting: the safety, health and welfare of people and the protection of people and property; wild and domestic animals, and activities in relation to them; and the enforcement of bylaws;

**AND WHEREAS** pursuant to Section 8 of the MGA, a Council may, in a bylaw, regulate or prohibit and to provide for a system of licences, permits or approvals.

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

**PART 1 – PURPOSE, DEFINITIONS, AND INTERPRETATION****PURPOSE**

1. The purpose of this Bylaw is to regulate and control the keeping of *backyard hens* within the Regional Municipality of Wood Buffalo.

**SHORT TITLE**

2. This Bylaw may be cited as the “*Backyard Hen Bylaw*”.

**DEFINITIONS AND INTERPRETATION**

3. For the purpose of administering the provisions of this Bylaw, the following definitions shall apply:
  - (a) “Adjoining Neighbour” means an owner or occupant of a property that is contiguous to a *parcel* along a common property line and where the *parcel* is a corner lot, includes an owner or occupant of a property that is adjacent to the *parcel* across a rear lane, but not across a street;
  - (b) “Bylaw Enforcement Officer” means a Peace Officer as defined in the *Provincial Offences Procedure Act* and includes any person appointed by the Municipality pursuant to section 555 of the *Municipal Government Act*, RSA 2000, c. M-26;
  - (c) “Chicken” means any chicken, including but not limited to a Hen or a Rooster;
  - (d) “Clerk” means the clerk of the Community Standards Appeal Committee;

- (e) “Community Standards Appeal Committee” means the committee established pursuant to the Regional Municipality of Wood Buffalo’s *Community Standards Appeal Committee* Bylaw No. 19/001, as amended or replaced;
- (f) “Coop” means a *hen house* and attached *outdoor enclosure* used for the keeping of *backyard hens* that has a floor area no greater than 10.0 square metres and is no more than 2.4 metres in height;
- (g) “Coop Approval” means an approval, issued pursuant to this Bylaw by the Regional Municipality of Wood Buffalo to a person, that allows a person to have a Coop on a Parcel;
- (h) “Council” has the meaning prescribed in the *Municipal Government Act*;
- (i) “Fees Bylaw” means the Regional Municipality of Wood Buffalo *Fees, Rates and Charges 2023 Bylaw No. 22/012*, as amended or replaced;
- (j) “Hamlet Area” means the highlighted areas identified as the Hamlet Area on Schedule A, attached hereto and forming part of this Bylaw;
- (k) “Hen” or “backyard hen” means a domesticated female chicken which is 16 weeks of age or older that is kept for non-commercial purposes or as a domestic pet;
- (l) “Hen house” means a fully enclosed weather-proof building forming part of a Coop;
- (m) “Land Use Bylaw” means the Regional Municipality of Wood Buffalo *Land Use Bylaw* No 99/059, as amended or replaced;
- (n) “Licence” means a valid *Licence*, issued pursuant to this Bylaw by the Regional Municipality of Wood Buffalo to a person, that allows the person to keep *Hens* on a parcel;
- (o) “Licence Holder” means a person who has been issued a Licence;
- (p) “Licensing Authority” means the Chief Administrative Officer of the Regional Municipality of Wood Buffalo or their delegate;
- (q) “Municipality” means the Regional Municipality of Wood Buffalo;
- (r) “Notice of Appeal” means a Notice of Appeal pursuant to the *Community Standards Appeal Committee Bylaw* No. 19/001, as amended or replaced.
- (s) “Outdoor enclosure” means a secure, enclosed, and roofed outdoor structure attached to and forming part of a Coop;



- (t) “Owner” means one or more persons:
  - (i) who has care, charge or custody possession or control of a chicken, including but not limited to a Hen or Rooster;
  - (ii) who owns or who claims any proprietary interest in a chicken, including but not limited to a Hen or Rooster;
  - (iii) who harbors, suffers or permits a chicken, including but not limited to a Hen or Rooster, to be present on any property owned, occupied or leased by him, or which is otherwise under his control; or
  - (iv) to whom a Licence is issued for the Hen;
- (u) “Parcel” means a description of land as identified on a certificate of title as registered at the Alberta Land Titles Office;
- (v) “Principal building” means a building which, in the opinion of the Development Authority, is the primary building associated with the approved use on a Parcel;
- (w) “Privacy fence” means a solid fence with a continuous height of no less than 2.0 metres or the maximum height permitted by *Land Use Bylaw*, whichever is lesser, that creates a visual barrier, and which conceals view of the enclosed Parcel and prevents entry by predators.
- (x) “Responsible Pet Ownership Bylaw” means the Regional Municipality of Wood Buffalo Responsible Pet Ownership Bylaw No. 19/025, as amended or replaced;
- (y) “Rooster” means a male chicken;
- (z) “Semi-detached dwelling” has the meaning prescribed in the *Land Use Bylaw*; and
- (aa) “Single detached dwelling” has the meaning prescribed in the *Land Use Bylaw*.

## **PART 2 – PROHIBITIONS**

4. No person shall:
- (a) keep a Chicken unless it is:
    - (i) a Hen kept pursuant to a Licence; or
    - (ii) kept on a Parcel that has been approved for extensive agriculture, intensive agriculture, or a separate land use designation which expressly allows for the keeping of chickens through the Land Use Bylaw;
  - (b) keep less than 3 Hens;
  - (c) keep more than 6 Hens, except in the Hamlet Area where no person shall keep more than 1 Hen for every 100 square metres of Parcel area up to a maximum of 10 Hens”;
  - (d) sell eggs, manure, meat, or other products derived from a Hen;
  - (e) slaughter a Hen;
  - (f) allow a Hen to roam outside of a Coop;
  - (g) dispose of a live Hen except by delivering it to an operation that is lawfully permitted to dispose of Chickens, such as a farm, abattoir, or veterinarian;
  - (h) dispose of a deceased Hen except through regular waste collection; or,
  - (i) keep a Hen in a building, dwelling, cage, kennel, shelter or any structure other than a Coop; or
  - (j) keep a Hen without a Premises Identification under the *Alberta Animal Health Act*, SA 2007 c A-40.2

## **PART 3 – BACKYARD HEN LICENCE**

5. The keeping of Hens is a development under the Land Use Bylaw but does not require a development permit under the Land Use Bylaw if the Hen keeping complies with and is licensed under this Bylaw.
6. An application for a Licence shall be made by:
- (a) submitting a completed application using the forms provided by and as otherwise directed by the Licensing Authority; and,
  - (b) paying the non-refundable Licence fee in the amount prescribed by the Fees Bylaw.

7. To be eligible for a Licence, an applicant must:
- (a) satisfy the Licensing Authority that the Parcel on which the Hens will be kept:
    - (i) is owned by the applicant or where the applicant is not the Parcel owner, the Parcel owner has consented to the application in writing in the form prescribed by the Licensing Authority;
    - (ii) occupies at least 400 square metres; and
    - (iii) contains a Principal Building that is either a Single detached dwelling or a Semi-detached dwelling;
  - (b) satisfy the Licensing Authority that the applicant:
    - (i) resides on the Parcel where the Hens will be kept;
    - (ii) has completed a Hen training course to the satisfaction of the Licensing Authority;
    - (iii) will implement biosecurity measures that are adequate, in the sole discretion of the Licensing Authority, to reduce the risk of exposing the Hens to infectious disease;
    - (iv) has notified adjoining neighbors of the application; and
    - (v) will obtain a Premises Identification under the *Alberta Animal Health Act*, SA 2007 c A-40.2;
  - (c) obtain a Coop Approval from the Licensing Authority by:
    - (i) paying the Coop Approval fee; and
    - (ii) submitting building plans for the Coop to the Licensing Authority demonstrating that for each Hen to be housed in the Coop:
      - (A) the Hen house has a minimum floor area of 0.37 square metres and the Outdoor enclosure has a minimum floor area of 0.92 square metres; and,
      - (B) the Coop contains one nest box and one perch at least 15 centimetres long; and,
  - (d) provide any other information requested by the Licensing Authority.

8. An Applicant shall not be required to obtain a new Coop Approval where the applicant satisfies the Licensing Authority that a Coop Approval has already been granted to the applicant in relation to the same Parcel and the Coop complies with the building plans for the Coop Approval.
9. The Licensing Authority may revoke a Licence or refuse to issue or renew a Licence, without refund or compensation to the applicant or Licence Holder, for any of the following reasons:
  - (a) the applicant does not meet the requirements of this Bylaw;
  - (b) the Licence Holder has, in the opinion of the Licensing Authority based on reasonable grounds, contravened this Bylaw or the Licence whether or not the contravention has been prosecuted;
  - (c) the Licence was issued based on incorrect information or a misrepresentation by the Licence Holder; or
  - (d) in the opinion of the Licensing Authority on reasonable grounds, it is in the public interest to do so.
10. The Licensing Authority may refuse to accept an application or refuse to issue or renew a Licence when the maximum number of Licences under the Bylaw has been reached.
11. The Licensing Authority may issue a Licence subject to conditions.
12. The Licensing Authority will notify an Adjoining Neighbour when a Licence is issued.
13. A Licence is non-transferable and is only approved for the Licence Holder and the Parcel identified on the Licence.
14. A Licence shall expire 1 year following the date of issuance and must be renewed annually.
15. A Licence does not take effect until:
  - (a) the 14-day appeal period has expired, if no appeal was received during the appeal period; or
  - (b) the Community Standards Appeal Committee has made a decision on any appeal and that decision upholds the issuance of the Licence.
16. Where there is a Hen on a Parcel the owner of the Parcel is guilty of an offence unless there is a Licence or separate lawful authority authorizing the keeping of Hens on the Parcel.

17. Any person who provides the Licensing Authority with false or misleading information on an application for a Licence is guilty of an offence.

#### **PART 4 – KEEPING OF BACKYARD HENS**

18. Each Hen must be provided with food, water, shelter, light, ventilation, care, and opportunities for essential behaviors such as scratching, dust-bathing, and roosting necessary to maintain the Hen in good health.
19. Each Hen must be kept in the Coop at all times.
20. An Owner must:
- (a) comply with all conditions of the Licence and this bylaw;
  - (b) maintain the Coop in good repair and sanitary condition, free from pests and noxious or offensive smells and substances as determined by a Bylaw Enforcement Officer;
  - (c) construct and maintain the Coop to prevent any animal or rodent from harbouring underneath, within, or inside the Coop's perimeter;
  - (d) keep the Hens secured in the Hen house from 11:00 p.m. to 7:00 a.m.;
  - (e) immediately remove any feed, trash or manure from the Parcel upon notice from a Bylaw Enforcement Officer;
  - (f) store feed within a fully enclosed, animal proof container with an air-tight seal;
  - (g) store manure within a fully enclosed, animal proof container with an air-tight seal;
  - (h) not store more than 3 cubic feet of manure on the Parcel at any time;
  - (i) immediately remove all manure from the Parcel that is not intended for use in composting or fertilizing; and
  - (j) dispose of any manure in accordance with Municipal bylaws.
21. A Coop must be located in a rear yard.
22. A Coop shall not be located within:
- (a) 1.0 metre of the side or rear property lines of a Parcel; or
  - (b) 3.0 metres of a dwelling.
23. The rear yard of a Parcel containing a Coop must be enclosed by a Privacy fence.

24. A Coop shall comply with the building plans for the Coop Approval and shall not be modified unless in accordance with a new Coop Approval.

### **PART 5 - APPEALS**

25. An applicant or Licence Holder may appeal a decision to refuse a Licence, revoke a Licence or issue a Licence subject to conditions within 14 days of the decision by submitting a Notice of Appeal to the Clerk.
26. An Adjoining Neighbour may appeal a decision to issue a Licence within 14 days of the decision by submitting a Notice of Appeal to the Clerk only where the grounds of the appeal are:
- (a) that the keeping of Hens on the Parcel is likely to have a materially adverse effect on the health of the Adjoining Neighbour or of a person living in the remises of the Adjoining Neighbour; or
  - (b) a reason or factor listed in clauses 9 (a) or (c) of this Bylaw.
27. Upon receiving a Notice of Appeal under section 25 or 26, the Community Standards Appeal Committee shall hear the appeal and may either:
- (a) confirm the decision to refuse or revoke a Licence;
  - (b) direct the Licensing Authority to issue a Licence, with or without conditions; or
  - (c) direct the Licensing Authority to reinstate a Licence, and where it directs that a Licence be reinstated, the Community Standards Appeal Committee may vary any condition provided however that it shall not vary the expiry date of the Licence.

### **PART 6 – ENFORCEMENT**

28. This Bylaw may be enforced by any Bylaw Enforcement Officer.
29. Pursuant to this Bylaw, an Owner or a Licence Holder shall make themselves and their Coop available for inspection upon reasonable request by the Bylaw Enforcement Officer.
30. The Licensing Authority may require an Owner or a Licence Holder to take any disease mitigation measures or environmental mitigation measures determined necessary in the sole discretion of the Licensing Authority at any time.

31. A Bylaw Enforcement Officer may capture and impound any Chicken:
  - (a) found at-large;
  - (b) where the Bylaw Enforcement Officer has reasonable grounds to believe an Owner has contravened any provision of this bylaw; or
  - (c) in accordance with the provisions applicable to animals in the Responsible Pet Ownership Bylaw, a Bylaw Enforcement Officer is authorized to enter any lands or premises (excluding a dwelling house) within the Municipality in accordance with section 542 of the *Municipal Government Act*, R.S.A. 2000, c.M-26, as amended, or repealed and replaced from time to time, to inspect for conditions which may contravene any provision of this bylaw.
32. An impounded Chicken shall become the property of the Municipality and the Municipality is authorized to:
  - (a) destroy the Chicken;
  - (b) sell or gift the Chicken; or
  - (c) surrender the Chicken to an appropriate adoption agency.

### **Found Chicken**

33. A person who finds a Chicken at-large shall notify the Municipality immediately, provide information as may be requested, and surrender the Chicken to a Bylaw Enforcement Officer.

### **Surrendered Chicken**

34. A Chicken shall become the property of the Municipality upon being surrendered by the owner to a Bylaw Enforcement Officer.
35. When surrendering a Chicken, the owner shall provide the Municipality with veterinary records for the Chicken.

### **Obstruction and Interference**

36. No person shall:
  - (a) interfere with or attempt to obstruct a Bylaw Enforcement Officer who is engaged in the capture or impoundment of a Chicken;
  - (b) interfere with, hinder or impede a Bylaw Enforcement Officer in the performance of any duty authorized by this bylaw;

- (c) open a motor vehicle that holds a Chicken that has been secured for impoundment; or
- (d) remove, or attempt to remove any Chicken from the possession of a Bylaw Enforcement Officer.

## **PART 7 - CONTRAVENTION OF BYLAW AND PENALTIES**

### **General Penalty Provisions**

- 37. If a Chicken is involved in an activity in contravention of this bylaw, the Owner of that Chicken is guilty of an offence.
- 38. An Owner who contravenes any of the provisions of this bylaw by:
  - (a) doing any act or thing which the person is prohibited from doing, or
  - (b) failing to do any act or thing the person is required to do;
 is guilty of an offence.
- 39. A person who is convicted of an offence pursuant to this bylaw is liable on summary conviction to a penalty of \$200.
- 40. Despite section 39, where a person has been convicted of contravening the same provision of this Bylaw:
  - (a) 2 times within a 12-calendar month period, is liable on summary conviction to a penalty of \$400; and
  - (b) 3 or more times within a 12-calendar month period, is liable on summary conviction to a penalty of \$600.
- 41. Despite sections 39 and 40, where a long form information is issued or a violation ticket is issued under Part 2 of the Provincial Offences Procedure Act and the Bylaw Enforcement Officer has elected not to specify a penalty on the violation ticket, a person who is convicted of an offence under this bylaw is liable on summary conviction to:
  - (a) a penalty not exceeding \$10,000; and
  - (b) the Court is not bound by the specified penalty amount in section 39 or section 40 of this bylaw, provided that the fine amount ordered by the Court shall not be less than the amount specified in section 39 or section 40.

### **Municipal Tag**



42. A municipal tag may be issued to any person where a Bylaw Enforcement Officer believes the person has contravened any provision of this bylaw.
43. If a municipal tag is issued in respect of an offence, the municipal tag must specify:
  - (a) the name of the person;
  - (b) the offence;
  - (c) the fine amount as established by this bylaw;
  - (d) that the fine amount shall be paid within 14 days from the issuance of the municipal tag; and
  - (e) any other information as may be required.

### **Violation Tickets**

44. If a municipal tag has been issued and if the specified penalty has not been paid within the prescribed time, a Bylaw Enforcement Officer may commence proceedings by issuing a long form information or a violation ticket under either Part 2 or Part 3 of the Provincial Offences Procedures Act.
45. Despite sections 42 and 44, where a Bylaw Enforcement Officer believes that a person has contravened any provision of this bylaw, he or she may commence proceedings by issuing a long form information or a violation ticket under either Part 2 or Part 3 of the Provincial Offences Procedures Act.

### **Payment in Lieu of Prosecution**

46. If a municipal tag is issued in respect of a non-compliance, and if the municipal tag specifies the fine amount established by this bylaw for the non-compliance, the person to whom the municipal tag is issued may make a voluntary payment equal to the specified fine, in lieu of prosecution.
47. Where the voluntary payment referred to in section 46 is received within 7 days of the day of issuance of the municipal tag, the prescribed penalty shall be reduced by 40% and such reduced payment shall be accepted in lieu of prosecution.

### **Continuous Offences**

48. In the case of an offence that is of a continuing nature, each contravention constitutes a separate offence in respect of each day, or part of a day, on which the offence continues and any person guilty of such offence is liable to a fine in an amount not less than the amount specified in section 39 or section 40 for each day.

### Liability for Fees

49. The levying and payment of any fine or term of imprisonment imposed by the Court shall not relieve a person from paying any fees, charges or costs from which the person is liable under the provisions of this bylaw and the Fees Bylaw.
51. The fees and charges payable under this bylaw shall be as prescribed in the Fees Bylaw.

### **PART 8 – REPEAL AND COMING INTO EFFECT**

50. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.
51. Any reference to an enactment or bylaw is a reference to such enactment or bylaw as amended or replaced from time to time.
52. This Bylaw comes into effect March 31, 2023.

