



Prepared for: Mayor and Councillors Title: Development Considerations for Longboat Landing	Date prepared: September 14, 2020 Prepared by: Amanda Haitas, Senior Manager, Planning and Development
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SUBJECT:

Longboat Landing is situated at the confluence of the Clearwater River and Hangingstone River. The site is identified in the Province of Alberta's flood hazard mapping as being in a floodway (Attachment 1). In April 2020, the site was flooded as a result of high water levels in the Clearwater River created by an ice jam in the Athabasca River.

BACKGROUND:

Longboat Landing is located within the Lower Townsite area (Downtown) of Fort McMurray. The site comprises an area of approximately 27.5 ha. (65.7 acres). Development of the site occurred in multiple phases between 2006 and 2012 (Attachment 2) following Council's approval of the Longboat Landing, Volume 1: Land Use Planning Brief (2004) in July 2005. On June 15, 2006, development permit 2005-0387 was approved by Planning and Development resulting in the construction of 2 apartment buildings (38 units each) and 3 townhouses (6 units each) by 2009.

In September 2010, an Outline Plan was submitted by the developer to update the Land Use Planning Brief (2004). Subsequently, on January 25, 2011, Council approved a Land Use Bylaw Amendment that repealed the Land Use Planning Brief (2004) and changed the site's zoning from DC-R4 - Direct Control High Density Residential District to LBL-R4 - Longboat Landing District. The purpose of the LBL-R4 - Longboat Landing District, in part, was to provide the Municipality with the necessary control over development to address the issues of flooding, flood protection and the necessity for filling land within the Clearwater River Valley Flood Plain Area. These changes formed the basis for the existing development and between April 2011 and June 2013, 4 development permits were issued by Planning and Development for the development of 111 townhouse units and 2 apartment buildings (48 units each).

Section 60 of the Land Use Bylaw No. 99/059 included regulations for development in the Flood Plain. The regulations prohibited the development of new buildings below the 248.0 m contour interval and required development permit applications for buildings between the 248.0 m and 250.0 m contour intervals to provide a certificate indicating the flood proofing of habitable rooms, electrical panels and heating units, and operable windows. Accordingly, while approved garage elevations for buildings in Longboat Landing are below the 250.0 m contour interval, the minimum approved main floor elevation is 250.5 m and no habitable spaces were approved at the garage level.

Furthermore, after discussion with Municipal Legal Services, the requirements of section 60.4 of the LUB requiring professional certification during the period from 2011 to 2013 could have been addressed by the application of planning authority discretion. Post 2013 the certification requirement was further particularized. After 2016 it was removed. However, no development permits were approved in Longboat Landing post 2013.

In 2013, following the Province of Alberta's announcement to pass legislation that prohibits any habitable development below the 1:100 year flood elevation in the Flood Plain area, the Municipality implemented Bylaw 13/032. The Bylaw was an amendment to the Land Use Bylaw specific to development in the Flood Plain area. The amendment ensured that new habitable spaces are located above the 250.0 m contour interval and that new development below the 250.0 m contour interval meets the applicable flood protection requirements of the Province of Alberta. However, Bylaw 13/032 was repealed by Council after the 2016 Horse River Wildfire to enable redevelopment in Waterways and Ptarmigan Court.

CURRENT STATUS:

Section 693.1 of the Municipal Government Act allows the Provincial Government to make regulations controlling development on land within a floodway. However, to date no such regulations have been developed. Further, there are no provisions in the Land Use Bylaw (LUB) that address development in flood prone areas. Therefore, there are no provisions currently in place to guide the development should new development occur in Longboat Landing or other lands in Flood Plain area.

Planning and Development has been undertaking a re-write of the Land Use Bylaw, and prior to the spring 2020 flood event had been drafting new provisions to address flooding. Administration is making further modifications to these draft provisions in the aftermath of this year's flood to ensure that they are suitably clear and robust.

KEY CONSIDERATIONS:

Should administration bring forward a motion to continue development in Longboat Landing of any property located in the Flood Plain, the following should be considered:

1. Available Province of Alberta mapping identifies Longboat Landing as being within a "floodway"¹. Based on the Provincial interpretation, this would mean limited development in this area. Given the extent of existing development, a "floodway" designation would make existing development legally non-conforming and sterilize any future development opportunities.
2. The impact of the Municipality's approved structural flood mitigation project on existing and future development in Longboat Landing. Attachment 3 shows the full extent of the Municipality's approved structural flood mitigation project. The project is underway but is incomplete.

