



Subject: Development Moratorium – Abasand, Beacon Hill, Waterways – Bylaw No. 16/011

APPROVALS:

Marcel Ulliac, Chief Administrative Officer

Administrative Recommendation(s):

THAT Bylaw No. 16/011, being a Land Use Bylaw Amendment to provide for a 90 day development moratorium in the areas of Abasand, Beacon Hill and Waterways be read a first time.

Summary:

Administration recommends Council amend the Land Use Bylaw to provide for a 90 day development moratorium in the areas of Abasand, Beacon Hill, and Waterways in order to gather and consider relevant information, share such information and solicit input from the community and ultimately create a considered and informed redevelopment plan.

Background:

The May 2016 wildfires resulted in devastating damage and loss in many parts of the Municipality. In particular, the areas of Abasand, Beacon Hill, and Waterways (the “Affected Areas”) suffered substantial losses – well over half of the structures in all three of these areas were destroyed or severely damaged. Consequently there remain significant risks to public health and safety in the Affected Areas and it is undetermined at this time when it will be safe to re-inhabit even the undamaged residences within these neighborhoods. Losses to public infrastructure in these neighborhoods are also not yet quantified. Finally, it remains to be determined how long it will take to do a complete demolition and cleanup of damaged structures taking into account the probable need for special handling and disposal of hazardous substances as well as the sheer volume of debris to be managed.

Given the nature and scope of the damage to the Affected Areas, and the as yet unanswered questions around re-habitation and re-development, it is reasonable for the Municipality to take some time to evaluate the extent to which the Affected Areas remain suitable for the types of land uses that existed before the wildfire, and/or what new conditions or measures might be appropriate to mitigate the risk of future wildfires if those uses are indeed to continue.

The *Municipal Government Act* provides that the primary purpose of a municipality is the provision of good government and the development and maintenance of safe and viable communities. To empower councils to deliver these things to their residents, the statute provides that a council has the jurisdiction to pass bylaws respecting the safety, health and welfare of people and the protection of people and property, and has both the authority and the duty to pass a land use bylaw that prohibits or regulates and controls the use and development of land and buildings.

Administration accordingly recommends that Council pass a Land Use Bylaw amendment which would impose a 90 day moratorium on development in the Affected Areas. Because the Land Use Bylaw sets out *permitted uses* for each of the Affected Areas, and because development permits for permitted uses generally *must* be issued [although appropriate conditions may apply] a moratorium is a prudent step to cause a temporary halt to the issuance of development permits and to new developments that do not require a permit. In the absence of a moratorium, persons may apply for and obtain development permits or otherwise undertake development or re-development before Council has had a chance to weigh and consider the many factors that bear upon what the Affected Areas might look like in the future, and most importantly before the community has had a chance to consider the redevelopment realities and options and provide their input to Council.

A moratorium need not and should not be for a protracted period of time. Administration is recommending just 90 days which may not allow for compilation and in-depth analysis of *all* relevant information but should give Council [or the newly created Wood Buffalo Recovery Committee] the time to gather and share the most salient information about redevelopment realities and options, and seek public input. The redevelopment information may include, but is not limited to, information about the following:

- Existing land uses and actual development needs;
- Infrastructure damage and capacity;
- Availability of public services;
- Environmental impacts;
- Health and safety impacts;
- Impacts on residents insurance and mortgage contracts, of various measures that Council might take in support of particular redevelopment plans.

A 90 day development moratorium in the Affected Areas will give Council the necessary time to create an informed and considered redevelopment plan.

Budget/Financial Implications:

There are no additional budgetary or financial implications associated with enacting the Bylaw.

Rationale for Recommendation(s):

Administration recommends a temporary moratorium on development in the Affected Areas in order to allow Council to (a) gather the relevant information and facts about redevelopment; (b) conduct informed town halls to share the facts about redevelopment and obtain the input of the community; and (c) provide the necessary time to create a well-informed and considered redevelopment plan for the Affected Areas.

Strategic Plan Linkages:

Pillar 1 – Building Responsible Government

Pillar 4 – Building an Effective Land Strategy

Pillar 6 – Building a Sustainable Region

Pillar 7 – Building for a Healthy and Active Lifestyle

Attachment:

1. Bylaw No. 16/011