

Subject: Bylaw No. 21/004 - Fort Chipewyan Area Structure Plan Amendment and Bylaw No. 21/005 - Land Use Bylaw Map Amendment - Redesignation of a Portion of Lot 6\\CHIPEWY**APPROVALS:****Jamie Doyle**_____
Director_____
Chief Administrative Officer**Recommended Motion:**

1. THAT Bylaw No. 21/004, being a bylaw to amend the Fort Chipewyan Area Structure Plan, be read a first time.
2. THAT Bylaw No. 21/005, being a bylaw to amend the Land Use Bylaw to redistrict a portion of Lot 6\\Plan CHIPEWY from UE – Urban Expansion District to DC – Direct Control District, be read a first time.
3. THAT the required Public Hearing for Bylaws No's. 21/004 and 21/005 be scheduled to occur on February 23, 2021.

Summary:

In May 2019, the Planning and Development Department received a development permit application for a cemetery located at Lot 6\\CHIPEWY in Fort Chipewyan (“the Subject Property”) (Attachment 1), from the Public Works Department. The Subject Property is owned by the Regional Municipality of Wood Buffalo. In the Land Use Bylaw (LUB), “Cemetery” is not a use contemplated in the Urban Expansion District. Furthermore, the Fort Chipewyan Area Structure Plan (ASP) Bylaw No. 18/005 does not allow any development on the Subject Property because it has been identified as Sensitive Raptor Range (Peregrine Falcon) by the Provincial Government (Attachment 2). Therefore, in July 2019, Administration received an application for a zoning amendment and an amendment to the Fort Chipewyan ASP (2019-LU-00005).

The proposed ASP amendment will reword Section 1.1.1 to include language and guidance that would support the development of a cemetery (Attachment 3). The proposed LUB amendment re-districts the Subject Property from "Urban Expansion" District (UE) to "Direct Control" District (DC), which would permit “Cemetery” as a Discretionary Use (Attachment 4). These amendments would allow for a cemetery to be a Use on the Subject Property, with further limitations on constructing structures

as part of the cemetery use. Finally, in order to ensure that the Municipality receives the necessary approval from the Government of Alberta's Director of Cemeteries to operate the proposed cemetery, the Subject Property must have the proper zoning.

Background:

There is currently limited capacity within the existing cemetery in Fort Chipewyan and a need to develop additional space to meet the needs of the community. The Fort Chipewyan ASP identifies the creation of a new cemetery as a priority. Objective 4.2 of the ASP supports the creation of a cemetery in collaboration with the community to identify a site and states that the design of the cemetery should be culturally appropriate. Initially a different location was identified as the site for a future cemetery; however, it was not the preferred location for the community. Working with Administration, the community has identified the Subject Property as the preferred site for the cemetery.

The community's preferred site is identified by Alberta Environment and Parks as "Sensitive Raptor Range" as indicated in the ASP. Administration has contacted Alberta Environment and Parks regarding the development of the cemetery on the Subject Property and has received consent to utilize it for that purpose (Attachment 5). The approval from Alberta Environment and Parks is conditional upon the Municipality performing due diligence to avoid contravening the *Alberta Wildlife Act* and demonstrating that it has done everything reasonable to avoid impacting the resident Peregrine Falcons during cemetery development and operations.

Administration has been working to develop an operations and maintenance plan to ensure that there are measures in place to limit impacts during the development and operations of the cemetery. These measures include, but are not limited to: the use of signage to promote the protection and conservation of Peregrine Falcons; eliminating the use of pesticides or herbicides for the maintenance of the cemetery; and ensuring that any development or major operational activities occur outside the prime mating season for Peregrine Falcons.

It should be noted that one of the biggest threats to the health and conservation of this sensitive species is the use of pesticides and herbicides. Pesticides and herbicides poison adult Peregrine Falcons and also cause thinning of their eggshells, preventing the offspring from developing. Eliminating the use of pesticides and herbicides in the areas that surround Peregrine Falcon habitat can ensure the Municipality is performing due diligence to avoid potential contraventions of the *Alberta Wildlife Act*. Furthermore, the incorporation of other proposed measures demonstrate the Municipality is undertaking all reasonable steps to avoid impacting Peregrine Falcons. These measures were developed in consultation with applicable statutory and non-statutory documents as recommended by Alberta Environment and Parks. These documents include the *Wildlife Act* (2018), the *Sensitive Species Inventory Guidelines* (2013); and the *Master Schedule of Standards and Conditions* (2018).

Budget/Financial Implications:

There are currently no anticipated budget implications related to the passing of this bylaw. However, it should be mentioned that the cemetery has already been budgeted as a separate project under the Public Works Department's budget. Additionally, there may be some minor budgetary impacts from the conservation and protection measures implemented during the development and operation of the Cemetery.

Rationale for Recommendation:

Currently, there is a need for a new cemetery in Fort Chipewyan. The development of a new cemetery on the selected site would be possible by amending Section 1.1.1 in the ASP and through the LUB amendment that would re-district the Subject Property from "Urban Expansion" district to a "Direct Control" district. By re-districting the Subject Property to Direct Control, it demonstrates to the Province that the Municipality is acting diligently to limit use of the site. The *Municipal Government Act*, Section 641 (1) and (2) allows Council to use a Direct Control district to "exercise particular control" over a site in a "manner which it considers necessary." This will support habitat conservation efforts by limiting the possibility of future development.

The proposed amendments would allow the development of a new cemetery in the community's preferred location. Finally, the amendments must be approved by Council before the Municipality can obtain the necessary approval from the Government of Alberta's Director of Cemeteries to operate the Cemetery. Administration is recommending that the LUB and ASP amendments be approved by Council.

Strategic Priorities:

Rural and Indigenous Communities and Partnerships

Attachments:

- 1. Subject Area Map**
- 2. Sensitive Raptor Range Map (GoA)**
- 3. Bylaw No. 21/004 - Area Structure Plan Amendment**
- 4. Bylaw No. 21/005 - Land Use Bylaw Amendment**
- 5. Government of Alberta Consent Email**