

# Development Permit Requirements in the Flood Hazard Area ("FHA")

## FHA Release of Liability

- All landowners in the FHA are required to sign a FHA Release of Liability as a condition of obtaining a development permit to rebuild.
- The FHA Release of Liability must be signed by each landowner registered on title.
- The FHA Release of Liability is an acknowledgement by the landowner(s) of the following things:
  - o the lands to be developed are in a Flood Hazard Area (as identified by the Government of Alberta) which is subject to flooding that could cause personal injury and/or damage to real and personal property;
  - o flood mitigation efforts undertaken by either the Municipality or the landowner may not fully or effectively mitigate the risk of personal injury or damage to real or personal caused by flooding.
- The FHA Release of Liability is a confirmation by the landowner that the landowner is assuming all responsibility for development and that they are releasing the Municipality from any claims that arise as a result of damage caused by flooding given the acknowledged risks.
- Previously, the Land Use Bylaw required landowners to enter into similar save harmless agreements.
- The FHA Release of Liability is a contractual agreement between the Municipality and the current landowner and has no impact on a landowner's eligibility for compensation from the Province's Disaster Recovery Fund in the event of a flood.

## FHA Development Agreement

- All developers in the FHA are required to sign a FHA Development Agreement as a condition of obtaining a development permit to rebuild.
- The FHA Development Agreement must be signed by the developer (development company) or the landowner (if the landowner is the developer).
- The FHA Development Agreement is an acknowledgement by the developer that the lands to be developed are in a Flood Hazard Area (as identified by the Government of Alberta which is subject to flooding that could cause personal injury and/or damage to real and personal property).

- The FHA Development Agreement requires the developer to contribute to the Municipality's flood mitigation strategy and related infrastructure. **The Agreement does not require any monetary contribution.** It does require the Developer to:
  - (a) take all reasonable steps that the Municipality may request to facilitate implementation of the flood mitigation strategy; and
  - (b) agree not to make any claims against the Municipality related to any disturbance, nuisance, inconvenience or other impact arising from the construction of the infrastructure related to the flood mitigation strategy [basically, whatever wall or berm is chosen to be the engineering solution).
- The FHA Development Agreement is a contractual agreement between the Municipality and the developer and has no impact on a landowner's eligibility for compensation from the Province's Disaster Recovery Fund in the event of a flood.
- The Municipality will register the FHA Development Agreement on title. The FHA Development Agreement will be removed once the Municipality's flood mitigation strategy and related infrastructure is complete.

## FHA Restrictive Covenant

- All landowners in the FHA are required to sign a FHA Restrictive Covenant as a condition of a development permit to rebuild.
- The FHA Restrictive Covenant must be signed by each landowner registered on title.
- The FHA Restrictive Covenant stipulates that landowners cannot do the following things on their lands:
  - o alter the grade of the lands in any way which lowers the grade;
  - o develop the lands so that more than 70% of the lot coverage is hard landscaping; or
  - o make a claim against the Municipality for allowing the rebuild.
- The FHA Restrictive Covenant is a contractual agreement between the Municipality and the developer and has no impact on a landowner's eligibility for compensation from the Province's Disaster Recovery Fund in the event of a flood.
- The Municipality will register the FHA Restrictive Covenant on title. The FHA Restrictive Covenant will be removed once the Municipality's flood mitigation strategy and related infrastructure is complete.