

**Top of Bank Regulation Review Ad-Hoc Committee
Draft Recommendations from September 6, 2016 Meeting**

The following are the consensus Recommendations to Council from the Top of Bank Regulation Review Ad-Hoc Committee. In the Committee's view, the recommendations provide measures that help to mitigate the impacts of the new top of bank setbacks in Bylaw B275/15. The Committee has considered interests related to safety, property values, liability and flexibility on one's property for residents (directly affected and non-directly affected), Council and future residents/developers.

Recommendation	Benefits and Considerations
<p>A. Identify exemptions for development permits</p> <p>Exempt certain structures from requiring a development permit on Agricultural and Country Residential lands, provided the structures would not increase the non-compliance with Bylaw B275/15. The structures exempted would include:</p> <ul style="list-style-type: none"> • Ancillary buildings (anything secondary to a home) • Farm buildings • Home additions (up to a maximum of 3000 square feet for the house in total) 	<ul style="list-style-type: none"> • This option would benefit all residents in the County who are on Agricultural or Country Residential land. It provides increased flexibility for development. • With this approach, when there is no development permit, the majority of the liability for the development is with the developers.
<p>B. Establish a program to offset replacement development costs when a home is totally destroyed</p> <p>I. Create an Emergency Grant Fund to offset the cost of geotechnical studies for replacement development. The fund would be used as a last resort for geotechnical studies that are required for replacement development, when the costs of the study are not otherwise covered by insurance or other government funds.</p> <p>II. Establish an option for the County to buy the property or the portion of the property that is not suitable for redevelopment if a geotechnical study is done as per</p>	<ul style="list-style-type: none"> • This program provides relief to a resident in the case of total loss of the home, and facilitates safe replacement development. • Part II mitigates the risk associated with the requirement to conduct a geotechnical study for replacement development <ul style="list-style-type: none"> • For Part II: Market value needs to be defined in a way that reflects the value prior to the destruction of the dwelling,

Recommendation	Benefits and Considerations
<p>redevelopment permit requirements, and the geotechnical study indicates the property is not suitable for redevelopment. The County would purchase the property or the portion of the property that is not suitable for redevelopment at current market value and the land would be designated for conservation.</p>	<p>rather than by the replacement insurance amount that may be offered. The County should pay the value immediately prior to the time of the home being destroyed less the depreciated replacement insurance held by the owner. (this is necessary because normal insurance pays out replacement but if unable to rebuild at that site the value is depreciated).</p>
<p>C. Establish a program to offset the cost of geotechnical studies if there are challenges in selling a property that is affected by the setbacks in Bylaw 275/15.</p> <p>I. Create a Property Resale Grant Fund to offset the cost of geotechnical studies for properties affected by the setbacks in Bylaw 275/15 and who are facing challenges related to setbacks in selling the property. The fund would be used as a last resort to offset the cost of geotechnical studies that are required to satisfy potential buyers.</p> <p>II. Establish an option for the County to buy the property or the portion of the property that is not suitable for redevelopment if a geotechnical study is done as per Recommendation 3 I above, and the geotechnical study indicates the property is not suitable for redevelopment. The County would purchase the property or the portion of the property that is not suitable for redevelopment at current market value and the land would be designated for conservation.</p>	<ul style="list-style-type: none"> • This program helps to offset the costs and risks for property owners who are affected by the new setbacks
<p>D. Develop a program for the setback lines to be refined for localized sub-regions of affected properties within the County. The program would stipulate that the refinement of the setback lines would be done at the request of</p>	<ul style="list-style-type: none"> • The Thurber report is a high level assessment of setbacks and this program would be an appropriate follow up program to identify setback lines specific to each property. • Policy development will be based on a balanced approach involving science, social and economics.

Recommendation	Benefits and Considerations
<p>and with the consent of all the property owners in the sub-region.</p> <p>The County would develop and fund a program to redraw the setback lines for localized sub regions within the county for a grouping of affected properties by commissioning additional geotechnical exploration in these areas. If all affected property owners (minimum of 6 properties) are interested and make a formal request to the county, a pilot program could be put in place in 2017. Learning from the pilot program would inform the plan to define the remaining setback lines.</p>	<ul style="list-style-type: none"> • Good municipal planning practices would support the identification of setback lines for each property (developed and new) based on better science rather than relying on the general guidelines in the Thurber report.
<p>E. Develop a Communication Strategy regarding setbacks</p> <p>I. The County and residents could work together to identify and communicate best practices that help to mitigate risks on valley slopes. This work could be undertaken between October 2016 and March 2017.</p> <p>II. The County could provide letters to affected residents with information about setbacks. The letters could be shared with lending agents or potential buyers to clarify the setbacks and help to mitigate any stigma with the properties. The letters could be provided in the Fall of 2016, or on an as needed basis.</p>	<ul style="list-style-type: none"> • This recommendation acknowledges that the County and residents have a shared responsibility for mitigating risks associated with slope stability. • Misunderstanding of the setback implications has been raised as a concern by residents. Further efforts to identify and communicate risk mitigation strategies, along with factual information about the setbacks, would help to reduce any potential stigma of affected properties, and promote safety.
<p>F. Expand the scope of the County drainage study to prioritize concentrated runoff from municipal infrastructure which increases the environmental sensitivity along the top of banks</p> <p>The County would complete work as recommended from the existing study and further analysis, in collaboration with residents.</p>	<ul style="list-style-type: none"> • Integrating top of bank assessment into the existing study would be an efficient approach to increasing safety and raising awareness of slope stability risk mitigation approaches.

Recommendation**Benefits and Considerations**

G. Periodically review the work of the Committee and any subsequent bylaw and policy changes, as suggested in the Thurber Report.