

Floodway Development Regulation

Participant Workbook

**Consultation
On
Floodway Development
Regulation**

September 12

2014

Please identify your affiliation (Tick more than one, if applicable):

- Municipality
- Alberta Urban Municipalities Association (AUMA)
- Alberta Association of Municipal Districts and Counties (AAMDC)
- Urban Development Institute Alberta
- Utility Organization
- Property owner
- Community member
- Other (Please specify): _____

Introduction and background:

While flooding has been a historical risk associated with Alberta's multitude of rivers and streams, an increase in extreme weather events and population growth have increased the impact of floods in terms of public safety and the magnitude of property damage and loss. Flood damages represent a significant expense for the public, municipalities and provincial and federal disaster assistance programs.

As part of a commitment to implement new controls on future development in flood hazard areas, and to minimize flood impacts and support resilient communities, Alberta Municipal Affairs established a Task Force of municipal government and development industry stakeholders to provide input for the province's consideration on the proposed Floodway Development Regulation. The task force consisted of representatives from the Alberta Association of Municipal Districts and Counties, the Alberta Urban Municipalities Association, the Urban Development Institute Alberta, the cities of Calgary and Edmonton, the Regional Municipality of Wood Buffalo, and the towns of Canmore, Drumheller, and High River. This group held three all-day workshops (in June-July 2014) to discuss input that the province should consider when drafting the Floodway Development Regulation. The outcome of these workshops is the Floodway Development Regulation Task Force Discussion Paper, which outlines what input the group has reached consensus on, what input raised caution, and what input did not generate full agreement under these four sub-headings:

- New Development in Floodways (prohibitions and authorized uses);
- Existing Development (prohibitions and authorized uses/development);
- Exemption Provisions; and
- Other Related Discussions

This Workbook is a key part of the next stage of regulation development, which involves expanding the scope of consultations to include all of Alberta's municipalities that have identified flood hazard areas, other development industry officials, the general public, and any other party who wishes to comment. The Workbook has been designed to solicit feedback on each of the inputs the task force members identified and listed under the Support/Consensus, Caution, and Disagreement categories. Please indicate whether you agree, are cautious, or disagree with the inputs under the Task Force's Support/Consensus category. Additionally, please provide any comments or suggestions you may have on any of these categories, including considerations that the task force may have overlooked, in the space provided.

You are encouraged to provide input through completing this workbook and submitting it via e-mail to floodwayregulation@gov.ab.ca, or via postage to the following address:

Attn: Floodway Development Regulation
17th Floor Commerce Place
10155 – 102 Street NW
Edmonton AB T5J 4L4

Any input or comments you would like to provide in addition to the workbook are also welcome through the above e-mail and postage addresses.

This workbook consists of 4 sections (A, B, C and D), which correspond to the 4 subheadings identified by the taskforce.

Each section contains a list of suggested actions, which you are being asked to rate, as well as space to comment on additional items contained in the discussion paper and an opportunity to add any additional comments.

A. What New Developments should be authorized / prohibited in Floodway:

The three Task Force stakeholder consultation sessions showed support for:

	No new buildings should be constructed in the floodway, where a building is defined as per Section 616 of the MGA.
	Elevating a building (above a determined flood level) as a form of mitigation against flood waters in a floodway is not considered acceptable.
	Public parks, green spaces, and pathways/walking trails, provided they are engineered in a way that minimizes damages and the obstruction of the flood flow, should be authorized (excluding any buildings).
	Agricultural uses such as crop production, grazing, horticulture, forestry, sod farming and wild crop harvesting should be authorized (excluding any buildings).
	Projects such as roads or utility infrastructure that are approved by the municipal/regulatory authority and are engineered in a way that minimizes damages and the obstruction of the flood flow should be authorized (excluding any buildings).
	Uses designated as Environmental Reserve (ER) should be authorized (excluding any buildings) .

Please rate each of the above Task Force input in the form of:
(1- Support/Consensus; 2- Caution; 3- Disagree)

Referring to pages 8 and 9 of the discussion paper, please state if, in your opinion, any of the uses identified under the categories “support/consensus, input raised with caution or input raised with disagreement” or any other use should be prohibited or authorized as a new development in floodways:

Any other comments / suggestions related to new development in floodways:

B. Existing Development in Floodways:

The three Task Force stakeholder consultation sessions showed support for:

	There is to be no redevelopment or additions to existing buildings in the floodway that may result in expanding the building footprint and/or changing the building use.
	There should be no infill development in the floodway, even within existing developments, as it may obstruct the flood flow both up and down stream, creating a safety threat to the public and increasing property damage to existing development.
	Even if community mitigation efforts (berms, reservoirs) are in place, additions or extensions to existing buildings in floodways should not be allowed.
	Subdivisions and vacant lots in existing neighborhoods should allow for authorized, low impact uses, such as parks, which will not obstruct the flood flow.
	Rebuilding in the floodway on an existing building footprint for the same use should be allowed.
	Repairs or renovations of existing buildings for the same type of use on the existing building footprint should be authorized.
	Parks and non-structural recreational uses, with limitations (Ex: no recreational vehicle (RV) parks, since such parks may pose a hazard to life and property if the RVs are left stationary for indefinite periods of time and a flood event occurs) should be authorized.
	Small renovations within the existing building footprint (ex: 5% to 10% of the floor area) should be authorized.
	Major renovations within the existing building footprint (ex: greater than 10% of the floor area), including rebuilding of existing building, should trigger mitigation requirements as prescribed by the approval authority to protect and ensure the building is as flood resilient as possible.
	Required municipal infrastructure should be authorized.
	Berms, dikes, or gravel pits may be considered depending on circumstances, subject to ESRD approval.

Please rate each of the above Task Force input in the form of:

(1- Support; 2- Caution; 3- Disagree)

Referring to pages 10 and 11 of the discussion paper, please state if, in your opinion, any of the uses identified under the categories “support/consensus, input raised with caution or input raised with disagreement” or any other use should be an authorized or prohibited activity within existing developments in floodways:

Any other comments / suggestions relating to existing development in floodways:

C. Exemption Provisions:

The Minister of Municipal Affairs may exempt a municipal authority or class of municipal authorities from the application of all or part of the Regulation, thereby allowing the government to vary how the Regulation will apply in situations where it would be impractical, impossible, or economically detrimental to restrict development in the floodway, provided there are adequate measures in place to protect against a flood event.

The three Task Force stakeholder consultation sessions showed support for:

	<p>Stakeholders' proposed definition of <i>exemption</i>:</p> <ul style="list-style-type: none">○ a geographical area in which, based on circumstances, the Regulation or parts thereof do not apply; or○ a geographical area in which certain development activities can be undertaken that are not normally allowed in the floodway.
	<p>Any exemptions for floodway areas need to be based on an agreed set of criteria, and need to demonstrate appropriate mitigation measures that are sufficient enough to remove/minimize risk to life and property of the users, such as diversions, dry dams, dikes and other such measures (depending upon engineering analysis).</p>

Please rate each of the above Task Force input in the form of:
(1- Support; 2- Caution; 3- Disagree)

Referring to page 11 and 12 of the discussion paper, please state if, in your opinion, any of the uses identified under the categories "support/consensus and input raised with disagreement" or any other uses should be a part of the exemption provisions for floodway areas:

Any other comments / suggestions regarding exemption provisions:

D. Other Related Discussions:

The three Task Force stakeholder consultation sessions showed support for:

	There should be one portal (ex: website) for all provincial flood information.
	The Regulation should have consideration for existing local and provincial policies for effective implementation at the local level.
	There should be consistent application of the Regulation across the province based on common criteria.
	Clarity of responsibilities for addressing flooding issues is needed between the federal and provincial governments, and municipalities.
	Tools for municipalities to deal with flood hazard areas need to be developed, including tools to apply innovative options for discouraging development in the floodway.
	The floodway boundaries should be updated based on the most current and complete flood event data.
	There should be consideration for an additional regulation dealing with the flood fringe.

Please rate each of the above Task Force input in the form of:
(1- Support; 2- Caution; 3- Disagree)

Flood Hazard Mapping:

	A policy is needed for municipalities with no flood hazard maps (stakeholders indicated that many municipalities would like to complete their own flood hazard mapping in partnership with ESRD, ensuring that a common provincial standard is maintained. Funding support from the province should be considered).
	Municipal land use bylaw/zoning maps should, at a minimum, be aligned with flood hazard area maps.
	There should be a policy on the timing of periodic reviews/updates of flood mapping (ex: how often maps are updated).
	Regulation should address future floodway levels (maps) as they change, including providing legal protection to municipalities for liabilities which may arise from decisions made based on a previous set of maps, which may no longer reflect current conditions.

Please rate each of the above Task Force input in the form of:
(1- Support; 2- Caution; 3- Disagree)

Referring to pages 13 and 14 of the discussion paper, please state if, in your opinion, any of the suggestions under the categories "support/consensus, input raised with caution or input raised with disagreement" or any other suggestion should be a part of other related discussions and/or flood hazard mapping discussions in the proposed Floodway Development Regulation.

Any other comments / suggestions:

Additional thoughts:

Do you think, in addition to the above, there are any other considerations that may be relevant to the Floodway Development Regulation? If so, please describe what they are and how they relate to the Regulation?

Consideration	How it relates to Floodway Development Regulation

Additional Comments:

Do you have any other comments you would like to make, regarding the Discussion Paper or the proposed Floodway Development Regulation? (Optional)

Personal Information (Optional)

Name: _____

Company/Organization: _____