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

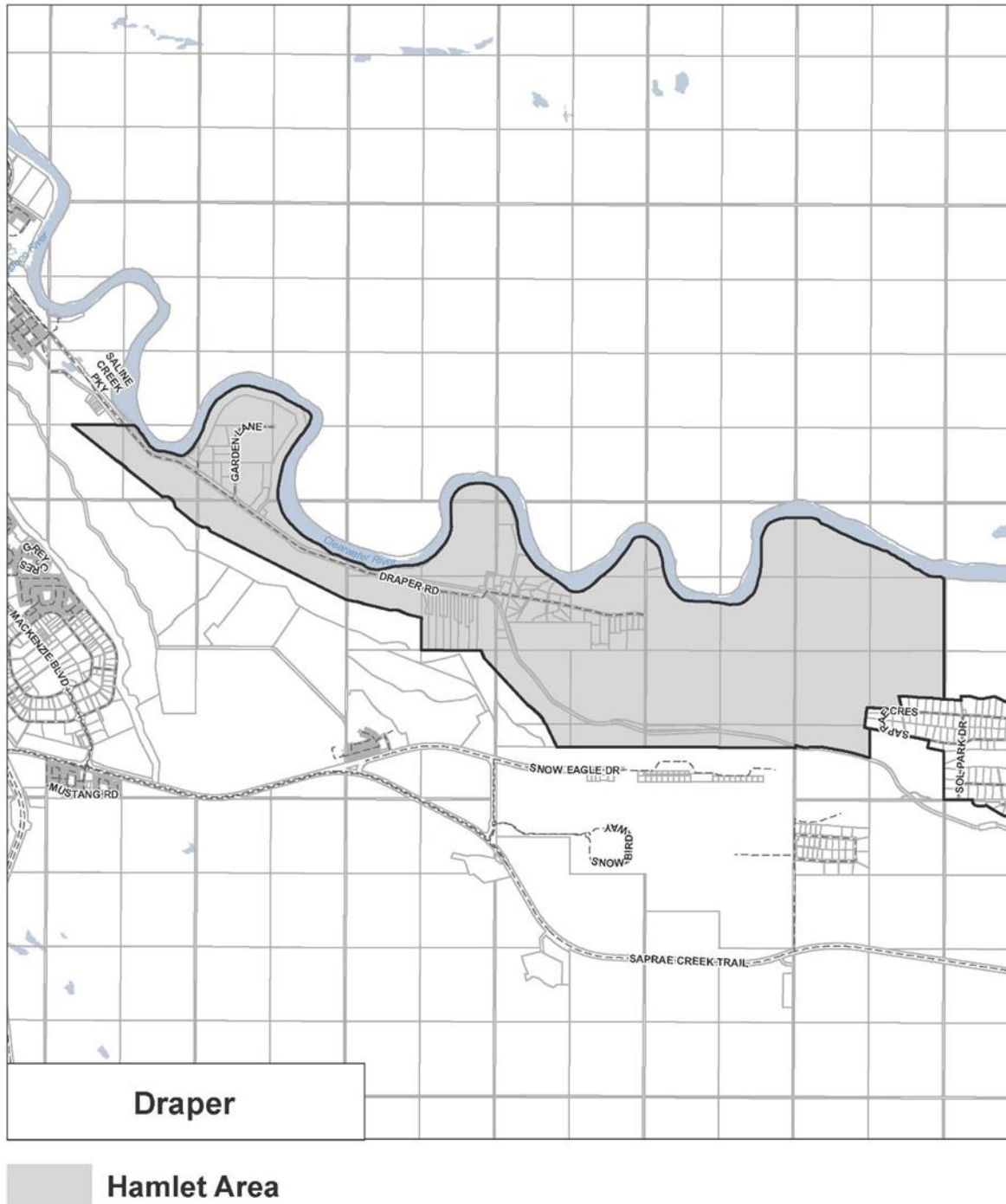
Read a third and final time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Signed and Passed this \_\_\_\_\_ day of \_\_\_\_\_ 2023

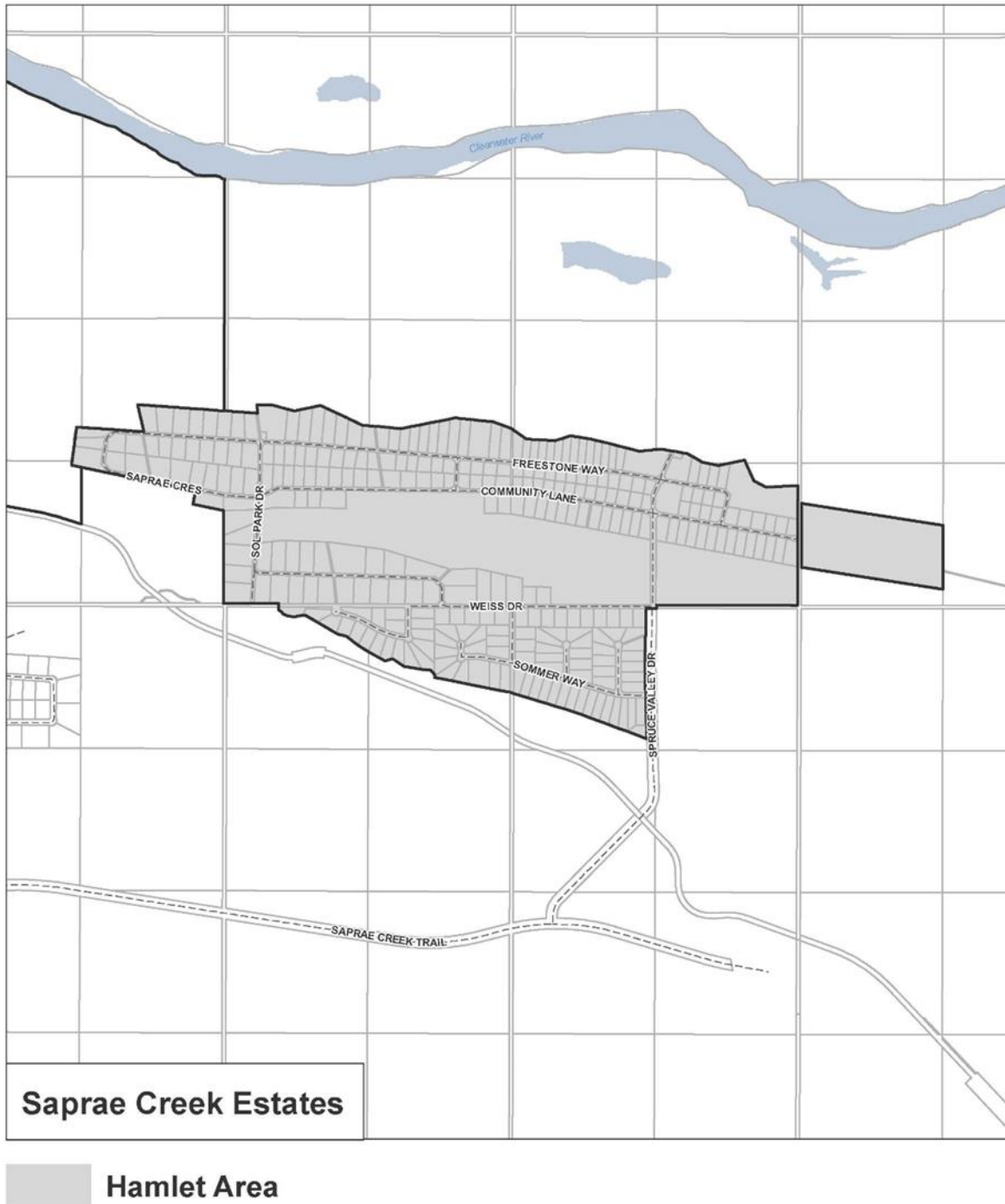
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Legislative Officer

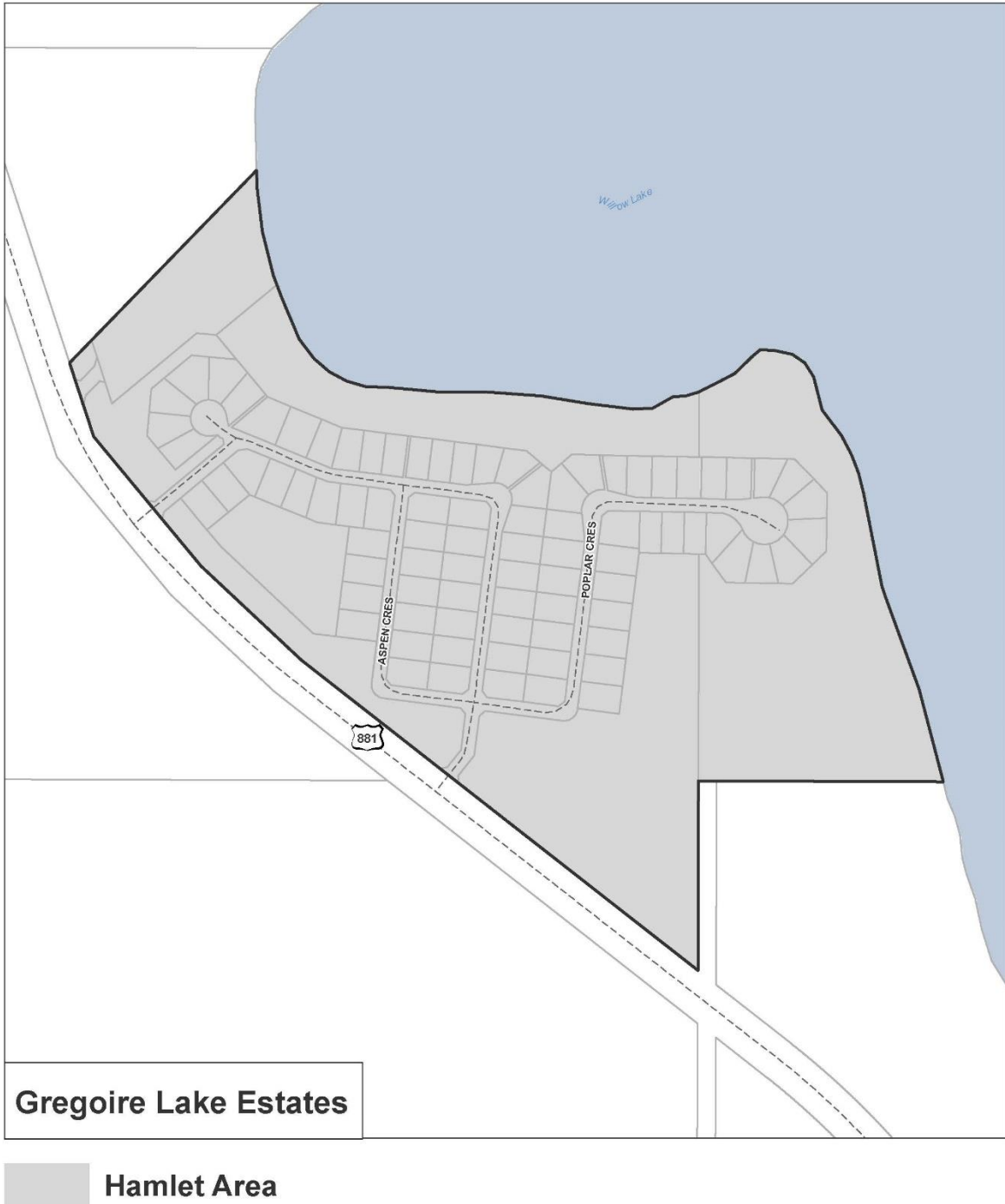
## Schedule A- Hamlet Maps



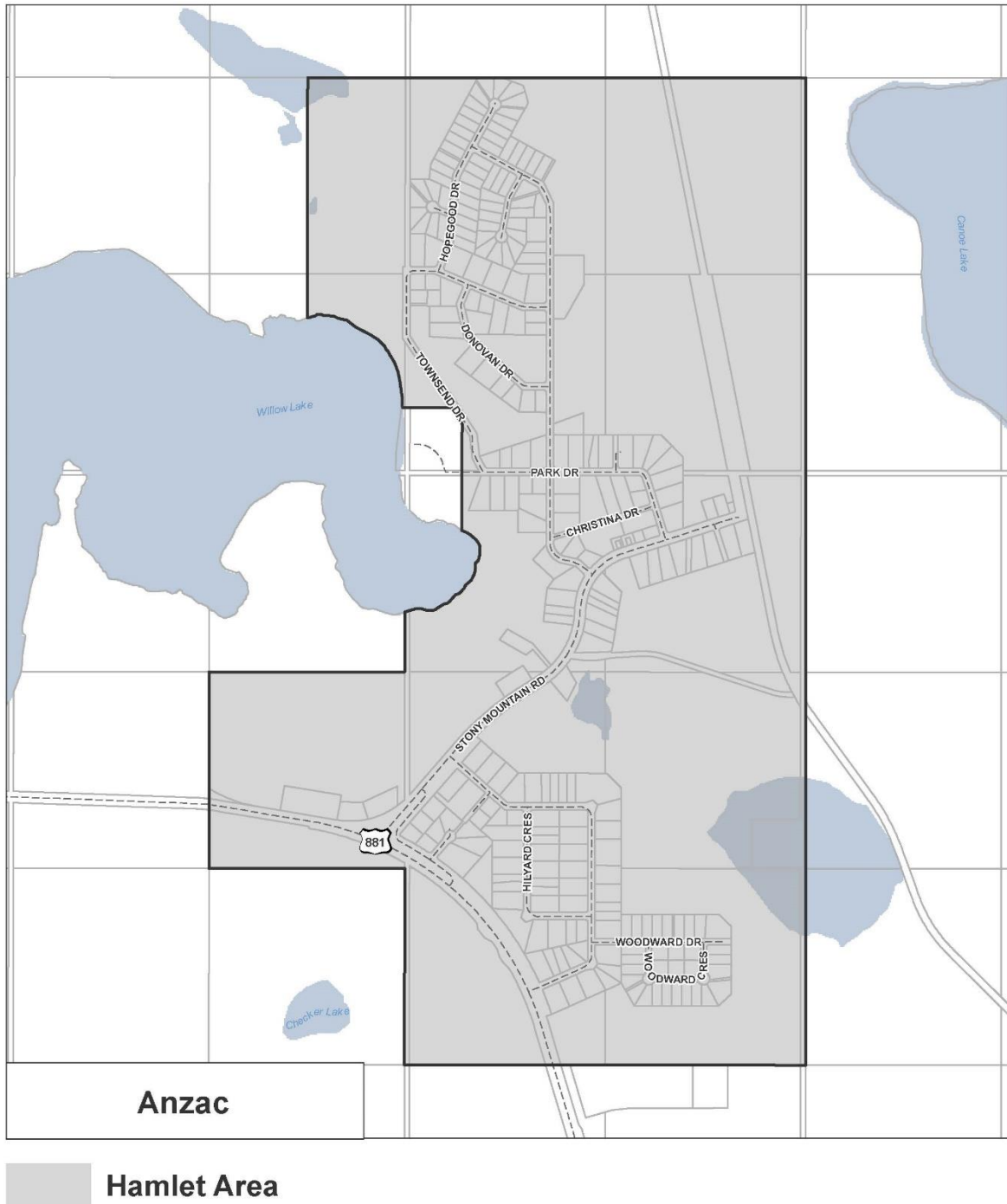
## Schedule A- Hamlet Maps



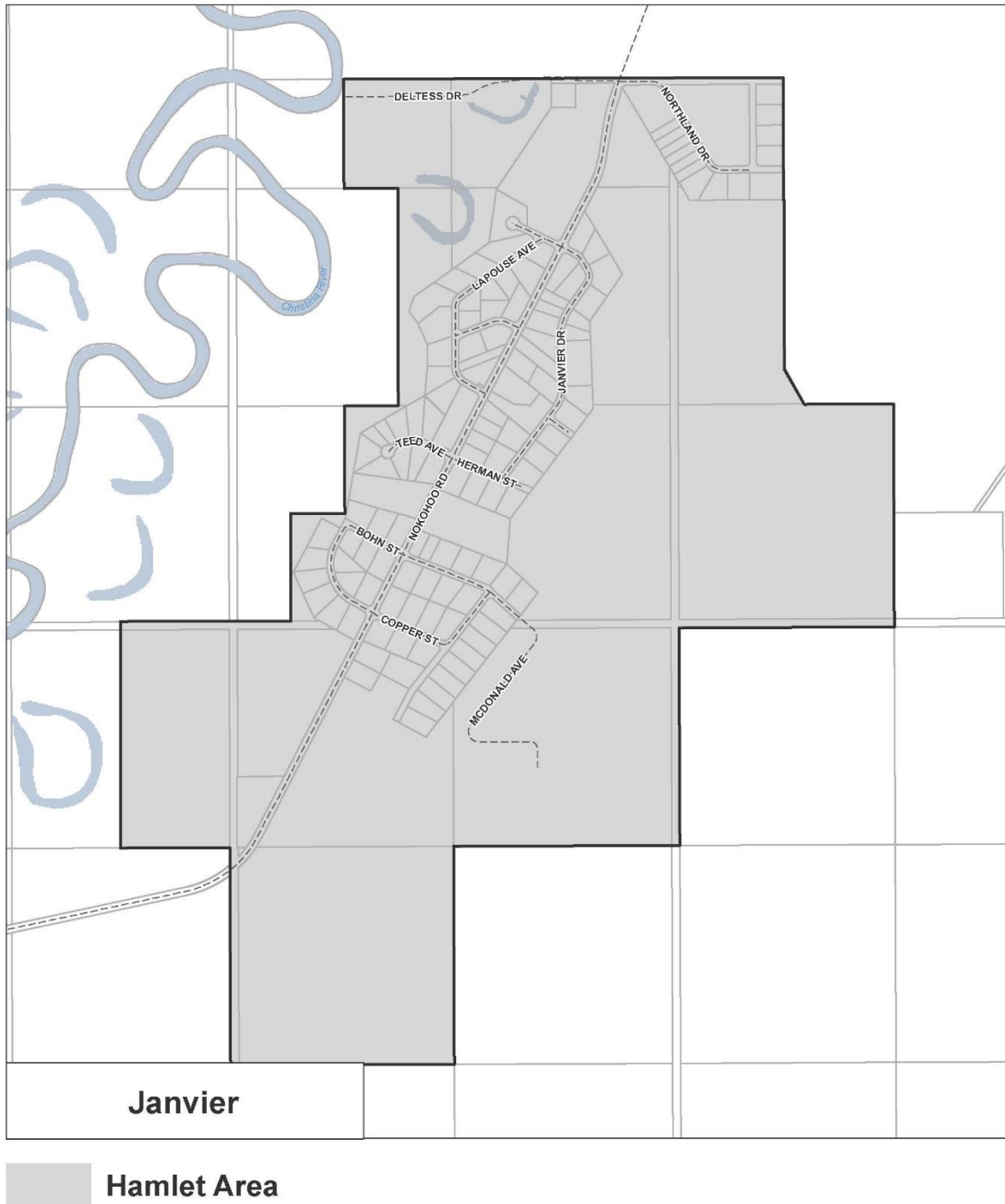
## Schedule A- Hamlet Maps



# Schedule A- Hamlet Maps

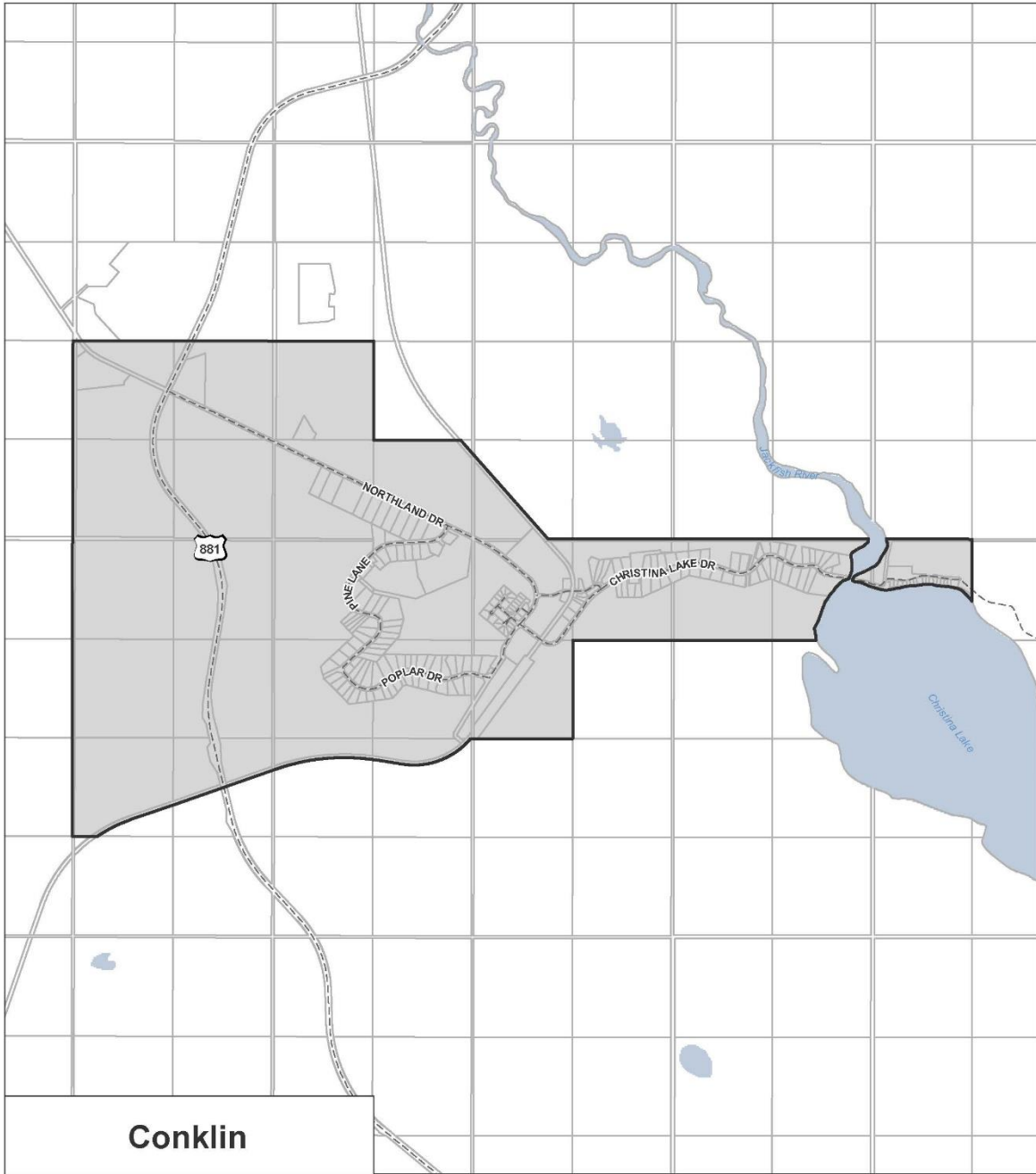


## Schedule A- Hamlet Maps





## Schedule A- Hamlet Maps



Conklin

Hamlet Area



**BYLAW NO. 23/005****A BYLAW TO AMEND THE COMMUNITY STANDARDS APPEAL COMMITTEE BYLAW AND TO AMEND THE RESPONSIBLE PET OWNERSHIP BYLAW AND TO AMEND THE FEES, RATES AND CHARGES BYLAW.**

