

Subject: Bylaw No. 23/015 - Land Use Bylaw Amendment To Facilitate Electronic Advertising and Public Notices**APPROVALS:****Jody Butz**_____
Director_____
Interim Chief Administrative Officer**Recommended Motion:**

THAT Bylaw No. 23/015, being a text amendment to the Land Use Bylaw No. 99/059 to facilitate electronic advertising and public notices, be read a first time; and

THAT the required public hearing be scheduled to occur on September 12, 2023.

Summary:

An amendment to Section 29 of the Land Use Bylaw (LUB) is being proposed to allow for electronic advertising of decisions made by the Development Authority. Decisions have traditionally been advertised in print via the Fort McMurray Today, but with the newspaper ceasing print operations in February 2023, the Municipality is transitioning to publishing its advertisements online via the municipal website. An amendment to the Land Use Bylaw is required to make this practice a legally acceptable form of providing public notice.

Background:

Since the adoption of the LUB in 1999, Planning and Development has advertised development decisions through printed editions of the newspaper as per the requirements of Section 29.3 of the LUB and Sections 606 and 606.1 of the *Municipal Government Act*.

In February 2023, the Fort McMurray Today ceased production and distribution of their print newspaper and moved to an electronic only publication. To ensure municipal notices would still be widely accessible to the public, Administration is transitioning to hosting municipal notices on the municipal website, including decisions by the Development Authority (i.e., development permit approvals).

To ensure this form of online advertising is a legally acceptable method of providing public notice of Development Authority decisions, it is necessary to amend Section 29.3 of the LUB. As described below, Section 29.3 currently provides two options for issuing

notices: via the newspaper or by the mailing notification letters to the applicant and "affected parties":

"For the purposes of this Bylaw, issuance of the notice of the decision of the Development Authority is deemed to have been given on the day when the notice of decision has been published in the newspaper or five (5) calendar days after the notice of decision has been mailed to the applicant and adjacent landowners or occupants or other affected parties or landowners as determined by the Development Authority."

Letters mailed to applicants or adjacent or affected owners or parties are not as common as newspaper notification. Letter notification is typically used when a development classified as a "Discretionary Use - Planning Commission" is approved. These uses commonly include developments of a more sensitive nature that could materially impact adjacent or "affected" neighbours, such as those occupying basement suites. However, most all other decisions have historically been advertised in the Fort McMurray Today, based on the requirements of the LUB. The expectation has been that newspaper notification was the most likely method of ensuring that the public at large was made aware of development permit approvals. With these advertisements transitioning to the municipal website, Section 29.3 of the LUB must make reference to electronic advertising on the municipal website.

Also, to maintain consistency with the Public Notice Bylaw being brought forward by Legislative Services and to provide added surety that additional sources for advertising will continue, it is recommended that an addition to section 29 is included to capture these supplementary methods of notice. This will include approaches such as sharing on municipal social media accounts, digital signage, fliers, and online newspapers.

Before passing any bylaw allowing for electronic advertising of development permit notifications and other advertisements, Council must be satisfied that the new method will suffice in getting the attention of impacted residents.

Rationale for Recommendation:

With the Fort McMurray Today newspaper ceasing its print publication, it is necessary for the Municipality to amend the Land Use Bylaw to ensure that it accurately reflects the available options for providing public notice, that being electronic forms of advertising. The municipal website is a well-used source of information for residents seeking up-to-date information. It is anticipated that RMWB website notification will allow most residents of the Region to readily access and review development permit approvals information.

While this proposed LUB amendment is required to reflect the transition to electronic advertising, it is worth noting that Administration also employs additional advertising methods to ensure that residents throughout the Region can access important local information. As online resources are not always preferred or available in rural areas, notices are commonly posted on notice boards, within local newsletters, or at hamlet

offices to provide for varied means of development permit approval notices for all residents. The combination of electronic advertising and hamlet published notices is therefore likely to bring such proposed development permit notifications to the attention of substantially all residents in the area to which the notices relate.

Strategic Plan Values:

Building Partnerships

Attachments:

1. Bylaw No. 23/015 - Land Use Bylaw Amendment Regarding Electronic Advertising and Public Notices

BYLAW NO. 23/015

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

WHEREAS Sections 191 and 640 of the *Municipal Government Act*, RSA 2000, c. M-26 authorize and require a Council both to pass and amend a Land Use Bylaw;

AND WHEREAS sections 606 and 606.1 of the *Municipal Government Act* provide for notification requirements where matters must be advertised by a municipality, including notifications pursuant to a Land Use Bylaw;

AND WHEREAS subsection 686(1)(b) of the *Municipal Government Act* requires that notices of certain planning decisions by a Development Authority, including development permit decisions, be made in accordance with a Land Use Bylaw;

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

1. Land Use Bylaw No. 99/059 is hereby amended by:
 - a) replacing the text in Section 29.3 with the following:

29.3 For the purposes of this Bylaw, issuance of the notice of the decision of the Development Authority is deemed to have been given on the day when the notice of decision has been published electronically on the municipal website or five (5) calendar days after the notice of decision has been mailed to the applicant and adjacent landowners or occupants or mailed or delivered to other affected parties or landowners as determined necessary by the Development Authority; and
 - b) adding the following to Section 29:

29.4 In addition to notification of the decision pursuant to subsection 29.3, the Development Authority may also use one or more of the following methods to supplement electronic notification of the decision:

 - (a) online newspapers, print newspapers, municipal newsletters, fliers, and other materials circulated in the Municipality;
 - (b) Municipal Social Media Accounts;
 - (c) signage, digital signage;

- (d) printed copies of the notice being made available at Municipal offices, including rural contact offices;
- (e) email and other opt-in electronic communications; or
- (f) any emergent technologies deemed sufficient by the Development Authority for notification purposes.

2. This bylaw comes into effect on the day it is passed.

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