¹ The term "floodway" is used to describe the dynamic flow area of a river. By definition it can mean the land area adjacent to a river, stream, or creek that is subject to periodic inundation by the river or stream. The river channel and adjoining lands that would provide the pathway for floodwaters would be a "floodway".

3. As part of the new Land Use Bylaw, a more robust suite of flood mitigation provisions will be brought forward that will be not only clearer but also achievable, requiring information that can realistically be gathered from applicants.

NEXT STEPS/ACTION:

A necessary next step, if development is to continue in Longboat Landing, is for Administration to:

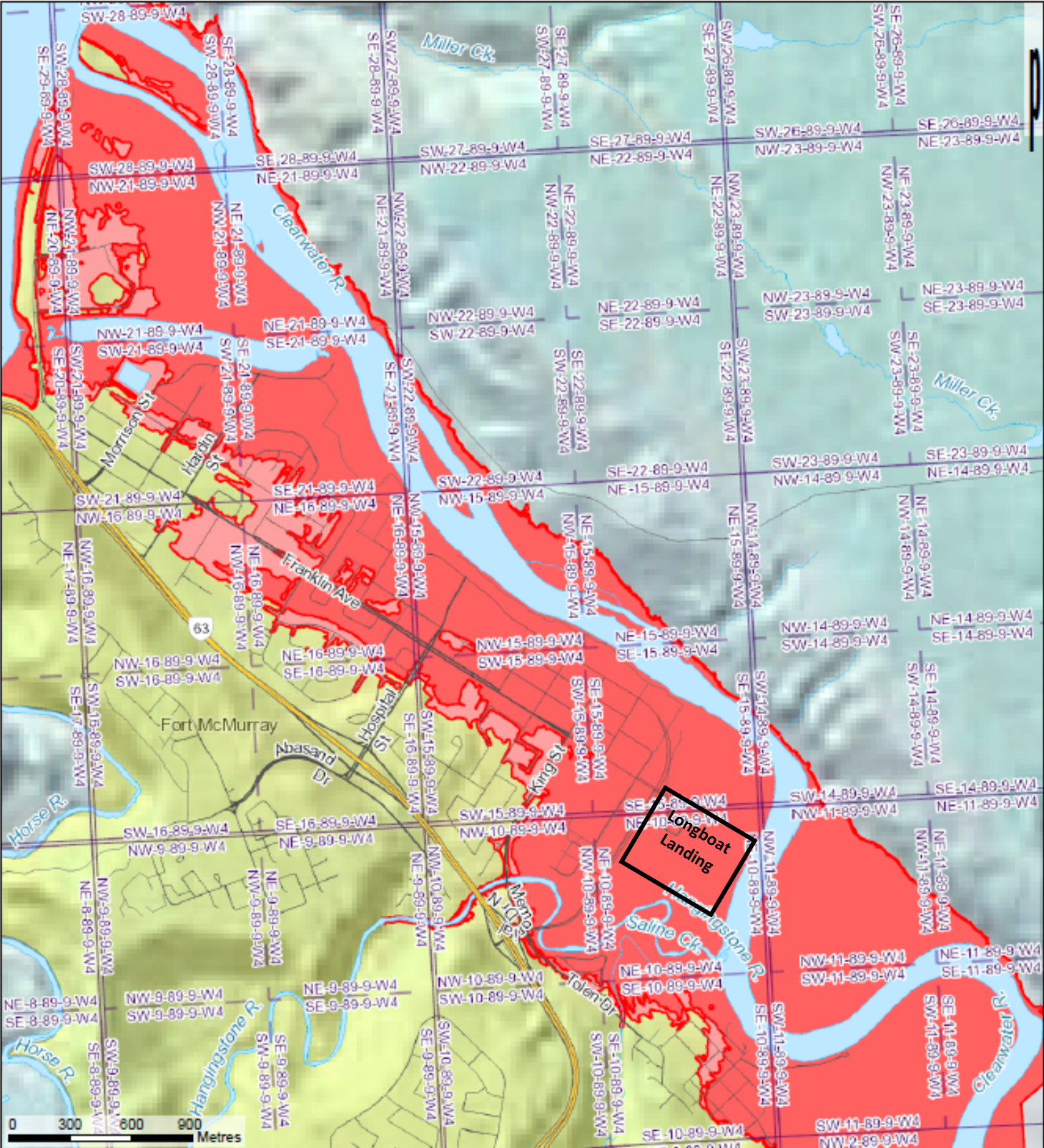
1. Limit development below the 250.0 m contour interval and introduce enhanced flood provisions in the Land Use Bylaw for development above 250.0 m contour interval; and to
2. Continue with the Municipality's approved structural flood mitigation project.