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

1. The *Community Standards Appeal Committee Bylaw No. 19/001* is amended by:
  - (a) adding the words “appeal of a Hen Licensing Decision,”
    - (i) at section 2.(c) and 2.(m) after “MGA Order,”;
    - (ii) at section 2.(r) after “of the Act,”;
  - (b) adding the following definition after 2.(k) and re-lettering the definitions thereafter sequentially “Hen Licensing Decision” a decision by the licensing authority to issue, renew, revoke or refuse to issue a licence under the Backyard Hen Bylaw, as amended or replaced.
  - (c) at section 25.(e) adding “a Hen Licensing Decision or” after “where the application is to appeal”;
  - (d) at section 30.(b) adding the words “a Hen Licensing Decision,” after “in the case of”;
  - (e) renumbering section 24 as section 24.1 and adding the following as section 24.2:
    - (i) Only a person who is the applicant, the license holder or an adjoining neighbour may appeal a Hen Licensing Decision as specified in the Backyard Hen Bylaw.
2. The *Responsible Pet Ownership Bylaw No. 19/025* is amended by adding the following to section 91 “Prohibited Animals”:
 

91.9 a “*Hen*” as defined by the *Backyard Hen Bylaw No. 23/004*, which may be allowed where a license is granted in accordance with the said bylaw.

3. Schedule "B" of the *Fees, Rates and Charges Bylaw No. 22/012* is amended by adding the following:

6. Backyard Hen Fees

- (a) Coop Approval fee ..... \$150  
 (b) License fee (per Hen)..... \$15

4. This Bylaw comes into effect March 31, 2023.

Read a first time this \_\_\_\_ day of \_\_\_\_\_, 2023.

Read a second time this \_\_\_\_ day of \_\_\_\_\_, 2023.

Read a third and final time this \_\_\_\_ day of \_\_\_\_\_, 2023.

Signed and Passed this \_\_\_\_ day of \_\_\_\_\_ 2023

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Chief Legislative Officer



## COUNCIL REPORT

Meeting Date: March 14, 2023

### **Subject: Council Committee Appointments**

#### **APPROVALS:**

**Paul Thorkelsson**

\_\_\_\_\_  
Director

\_\_\_\_\_  
Chief Administrative Officer

#### **Recommended Motion:**

THAT the Committee Appointments as outlined in Attachment 1 be approved effective immediately.

#### **Summary and Background:**

Recommendations are being made to fill vacancies that have arisen on the Community Standards Appeal Committee and the Regional Advisory Committee on Inclusion, Diversity and Equity. Following review of the applications received during the 2022 Fall Recruitment Campaign, applications were kept on file in the event any mid-term vacancy arose.

Council acting in their capacity as the Selection Committee reviewed the applications and is recommending that the vacancies be filled to avoid any impacts to the Committee's ability to conduct their business.

Administration has communicated with the applicants who have confirmed their continued interest in serving.

#### **Rationale for Recommendation:**

In keeping with the established bylaws, the appointment of individuals to Council committees must be approved by Council, therefore, the appointment of members is necessary to ensure the continued viability of the two Council committees.

#### **Strategic Plan Values:**

Building Partnerships



REGIONAL MUNICIPALITY  
OF **WOOD BUFFALO**

OFFICE OF THE MAYOR

## ***P R O C L A M A T I O N***

- WHEREAS** the Regional Municipality of Wood Buffalo is committed to fostering safe and inclusive communities where all people have equal opportunity and treatment; and
- WHEREAS** every resident of the Regional Municipality of Wood Buffalo has the right to realize their full potential regardless of race, colour, ancestry, or place of origin and be treated with respect and dignity; and
- WHEREAS** the General Assembly of the United Nations has designated March 21 as the International Day for the Elimination of Racial Discrimination; and
- WHEREAS** the Regional Municipality of Wood Buffalo acknowledges historical and ongoing racism and racial discrimination faced by residents; and
- WHEREAS** the Regional Municipality of Wood Buffalo is committed to eliminating racism and racial discrimination by raising awareness, mutual understanding, and fostering an inclusive environment for all.

**NOW THEREFORE**, I, Sandy Bowman, Mayor of the Regional Municipality of Wood Buffalo, do hereby proclaim **March 21<sup>st</sup>, 2023**, as:

### **“INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION”**

**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 **14<sup>th</sup> day of March 2023**.

**Sandy Bowman**  
**Mayor**



REGIONAL MUNICIPALITY  
OF **WOOD BUFFALO**

OFFICE OF THE MAYOR

## ***P R O C L A M A T I O N***

- WHEREAS** World Theatre Day is celebrated every year on March 27, as designated by the International Theatre Institute in 1961; and
- WHEREAS** World Theatre Day celebrates the essence, beauty, and importance of theatre arts, its significant role in entertainment, and the symbolic impact that theatre has on life; and
- WHEREAS** World Theatre Day serves to inform governments, politicians, institutions, and stakeholders around the world about the value of theatre and its potential to support economic growth; and
- WHEREAS** theatre helps to promote social discourse, dialogue, and potential social change, as a cultural phenomenon that encourages societal and self-reflection; and
- WHEREAS** our region is proud of its vibrant theatre arts community and contribution to theatre as an opportunity for self-expression, exploration, and connection.

**NOW THEREFORE**, I, Sandy Bowman, Mayor of the Regional Municipality of Wood Buffalo, do hereby proclaim **March 27<sup>th</sup>, 2023**, as:

### **“WORLD THEATRE DAY”**

**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 **14<sup>th</sup> day of March 2023**.

**Sandy Bowman**  
**Mayor**

9909 Franklin Avenue, Fort McMurray, Alberta, Canada, T9H 2K4  
T 780.743.7009 W [rmwb.ca](http://rmwb.ca) E [mayor@rmwb.ca](mailto:mayor@rmwb.ca)

Attachment: 2023 03 27 World Theatre Day Proclamation (Proclamation - World Theatre Day)

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External Message - Please be cautious when opening links or attachments in email

A Council Meeting Presentation Request has been submitted at Friday January 20th 2023 11:30 AM with reference number 2023-01-20-002.

- **Preferred date of presentation**  
3/14/2023
- **Name of speaker/presenter**  
Kevin Weidlich
- **Organization name (if applicable)**  
Fort McMurray Wood Buffalo Economic Development & Tourism
- **Do you wish to speak in person or virtually via MS teams?**  
In person
- **Presentation topic**  
Quarterly Update to Council
- **List specific points/concerns**  
quarterly update to council as directed
- **Action being requested of Council**  
for information
- **Are you providing any supporting documentation (i.e. PowerPoint presentation)?**  
Yes
- **Name of contact person**  
Kevin Weidlich

# 2023 Quarterly Update Q1

## Program Highlights & KPI Reporting

FORT McMURRAY  
WOOD BUFFALO

ECONOMIC  
DEVELOPMENT  
& TOURISM

March 14, 2023

Presented to: Mayor & Council, Regional Municipality of Wood Buffalo

Presented by: Kevin Weidlich, President & CEO

# Agenda

- Five-Year Strategy & Competitiveness
- Program Highlights & KPI Reporting
  - (1) Commercial and Retail Attraction Program
  - (2) Workforce Development Programs



## 5-Year Strategy & Competitiveness



# Competitiveness

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- Together we drive **economic competitiveness**
- Our local economy competes globally for:
  - Private investment
  - Business expansion
  - Visitors
  - Talent
  - Entrepreneurs
  - Innovation
- Collaboration and co-creation are **competitive advantages**





## PROGRAM: COMMERCIAL & RETAIL DEVELOPMENT

## Program: Commercial & Retail Development

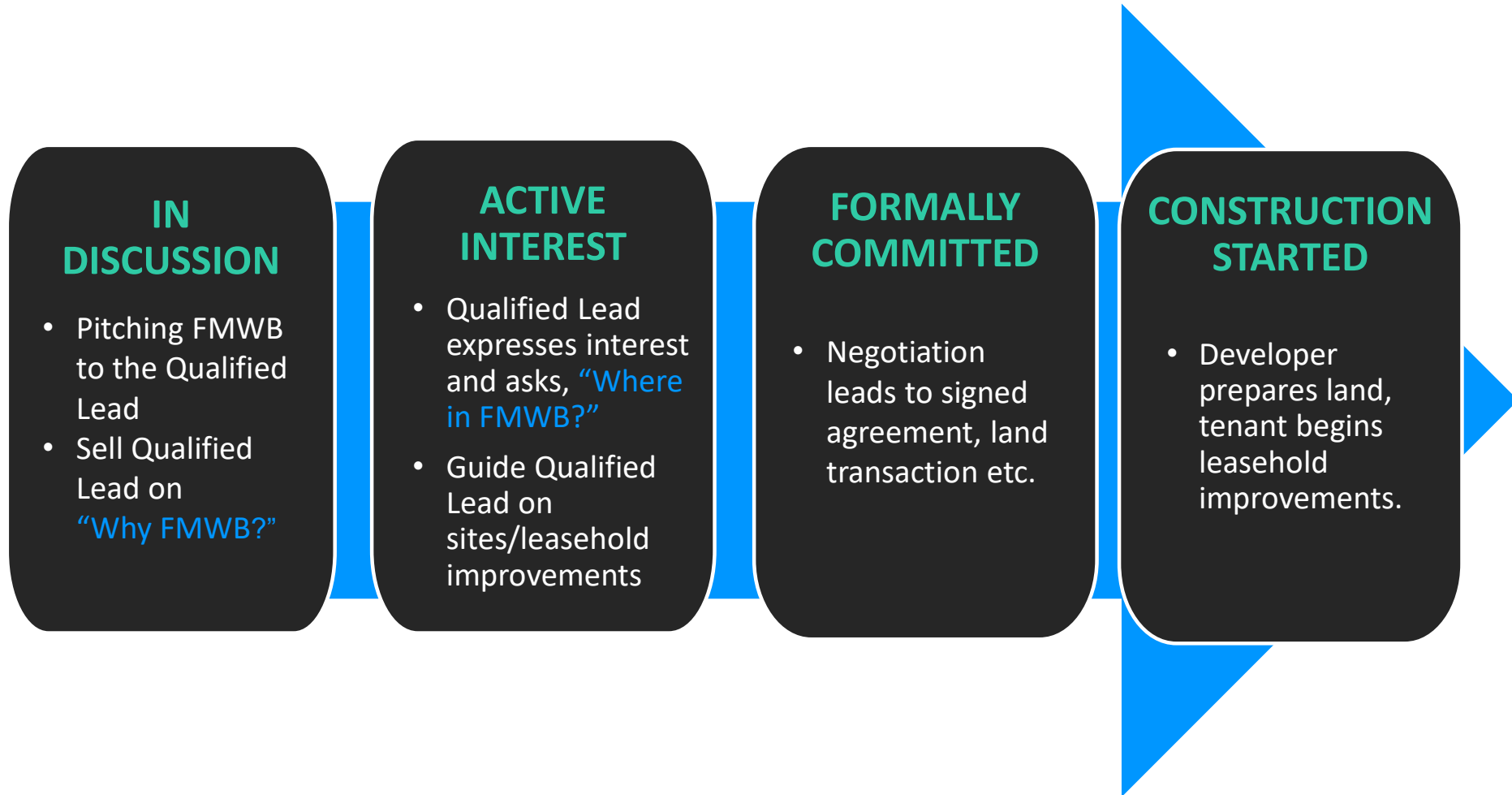
### IMPORTANT CONTEXT

- Developers used to ask “**Why FMWB?**”
- Perception that the region was a tough place to do business
- Great advancements made to create a pro-business environment
- Progress year-over-year (2021, 2022, 2023 YTD)
- We can now answer “**Why FMWB?**” with confidence in our data

## Program: Commercial & Retail Development KPIs

INDUSTRY TARGETS	QUALIFIED LEADS		
	2021	2022	2023 YTD
Developers - Commercial	8	19	23
Developers - Industrial	0	0	2
Tenants	5	25	34
<i>Note: Totals do not represent additional meetings, pitches and information exchanges with other industry targets who chose not to progress further with their inquiries.</i>			

## Program: Commercial & Retail Development



## Program: Commercial & Retail Development KPIs

COMMERCIAL DEVELOPMENT PROGRESSION - THE DEVELOPMENT FUNNEL	TOTAL SQUARE FOOTAGE <i>New Developments &amp; Upgrade/Activation of Existing/Vacant Space</i>		
	2021	2022	2023 YTD
In Discussion (sq. ft)	1,352,824	1,412,297	1,412,297
Active Interest (sq. ft)	506,709	946,709	1,091,709
Formally Committed (sq. ft)	406,709	406,709	486,709
Construction Started (sq. ft)	80,000	80,000	80,000
<b>Note:</b> The data included in 2021 captures commitments made 10+ years prior to our organization forming. It includes developments such as Quarry Ridge and Centron.			
RMWB Goals			
● Building Relationships		●	Local Economy
● Rural & Indigenous Communities		●	Downtown Visualization

## 2022 Commercial & Retail Analysis

### Key Findings

- \$212,433 household income (2x national average)
- \$151,567 disposable income (#1 national average)
- 40% of the current \$1.85 billion market potential is still unmet

### This Translates Into

- 950,000 sq.ft of new commercial space still needed to meet unmet demand

### Conversation Has Changed

- Now, developers not asking “Why FMWB?” but “**Where can I locate in FMWB?**”



## 2022 Commercial & Retail Analysis

SEE THE FULL REPORT  
ON OUR WEBSITE

[fmwb.ca/business-  
invest/research-reports](https://fmwb.ca/business-invest/research-reports)



Fort McMurray Wood Buffalo  
**COMMERCIAL RETAIL ANALYSIS - 2021**

September 2022

FORT McMURRAY WOOD BUFFALO  
ECONOMIC DEVELOPMENT  
& TOURISM

Global Retail Strategies  
www.grs.global

## **Program: Commercial & Retail Development**

### **IMPORTANT CONTEXT**

- Market and promote all NEW land development opportunities
- Retailer size diversity is key to a healthy economy and community
- Development cycle is not swift (multi-year)
- 3-10 years before a large retailer opens doors in new development
- Commercial real estate brokers market/promote existing spaces

### **5-Year Strategy Goal #3**

- Attract New Business & Private Investment



## WORKFORCE DEVELOPMENT PROGRAMS

## **Programs: Workforce Development**

### **We Will Highlight 2 Programs**

- 1) Workforce Immigration & Support Program (WISP)
- 2) Keyano College International Students Program

### **Collaboration**

- FMWBEDT is collaborating with community partners
  - Regional Municipality of Wood Buffalo
  - Regional Labour Market Committee (Chair: Chamber of Commerce)
  - YMCA of Northern Alberta
  - Keyano College

## Program: Workforce Development KPIs

WORKFORCE DEVELOPMENT	YEARS					
	2021		2022		2023 YTD	
	Jobs	Students	Jobs	Students	Jobs	Students
Workforce Immigration & Support Program	n/a	n/a	21 (Sept-Dec)	n/a	23 (new)	n/a
Keyano College International Student Program	n/a	128	73	267	(YE 2023)	<b>*441</b> (As of Jan 16)
<b>*Note:</b> 245% increase from 2021						

### RMWB Goals

●	Building Relationships	●	Local Economy
●	Rural & Indigenous Communities	●	Downtown Visualization

## Program: WISP & Keyano College

### IMPORTANT CONTEXT : LABOUR MARKET CHALLENGES

- 1+ million job vacancies in Canada <sup>1</sup>
- 100,000+ job vacancies in Alberta <sup>2</sup>
- 80% of employers are short staffed <sup>3</sup>
- 56% of business operations are impacted <sup>4</sup>

### 5-Year Strategy Goal #1

- Strengthen Local Business

#### SOURCES:

1 Government of Canada (2022)

2 Government of Alberta (2022)

3 Business Council of Canada (2022)

4 Government of Alberta (2022)



# Q&A

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# Thank you.

FORT McMURRAY  
WOOD BUFFALO

ECONOMIC  
DEVELOPMENT  
& TOURISM



**Public Hearing re: Bylaw No. 23/003 - Land Use Bylaw No. 99/059 and Timberlea Area Structure Plan Bylaw No. 01/020 Amendments - 110 Prospect Drive, Lot 25, Block 20, Plan 152 4140**

- A. Introduction from Administration
  - Brad McMurdo, Director, Planning and Development
- B. Opening Statement from Applicant
  - Mike Coldwell, Senior Planner / Principal, Urban Systems
- C. Written Submission
  - Pantelis Kalogirou, Director, 1445705 Alberta Ltd.
- D. Verbal Presentations
  - None received
- E. Other Verbal Presentations (Time Permitting and with Consent of Council)
- F. Questions of Council
- G. Closing Statement from Applicant
- H. Closing Statement from Administration

- 7.1 Bylaw No. 23/003 - Land Use Bylaw No. 99/059 and Timberlea Area Structure Plan Bylaw No. 01/020 Amendments - 110 Prospect Drive, Lot 25, Block 20, Plan 152 4140

Written Submission:

Pantelis Kalogirou, Director, 1445705 Alberta Ltd.

