

BYLAW NO. 16/011

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND THE LAND USE BYLAW BY TEMPORARILY RESTRICTING DEVELOPMENT IN CERTAIN AREAS OF THE MUNICIPALITY;

WHEREAS the *Municipal Government Act* authorizes a council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS the *Municipal Government Act* authorizes a Council to prohibit the use and development of land and buildings;

AND WHEREAS the Regional Municipality of Wood Buffalo suffered a major wildfire in May 2016 that destroyed or severely damaged many structures, with impacts particularly severe in certain portions of the Municipality;

AND WHEREAS there remain areas in the Municipality impacted by the wildfire which may contains risks to public health and safety, including areas where the majority of residences have been damaged or destroyed and areas where demolition and cleanup activities are only now being organized and are anticipated to continue for weeks or months after they begin;

AND WHEREAS the most severely damaged of such areas are the neighborhoods of Abasand, Beacon Hill and Waterways (the “Affected Areas”) which remain under the recommendation of the Chief Medical Officer of Health for the Province of Alberta that they not be re-inhabited until cleanup and removal of debris has been completed and subsequent testing has confirmed that they are safe for human habitation;

AND WHEREAS the Regional Municipality requires time to allow completion of the necessary cleanup of the Affected Areas including special handling and disposal of hazardous substances deposited on lands and structures by reason of the wildfire, and the necessary subsequent testing of air, soil and water to determine post-cleanup fitness for human habitation;

AND WHEREAS the Council wishes to make use of the time during which cleanup and testing will occur in the Affected Areas to consult with the public to determine appropriate steps to address the current state of the lands and structures in the Affected Areas and the options for future use of lands in Affected Areas;

AND WHEREAS the Council finds it in the best interest of all residents of the Regional Municipality, including but not limited to persons who resided in the Affected Areas immediately prior to the wildfire event, that development and redevelopment within the Affected Areas be temporarily restricted until these areas are declared by the Chief Medical Officer of Health of the Province of Alberta to be fit for human habitation~~the anticipated completion of demolition and cleanup and post-cleanup testing~~, and to allow the time until that occurs to be used to allow a full and fair opportunity to consult with the public and for Council to take the outcome of such consultation fully into account in determining~~determine~~ an appropriate approach to address the physical condition of lands and buildings in the Affected Areas and appropriate future uses of these lands;

NOWTHEREFORE be it resolved that the Council of the Regional Municipality of Wood Buffalo enacts as follows:

1. The Land Use Bylaw, No. 99/059, is hereby amended.
2. The following is added as a new section:

“34 DEVELOPMENT MORATORIUM IN ABASAND, BEACON HILL AND WATERWAYS (“AFFECTED AREAS”)

- 34.1 Notwithstanding any other provision of this bylaw no Development shall be commenced and no Development Permit for any Development shall be issued for any lot or parcel of land located within the Affected Areas as shown cross-hatched in red on the attached Appendix “E” to this bylaw.
 - 34.2 The prohibition contained in paragraph 34.1 of this bylaw applies to a Development that would otherwise not require a Development Permit, unless the Development is undertaken by the federal or provincial government or by the Regional Municipality of Wood Buffalo.
 - 34.3 The moratorium on approval of Developments and issuance of Development Permits applies to the Affected Areas shown cross-hatched in red on Appendix “E” to this bylaw regardless of the land use district applicable to a particular lot or parcel of land, but does not apply to a Development Permit issued solely for demolition, or debris removal, or for removal of foundations,.
 - 34.4 This Section 34 shall be deemed to have been repealed with respect to all or any portion of any Affected Area 90 days after it is passed without any further notice or action by or on behalf of Council, when the Chief Medical Officer of Health of the Province of Alberta advises in writing that an Affected Area or portion thereof is fit for human habitation without any restrictions related to matters or conditions arising from the wildfire of May, 2016.”
3. If any section, subsection, sentence, clause or phrase of this bylaw, or of the Land Use Bylaw as amended by this bylaw, is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw or of the Land Use Bylaw as so amended.

READ a first time this 14th day of June, 2016

READ a second time this _____ day of _____, 2016

READ a third and final time this _____ day of _____, 2016

SIGNED and PASSED this _____ day of _____, 2016.

Mayor

Chief Legislative Officer