ATTACHMENTS:

Attachment 1: Province of Alberta Floodway and Flood Fringe Map

Attachment 2: Longboat Landing Development Chronology

Attachment 3: Flood Mitigation Reaches



Legend

- Floodway
- Flood Fringe
- Overland Flow (Flood Fringe)
- Under Review
- Cross Section and Design Flood Level
- Water Body
- First Nation Boundary
- Municipal Boundary

Information as depicted is subject to change, therefore the Government of Alberta assumes no responsibility for discrepancies at time of use.
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Flood Hazard Map

Projection:	Date:	Date:
ALBERTA 10TM	NAD 83	2020-May-01
maps.alberta.ca/FloodHazard/		

Longboat Landing Development Chronology

The following timeline illustrates the development history of Longboat Landing, identifying the various re-zonings that have occurred, the date when each housing development was approved, and significant changes that occurred to the Land Use Bylaw's flood provisions.

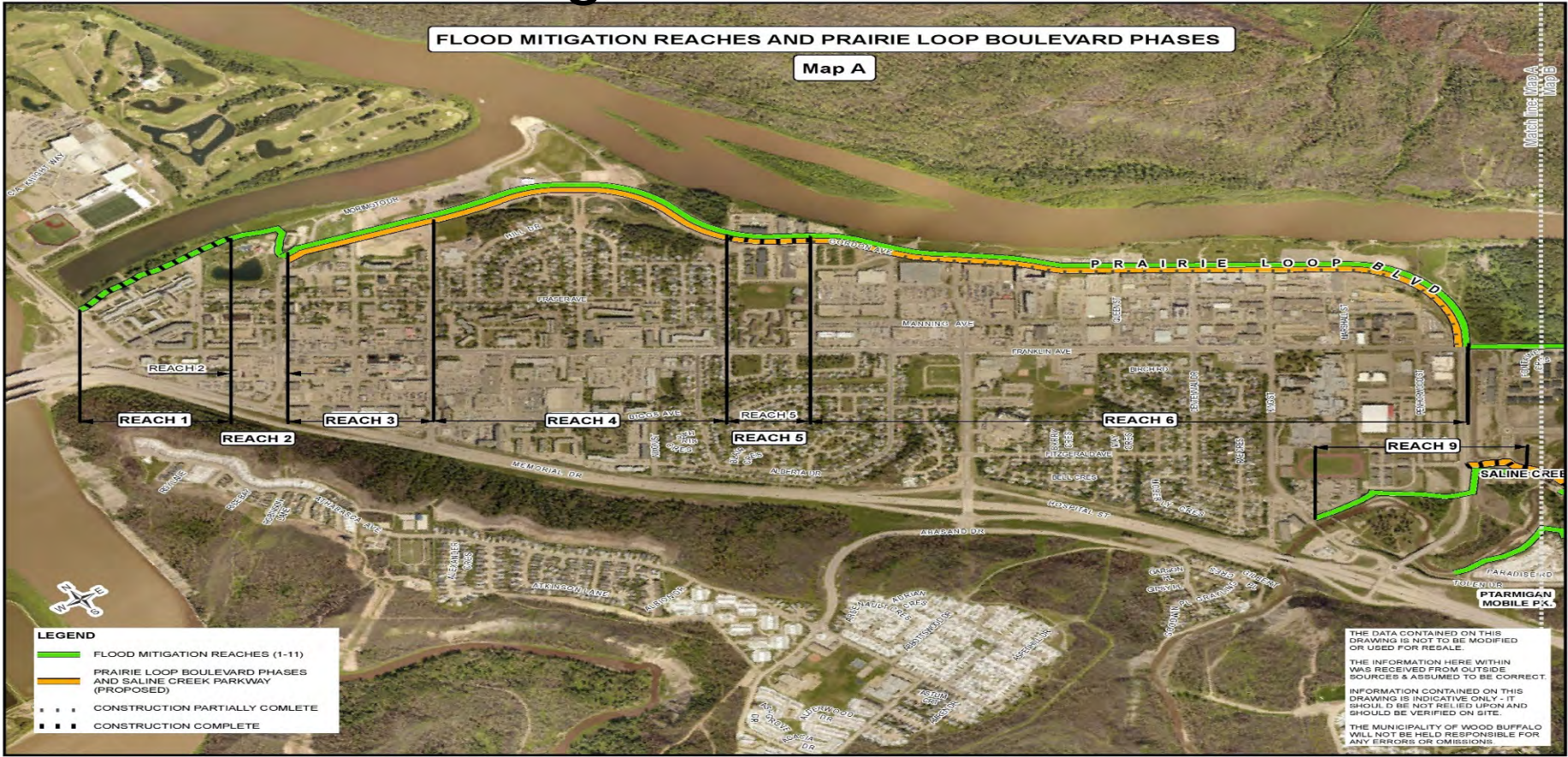
Date	Event/Item	Notes
May 28, 2002	DC-R4 District brought into effect (Bylaw No. 02/002)	1. DC-R4 was a Direct Control District that granted Council the powers to act as the Development Authority on all Discretionary Use approvals, which included apartments and cluster housing (townhouses). Planning and Development acted as the Development Authority only on Permitted Uses. 2. Also approved at the time of the Direct Control District was the "Longboat Landing Land Use Planning Brief." This brief established more specific flood abatement requirements for development to follow. These requirements were above and beyond the requirements of Section 60 of the Land Use Bylaw (which also laid out a series of provisions for developing in flood hazard areas).
June 15, 2006	DP# 2005-0837 approved	1. Council approved 2 apartment buildings (39 units each) and Cluster Housing (90 units). 2. This encompassed the following: 100 Denholm Gate, 108 Denholm Gate, 101 Fontaine Crescent, 105 Fontaine Crescent, 109 Fontaine Crescent, 113 Fontaine Crescent, 117 Fontaine Crescent, 121 Fontaine Crescent, 125 Fontaine Crescent, 129 Fontaine Crescent, and 133 Fontaine Crescent.
Jan 8, 2008	DP# 2007-1822 approved	1. Council approved a 72 unit apartment building at what is now 136 Fontaine Crescent. 2. The site was originally contemplated for townhouses, but the developer was responding to changing market conditions and price sensitivity. 3. This apartment building was never constructed, and the developer later sought approval to develop townhouses once again (2011-DP-00250).
Nov 25, 2008	Section 60 of the Land Use Bylaw amended (Bylaw No. 08/001)	1. Factors to consider in the design of the building and lot previously had to follow Canada Mortgage and Housing Corporation guidelines for building in flood susceptible areas. 2. This amendment removed reference to CMHC and replaced it with "Industry's general" guidelines for building in flood susceptible areas.