March 6, 2023

Regional Municipality of Wood Buffalo  
9909 Franklin Avenue  
Fort McMurray, AB T9H 2K4  
Via email: [Legislative.Assistants@rmwb.ca](mailto:Legislative.Assistants@rmwb.ca)

**Attention: Mayor and Council**

**RE: March 14, 2023 - Public Hearing – Support - Land Use Bylaw No. 99/059 and Timberlea Area Structure Plan Bylaw No. 01/020 Amendments**

As the owners of 110 Prospect Drive (Lot 25, Block 20, Plan 152 4140), we submit our support of the application to amend Land Use Bylaw No. 99/059 and the Timberlea Area Structure Plan Bylaw No. 01/020.

Due to the location and size of the parcel, access, context, and policy support, we submit that 110 Prospect Drive is more effectively and better developed as a community-scale commercial development, rather than a medium-density residential one.

The purpose and intent of the C1-Community Commercial District "is to provide for the development of neighbourhood and community oriented retail and service commercial facilities that are intended to serve the needs of the residents of adjacent residential neighbourhoods". The location and scale of this property is ideal to do exactly this.

We feel like our efforts to reach out to our community members and neighbours was highly effective through door-knocking, signage, hosting online webinars and direct personal outreach. We listened to concerns and modified our application to help mitigate potential impacts. Specifically, we have excluded the uses *Gas Bar* and *Liquor Store* from our application due to resident concerns. We appreciate the input of our neighbours and we continue to be committed to being good neighbours, ourselves.

We thank you for your consideration and look forward to your support.

Sincerely,

1445705 ALBERTA LTD.

FOIP s. 17(1)



Pantelis Kalogirou  
Director

**Subject: Bylaw No. 23/003 - Land Use Bylaw No. 99/059 and Timberlea Area Structure Plan Bylaw No. 01/020 Amendments - 110 Prospect Drive, Lot 25, Block 20, Plan 152 4140**

**APPROVALS:**

**Paul Thorkelsson**

\_\_\_\_\_  
Director

\_\_\_\_\_  
Chief Administrative Officer

**Recommended Motion:**

1. THAT Bylaw No. 23/003, being an amendment to the Land Use Bylaw No. 99/059 and the Timberlea Area Structure Plan Bylaw No. 01/020, specific to 110 Prospect Drive, Lot 25, Block 20, Plan 152 4140 be read a second time.
2. THAT Bylaw No. 23/003 be read a third and final time.

**Summary:**

Planning and Development has received an application for a Land Use Bylaw amendment to redistrict 110 Prospect Drive, formally known as Lot 25, Block 20, Plan 152 4140. The property is currently vacant and districted R3 - Medium Density Residential District. The intent is to re-district the site C1 - Community Commercial District to accommodate neighbourhood-scale commercial development including community-orientated retail and commercial services. To ensure consistency with relevant statutory documents, an amendment to the Timberlea Area Structure Plan Map is also required.

This is the Applicant's second attempt to re-district this site to facilitate development, and neighbourhood concerns from the prior 2016 application have now been addressed in the current proposal. Previously contentious land uses such as Gas Bar and Liquor Store have been removed from the proposed amendment, therefore, Planning and Development is recommending approval of the application.

The authority to amend the Land Use Bylaw is vested with Council under the *Municipal Government Act*.

**Background:**

The subject property is located within the Stonecreek neighbourhood and is bordered by a multi-family apartment building to the North, Stoneycreek Village shopping plaza to

the East, single family residential homes to the South and park space to the West. The site was subdivided from the multi-family property in 2015 and sold to a new property owner. The subject property has never been developed and currently lies vacant.

The property owner first applied for a Land Use Bylaw amendment in 2016 to re-district the parcel from R3 - Medium Density Residential District to C2 - Mixed/Transitional Commercial District. Following first reading at Council on November 22, 2016, the amendment was withdrawn due to neighbourhood concerns with respect to volume of traffic, safety, and potential loss of enjoyment of personal property.

To address these concerns, the property owner hired a consultant, Urban Systems, to facilitate a new amendment application which included extensive engagement with the community. A postcard was mailed to 39 properties notifying surrounding residents of the proposed amendment and identifying engagement opportunities. Following the mail-out, the Applicant visited each of the 39 properties in-person to provide an opportunity to discuss the proposal, and 21 residents provided feedback.

Due to restrictions to prevent the spread of Covid-19, signs were erected on the fence of the property to advertise virtual open houses on November 15 and 16, 2021. No concerns were raised by residents at either session, but the Applicant still addressed past concerns by bringing forward a modified version of the C1- Community Commercial District. C1 is a lower intensity commercial district than C2, and the amendment proposes to contain site-specific restrictions prohibiting the use Gas Bar and Liquor Store on the subject site so as to ensure neighbour concerns are mitigated.

Planning and Development also mailed a notice of application for rezoning to neighbouring properties within a 60-meter radius. Two residents reached out in response to the mailout, and staff have followed up to describe the modified steps being taken to address past concerns.

#### **Rationale for Recommendation:**

The proposed re-districting of the subject parcel effectively balances the property owner's desire to develop, and the concerns of nearby residents. The modified C1 - Community Commercial District will provide for more appropriate neighbourhood-scale development that is primarily oriented to addressing the needs of nearby residents and does not include land uses that are of concern to residents.

Through the circulation process there were no concerns raised on the proposed amendment by any internal or external reviewing agencies. The applicant submitted a Transportation Impact Assessment which confirmed no road improvements would be required to facilitate development, but it should be noted that potential upgrades will be assessed in greater detail at the Development Permit stage. The development permit stage also affords Planning and Development the ability to perform additional detailed review and apply the appropriate rigor to ensure the site is developed in a manner that respects nearby residential development.

The Municipal Development Plan (MDP) promotes responsible development by making efficient use of available land. Policy 1.1.1 in particular states that the Municipality will promote higher densities in established neighbourhoods through infill and redevelopment opportunities. Policy 4.1.1 encourages a mix of land uses by integrating housing, retail, business, institution, and recreation to create a more dynamic environment where residents only need to travel short distances for daily services. The amendment would fulfill the intent of these policies.

The Timberlea Area Structure Plan (ASP) directs commercial development to be grouped together where possible to minimize conflicts with residential areas. The Timberlea ASP was amended in 2007 (Bylaw No. 07/023) by identifying commercial and mixed uses along the Prospect Drive corridor to facilitate development of the Stoneycreek Village shopping centre. However, the 2007 amendment did not include the subject property, and so the current proposed amendment to the Timberlea ASP would therefore ensure the subject property is aligned with relevant policy direction.

Administration supports the proposed Land Use Bylaw and Timberlea Area Structure Plan amendments and recommends that the Bylaw No. 23/003 be given first reading to allow for a public hearing to be scheduled.

### **Strategic Plan Values:**

Local Economy

### **Attachments:**

**Bylaw No. 23/003 - Land Use Bylaw No. 99/059 and Timberlea Area Structure Plan Bylaw No. 01/020 Amendments - 110 Prospect Drive**

**BYLAW NO. 23/003****A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND LAND USE BYLAW NO. 99/059 AND TIMBERLEA AREA STRUCTURE PLAN BYLAW NO. 01/020**

**WHEREAS** Section 633 of the *Municipal Government Act*, R.S.A., 2000, c.M-26 and amendments thereto authorizes Council to enact a bylaw adopting an area structure plan;

**AND WHEREAS** Section 640 of the *Municipal Government Act*, R.S.A., 2000, c.M-26 and amendments thereto authorizes Council to enact a bylaw adopting a Land Use Bylaw;

**AND WHEREAS** Section 191(1) of the *Municipal Government Act*, R.S.A., 2000, c.M-26 and amendments thereto authorizes Council to adopt a bylaw to amend a Land Use Bylaw.

**NOW THEREFORE**, the Council of the Regional Municipality of Wood Buffalo, in the Province of Alberta, hereby enacts as follows:

1. That the Timberlea Area Structure Plan Bylaw No. 01/020 (Figure 4, as amended) is hereby further amended by re-districting the parcel legally described as Lot 25, Block 20, Plan 152 4140 from Medium Density Residential to Commercial, as depicted on attached Schedule "A".
2. That Land Use Bylaw No. 99/059 is hereby amended by re-districting the parcel legally described as Lot 25, Block 20, Plan 152 4140 from R3 – Medium Density Residential District, to C1 – Community Commercial District as depicted on attached Schedule "B".
3. That Land Use Bylaw No. 99/059 be further amended by deleting Section 105.2 in its entirety and replacing it with the following:

105.2 Permitted Uses (BL 16/020)

The following are permitted uses:

- (a) Accessory Building
- (b) Animal Service Facility, Minor
- (c) Child Care Facility
- (d) Financial Institution
- (e) Gas Bar (BL 04/012) (not permitted on Lot 25, Block 20, Plan 152 4140)
- (f) DELETED (BL 08/001)
- (g) Liquor Store (not permitted on Lot 25, Block 20, Plan 152 4140)
- (h) Office
- (i) Personal Service Facility
- (j) Retail Store, Convenience
- (k) Satellite Dish Antenna

5. This Bylaw comes into effect on the day it is passed.

READ a first time this this 14<sup>th</sup> day of February, 2023.

READ a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

READ a third and final time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SIGNED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

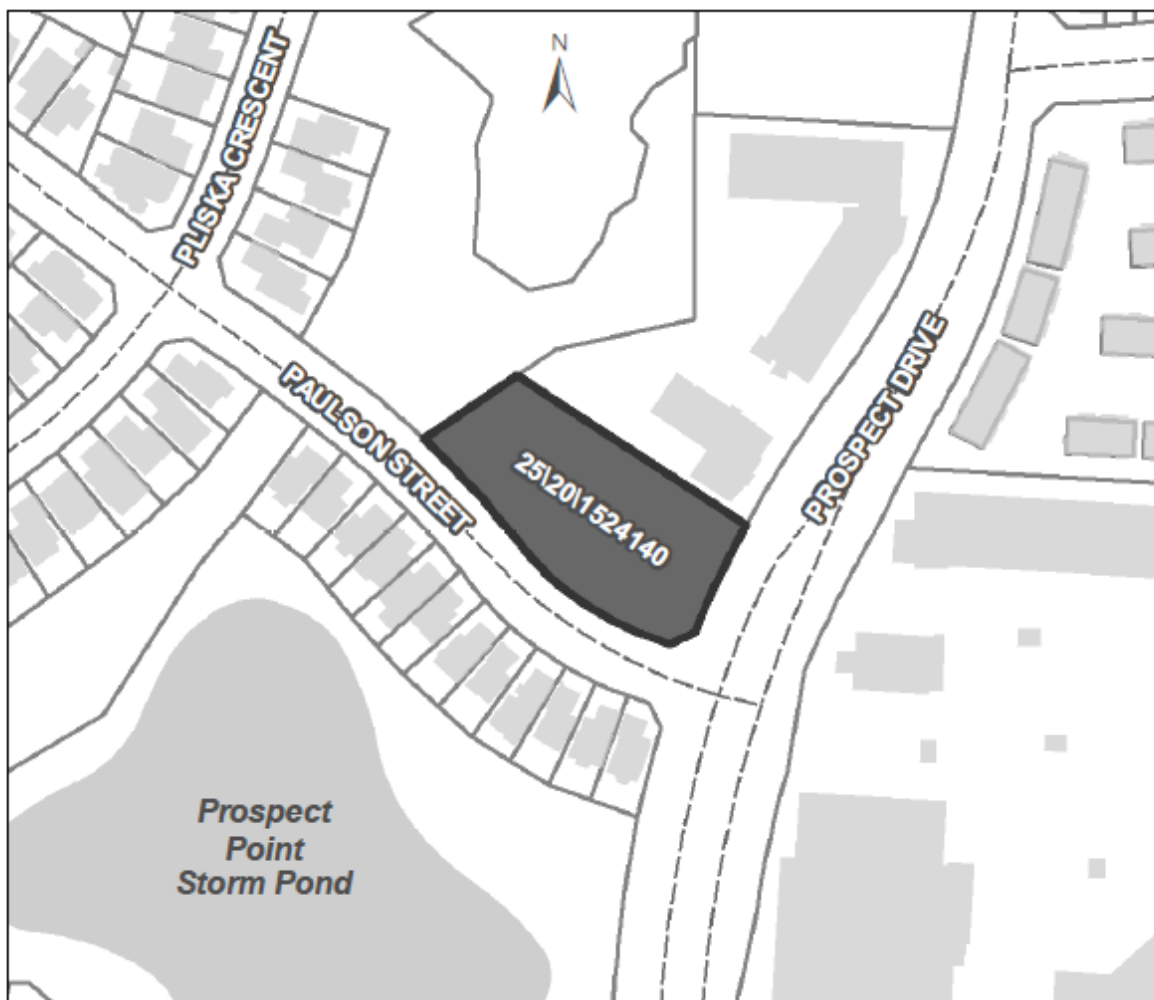
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Legislative Officer



## BYLAW NO. 23/003

## SCHEDULE "A"

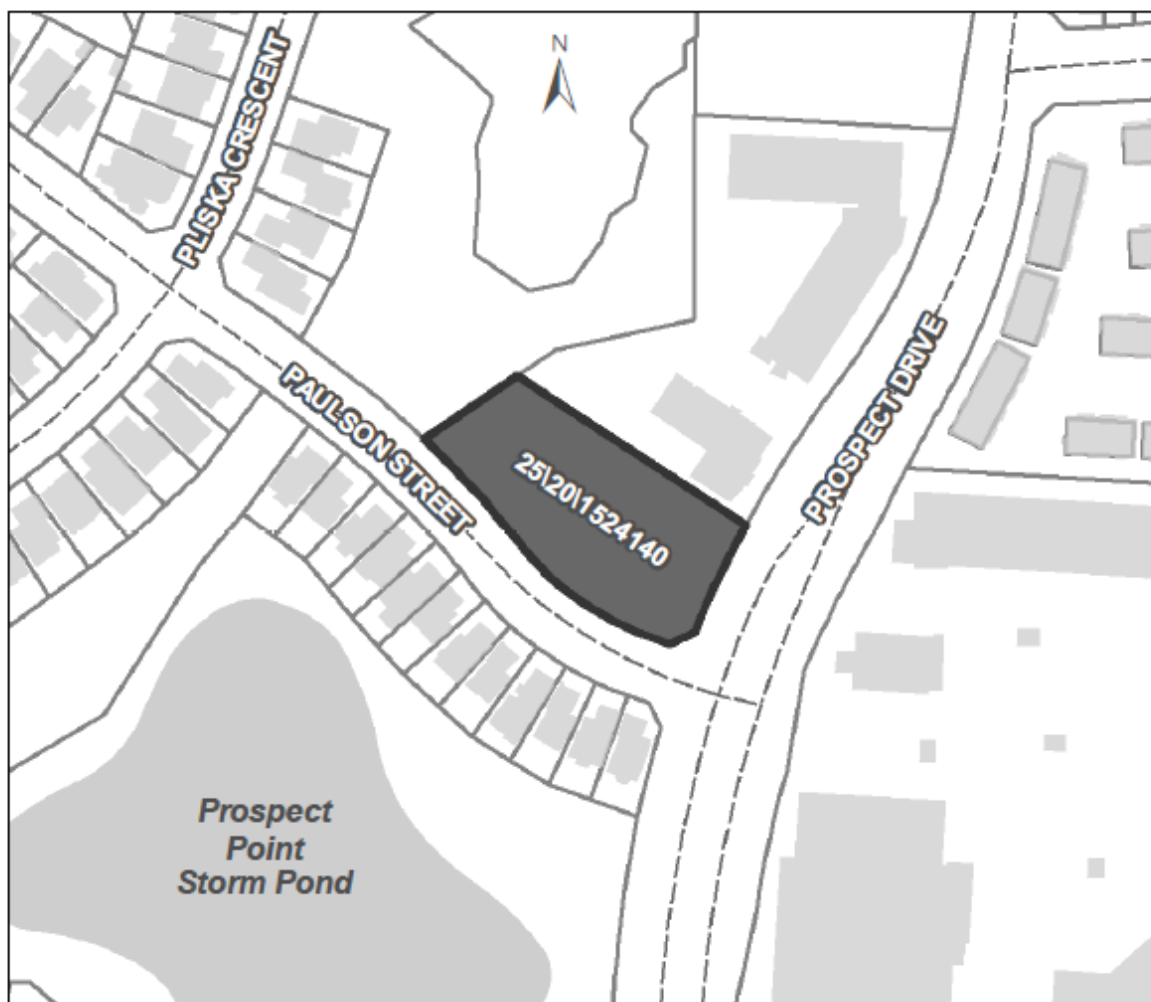


**SUBJECT AREA**

**ASP AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL  
(R3) TO COMMUNITY COMMERCIAL (C1)**

## BYLAW NO. 23/003

## SCHEDULE "B"



**SUBJECT AREA**

**LUB AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL (R3) TO COMMUNITY COMMERCIAL (C1)**



## COUNCIL REPORT

Meeting Date: March 14, 2023

### **Subject: Draper Household Flood Risk Reduction Grant and Voluntary Buyout Program**

#### **APPROVALS:**

**Paul Thorkelsson**

\_\_\_\_\_  
Director

\_\_\_\_\_  
Chief Administrative Officer

#### **Recommended Motion:**

1. THAT the Draper Household Flood Risk Reduction Program Policy FIN-420 as outlined in Attachment 1, be approved.
2. THAT Administration be directed to proceed with offering a voluntary buyout for properties in Draper below 250.9 m, at the highest assessed property value between the years of 2020 to 2022, and that the voluntary buyout be offered until September 29, 2023.

#### **Summary:**

On January 23, 2023, Council adopted Flood Accommodation as the approach to flood mitigation for the community of Draper. To complement this decision, Council directed Administration to develop two separate programs - a household flood risk reduction program and a voluntary buyout program.

The Draper Household Flood Risk Reduction Grant Program (Attachment 1) is being proposed which would provide financial support to eligible property owners who choose to invest in flood accommodation practices at the household level via three specific streams.

Additionally, it's being recommended that a voluntary buyout program, with an application period closing on September 29, 2023, be approved for properties in Draper below 250.9 m which would permanently remove residents from living in the flood hazard area.

#### **Background:**

On January 23, 2023, Council passed the following:

1. THAT Flood Accommodation be approved as the flood mitigation option for the community of Draper; and

## COUNCIL REPORT – Draper Household Flood Risk Reduction Grant and Voluntary Buyout Program

2. THAT Administration bring forward a Household Flood Risk Reduction Grant Program for eligible properties within the community of Draper by March 14, 2023; and
3. THAT Administration bring forward possible voluntary buyout option(s) for properties in Draper below the 1-in-200-year flood elevation level for Council's consideration by March 14, 2023.

