

BYLAW NO. 1198-20
BEING A BYLAW OF
MACKENZIE COUNTY
IN THE PROVINCE OF ALBERTA

TO AMEND THE
MACKENZIE COUNTY LAND USE BYLAW

WHEREAS, Mackenzie County has a Municipal Development Plan adopted in 2009, and

WHEREAS, Mackenzie County has adopted the Mackenzie County Land Use Bylaw in 2017, and

WHEREAS, the Council of Mackenzie County, in the Province of Alberta, has deemed it desirable to amend the Mackenzie County Land Use Bylaw to Add Definition of Pluvial Flooding to Section 2.3, Amend Flood Plain Requirements in Section 5, and Add Restrictions to Sections 8 & 9

NOW THEREFORE, THE COUNCIL OF THE MACKENZIE COUNTY, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. That the Mackenzie County Land Use Bylaw 1066-17, Section 2.3 be amended with the following addition:

PLUVIAL FLOODING means a flooding or ponding event caused by excessive rainfall or seasonal runoff that occurs when the ground is unable to absorb the rainfall or runoff effectively, or urban drainage systems are overwhelmed by excessive water flow.

2. That the Mackenzie County Land Use Bylaw 1066-17, Section 5.5.3c)ix be amended as follows:

5.5 Development Permit Administration

5.5.3 Subject to the scale and complexity of a proposed development, The DEVELOPMENT OFFICER may also require:

- c. Studies, with associated costs borne by the applicant, regarding:
 - ix. Slope, soil and flood plain conditions, including a geotechnical or floodplain study prepared by a qualified engineer recognized by APEGA if, in the opinion of the DEVELOPMENT AUTHORITY, the site is potentially hazardous or unstable;

3. That the Mackenzie County Land Use Bylaw 1066-17, Section 8 be amended with the following addition:

8.39 Pluvial Flooding Prone Lands or Low Lying Lands

8.39.1 DEVELOPMENT PERMIT applications for lands which are determined to be low lying, or those which may be subject to seasonal flooding or that caused by heavy rainfall, may be REFUSED by the DEVELOPMENT AUTHORITY.

8.39.2 In addition to the information which may be requested by the DEVELOPMENT AUTHORITY in Section 5.5.3, an applicant for a DEVELOPMENT PERMIT may be required to enter into a DEVELOPMENT AGREEMENT as a condition of approval for the stated DEVELOPMENT.

8.39.3 In addition to Section 5.5 of this BYLAW, the DEVELOPMENT AUTHORITY may provide additional conditions of approval to any DEVELOPMENT PERMIT for any location that the DEVELOPMENT AUTHORITY deems to be at risk of PLUVIAL FLOODING, including but not limited to;

- a. All basement or below grade developments shall have an operational sump pump;
- b. No basement or below grade development;
- c. Building development only being allowed above grade at an elevation determined by the DEVELOPMENT AUTHORITY;
- d. No site work or grading shall take place on the site that will alter existing drainage patterns or contribute to the flooding or inundation of adjacent properties;

8.39.4 When an applicant wishes to develop on a lot determined to be LOW LYING or deemed to be at risk of PLUVIAL FLOODING the DEVELOPMENT AUTHORITY may APPROVE the application if certain flood mitigation measures are proposed by the applicant and deemed acceptable by the DEVELOPMENT AUTHORITY.

4. That the Mackenzie County Land Use Bylaw 1066-17, Section 9.1 be amended with the following addition:

9.1 Agricultural

9.1.12 Any land deemed by the DEVELOPMENT AUTHORITY to be LOW LYING or at risk of PLUVIAL FLOODING may be subject to additional conditions such as those outlined in Section 8.39.3 of this Bylaw.

READ a first time this 22nd day of September, 2020.

Public Hearing held this 28th day of October, 2020.

READ a second time this 28th day of October, 2020.

READ a third time and finally passed this 28th day of October, 2020.

(original signed

Joshua Knelsen
Reeve

(original signed

Lenard Racher
Chief Administrative Officer