Sept 2010	Longboat Landing Outline Plan revised	1. The Outline Plan is an intermediate planning document that bridges the gap between the large-scale 2009 Lower Townsite Area Redevelopment Plan, 2005 Longboat Landing Land Use Planning Brief and individual plans for development and subdivision.
Jan 25, 2011	LBL-R4 District brought into effect (Bylaw No. 10/036)	1. Council approved a Land Use Bylaw amendment changing the DC-R4 District to LBL-R4. Planning and Development would henceforth act as the Development Authority. 2. The Longboat Landing Land Use Planning Brief was also repealed as part of the amendment. Section 60 of the Land Use Bylaw is now all that applies to new development applications.
April 3, 2011	DP# 2011-DP-00250 approved	1. Approval of a Townhouse development (36 units) at 136 & 137 Fontaine Crescent.
June 11, 2012	DP# 2011-DP-02140 approved	1. Approval of a Townhouse development (28 units) at 140 Fontaine Crescent.
August 9, 2012	DP# 2011-DP-02185 approved	1. Approval of a Townhouse development (47 units) at 141 Fontaine Crescent.
June 19, 2013	DP# 2012-DP-02155 approved	1. Approval of 2 Apartment Buildings (48 units each) at 111 & 115 Denholm Gate.
No 26, 2013	Section 60 of the Land Use Bylaw amended (Bylaw No. 13/032)	1. A certificate was previously required from a qualified, registered professional engineer or architect, indicating that factors had been considered in the design of the building and lot. 2. This amendment changed engineer and architect to "Registered Professional Engineer or Geoscientist with experience in flood risk management." 3. This amendment was driven by the 2013 flood event. 4. No development occurred in Longboat Landing following this amendment, so no developments were approved in accordance with these new provisions.
Oct 4, 2016	Section 60 of the Land Use Bylaw repealed (Bylaw No. 16/021)	1. In the aftermath of the 2016 Horse River Wildfire, Section 60 was repealed to allow homeowners to re-build more easily and cost-effectively.

Notes:

- 1) "DP" stands for Development Permit.
- 2) Between 2006 and 2011, the Planning and Development Department changed the format of all development permit file numbers such that they were no longer preceded by the acronym DP (i.e. DP 2005-0837), but rather the acronym became embedded within the file number (i.e. 2012-DP-02155).

Flood Mitigation - Reaches



Flood Mitigation - Reaches