The Flood Accommodation approach acknowledges that flooding will continue to periodically occur, that the community of Draper will not be protected by community structural flood mitigation, and that the Municipality will limit additional municipal infrastructure in the community. The approach suggests that ongoing actions of Administration, Council and residents will continue to assist in limiting, mitigating, and reducing vulnerabilities related to flood damage.

### **Draper Household Flood Risk Reduction Grant Program:**

The intent of the Program is to provide homeowners with the opportunity to qualify for financial support as they work to reduce their flood risk at an individual household level. The Program is not intended to provide all necessary funds for homes to become 100% resilient to flooding. Rather, it is intended to assist homeowners in taking steps towards increasing their resiliency.

Creation of the Program began with identifying how other jurisdictions support household flood resiliency efforts. These jurisdictions provided financial support for homeowners to limit, mitigate or reduce their household risk to flood damage, limit disruption from flooding events, and reduce the amount of time that individuals are displaced from their homes following a flooding event. During this research, Administration identified that, generally, there are 3 categories of financial support most consistently made available - critical services and utilities, retrofitting building materials, and personal storage.

When considering the various style of homes, community demographics, and the physical characteristics of the community, Administration identified that an overly prescriptive approach to a grant program would not be the most effective. Therefore, the Program is flexible enough to allow residents to choose to undertake the interior flood accommodation activities that best suit their personal situations while still ensuring that the intent of the Program would be met.

The recommended program eligibility is based on the main floor elevation, the elevation of the basement, and the location and elevation of the services and utilities within the home. Administration recommends that the 250.9 m elevation be the determining factor for grant eligibility as it is consistent with the elevation that is used for flood mitigation efforts in Fort McMurray. Using this elevation, there are 21 homes which could be eligible for the Program.

**Budget/Financial Implications:**

To determine costs for the Program, Administration sought assistance from local contractors to help ensure that the recommended costs were reasonable for each stream. The recommended maximum household disbursement for each stream are as follows:

- Critical Services & Utilities (Stream 1) - \$35,000
- Retrofit Building Materials (Stream 2) - \$10,000
- Personal Storage (Stream 3) - \$400

The table below outlines the estimated maximum cost for the Program and is based on the programs presumed eligibility criteria.

**Options:**

The following options are being provided for Council's consideration:

- **Option 1 (Recommended):** If this option is approved it would include access to three streams and is based on the eligibility of 250.9 m elevation (assumed eligibility alignment for 21 homes).
- **Option 2:** If this option is approved it would include access to three streams available based on the eligibility of 250 m elevation (assumed eligibility alignment for 15 homes).
- **Additional Stream (AS):** This option contemplates inclusion of an additional stream to complement options 1 and 2. Should this be included, it would bring the total streams available to four for eligible residents. The additional stream would provide financial assistance to support flood risk reduction activities on the property surrounding the home. This could include, but not limited to, activities such as grading. All permitting and regulatory processes would be required. Eligibility would be based on the ground elevation at any point surrounding the home being lower than 250.9 m.

			<b><i>Estimated Maximum Cost to RMWB</i></b>				
<b>Option</b>	<b>Eligibility Scenario</b>	<b>Assumed # of homes</b>	<b>Stream 1</b>	<b>Stream 2</b>	<b>Stream 3</b>	<b>Additional Stream</b>	<b>Total Cost</b>
1	250.9 m	21	\$735,000	\$210,000	\$8,400	N/A	\$953,400
2	250 m	15	\$525,000	\$150,000	\$6,000	N/A	\$681,000
AS	N/A	25	-	-	-	\$312,500*	-

*\*Estimated maximum cost for inclusion of the additional stream (AS) is calculated based on \$12,500 per assumed eligible property and would need to be added to the total cost of the option selected by Council.*

### **Rationale for Recommendation:**

Flood Accommodation has been determined to be the approach to flood mitigation in the community of Draper; therefore, Administration, Council and homeowners need to adjust their approach to mitigating flood risk and increase resiliency to flooding. The proposed Program is based on programs found in other jurisdictions and appropriately identifies the RMWB's role as it supports homeowners who choose to make changes at the household level. The eligibility criteria outlined in the program helps to ensure that homeowners with residences at lower elevations are given the opportunity to receive financial support. Lastly, the Program's design and recommended level of financial support ensures that all eligible homeowners will be able to meaningfully enhance their household resiliency.

### **Voluntary Buyout Program:**

Administration completed benchmarking for natural disaster event buyout programs across Canada. The programs were largely provincially funded and were offered to residents after an event damaged their homes or if their homes were deemed unsafe to live in.

The voluntary buyout programs offered compensation at pre-event assessed value, giving the residents the option to participate in the program. Assessed value is generally offered in a voluntary buyout situation given that participation is not mandatory, and the

property is not listed on the open market.

In Alberta, all the identified buyout programs were provincially funded and were voluntary with compensation equal to pre-event assessed value. After the buyout programs were completed, the acquired land was maintained as open space and no future development was permitted on these lands.

Similar to other voluntary buyout programs offered throughout Alberta, the RMWB recently acquired property in Ptarmigan Court. The Ptarmigan Court acquisitions were provincially funded and were offered at the 2020 assessed value. The RMWB is currently in the process of consolidating and re-zoning these lots to meet the Government of Alberta's expectations that residential development will not be permitted on the lands acquired in Ptarmigan Court.

### Options:

The following options are being put forward for Council's consideration:

- **Option 1 (Recommended):** THAT Council consider a voluntary buyout program until September 29, 2023 for properties in Draper below 250.9 m, at the highest assessed property value between 2020-2022.
- Option 2: THAT Council consider a voluntary buyout program until September 29, 2023 for properties in Draper below 250.9 m, at the 2022 assessed property value.
- Option 3: THAT Council consider a voluntary buyout program until September 29, 2023 for properties in Draper below 250.9 m, at the 2021 assessed property value.
- Option 4: THAT Council consider a voluntary buyout program until September 29, 2023 for properties in Draper below 250.9 m, at the 2020 assessed property value.

### Budget/Financial Implications:

The following table outlines the financial implications of the buyout assessment year options outlined above.

Scenario	# of Properties	Option 1 - Highest Value	Option 2 - 2022 Tax Year	Option 3 - 2021 Tax Year	Option 4 - 2020 Tax Year
Properties below 250.9 m	16	\$12,969,300	\$11,489,560	\$11,704,030	\$12,446,460

**Rationale for Recommendation:**

The approach outlined in the recommended option is consistent with the findings from the benchmarking exercise that was undertaken for other communities in Canada and Alberta. It is also consistent with the approach that the RMWB most recently used for the voluntary buyout program for Ptarmigan Court except the Government of Alberta is not providing funding for the program in Draper.

**Strategic Plan Values:**

Fiscal Management

**Attachments:****1. Draper Household Flood Risk Reduction Grant Program Policy FIN-420**

**Draper Household Flood Risk Reduction Grant and Voluntary Buyout Programs Presentation**



# COUNCIL POLICY



Document Name: Draper Household Flood Risk Reduction Grant Program

Department Name: Strategic Planning and Program Management

Document Number: FIN-420

Effective Date: March 14, 2023      Next Revision Date: March 14, 2026

## **STRATEGIC PLAN LINKAGE**

Fiscal Management

## **PURPOSE AND OBJECTIVE**

The purpose of the Draper Household Flood Risk Reduction Grant Program Policy (“the Policy”) is to:

- a. establish the Draper Household Flood Risk Reduction Grant Program (“the Program”);
- b. outline the value of Grants; and
- c. determine eligibility for Grants under the Policy.

The Program will provide financial support to eligible property owners within the community of Draper (Appendix A). The objectives of the Program are to:

- a. enhance flood resiliency for individual property owners who choose to invest in flood accommodation practices at the household level; and
- b. provide financial support to property owners who choose to invest in flood accommodation practices at the household level through three grant streams – Utilities and Services, Retrofit Building Materials, and Storage.

## **GENERAL PRINCIPLES**

### **1. Definitions:**

- 1.1. “Agreement” means the agreement between the Recipient and the Municipality that sets out the terms and conditions for participating in the Program.
- 1.2. “Applicant” means the registered property owner or the property owner's legal representative who submits an application.
- 1.3. “Commercial building” means a residential structure that is not the principal residence of the owner and is used for revenue generation purposes.
- 1.4. “Draper” means the area identified in Appendix A: Map of the community of Draper.
- 1.5. “Draper Household Flood Risk Reduction Grant Program” or “Program” means a short-term Grant program for property owners in the community of Draper.

- 1.6. “Grant” means a transfer of monies from the Municipality to a Recipient for a project or purpose according to the requirements outlined in this Policy and the accompanying Draper Household Flood Risk Reduction Grant Program Administrative Procedure FIN-420-P01.
- 1.7. “Household” means a complete building or self-contained portion of a building used as a principal residence.
- 1.8. “Letter of Authorization” means written legal documentation from the registered property owner to a legal representative which allows the legal representative to apply to the Program on the property owner’s behalf.
- 1.9. “Municipality” means the Regional Municipality of Wood Buffalo or RMWB.
- 1.10. “Principal Residence” means the building where the owner maintains their permanent dwelling and typically spend the majority of the calendar year.
- 1.11. “Program Guidelines” means a document or set of documents that provides a detailed explanation of the Program to guide Applicants through the application process. The Program Guidelines provide an overview of the Program, including Grant streams, eligibility, application processes, and assessment criteria, and design standards, where applicable.
- 1.12. “Recipient” means an Applicant that is approved by the Municipality to receive the Grant.

## **2. Responsibilities:**

### **2.1. Council to:**

- 2.1.1. approve this Policy; and
- 2.1.2. approve any amendments to this Policy.

### **2.2. Chief Administrative Officer (CAO) to:**

- 2.2.1. recommend any amendments to this Policy;
- 2.2.2. support the implementation of this Policy; and
- 2.2.3. review and support any amendments to the Program.

## **3. General Procedures:**

### **3.1. Program Area:**

- 3.1.1. The Program applies to eligible Applicants in the community of Draper, as outlined in Appendix A: Map of Draper.

### **3.2. Program Duration:**

- 3.2.1. The Municipality will accept completed applications during the published timelines.
- 3.2.2. The Municipality will disburse funds.

**3.3. Municipal Control:**

- 3.3.1. The Municipality may close the Program to new applications at any time without notice.
- 3.3.2. The Municipality may terminate the Program at any time without notice.
- 3.3.3. The Municipality reserves the right to determine Applicant participation in the Program on a case-by-case basis and may require Applicants to meet additional requirements not set out in this Policy, the Administrative Procedure, or any other documents associated with the Program.
- 3.3.4. Recipients are bound by the terms and conditions of any Agreements.
- 3.3.5. Despite any indications to the contrary, at no point in the Application process does the Municipality accept any obligation to execute an Agreement.

**3.4. Grants and Their Allocations:**

- 3.4.1. The Program provides financial support under three streams:
  - 3.4.1.1. Relocation of utilities and services including but not limited to electrical panels, hot water tanks and furnaces;
  - 3.4.1.2. Retrofit building materials including but not limited to flooring, baseboards, drywall, insulation; and
  - 3.4.1.3. Relocation of storage options including but not limited to storage containers and shelving.
- 3.4.2. Funding will be provided to the property owner up to the following amounts:
  - 3.4.2.1. Relocation of utilities and services - \$35,000
  - 3.4.2.2. Retrofit building materials - \$10,000
  - 3.4.2.3. Relocation of storage options - \$400
- 3.4.3. Eligible applicants may qualify for Grant funding under all streams, to the limits set out in this Policy.
- 3.4.4. Grant funding under each stream may only be accessed once per property and will only be provided to the property owner in one payment.

**3.5. General Eligibility Criteria:**

- 3.5.1. The applicant must be the property owner(s) or legal representative with written approval of the property owner. Where there are two or more property owners, all of the owner's signatures are required.
- 3.5.2. Only Principal Residences are eligible.
- 3.5.3. The following are eligibility criteria for each of the identified streams:

- 3.5.3.1. Relocation of utilities and services: Homeowners who have services (e.g. hot water tank, furnace, electrical panel) that fall below the elevation of 250.9 metres above sea level.
- 3.5.3.2. Retrofit furnishings:
  - a. Homeowners whose main floor elevation is at 250.9 metres above sea level or lower; or
  - b. Homeowners whose main floor elevation is above 250.9 metres above sea level and have a portion of their basement that falls below the elevation of 250.9 metres above sea level.
- 3.5.3.3. Relocation of storage options:
  - a. Homeowners whose main floor elevation is at 250.9 metres above sea level or lower; or
  - b. Homeowners whose main floor elevation is above 250.9 metres above sea level and have a portion of their basement that falls below the elevation of 250.9 metres above sea level.
- 3.5.4. Projects must meet the intent of the Program Guidelines.
- 3.5.5. The following are ineligible under the Program:
  - 3.5.5.1. all commercial buildings and their premises, unless stated otherwise in this Policy;
  - 3.5.5.2. garages, shops and other buildings that are not the Principal Residence on the property;
  - 3.5.5.3. Principal Residences that are not compliant with applicable codes, standards and bylaws;
  - 3.5.5.4. flood mitigation activities including but not limited to permanent or temporary berms or grading;
  - 3.5.5.5. projects or work that was previously funded by agencies including but not limited to the Government of Alberta and social profits.
- 3.5.6. The following must be satisfied and will be verified by the Municipality at the time the Recipients request reimbursement:
  - 3.5.6.1. Property taxes must be current and paid;
  - 3.5.6.2. Utility bills must be current and paid;
  - 3.5.6.3. Properties must not have an unresolved order to comply with the Land Use Bylaw, Building Code, Fire Code, Community Standards Bylaw, or other regulation;
  - 3.5.6.4. Applicant is not a party to a legal dispute with the Municipality; and

- 3.5.6.5. All necessary municipal permits and permissions have been received for the project and are closed and without deficiencies.
- 3.5.7. Funds will only be disbursed to the property owner.
- 3.5.8. Exceptions to section 3.5 will be at the discretion of the Municipality on a case-by-case basis.
- 3.6. **Application Requirements:**
  - 3.6.1. The Municipality shall accept only complete applications.
  - 3.6.2. Complete applications must contain the following:
    - 3.6.2.1. completed application form;
    - 3.6.2.2. project description, including project scope and proposed improvements, construction timelines, project duration, and summary of how Program objectives will be met;
    - 3.6.2.3. photographs of the existing conditions;
    - 3.6.2.4. Certificate of Title issued within 30 days of the application submission date;
    - 3.6.2.5. Letter of Authorization, if required;
    - 3.6.2.6. any other Grant-specific requirements described in this Policy; and
    - 3.6.2.7. any other information required by the Municipality to evaluate the application.
- 3.7. **Construction and Timelines:**
  - 3.7.1. Construction shall not begin until there is an executed Agreement and municipal permits are obtained, unless stated otherwise in this Policy or Administrative Procedure.
  - 3.7.2. Where required, contractors shall be licensed by the Province of Alberta, have a valid municipal business license, and carry the required insurance.
  - 3.7.3. Recipients may use the contractor of their choice. However, when a contractor estimate is required, the Municipality will reimburse the estimate or final invoice, whichever is less.
  - 3.7.4. Recipients shall obtain all necessary municipal permits and permissions, including, but not limited to, development permits, building permits, occupancy certificates, street occupancy permits, and licenses of occupation.
  - 3.7.5. Acceptance of the application for the Program by the Municipality does not guarantee that the project will receive municipal approvals at the construction stage.
  - 3.7.6. Recipients shall notify the Municipality if the project scope or design changes during the permitting or construction process. The Municipality may require the Recipient to enter into an amended Agreement.

3.7.7. Projects shall be completed in a timely manner. Recipients shall complete construction within 12 months from the date on the executed Agreement.

3.7.8. The Municipality may consider extensions to these deadlines if Recipients demonstrate that delays are due to circumstances beyond their control and/or seasonal construction limitations. Recipient shall submit requests for extensions at least 30 days prior to the deadline.

**3.8. Communications and Recognition:**

3.8.1. Application information, not limited to photographs, drawings, and plans, may be used by the Municipality for the purposes of presentations, and similar purposes.

**3.9. Monitoring and Reporting:**

3.9.1. The Municipality shall maintain records to enable timely reporting to Council on the interest in, uptake of, and success of the Program. The Municipality will monitor the:

3.9.1.1. number of inquiries about the Program;

3.9.1.2. number of applications received, reviewed, approved, completed, and funded;

3.9.1.3. processing time for completed applications;

3.9.1.4. total funding provided under the Program and for each Grant type; and

3.9.1.5. Applicant and Recipient feedback.

**4. Appendices:**

4.1. Appendix A: Map of the community of Draper

**APPROVAL**

This Policy was approved by Council. It will be reviewed not later than its next Revision Date to determine its effectiveness and appropriateness. It may be assessed before that time, as necessary.

