

BYLAW NO. 10 - 2021

RURAL MUNICIPALITY OF LAIRD NO. 404

**A BYLAW OF THE RURAL MUNICIPALITY OF LAIRD NO. 404 TO AMEND BYLAW
NO. 6-2008 KNOWN AS THE ZONING BYLAW**

The Council of the Rural Municipality of Laird No. 404 in open meeting hereby enacts as follows:

- 1. SECTION 3: GENERAL REGULATIONS**, is amended by deleting clauses 3.29 – 3.33, including Figure 1, in their entirety and replacing them with the following:

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- 3.29 Development proposed on lands identified as being potentially hazardous with respect to stability, flooding, erosion, drainage, or other natural hazards shall be assessed as part of the application process for safety and suitability of development. Where, in the view of the Municipality, suitability cannot be determined independent of additional supporting information such as topographic information, assessment or investigation by a certified professional, the Municipality may require additional information to complete an application. Any costs related to a request for additional information will be those of the proponent.
- 3.30 Determination of development or site suitability and the level of supporting information, geotechnical assessment, or investigation required, shall be based on the following principals:
- a) The nature of the proposed development (eg. permanent, semi-permanent, moveable, etc.);
 - b) The ability of the Municipality to ensure suitable development independent of supporting information;
 - c) Potential negative affects on adjacent lands;
 - d) Disturbance and loading effected on a slope (including excavation, placement of fill, landscaping, and road or access construction);
 - e) Natural and proposed alteration of drainage patterns;
 - f) Known concerns or constraints related to slope stability in the vicinity or on similar land formations, visual observation of instability, erosion, and slope saturation issues, warranting further investigation; and
 - g) Appropriate seasonal timing of visual observation.
- 3.31 The Development Officer may impose special conditions, such as but not limited to, engineered footings and foundations, flood-proofing, drainage, or suitable septic systems in an effort to protect against geotechnical instability, erosion, flooding, and environmental preservation. Standards and conditions may be registered to title in the land titles system using the appropriate legislative tool at the cost of the proponent.
- 3.32 No permanent development shall be sited on lands within the 1:500 flood design elevation plus a freeboard of 0.5 metres and must be flood-proofed in accordance with provincial regulation.

2. SECTION 5: ZONING DISTRICTS, SCHEDULE I: EROSION AND SLOPE INSTABILITY OVERLAY (SI), is deleted in its entirety and replaced by the following:

SCHEDULE I: EROSION AND SLOPE INSTABILITY OVERLAY (SI)

Purpose and Intent:

The Intent of this Overlay Area is to restrict development in areas that are considered hazardous for development for reasons of excessive soil erodability and/or ground instability. The following regulations are intended to apply supplementary standards for development in areas designated as having potential for instable soil conditions due to erosion or excessive slopes.

1.0 Defining the Area:

1. No new development shall be permitted in any readily eroded or unstable slope area if the proposed development will be affected by or increase the potential hazard presented by erosion or slope instability without supporting geotechnical assessment or evaluation.
2. For the purpose of this Bylaw, the area considered to present potential erosion and/or slope instability hazard includes but is not limited to the slopes of the North Saskatchewan River Valley and its tributary creeks and gullies extending from the edge of the flood plain in the valley, to the ridge of the slope at the top, plus a setback of 100 metres.
3. The Municipality may require a surveyor to determine where this line or crest of valley is located at the developer's expense and development will be set back from that line at all points.

1.1 Allowable uses:

All uses listed by the underlying zoning district subject to any hazard lands policies and general regulation of the Municipality, or higher order of government.

1.2 Supplementary Regulations, Requirements, and Evaluation:

1. The Municipality shall first endeavour to assess specific development permit applications based on the specifics provided in the application and any additional materials voluntarily provided by the applicant.
2. Where the Municipality can independently determine the suitability of development based on the information supplied by the applicant and upon cursory and/or visual inspection, notwithstanding *GENERAL ADMINISTRATION 2.3*, the application shall be referred to Council for review and approval, to be evaluated solely on the grounds of geotechnical suitability.

3. Where the Municipality cannot independently determine the suitability of development based on the information supplied by the applicant and upon cursory and/or visual inspection, the following shall apply:
 - a. Any application for a development permit on any parcel of land that lies wholly or partially within an area designated in the Slope Instability Overlay Area (SI), must be accompanied by a detailed site analysis prepared by a geotechnical engineer registered in the Province of Saskatchewan. The site analysis shall indicate topography, surface drainage, geological, and geotechnical conditions at the site of the proposed development and related to the conditions of the general area as they relate to slope instability and erosion hazards.
 - b. The geotechnical engineer shall answer the following questions:
 - i. Will the proposed development be detrimentally affected by natural erosion or slope instability?
 - ii. Will the proposed development increase the potential for erosion or slope instability that may affect the proposed development, or any other property?
 - c. Unless the geotechnical engineer can answer “no” in response to both of the above questions, further analysis will be required. The required analysis must define the hazard as it may affect the proposed development and any other potentially affected property. The engineering report will identify hazard mitigation measures including engineered works and other measures deemed to be effective in eliminating or managing anticipated erosion and slope stability impacts, and will identify and explain known and suspected residual hazards. The responsibility for monitoring and responding to monitored findings shall be resolved before approval is granted.
 - d. A development permit shall not be issued unless the report on the site, presented and endorsed by the geotechnical engineer, indicates that the site is suitable for development or outlines suitable mitigating measures and documents residual hazard.
 - e. If such an evaluation is not done, or having been done, Council determines that excessive remedial or servicing measures are necessary to safely and efficiently accommodate the proposed development, Council shall not be required to approve the application for development.
 - f. Any refusal, development standards or conditions of a permit, may be appealed in accordance with the provisions of the Act.

This bylaw shall come into force on the date of final approval by the Minister of Government Relations.

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Reeve

(SEAL)

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Administrator

Read a first time this ___ day of _____, 2021.
Read a second time this ___ day of _____, 2022.
Read a third time and adopted this this ___ day of _____, 2022.

DRAFT