

YELLOWHEAD COUNTY

BYLAW NO. 17.05

BEING A BYLAW TO AMEND THE SEABOLT AREA STRUCTURE PLAN

WHEREAS, the Municipal Government Act, R.S.A., 2000, and amendments thereto, authorize a Council to amend an area structure plan for the purpose of providing a framework for subsequent subdivision and development of an area of land;

AND WHEREAS, a public hearing was held in respect to the proposed area structure plan on the date written below;

NOW THEREFORE, the Council for Yellowhead County, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. That Ministerial Order 831/91, being the Seabolt Area Structure Plan, be amended by replacing Appendix A, with the Seabolt Floodplain Study (Associated Engineering May 2003), and
2. That “**5.4 Development Policy 5**” be deleted;
3. That “**5.4 Development Policies, 10 and 11**” be replaced with the following:

“10. Subject to subsection (iv), the Seabolt Floodplain Study (Associated Engineering May 2003), Appendix A, shall be used to delineate the floodway, flood fringe and special risk areas. The calculations of flood elevation and recommended building elevations shall apply. The specific recommendations regarding use and development contained in the report shall not apply. The following shall apply within the boundaries of the Seabolt Floodplain Study (Associated Engineering May 2003):

- (i) Floodway: Development of building(s) and structure(s), other than those listed below, shall be prohibited, but use(s) or other development within the floodway may be allowed in accordance with the relevant land use district. This shall require that the application include certification from a registered professional engineer or architect indicating preventive engineering and construction measures can be instituted to protect the proposed development from flood damage.

Structures that may be allowed in the floodway follow:

- Bridge support structures and related roadways;
- Public Utility structures and associated works;
- Structures and associated works for flood control;
- Replacement of existing building(s) and structure(s);
- Movable sheds and similar structures which can be moved readily outside of the floodplain and/or which would not inhibit the free flow of flood water.

- (ii) Flood Fringe: Development of use(s), building(s) and structure(s) may be allowed within the flood fringe area, in accordance with the relevant land use district, provided the building(s) and/or structure(s) are floodproofed. This shall require that the application include certification from a registered professional engineer or architect indicating preventive engineering and construction measures can be instituted to floodproof the building(s) and/or structure(s).

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- (iii) Special Risk Area: For development on lands identified as Special Risk area, development of use(s), building(s) and structure(s) may be allowed within the special risk area, in accordance with the relevant land use district, provided the building(s) and/or structure(s) are floodproofed. This shall require that the application include certification from a registered professional engineer or architect indicating preventive engineering and construction measures can be instituted to floodproof the building(s) and/or structure(s).
 - (iv) The designations of 1:100 year flood limit, floodway, flood fringe, special risk area, and freeboard calculations may be revised subject to more detailed and site-specific study by a Registered Professional Engineer of the local topography, the path taken by overbank spills, and any mitigative measures to prevent the spills and the measures to floodproof the development. If a report from a qualified engineer is received by the County recommending that a designation should be amended for an area of the floodplain (e.g. from floodway to flood fringe), and is accepted by the Development Authority, the designation of that area shall be deemed to be amended, in accordance with the engineer's report, without requiring an amendment to this bylaw.
 - (v) The development of any new structures or dwellings in the Maskuta Creek/Iron Creek flood plain, upstream of the Cold Creek confluence, shall be required to incorporate at least 0.5m of freeboard (measured vertically from the computed flood level to the main floor level). The development of any new structures or dwellings in the Cold Creek flood plain, upstream of Ridge Road bridge or in the Maskuta Creek Flood plain, downstream of Cold Creek, shall be required to incorporate at least 1 m of freeboard (measured vertically from the computed flood level and the main floor level).
 - (vi) No filling is permitted in the floodplain unless allowed by Alberta Environment, or where the filling is exempted from requiring a provincial approval under the Water Act or other legislation.
 - (vii) There may be areas within the floodplain where the building area requires a driveway or primary access to the building site across the floodway. The use or development itself shall not be refused solely for the reason that the driveway or access crosses the floodplain.
 - (viii) Except as set out below, these provisions do not take precedence over the specific use provisions of the Land Use Bylaw. However, notwithstanding the use provisions in the Land Use Bylaw, if a development does not fully comply with the provisions (i) to (vii) above, the development is prohibited.

4. This bylaw comes into force at the beginning of the day that it is passed in accordance with Section 189 of the Municipal Government Act, Being Chapter M-26, R.S.A., 2000.

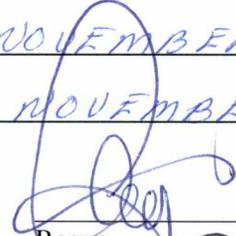
READ a first time this 14 day of JUNE, A.D., 2005.

PUBLIC HEARING held this 28 day of JUNE, A.D., 2005.

READ a second time this 28 day of JUNE, A.D., 2005.

READ a third time this 22 day of NOVEMBER, A.D., 2005.

SIGNED this 22 day of NOVEMBER, A.D., 2005.



Reeve



Chief Administrative Officer