\_\_\_\_\_  
Sandy Bowman, Mayor

\_\_\_\_\_  
Jade Brown, Chief Legislative Officer

\_\_\_\_\_  
Date

**SUPPORTING REFERENCES AND POSITION RESPONSIBLE**

Legal References:	Safety Codes Act, RSA 2000, c S-1
Cross References:	Community Investment Program Policy FIN-220 Draper Household Flood Risk Reduction Grant Program Administrative Procedure FIN-420-P01
Position Responsible:	Director, Strategic Planning and Program Management

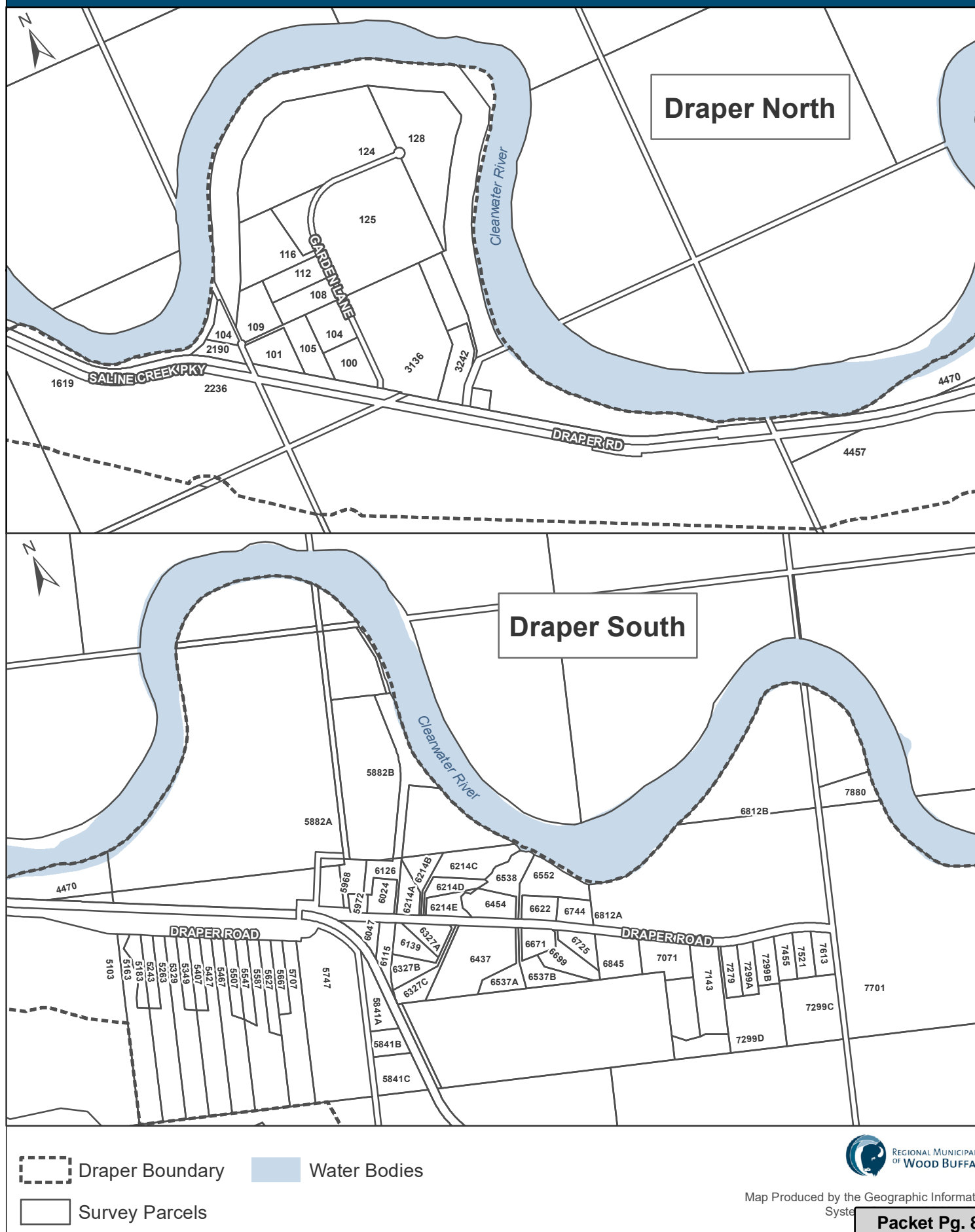
**COUNCIL POLICY DETAILS AND REVISION HISTORY**

Date	Action	Description
March 14, 2023	Introduction	New Council Policy to establish the Draper Household Flood Risk Reduction Grant Program

## SUBJECT AREA MAP

### Draper

## Attachment



**Attachment: 1. Draper Household Flood Risk Reduction Grant Program Policy FIN-420 [Revision 3] (Draper Household Flood Risk Reduction**



# Draper Household Flood Risk Reduction Grant and Voluntary Buyout Programs

Presenter: Kelly Hansen, Director, and Brad McMurdo, Director  
Department: Strategic Planning & Program Management, and  
Planning & Development  
Meeting Date: March 14, 2023



REGIONAL MUNICIPALITY  
OF WOOD BUFFALO

# Presentation Outline

- Recommendations
- Background
- Household Flood Risk Reduction Grant Program
  - Intent of the Grant Program
  - Grant Program design and funding streams
  - Disbursement maximums per stream
  - Grant Program options, expense, and rationale



# Presentation Outline

(continued)

- Voluntary Buyout Program
  - Intent of the Buyout Program
  - Buyout Program options, expense, and rationale



# Recommendation

THAT the Draper Household Flood Risk Reduction Program FIN-420, as outlined in Attachment 1, be approved; and

THAT Administration be directed to proceed with offering a voluntary buyout for properties in Draper below 250.9 m, at the highest assessed property value between the years of 2020 to 2022, and that the voluntary buyout be offered until September 29, 2023.



# Background

On January 23, 2023, Council passed the following resolutions:

1. THAT Flood Accommodation be approved as the flood mitigation option for the community of Draper; and
2. THAT Administration bring forward a Household Flood Risk Reduction Grant Program for eligible properties within the community of Draper by March 14, 2023; and
3. THAT Administration bring forward possible voluntary buyout option(s) for properties in Draper below the 1-in-200-year flood elevation level for Council's consideration by March 14, 2023.



# Background

(continued)

- Flood Accommodation acknowledges that flooding will continue to occur.
- Flood Accommodation means that Municipality will limit additional municipal infrastructure in the community of Draper.
- Administration, Council, and residents have a role in reducing vulnerabilities related to flood damage.



# Household Flood Risk Reduction Grant Program

Draper Household Flood Risk Reduction Grant & Voluntary Buyout Programs

7



# Household Flood Risk Reduction Grant Program

- The intent of the Grant Program is to provide homeowners with the opportunity to qualify for financial support as they work to reduce their flood risk at an individual household level.
- The Grant Program will assist homeowners in taking steps towards increasing their resiliency.
- Design of the recommended program is three (3) funding categories or streams:
  1. Critical Services & Utilities
  2. Retrofit Building Materials
  3. Personal Storage





# Grant Program: Design

(continued)

The design of the recommended program:

- is flexible to match personal situations;
- limits barriers for participation while ensuring fiscal responsibility;
- has eligibility based on the main floor elevation, the elevation of the basement, and the location and elevation of the services and utilities within the home; and
- where appropriate, costs for the program streams have been developed with input from local contractors.



# Grant Program: Design

(continued)

The recommended household disbursement maximums per stream are:

	Stream	Funding Amount
1	Critical Utilities & Storage	\$35,000
2	Retrofit Building Materials	\$10,000
3	Personal Storage	\$400

- Recommended disbursement maximums are not intended to support 100% risk reduction at a household level.



# Grant Program: Design

(continued)

The estimated maximum cost to RMWB for the Grant Program by funding stream:

Assumed # of Homes	Stream 1	Stream 2	Stream 3	Total Cost
21	\$735,000	\$210,000	\$8,400	\$953,400

- Additional Administrative costs are not yet determined and are influenced by Council's decision.



# Grant Program: Options

**Option 1:** (Recommended) Use the 250.9 m elevation as the determining factor for eligibility for flood risk reduction activities inside the home.

**Option 2:** Use the 250 m elevation as the determining factor for eligibility for flood risk reduction activities inside the home.

Estimated Maximum Cost to RMWB						
Option	Eligibility Scenario	Assumed # of Homes	Stream 1	Stream 2	Stream 3	Total Cost
1	250.9 m	21	\$735,000	\$210,000	\$8,400	\$953,400
2	250 m	15	\$525,000	\$150,000	\$6,000	\$681,000



# Grant Program: Options

(continued)

**Additional Stream:** Consideration to include an additional stream to compliment Option 1 or 2, that would support flood risk reduction activities on the property surrounding the home. Eligibility would be based on the ground elevation at any point of the surrounding home being lower than 250.9 m.

Cost per Household	Assumed # Eligible Homes	Total Estimated RMWB Cost
\$12,500	25	\$325,000*

\* Total estimated cost for the Additional Stream would need to be added to the Total Cost of the Option selected by Council.



# Grant Program: Rationale

- Flood Accommodation necessitates an adjusted approach to flood mitigation.
- The proposed Program is based on programs offered within other jurisdictions.
- The proposed Program supports homeowners who choose to make changes.
- Homeowners with residences at lower elevations are given opportunity to receive financial support.
- All eligible homeowners will be able to make meaningful steps toward flood risk reduction.



# Voluntary Buyout Program



# Voluntary Buyout Program

- Intent is to provide the opportunity for homeowners to permanently leave the flood hazard area
- Benchmarking shows that buyout programs are largely provincially funded and that compensation using pre-event assessed values has been offered.
- Ptarmigan Court Buyout Process was done using pre-event assessed values. The purchased lands will be re-zoned to restrict future development.
- The recommended program offers a resident-focused compensation package while considering the learnings from benchmarking and the RMWB's previous experience.





# Voluntary Buyout Program: Options

1. THAT Council consider a voluntary buyout program until September 29, 2023 for properties in Draper below 250.9 m, at the highest assessed property value between 2020 and 2022. (**Recommended**)
2. THAT Council consider a voluntary buyout program until September 29, 2023 for properties in Draper below 250.9 m, at the 2022 assessed property value.
3. THAT Council consider a voluntary buyout program until September 29, 2023 for properties in Draper below 250.9 m, at the 2021 assessed property value.



# Voluntary Buyout Program: Options

(continued)

4. THAT Council consider a voluntary buyout program until September 29, 2023 for properties in Draper below 250.9 m, at the 2020 assessed property value.



# Voluntary Buyout Program: Budget Implications

The cost scenarios below are based on Draper properties below 250.9 m and an assumed number of 16 homes:

**Option 1. Highest Value: \$12,969,300**

**Option 2. 2022 Value: \$11,489,560**

**Option 3. 2021 Value: \$11,704,030**

**Option 4. 2020 Value: \$12,446,460**

*Note: This table only reflects the assessed property values and does not include costs such as external legal fees.*



# Proposed Voluntary Buyout Program: Rationale

- The Voluntary Buyout Program methodology is consistent with other jurisdictions.
- The Program methodology is consistent with the approach used for Ptarmigan Court and other voluntary buyout programs previously offered by the RMWB except that the Government of Alberta is not providing funding for the program in Draper.



# Thank You





## COUNCIL REPORT

Meeting Date: March 14, 2023

### **Subject: Fiscal Responsibility Policy FIN-160**

#### **APPROVALS:**

**Paul Thorkelsson**

\_\_\_\_\_  
Director

\_\_\_\_\_  
Chief Administrative Officer

#### **Recommended Motion:**

THAT Fiscal Responsibility – FIN-160, dated March 14, 2023, be approved.

#### **Summary:**

On Nov 7, 2022, Council passed a motion directing Administration to review and bring forward recommendations to amend the Fiscal Responsibility Policy FIN-160 to ensure that appropriate capital budget amendments are brought forward for Council approval.

A Fiscal Responsibility Policy provides a framework for fiscal governance to ensure financial sustainability, aligning with the Council Strategic Plan value of Fiscal Management.

Spending authority is granted annually through the Council approved budget process. The Policy includes the Emerging Issues Reserve and Capital Infrastructure Reserve guidelines, which is an effective framework allowing the Municipality to respond to unanticipated expenditure requirements.

The existing Policy was approved by Council on July 14, 2015, and is now due for revision. The updated Policy includes a review cycle of three years to maintain consistency with other policies.

#### **Background:**

A Fiscal Responsibility Policy provides a framework for financial decisions to ensure fiscal stability and reaffirm reserve parameters. The reserves provide flexibility for the Municipality to respond to emerging issues as well as fund unanticipated capital acquisition requirements.

Through this policy, both reserves will continue to maintain a minimum uncommitted balance of \$50,000,000 each. The minimum uncommitted balance levels have been established after consideration of potential financial risks that the Municipality may face.

The primary changes to the policy are related to previously approved capital budget thresholds as defined in sections 3.1.3.6 to 3.1.3.8., which will require Council approval. In addition, a new section, 3.4 Signing Authority, has been included aligning with the *Municipal Government Act* Section 213(4).

**Budget/Financial Implications:**

The 2022-2024 Fiscal Management Strategy document is based on the Fiscal Responsibility Policy FIN-160, on the Emerging Issues Reserve and Capital Infrastructure Reserve limits of a \$50,000,000 uncommitted balance per reserve.

**Rationale for Recommendation:**

The policy will continue to provide a mechanism to respond to Operating and Capital budget changes within the approved framework and limits as indicated in the policy.

**Strategic Plan Values:**

Fiscal Management

**Attachments:**

- 1. Fiscal Responsibility Policy - FIN 160**
  - 2. Fiscal Responsibility Policy FIN-160 Redline**
- Fiscal Responsibility Policy FIN-160 Presentation**

# COUNCIL POLICY



REGIONAL MUNICIPALITY  
OF WOOD BUFFALO

Document Name: Fiscal Responsibility

Department Name: Financial Services

Document Number: FIN-160

Effective Date: March 14, 2023

Next Revision Date: March 2026

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## **STRATEGIC PLAN LINKAGE**

- Fiscal Management

## **PURPOSE AND OBJECTIVE**

The Regional Municipality of Wood Buffalo (the "Municipality") is committed to being fiscally responsible to taxpayers by following the spending limits as outlined in the Council approved annual budget and ensuring adequate operating and capital stability reserves are maintained.

The purpose of this Council Policy ("Policy") is to:

- Provide governance parameters regarding management of financial resources;
- Maintain operating and capital reserves; and
- Provide a framework that supports long-term financial planning and stability.

## **GENERAL PRINCIPLES**

### **1. Definitions:**

- 1.1. "Capital Budget Allocation" means the rationalization of budgeted capital funds based on approved requirements.
- 1.2. "Capital Budget Reallocation" means the rationalization of adjusting, transferring, or correcting a previously approved allocation of budgeted capital funds.
- 1.3. "Capital Infrastructure Reserve" (CIR) means an established capital reserve used to fund construction or acquisition and life cycle expenditures related to tangible capital assets.
- 1.4. "Emerging Issues Reserve" (EIR) means an established operating reserve used to stabilize operating revenues in response to unanticipated loss of revenue as well



as provide funding flexibility in responding to emergencies, unplanned events, and significant price changes.

- 1.5. "Operating Budget Allocation" means the rationalization of budgeted operating funds based on approved requirements.
- 1.6. "Operating Budget Reallocation" means the rationalization of adjusting, transferring, or correcting a previously approved allocation of budgeted operating funds.
- 1.7. "Scope Change" means a change or series of changes by which the outcome of a project is significantly or tangibly changed, thereby necessitating a budget amendment. Factors contributing to such significant or tangible change include but are not limited to compromised project quality and/or public benefit, project delays, resource diversion or replacement.
- 1.8. "Signing Authority" means the authority to approve and enter into contracts, and approve spending, pursuant to section 3.4 of this Policy and the *Municipal Government Act* (MGA). The Municipality's spending limit is based on the annual Council approved budget.
- 1.9. "Uncommitted Minimum Balance" means, in the case of each of the CIR and the EIR, the minimum amount of funds in each respective reserve.

## 2. Responsibilities:

### 2.1. Council to:

- 2.1.1. Approve any amendments to this Policy.

### 2.2. Chief Administrative Officer to:

- 2.2.1. Support the implementation of this Policy;
- 2.2.2. Support and recommend amendments to this Policy; and
- 2.2.3. Ensure compliance with this Policy.

### 2.3. Chief Financial Officer (CFO) to:

- 2.3.1. Ensure compliance with this Policy; and
- 2.3.2. Recommend amendments to this Policy.

### 2.4. Directors to:

- 2.4.1. Comply with this Policy; and
- 2.4.2. Recommend amendments to this Policy to the CFO.

## 2.5. Designated Officers:

- 2.5.1. All designated officers and their delegates are subject to the supervision of and accountable to the CAO.

## 3. General Procedures:

- 3.1 The framework of this Fiscal Responsibility Policy includes:

### 3.1.1. Annual Operating Budget Allocations:

- 3.1.1.1. As defined by the MGA 241(1), Council must adopt an operating budget for each calendar year by January 1 of that calendar year.

### 3.1.2. Operating Budget Reallocations may be authorized provided that:

- 3.1.2.1. The changes will result in a timely and fiscally responsible administrative and service delivery process;
- 3.1.2.2. Service levels or standards are not reduced or compromised;
- 3.1.2.3. No new services, programs or projects are undertaken; and
- 3.1.2.4. The total annual Operating Budget Allocation approved by Council, for the current fiscal year, is not exceeded.

### 3.1.3. Capital Budget Reallocations may be authorized provided that:

- 3.1.3.1. The proposed reallocation supports an efficient administrative and capital project delivery process;
- 3.1.3.2. The proposed reallocation will not result in the addition or cancellation of a capital project in the current Capital Budget Allocation;
- 3.1.3.3. The change does not alter the nature and type of capital project or otherwise constitute a Scope Change;
- 3.1.3.4. Where additional capital funding is requested, funding must come from internal savings found from existing approved capital budget sources, including but not limited to fully tendered projects, other uncommitted sources such as grants and offsite levies, or cash flow management with other capital projects;
- 3.1.3.5. Where additional capital funding is requested and exceeds funds available from the sources noted in Section 3.1.3.4, Council approval is required prior to using either the Capital Infrastructure Reserve (CIR) or other financing sources;

- 3.1.3.6. In addition to the limitations in Section 3.1.3.5, where an approved Capital Budget Allocation project item exceeds \$1,000,000, additional Capital Budget Reallocation funding must not exceed the lower amount of either 50% of the initial Capital Budget Allocation for such project.
- 3.1.3.7. Allocations in excess of \$5,000,000 require Council approval for additional Capital Budget Reallocation exceeding this limit, however the CAO may authorize increases for extraordinary events/emergencies attributable to *force majeure*.
- 3.1.3.8. Debt and debt service limits previously established by Council are not exceeded.

### 3.2. **Operating Reserve – Emerging Issues Reserve (EIR):**

- 3.2.1. An Emerging Issues Reserve (EIR) is established and will be maintained at a sufficient level, as recommended by the CFO, to stabilize operating revenues in response to unanticipated loss of revenue as well as provide funding flexibility in responding to *force majeure events* (i.e. emergencies and unplanned events) and significant inflationary and price changes.
- 3.2.2. The Uncommitted Minimum Balance of the EIR in any year shall not exceed 15% of prior year's audited net property tax revenue, but in any event shall never be less than \$50,000,000.
- 3.2.3. In the event that Council approves spending that will result in an EIR Uncommitted Minimum Balance lower than \$50,000,000, the CAO or designate will recommend a strategy to replenish the EIR in accordance with Section 3.2.2.
- 3.2.4. Council approval is required for any Operating Budget Reallocation from the Emerging Issues Reserve.

### 3.3. **Capital Reserve – Capital Infrastructure Reserve (CIR):**

- 3.3.1. A Capital Infrastructure Reserve (CIR) is established and will be maintained at a sufficient level, as recommended by the CFO, to fund construction or acquisition of, and life cycle expenditures related to, tangible capital assets.
- 3.3.2. The CIR shall have an Uncommitted Minimum Balance of not less than \$50,000,000.
- 3.3.3. In the event that Council approves spending that will result in a CIR Uncommitted Minimum Balance lower than \$50,000,000, the CAO or designate will recommend a strategy to replenish the CIR in accordance with Section 3.3.2.

- 3.3.4. Council approval is required for any Capital Budget Reallocation from the Capital Infrastructure Reserve.

**3.4. Signing Authority**

- 3.4.1. The Municipality's spending limit is based on the annual budget approved by Council. In accordance with the *Municipal Government Act* (MGA), Section 213(4), the authority to sign or authorize approval for agreements and commit budgets (acting as a buyer or purchaser) and/or to sign or authorize approval of payments and other negotiable instruments is held by either the chief elected official (i.e. the Mayor) or other person(s) authorized by Council as appointed designated officers pursuant to Section 210(1) of the MGA.
- 3.4.2. The Chief Administrative Officer (CAO) is, pursuant to Section 210(5) of the MGA, entitled to exercise all of the powers, duties and functions of a designated officer under the MGA in the absence of Council appointment.
- 3.4.3. A designated officer may delegate such officer's powers, duties, or functions (including signing or approving authority) in accordance with Section 212 of the MGA.
- 3.4.4. Designated officers and their delegates will adhere to Council's approved budget, subject to variance or adjustments consistent with this Policy.

**APPROVAL**

This Policy was approved by Council. It will be reviewed not later than its next Revision Date to determine its effectiveness and appropriateness. It may be assessed before that time as necessary.

