

MACKENZIE COUNTY

TITLE	Floodplain Development Restrictions	POLICY NO.	DEV011
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LEGISLATION REFERENCE	Municipal Government Act, Section 640 & Section 693
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PURPOSE

In the response to a large scale flood event there are many items that require consideration that fall beyond the scope of existing policies. The purpose of this policy is to clearly delineate the scope of repairs and rebuilding that is allowable to properties within the flood affected areas from the 2020 Peace River Ice Jam Flood.

POLICY STATEMENT

Mackenzie County, Government of Alberta, insurers, developers and property owners have a shared responsibility to restore a community after a disaster event. As part of the community restoration, there is an obligation to the community by all parties to mitigate against the possibility of a similar event occurring again. This policy places equitable restrictions on the repair, rebuild and development of properties within the areas affected by the 2020 Peace River Ice Jam Flood.

THIS POLICY SHALL SUPERSEDE THE LAND USE BYLAW.

GENERAL PRINCIPLES

Council recognizes that:

- Residents and community members have both a desire and a right to return to their homes,
- The consistent and fair application of the policy to everyone is essential,
- Local and provincial government have an obligation to protect residents and property,
- The obligation to protect residents and property means that mitigation measures shall be considered during the rebuilding of the community,
- County policy has an impact on disaster recovery funding eligibility.

DEFINITIONS & INTERPRETATION

CAO: means the Chief Administrative Officer of the Municipality or their delegate.

Case Manager: the case manager assigned to your disaster recovery claim by the AEMA DRP branch.

Council: means the elected governing body of Mackenzie County.

Development Approval: Refers to a development approval where the application process has been followed and an approval subsequently issued by the development authority.

Floodplain: means the areas inundated by floodwaters during the 2020 Peace River Ice Jam Flood, or the 1:100-year Ice Jam Flood Extents mapping as identified by AEP, whichever is greater.

Minimum Requirements: The minimum acceptable standard considering relevant building codes, housing and health standards, and liability concerns. The National Building Code – 2019 Alberta Edition, Public Health Act, Housing Regulation, Alberta Health – Minimum Housing and Health Standards

Rebuild: A structure that results in more than 75% of the enclosed square footage of the building above the foundation at the completion of the rebuild to be defined as new, as defined within Alberta New Home Warranty Registrar Interpretation Bulletin Number 2 (Appendix A). For the purpose of this policy, removing and replacing a building on the property is considered a rebuild.

Unimproved: A property with no structures or improvements for which a Development Permit has been issued.

Zoning: As per the Land Use Bylaw.

DEVELOPMENT APPROVAL

1. No permits for new construction will be issued for Unimproved properties within the Floodplain.
2. No permits will be issued for a rebuild within the Floodplain.
3. Applications to develop interim housing within the Floodplain shall be considered as new construction and permits will therefore not be issued.
4. All repairs completed to properties within the Floodplain require Development Approval
5. Development Approval conditions/restrictions for properties within the Floodplain include:
 - a. Approvals are for temporary occupancy only and expire on October 1, 2021.
 - b. Full repairs and restoration may occur on and above the first floor.
 - c. Repairs and restoration below the first floor are limited to:
 - i. Insulation and vapour barrier on exterior walls,
 - ii. Insulation, sealing and sheeting dividing walls between multi-unit dwellings to meet Minimum Requirements,

- iii. HVAC, plumbing, heating and electrical work to restore functionality to pre-flood functionality
- iv. Temporary, unfinished walls to define bedrooms and bathrooms
- v. Temporary, unfinished floors for critical living spaces
- d. Additional items to consider prior to completing improvements under S 5.c.iv and S 5.c.v include:
 - i. If sufficient bedrooms exist on or above the first floor to meet Minimum Requirements for occupancy, no temporary walls are permitted below the first floor for this purpose.
 - ii. If sufficient bathrooms exist on or above the first floor to meet Minimum Requirements for occupancy, no temporary walls are permitted below the first floor for this purpose.
 - iii. All walls constructed shall only be temporary and constructed accordingly.
 1. For example 2x4 stud construction on 24" o/c, sheeted on one side, no taping, mudding, painting, or baseboards.
 - iv. Floors shall only be permitted to be reconstructed if the requirements in S4.d.i and S4.d.ii are met.
 1. A temporary floor may be reconstructed within the mechanical room if required for the installation of mechanical equipment.
 2. A temporary floor shall be constructed to Minimum Requirements
 - a. For example, treated 2x4 joists, $\frac{3}{4}$ " plywood, seams sanded if necessary, and painted.

SUBDIVISION AND ZONING CHANGES

Due to the uncertainty of future development within the Floodplain, the County discourages property owners from applying for and proceeding with subdivision and re-zoning applications for properties within the Floodplain.

Changing the use or ownership of a property within the Floodplain may impact eligibility for recovery assistance and must be carefully considered by the applicant.

ADDITIONAL CONSIDERATIONS

Prior to completing any repairs to their property, property owners shall contact their Case Manager to confirm if the proposed scope of work is eligible, and if the process being followed meets requirements.

Mackenzie County administration will advise residents of:

- The need to contact their Case Manager prior to undertaking repairs on their property.

- The potential that completing repairs and/or undertaking improvements prior to speaking to their Case Manager may negatively impact their DRP eligibility.
- The reality that additional restrictions and/or development requirements may be imposed on the Floodplain in the future.
- The need to contact their Case Manager prior to proceeding with any subdivision or re-zoning of a property within the Floodplain.

INTERAGENCY COOPERATION

Due to the complexity and far reaching implications of disaster recovery, Mackenzie County is working closely with the Government of Alberta's Alberta Emergency Management Agency and the Disaster Recovery Team. Insurance providers, insurance adjustors, non-governmental organizations (such as Samaritan's Purse, Mennonite Disaster Service, Red Cross) also provide valuable input and resources into community recovery.

Decisions made by any one party may have positive or negative effects on residents, and therefore the proactive sharing of information for the best interest of residents is required.

Mackenzie County will share information, within the limits of the Freedom of Information and Protection of Privacy Act, with cooperating agencies.

	Date	Resolution Number
Approved	2020-07-15	20-07-441
Amended		
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