---

Sandy Bowman, Mayor

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Jade Brown, Chief Legislative Officer

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Date

**SUPPORTING REFERENCES AND POSITION RESPONSIBLE**

Legal References: Municipal Government Act, RSA 2000, c.M-26

Cross References:

Position Responsible: Chief Administrative Officer  
Chief Financial Officer

**COUNCIL POLICY DETAILS AND REVISION HISTORY**

Date	Action	Description
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# COUNCIL POLICY



REGIONAL MUNICIPALITY  
OF WOOD BUFFALO

Document Name: Fiscal Responsibility

Department Name: Financial Services

Document Number: FIN-160

Effective Date: March 14, 2023

Next Revision Date: March, 2026

## STRATEGIC PLAN LINKAGE

- Fiscal Management

## PURPOSE AND OBJECTIVE STATEMENT:

The Regional Municipality of Wood Buffalo (the "Municipality") is committed to being fiscally responsible to ~~the~~ taxpayers by following the spending limits as outlined in the Council approved annual budget and ensuring adequate operating and capital stability reserves are maintained.

## PURPOSE AND OBJECTIVE

The purpose of this ~~policy~~ Council Policy ("Policy") is to:

- Provide governance parameters regarding management of financial resources;
- Maintain operating and capital ~~stability~~ reserves; and
- Provide a framework that supports long-term financial planning and stability.

## GENERAL PRINCIPLES

### 1. Definitions:

1.1. "Capital Budget ~~Reallocation: The~~ Allocation" means the rationalization of budgeted capital funds based on approved requirements.

1.2. "Capital Budget Reallocation" means the rationalization of adjusting, transferring, or correcting a previously approved allocation of budgeted capital funds.

4.2.1.3. "Capital Infrastructure Reserve" (CIR): ~~An~~ means an established capital reserve used to fund construction or acquisition ~~of and life cycle expenditures~~ related to tangible capital assets.

4.3.1.4. "Emerging Issues Reserve" (EIR): ~~An~~ means an established operating reserve used to stabilize operating revenues in response to unanticipated loss of

revenue as well as provide funding flexibility in responding to emergencies, unplanned events, and significant price changes.

~~1.4.1.5.~~ "Operating Budget ~~Reallocation: The~~ Allocation" means the rationalization of budgeted operating funds based on approved requirements.

~~1.6.~~ Spending "Operating Budget Reallocation" means the rationalization of adjusting, transferring, or correcting a previously approved allocation of budgeted operating funds.

~~1.7.~~ "Scope Change" means a change or series of changes by which the outcome of a project is significantly or tangibly changed, thereby necessitating a budget amendment. Factors contributing to such significant or tangible change include but are not limited to compromised project quality and/or public benefit, project delays, resource diversion or replacement.

~~1.5.1.8.~~ "Signing Authority: The" means the authority to approve and enter into contracts, and approve spending, pursuant to section 3.4 of this Policy and the Municipal Government Act (MGA). The municipality's spending limit approved by Council is based on the annual Council approved budget.

~~1.9.~~ "Uncommitted Minimum Balance" means, in the case of each of the CIR and the EIR, the minimum amount of funds in each respective reserve.

## 2. Responsibilities:

### 2.1. Council to:

2.1.1. Approve any amendments to this Policy.

### 2.2. Chief Administrative Officer to:

2.2.1. Support the implementation of this Policy;

2.2.2. Support and recommend amendments to this Policy; and

2.2.3. Ensure compliance with this Policy.

### 2.3. Chief Financial Officer (CFO) ~~or designate to:~~

~~2.3.1.~~ Ensure compliance with this policy as required by delegated authority ~~Policy; and~~

~~2.3.2.~~ Recommend amendments to this Policy.

### 2.4. Directors to:

~~2.4.1.~~ Comply with this Policy; and

~~2.4.2.~~ Recommend amendments to this Policy to the CFO.



## 2.5. Designated Officers:

2.3.1.2.5.1. All designated officers and their delegates are subject to the supervision of and accountable to the CAO.

## 3. General Procedures:

### 3.1. The framework of this Fiscal Responsibility Policy includes:

#### 3.1.1. Annual Operating Budget Allocations:

3.1.1.1. As defined by the MGA 241(1), Council must adopt an operating budget for each calendar year by January 1 of that calendar year.

#### 3.1.2. Operating Budget Reallocations ~~are~~may be authorized provided that:

3.1.2.1. The changes will result in ~~an efficient~~a timely and fiscally responsible administrative and service delivery process;

3.1.2.2. Service levels or standards are not reduced or compromised;

3.1.2.3. No new services, programs or projects are undertaken; and

3.1.2.4. The total annual Operating Budget Allocation approved by Council, for the current fiscal year, set total spending limit is not exceeded.

#### 3.1.3. Capital Budget Reallocations ~~are~~may be authorized provided that:

3.1.3.1. ~~The change will result in~~The proposed reallocation supports an efficient administrative and capital project delivery process;

3.1.3.2. The ~~change~~proposed reallocation will not result in the addition or cancellation of a capital project in the current Capital Budget Allocation;

3.1.3.3. The ~~underlying scope~~ change does not alter the nature and type of capital project or otherwise constitute Scope Change;

3.1.3.4. Where additional capital funding is ~~required,~~requested, funding must come from ~~a combination of internal savings from~~existing approved capital budget sources, including but not limited to fully tendered projects, other uncommitted sources such as grants and offsite levies, ~~and/or~~cash flow management with other capital projects will be utilized; and

- 3.1.3.5. Where additional capital funding is requested and exceeds funds available from the sources noted in Section 3.1.3.4, Council ~~set debt~~approval is required prior to using either the Capital Infrastructure Reserve (CIR) or other financing sources;
- 3.1.3.6. In addition to the limitations in Section 3.1.3.5, where an approved Capital Budget Allocation project item exceeds \$1,000,000, additional Capital Budget Reallocation funding must not exceed the lower amount of either 50% of the initial Capital Budget Allocation for such project
- 3.1.3.7. Allocations in excess of \$5,000,000 require Council approval for additional Capital Budget Reallocation exceeding this limit, however the CAO may authorize increases for extraordinary events/emergencies attributable to *force majeure*.
- ~~3.1.3.5.~~3.1.3.8. ~~Debt~~ and debt service limits previously established by Council are not exceeded.

### 3.2. Operating Reserve – Emerging Issues Reserve (EIR):

- 3.2.1. An ~~emerging issues reserve~~Emerging Issues Reserve (EIR) is established and will be maintained at a sufficient level, as recommended by the CFO, to stabilize operating revenues in response to unanticipated loss of revenue as well as provide funding flexibility in responding to *force majeure events* (i.e. emergencies, and unplanned events,) and significant inflationary and price changes.
- 3.2.2. The ~~balance~~Uncommitted Minimum Balance of the ~~Emerging Issues Reserve~~EIR in any year shall not exceed 15% of prior year's audited net property tax revenue ~~subject to a minimum uncommitted balance of, but in any event shall never be less than~~ \$50,000,000.
- 3.2.3. In the event that Council approves spending that will result in ~~a balance~~an EIR Uncommitted Minimum Balance lower than ~~the uncommitted minimum balance~~\$50,000,000, the CAO or designate will recommend a strategy to replenish the ~~Emerging Issues Reserve to its uncommitted minimum balance~~EIR in accordance with Section 3.2.2.
- 3.2.4. Council approval is required ~~to utilize funding for any Operating Budget Reallocation~~ from the Emerging Issues Reserve.

### 3.3. Capital Reserve – Capital Infrastructure Reserve (CIR):

- 3.3.1. ~~A capital infrastructure reserve shall~~ A Capital Infrastructure Reserve (CIR) is established and will be maintained at a sufficient level, as recommended by the CFO, to fund construction or acquisition of, and life cycle expenditures related to, tangible capital assets.

- 3.3.2. The ~~Capital Infrastructure Reserve CIR~~ shall have ~~a minimum uncommitted balance~~ an Uncommitted Minimum Balance of ~~not less than~~ \$50,000,000.
- 3.3.3. In the event that Council approves spending that will result in a ~~balance~~ CIR Uncommitted Minimum Balance lower than ~~the uncommitted minimum balance~~ \$50,000,000, the CAO or designate will recommend a strategy to replenish the ~~Capital Infrastructure Reserve to its uncommitted minimum balance~~ CIR in accordance with Section 3.3.2.
- 3.3.4. Council approval is required ~~to utilize funding for any Capital Budget Reallocation~~ from the Capital Infrastructure Reserve.
- 3.4. **Signing Authority**
- 3.4.1. The Municipality's spending limit is based on the annual budget approved by Council. In accordance with the *Municipal Government Act* (MGA), Section 213(4), the authority to sign or authorize approval for agreements and commit budgets (acting as a buyer or purchaser) and/or to sign or authorize approval of payments and other negotiable instruments is held by either the chief elected official (i.e. the Mayor) or other person(s) authorized by Council as appointed designated officers pursuant to Section 210(1) of the MGA.
- 3.4.2. The Chief Administrative Officer (CAO) is, pursuant to Section 210(5) of the MGA, entitled to exercise all of the powers, duties and functions of a designated officer under the MGA in the absence of Council appointment.
- 3.4.3. A designated officer may delegate such officer's powers, duties, or functions (including signing or approving authority) in accordance with Section 212 of the MGA.
- 3.4.4. Designated officers and their delegates will adhere to Council's approved budget, subject to variance or adjustments consistent with this Policy.

**APPROVAL**

This Policy was approved by Council. It will be reviewed not later than its next Revision Date to determine its effectiveness and appropriateness. It may be assessed before that time as necessary.

---

Sandy Bowman, Mayor

---

Jade Brown, Chief Legislative Officer

---

Date

**SUPPORTING REFERENCES AND POSITION RESPONSIBLE**

Legal References: Municipal Government Act, RSA 2000, c.M-26

Cross References:

Position Responsible: Chief Administrative Officer  
Chief Financial Officer

**COUNCIL POLICY DETAILS AND REVISION HISTORY**

Date	Action	Description
------	--------	-------------

# Fiscal Responsibility Policy Update

## FIN-160

Presenter: Laurie Farquharson, Chief Financial Officer

Department: Financial Services

Meeting Date: March 14, 2023



REGIONAL MUNICIPALITY  
OF WOOD BUFFALO

# Executive Summary

- November 22, 2022, Council Motion
- Review and Bring Forward Recommendations 2015 FIN-160
- Jurisdictional Scan
- Recommend a Responsible Approach to Capital Project Amendments
- Recommend Policy Updates to Align with MGA and Best Practices
- Fiscal Governance Framework Aligning with Council Strategic Plan

# Jurisdictional Scan

## Area

- City of Edmonton
- Red Deer
- Grand Prairie

## Capital Budget Change Authority

- City Manager up to \$5M
- City Manager up to \$200k
- Director 10% or \$250k
- City Manager 11-20% or \$500K

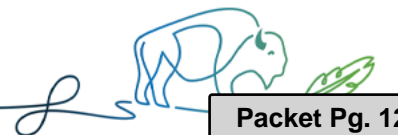


# Recommendations

- Capital budgets over \$1M requiring a budget amendment, must not exceed 50% of the original approved budget
- Additional Capital Budget Requests exceeding \$5M will require Council approval
- The CAO may authorize increases for extraordinary events/emergencies attributable to force majeure

# Change Summary From 2015 FIN-160

- Sec 1. Additional Definitions
- Sec 2. Expanded clarity for role responsibility
- Sec 3. Expanded to define capital budget increases and restrictions
- Sec 3.4. New - Signing Authority



# Thank You





## COUNCIL REPORT

Meeting Date: March 14, 2023

**Subject: Additional Snow Dump - Mayor S. Bowman**

**APPROVALS:**

**Paul Thorkelsson**

\_\_\_\_\_  
Director

\_\_\_\_\_  
Chief Administrative Officer

**Recommended Motion:**

THAT Administration explore and bring forward options to coincide with consideration of the 2024 Capital Budget, for the potential development of an additional snow dump, to be located south of the Athabasca River Bridge.

**Summary:**

At the February 28, 2023 Council Meeting, Mayor S. Bowman served notice of his intention to bring forward the following motion for consideration at the March 14, 2023 Council Meeting:

THAT Administration explore and bring forward options to coincide with consideration of the 2024 Capital Budget, for the potential development of an additional snow dump, to be located south of the Athabasca River Bridge.

**Rationale for Recommendation:**

Pursuant to Procedure Bylaw No. 18/020, the motion is now before Council for consideration.

**Strategic Plan Values:**

Fiscal Management



## COUNCIL REPORT

Meeting Date: March 14, 2023

### **Subject: Legalities of Off-Highway Vehicle Use in the Urban Service Area**

#### **APPROVALS:**

**Paul Thorkelsson**

\_\_\_\_\_  
Director

\_\_\_\_\_  
Chief Administrative Officer

#### **Recommended Motion:**

1. THAT Off-Highway Vehicle use continue to be prohibited in the Fort McMurray Urban Service Area, including on municipal roads, greenbelts and trails.
2. THAT Council supports the implementation of the Regional Municipality of Wood Buffalo Bylaw Services Off-Highway Vehicle Compliance Strategy for the Fort McMurray Urban Service Area, dated March 2023.
3. THAT Administration proceed with striking an inter-departmental Off-Highway Vehicle Working Group with a mandate to:
  - a. review and bring forward an updated Off-Highway Vehicle Bylaw for the Fort McMurray Urban Service Area;
  - b. encourage local Off-Highway Vehicle users to establish a local riders association; and
  - c. if a local riders association is successfully incorporated,
    - i. work with the association to explore options for community-led initiatives that may increase opportunities for responsible Off-Highway Vehicle use in the region; and
    - ii. identify and map public lands in the region where Off-Highway Vehicles may be operated legally.

#### **Summary:**

Council has asked Administration to provide information on the legalities of off-highway vehicle ("OHV") use in the Urban Service Area. The Municipality's Off-Highway Vehicle Bylaw No. 98/078 ("OHV Bylaw") currently prohibits OHV use in the Urban Service Area.

Whether or not the Municipality has the legal authority to permit OHV use in the Urban Service Area depends on the specific location that is proposed and whether it includes municipal roads, provincial roads, private lands, municipal lands or provincial lands.

Even where it may be within the Municipality's legal authority to permit the activity, there are many sources of legal risk that are associated with permitting OHV use in the Urban Service Area. Some of these legal risks could translate into financial liability which would then be borne by the Municipality and ultimately, the local tax payer.

### **Background:**

On July 12, 2022, the Public Works Department presented Council with an Urban Service Area Off Highway Vehicle Strategic Plan ("Urban OHV Strat Plan"). Council passed a resolution that the Urban OHV Strat Plan be approved.

As an action item from this meeting, Administration was asked to return to Council with information on the "legalities of OHV use in the Urban Service Area". In an effort to provide Council with the requested information, the Legal Department has reviewed the legal framework governing OHV use in the province of Alberta and engaged with a number of internal departments as a first step in understanding the legal risks that may be involved in authorizing OHV use in the Urban Service Area.

### **WHERE IS IT "LEGAL" TO OPERATE AN OHV?**

The legal framework governing OHV use in the Province of Alberta is complex. Whether or not the Municipality has the legal authority to permit OHV use in the Urban Service Area depends on the particular location of the proposed use.

#### **Can OHVs legally drive on roadways?**

The *Traffic Safety Act* ("TSA") does not permit the operation of OHVs on roadways. However, there are some exceptions to this general rule that are relevant to the Urban OHV Strat Plan:

1. ***Operating OHVs on Municipal Roadways:*** The TSA includes a provision that allows the Municipality to pass a bylaw authorizing the operation of OHVs on some, or all, of the roadways that fall under its direction, control, and management (DCM). Currently, the OHV Bylaw prohibits the operation of OHVs on roadways in the Urban Service Area that fall under the Municipality's DCM, except for designated areas identified in the OHV Bylaw to be used as staging areas. While OHV use is currently prohibited on municipal roadways, it would fall under Council's jurisdiction to authorize OHV use on municipal roadways provided it does so in a manner that stays within any limitations contained in the TSA. This means it is currently illegal to operate an OHV on municipal roadways in the Urban Service Area, but the Municipality could choose to make it legal.
2. ***Operating OHVs across Roadways:*** The TSA permits a person to operate an OHV across any roadway provided that certain requirements specified in the TSA are met;

for example, all passengers must disembark from the OHV prior to crossing. This means it is legal to cross both municipal and provincial roadways on an OHV.

3. ***Operating OHVs on Provincial Roadways:*** The TSA provides that the Minister may pass an order authorizing the use of OHVs on a roadway that falls under the DCM of the Provincial Government. Within the Urban Service Area, Highway 63 falls under the DCM of the Provincial Government. The Legal Services Department is not aware of any Ministerial Order that authorizes the use of OHVs on Highway 63; we have reached out to Alberta Transportation and have been advised that there are currently no Ministerial Orders in effect that authorize the use of OHVs on Highway 63. This means that it is illegal to operate an OHV on Highway 63 and only the Provincial Government could choose to make it legal.

*Can OHVs legally drive on public greenbelts and trails?*

1. ***Operating OHVs on Private Lands, Utilities or Rights of Way:*** In the case of privately owned lands, utilities or rights of way, an OHV user needs the express consent of the land owner or rights holder to operate an OHV across these lands.
2. ***Operating OHVs on Municipal Lands:*** The OHV Bylaw currently prohibits the operation of OHVs anywhere in the Urban Service Area, except for the designated staging areas, making it illegal to operate OHVs on municipal trails and greenbelts. However, in general terms, the Municipality has the authority to determine whether OHVs can legally operate on municipally owned greenbelts and trails. In some cases, the Municipality may have already granted exclusive or non-exclusive rights to a third-party to use a public space, for example, through a utility right of way, a licence of occupation or a lease. This creates a more complicated answer as to whether or not the Municipality can authorize OHV use on Municipal lands, because in some cases, consent of a third-party rights holder may be required.
3. ***Operating OHVs on Provincial Lands:*** Whether OHV use is permitted on provincial lands and provincial trails depends on a number of factors, including whether the land is subject to an existing disposition or is designated under any provincial legislation, like the *Forests Act* or *Public Lands Act*. In general, OHV use is often prohibited in provincial parks but permitted on designated trails in wildland parks and in provincial recreation areas. Whether it may be possible to legally operate OHVs on provincial lands in the Urban Service Area requires first identifying the specific land and then whether and how it has been designated for use by the province.

## **WHAT ARE THE LEGAL RISKS OF PERMITTING OHV USE IN THE URBAN SERVICE AREA?**

There are many legal risks to consider when choosing whether to permit greater OHV use in the Urban Service Area. The particular legal risks that may be triggered, along with how much weight they are given, is a very fact specific analysis and will depend on the precise location where OHV use is considered. The risks of allowing OHV use on

roads, trails or municipally owned greenbelt will be different depending on the exact nature and specific location of these roads, trails or greenbelt. For example, McKinlay Crescent and Cree Road are both located in the Timberlea neighbourhood; however, authorizing OHV use across municipal greenbelt from a property on McKinlay Crescent will have different risks than authorizing OHV use across municipal greenbelt from a property on Cree Road. The first will facilitate increased use through forested area that is at greater risk of forest fires while the other facilitates direct access to a road that sees heavy use by industrial traffic.

While not an exhaustive list, the following explores some of the legal risks that may be involved in authorizing greater OHV use in the Urban Service Area. While the Municipality may have the power to authorize greater OHV use in the Urban Service Area, understanding these risks is an important starting point in deciding whether or how to exercise that power.

#### *Incompatibility with existing Contracts*

The Municipality is party to a large number of contracts with government, industry and individuals. In some cases, there may be legal obligations that the Municipality has accepted or rights that the Municipality has granted that should be considered when deciding whether or how to allow OHV use in the Urban Service Area.

One of the most relevant examples is the Mutual Aid Fire Control Agreement (“Mutual Aid Agreement”) that the Municipality has entered into with the Government of Alberta. While this Agreement stipulates that the Municipality is responsible for preventing and controlling all structure fires within the Municipality, it also stipulates that the Municipality is responsible for preventing and controlling wildfires within the Urban Service Area. Under the Mutual Aid Agreement, when one party provides services to aid another, that party will be responsible for any costs.

Under the annual Mutual Aid Fire Control Plan entered into between the Municipality and the Government of Alberta, both the Municipality and Alberta Forestry will provide an immediate operational response to wildfires located in or near the Wildland Urban Interface; however, whether the point of origin for the fire is in the Urban Service Area or the Rural Service Area will directly impact whether it is the Municipality or the Province that is responsible for the costs of the response.

Humans are believed to be the leading cause of wildfires in Canada. In 2020, Alberta’s then Minister of Agriculture and Forestry reported that 71% of wildfires in the previous year were human caused and entirely preventable. OHV use is known to be one source of these human caused wildfires. An exhaust system can heat up to temperatures in excess of 204 degrees Celsius, causing built up materials and debris on the machine to heat up, smolder and ignite. This smoldering debris can drop to the ground and start a wildfire. OHV use also facilitates other activities in forested areas that have been known to cause wildfires, for example, abandoned campfires or discarded cigarettes.

The landscape in the Urban Service Area includes many urban forested areas. A



number of these areas are immediately adjacent to open municipal greenbelts and trails. Permitting OHV use in these areas increases the risk of wildfire ignition in the Urban Service Area, which translates into a large financial liability for the Municipality. One of the 7 Disciplines of the FireSmart program is legislation; legislation, bylaws, policies and procedures play a significant role in building and maintaining FireSmart communities. It is important that the Municipality consider whether adopting bylaws and policies that permit greater OHV use in the Wildland Urban interface is consistent with maintaining a FireSmart community.

### Regulatory Risk

Regulatory risk can be defined as the possibility that changes to the law could have a negative impact on the Municipality.

A majority of the lands surrounding the Urban Service Area are owned by the Government of Alberta. Currently, OHV users access these lands through cut-lines, pipelines and other unofficial means. The crown land surrounding the Urban Service Area does not include official provincial trails designated under the Trails Act or any Public Land Use Zones that would permit OHV use. Instead, these lands are primarily vacant crown land and lands encumbered by oilsands leases or other dispositions that grant third party rights to use these lands.

The province's approach of granting third party rights for the use of some of these lands creates a practical challenge in terms of ascertaining where OHV use actually is or is not legally authorized on the lands bordering and surrounding the Urban Service Area. For legalized use, consent of a number of third parties is likely required. As a result of limited enforcement activities in the Rural Service Area, it is likely that OHV use is actually not permitted in a number of the locations where OHVs are actually being operated and which the public commonly believes to be "provincial trails".

This can be contrasted with the abandoned railway line operated as a network of snowmobile trails by the McMurray Sno-Drifters Association. Over a number of years, the Association has worked collectively with the Government of Alberta and the Municipality to obtain the consent needed to use the abandoned railway line for dedicated snowmobile use. The Organization advises that it currently holds a number of dispositions from the Government of Alberta to use these lands as a snowmobile trail. The Association maintains a relationship with industry for the purpose of proactively communicating any planned industrial activities on these lands to its members in order to ensure a safe trail system for riders.

Ultimately, the Province controls what the Municipality has the jurisdiction to legislate through the Municipal Government Act. Because the Municipality is a "Specialized Municipality" under the Municipal Government Act, the Province can make special rules applicable only to the Municipality through Order in Council. If the Municipality allows greater OHV use in the Urban Service Area and it results in corresponding issues for Industry, Indigenous Communities or the Province of Alberta, the Province could take jurisdiction and choose to prohibit OHV use in the Urban Service Area itself

It is important that any approach to permitting greater use of OHVs in the Urban Service Area considers the legal interests that Industry, Indigenous Communities and the Province of Alberta may have in the lands surrounding the Urban Service Area. This is likely to involve many discussions and consultation with these parties and could result in the Municipality being required to invest significant resources to adopt measures to mitigate the concerns of any third party right holders.

### *Responsibilities as Land Owner*

As the owner of most greenbelt spaces in the Urban Service Area, the Municipality is likely to be the party held responsible for remediation of any damage caused to these lands by OHV use, particularly where the damage may have adverse impacts to the environment. Even where the law says the person who caused the damage can be held accountable, allowing widespread use of OHVs outside of very specifically defined trails or spaces means it would be difficult to identify the individual who is responsible for the damage and meet the threshold that would be required to prove that individual is responsible at law.

Irresponsible OHV use can disturb soil, destroy plants, damage the watershed and threaten birds and animals. It can also result in the discharge of harmful substances to the environment. The Environmental Protection and Enhancement Act is the main law in Alberta that promotes the protection, enhancement and wise use of the environment. As one example of potential land owner liability, this Act enables the provincial government to issue an environmental protection order requiring that an owner of land remediate contamination, even where the land owner is not the party that caused the contamination. This means that where OHV use on municipal lands results in environmental contamination, the Municipality can be legally required to remediate any environmental contamination that is caused. This would be more likely to occur where the province believes the Municipality has authorized the OHV use without putting appropriate measures and limitations in place to protect the environment from harm. The design, implementation and maintenance of these mitigations can come at a substantial cost to the Municipality.

### *Occupier's Liability, Negligence and the Duty of Care*

As owner of the trail system, roads and most of the greenbelt spaces in the Urban Service Area, the Municipality has a legal obligation to the users of these spaces to ensure that they are suitable and safe for their intended uses. The extent of this legal obligation depends on a number of factors including the characteristics of the space, the intended use of the space and even the age of the user.

Currently, the Municipality's roads, trails and greenbelt spaces have not been designed with the intention of permitting OHV use and in some cases, the community may already be using these spaces in ways that are inconsistent with permitting greater OHV use.

- When the Municipality's trail systems were developed and constructed, operating

OHVs was not a contemplated use. A trail-by-trail assessment is required to determine whether the standard three meter width and existing sight lines are safe for shared pedestrian and OHV use. It is likely that to ensure this type of shared use is safe for all users, the trail system will need to be re-designed, requiring modifications that may extend from simple mitigations like signage to more extensive modifications like trail widening or alternative routes. These considerations are especially important in areas where children use the trails (for example, where trails pass by schools and playgrounds) as the Municipality has a greater duty of care to keep minor users safe in and around the trail system.

- The Municipality has chosen to permit parking on both sides of residential streets which can result in congestion and single-lane passage, particularly in the winter months when snow creates an added challenge. Further, as a result of the Oilsands industry, the Municipality's roads see a higher than typical amount of industrial traffic in the residential areas, from buses to service rigs. These are only a few of the factors that would need to be studied and considered when deciding if, where and how OHVs might be permitted on the Municipality's roads.
- A majority of the Municipality's greenbelt spaces were developed as firebreaks during and after the 2016 Horse River wildfire. These spaces are primarily located in the Wildland Urban interface, located between residential properties and urban forested areas. Proper maintenance of these areas is critical in the prevention of wildfires. The location of this space directly behind residential properties means issues like grading and drainage or noise pollution will be especially important to these nearby property owners. Further, the trail system typically bisects these spaces and it is not uncommon to observe unauthorized encroachments, such as trampolines, play structures or skating rinks in these public spaces. These are just some of the unique characteristics of the Municipality's greenbelt spaces that dictate the need for a location specific analysis in deciding whether to allow OHV use in each individual greenbelt space.

These unique characteristics of the Municipality's roads, trails and greenbelt spaces means that significant time and resources will be required to determine where and how the Municipality might permit greater OHV use. To provide an example of the work that would need to be undertaken, when the Municipality's Public Works Department decides whether to install a traffic light or a cross-walk, it currently follows standards developed by Transport Canada, including the Manual of Uniform Traffic Control Devices. In most cases, the Public Works Department involves the Municipality's Engineering Department in this process and a Traffic Impact Assessment is conducted to understand, assess and mitigate any traffic issues associated with the particular intersection or area. This type of study is just one example of what would be required to assess whether it is safe to permit the operation of OHVs on a particular road, including whether mitigations like limiting hours of operation, lowered speed limits or on-street parking bans might be required as a result.

### Litigation

Federal, provincial and municipal governments are perceived as having deep pockets; this makes the Municipality a target for lawsuits. Even in instances where the Municipality has a statutory protection from liability or has put sufficient mitigations in place to make a public space safe for its intended uses, this is not guaranteed to prevent an individual or an insurance company from suing the Municipality where injury results from OHV use in a public space. Defending from a lawsuit can be expensive; even where the Municipality has insurance to cover the loss, responding to litigation takes internal staff resources, which can have a direct impact on the Municipality's ability to deliver services to the public. Further, the public-sector is considered high-risk for insurers and insurance premiums can be high as a result. If the Municipality wants to continue exploring options to permit greater OHV use in municipally owned spaces, it is essential that the Municipality engage with its insurer to ensure that it will continue to be insured for the costs of defending lawsuits and any loss where OHV use is involved. The Municipality would also want to determine whether this might have any longer-term impact on the insurance premiums it pays.

### **Rationale for Recommendation:**

1. The degree to which the Municipality risks being found liable for any injury or death sustained in relation to OHV use is a very fact-specific analysis that requires a detailed plan about where, how and when the Municipality proposes to allow OHV use. Depending on the approach taken, there may be strategies that can be implemented to mitigate the risks involved but it will be impossible to eliminate entirely. Developing a detailed plan, conducting the necessary analysis and implementing mitigations will require extensive internal and external resources, which will have both a financial and operational impact on the Municipality.
2. The Executive Summary in the Urban OHV Strat Plan identifies that "*one of the most significant recommendations of this plan is to conduct a thorough assessment outside of this strategic plan process to allow OHVs in certain areas of the public realm, such as giving residents access directly from their own property to designated OHV corridors that then lead outside of the Urban Service Area*". After having broadly considered the legal risks that would be involved in allowing OHV use in the greenbelt areas, on trails or on roads, Administration has identified that significant resources will be required to undertake this assessment and the likely outcome is that required mitigations will either be impossible, very costly or unacceptable to the majority of residents (for example, trail redesign, on-street parking prohibition, increased wildfire risk, etc.).
3. OHV users themselves have the best understanding of where small, low-risk opportunities may exist to increase OHV use in ways that will have the greatest impact for OHV users. A community-driven model for developing use-specific recreational trails has historically been very successful in this region. For example:
  - a. The McMurray Sno-Drifters is a local not-for-profit Association that has been instrumental in developing a series of trails for snowmobile use in the region. From Tom Weber Park through to Sapræe Creek, the trail is comprised of the

abandoned Railway Line owned by the Municipality. While the Municipality maintains this portion of the trail system, it is groomed for snowmobile use by the Sno-Drifters. The remainder of the 300km trail system in the Rural Service Area is located on provincial lands and largely groomed and maintained by the Sno-Drifters and their volunteers. This model allows the Sno-Drifters (and indirectly the trail system) to benefit from membership fees, grant funding and a relationship with provincial or federal associations;

- b. The Ptarmigan Ski Club is a local not-for-profit Association. In 1979, the Club began constructing trails that would later become the first in a system of municipal trails that are now known as the Birchwood Trails. Since that time, these trails have been further developed by the Municipality and are constructed and maintained by the Public Works Department for use by the entire community; however, the Ptarmigan Ski Club continues to partner with the Municipality in making these trails available for cross-country skiing. Each winter, the Club's volunteers groom a number of these trails for use by cross-country skiers, creating a valued recreational opportunity for the community. This model allows the Association (and indirectly the trail system) to benefit from membership fees, grant funding and a relationship with provincial or federal associations.

Administration believes that if Council wishes to continue investigating options for increased OHV use in the region, exploring a similar community-based model with local OHV users is the most compatible with Council's Strategic Plan for 2022-2025, which identifies fiscal management as one of the five objectives that Council values.

### **Strategic Plan Values:**

Fiscal Management  
Building Partnerships

### **Attachments:**

#### **1. Regional Municipality of Wood Buffalo Bylaw Services Off-Highway Vehicle Compliance Strategy for the Fort McMurray Urban Service Area**

#### **Off-Highway Vehicle Presentation**



# RMWB Bylaw Services

March 2023

## Off-Highway Vehicle Compliance Strategy for the Fort McMurray Urban Service Area

### Background

The Regional Municipality of Wood Buffalo (RMWB) Off-Highway Vehicle Bylaw 98/078, the Traffic Safety Act and the Off-Highway Vehicle Regulation, regulate and control Off-Highway Vehicle usage in the Fort McMurray Urban Service Area. The RMWB's Bylaw Services Branch, along with the RCMP, are jointly responsible for the education and enforcement of key sections within the legislation.

Since January 1, 2022, employees of the Bylaw Services Branch have dealt with 153 incidents for persons in the RMWB contravening the Urban Services Area Off-Highway Vehicle Bylaw, and Provincial Acts or Regulations, including but not limited to:

Persons are operating Off-Highway Vehicles ("OHV") in the Municipality's Urban Service Area (113 incidents)

OHVs are being operated without required Insurance and Registration (3 case reports)

It should be noted that since 2019, Bylaw Services Officers have focused enforcement activities regarding OHV use on the two-prong approach of education and awareness; the goal being to educate OHV users so that they are aware of the relevant Municipal Bylaws, Provincial Acts and Regulations and how they apply to OHV use in the region. The approach has focused on proactive attempts to prevent future non-compliance. Traditionally, Officer contact with OHVs and their operators has occurred when the OHV is being loaded or off-loaded in a staging area or in "Non-moving" traffic situations.

### Objectives

The OHV Compliance Strategy focuses on OHV use in the Fort McMurray Urban Service Area and is intended to achieve the following three objectives:

1. Enhance public awareness of the rules governing OHV use
2. Consistency and clarity in response to non-compliances
3. Increase levels of voluntary compliance, particularly in residential neighborhoods and areas with high pedestrian traffic



## Strategy Framework

To meet the identified objectives, the OHV Compliance Strategy expands the RMWB's current approach to achieving compliance of the laws governing OHV use in the Urban Services Area. It adopts strategies that expand beyond the current two-prong approach of education and awareness.

### Strategy #1: Traffic Stops

Enforcement Officers will attempt to minimize or prevent unapproved use of OHVs through traffic stops on municipal property and in high pedestrian traffic areas. Conducting traffic stops will enable Officers to detect and respond to any contravention of the municipality's bylaws or provincial statutes or regulations.

### Strategy #2: Directed Enforcement

Enforcement Officers will conduct enforcement operations in areas that have been heavily reported or identified as a particular area of concern for unauthorized OHV use. Opportunities for joint-operations with RCMP will be pursued. Traffic stops will be conducted by the RCMP and Community Peace Officers to detect and respond to any contravention of the municipality's bylaws or provincial statutes or regulations.

### Strategy # 3: Safety and Quality-of-Life Infractions

Enforcement Officers will focus efforts on identifying and responding to OHV infractions that impact public or user safety or where the infraction may negatively impact quality of life for residents. Examples include:

Section/Act	Offence Description	Penalty
Bylaw 98/078	Operate Off-Highway Vehicle in Urban Services Area	Unspecified or \$50 under General Penalties Bylaw
Off-Highway Vehicle Regulation	Carrying a Passenger under 14 who is not wearing a helmet	\$162
Off-Highway Vehicle Regulation	Drive OHV w/o License Plate Securely attached/legible/clearly visible	\$81
Traffic Safety Act	Drive OHV on Hwy w/o authorization	\$324
Traffic Safety Act	Drive Uninsured OHV	\$324
Traffic Safety Act	Drive/Permit another to drive OHV w/o Registration	\$162
Traffic Safety Act	OHV Fail to Provide Requested info to P.O.	\$243
Traffic Safety Act	Driver of OHV Fail to Stop for P.O.	\$243
Traffic Safety Act	Carelessly Drive OHV	\$567

#### **Strategy # 4: Enhanced Awareness Campaign**

When people know the rules, it is easier to follow them. When people understand the consequences for violating the rules, it may help to incentivize them to follow the rules. The Bylaw Services Branch and Communications Department will focus an enhanced public awareness campaign on educating the public about the following:

1. The rules for OHV use contained in the OHV Urban Service Area Bylaw, Traffic Safety Act, and the Off-Highway Vehicle Regulation;
2. The fines and other consequences for contravening these rules; and
3. Encouraging calls for service from the public when contraventions are taking place, including the information that may assist the Bylaw Services branch to take enforcement action.





# Legalities of Operating Off-Highway Vehicles in the Urban Service Area

Presenter: Caitlin Hanly, Municipal Legal Counsel

Department: Legal Services Department

Meeting Date: March 14, 2023



REGIONAL MUNICIPALITY  
OF WOOD BUFFALO

# Where is it Legal to Operate an OHV?



Legalities of Operating Off-Highway Vehicles in the Urban Service Area



# OHV Operation: Roads

Legal framework for OHV operation on:

- Municipal Roads
- Provincial Roads
- Across a Road



# OHV Operation: Trails and Greenbelts

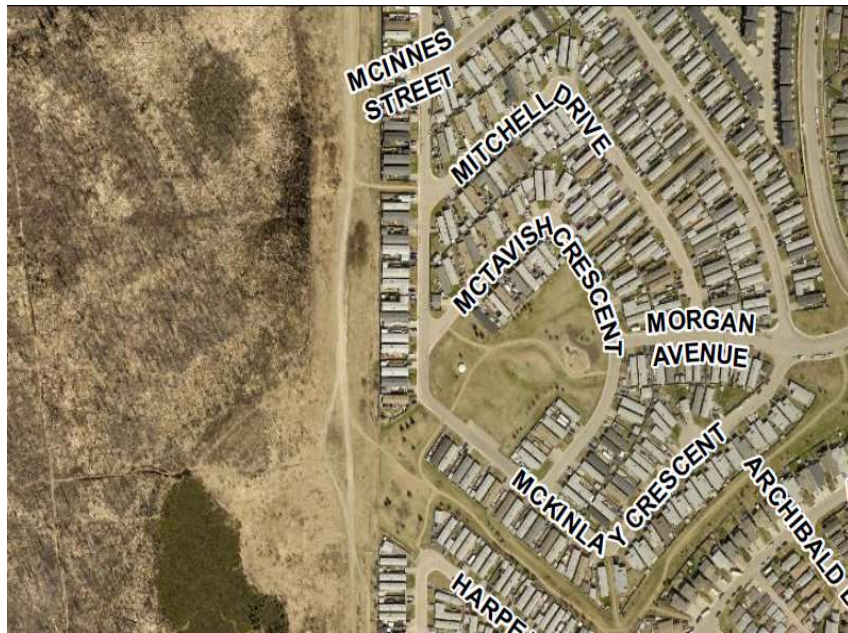
Legal framework for OHV operation on:

- Private Lands, utilities or rights of way
- Municipal Lands
- Provincial Lands



# Legal Considerations

Are there legal risks to the RMWB in permitting OHV use in the Urban Service Area?



Legalities of Operating Off-Highway Vehicles in the Urban Service Area



# Legal Considerations: Examples

- Incompatibility with Existing Contracts
- Regulatory Risk
- Responsibility as Land Owner
- Occupier's Liability, Negligence and the Duty of Care
- Litigation





# Thank You



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