

5-2003

A BYLAW OF THE RURAL MUNICIPALITY OF BLUCHER, NO. 343 TO AMEND BYLAW 4-2001, THE ZONING BYLAW.

The Council of the Rural Municipality of Blucher, #343, in the Province of Saskatchewan hereby enacts as follows:

1. Bylaw 4-2001 is amended as hereinafter set forth:
 - (v) Part II – Administration
 - i. By adding the following to Section 2, article 2.2:

“c) Disposal of clean fill on a site where the clean fill is generated by construction or demolition activity on that site, subject to compliance with all federal and provincial requirements.”
 - ii. By deleting Section 5, article 5.2 c) and inserting the following in its place:

“c) For all other discretionary uses, notice shall be mailed to the assessed owner of each property, or portion thereof, within 0.80 km. of the property that is the subject of the application.”
 - (vi) Part III – General Regulations,
 - i. By deleting Section 4 and inserting the following in its place:

“4. Waste Disposal
No development or use of land which requires the disposal of solid waste, liquid waste, gaseous waste or clean fill shall be permitted unless the development or use has received all required federal and provincial approvals.”
 - ii. By deleting Section 11 and inserting the following in its place:

“ 11. Public Utilities
Public utilities, except solid waste disposal, liquid waste disposal and clean fill sites, shall be listed as permitted use in every zoning district and no minimum site area or yard requirements shall apply.
Permit approvals for communications transmission towers will only be issued following completion of the public consultation and approval process conducted as required by Industry Canada.”
 - iii. By inserting the following section:

“14.1 Development Standards for Clean Fill Sites
Development and maintenance of clean fill sites will be subject to the following standards:

 - (v) development and site maintenance shall be in accordance with all federal and provincial requirements;
 - (vi) in addition to the public notification provisions for discretionary uses contained in this bylaw, Council shall require that the application be circulated to property owners adjacent to the proposed haul roads, other than Provincial Highways, to obtain public input on the proposed site;
 - (vii) sites should be directed to locations that would:
 - (viii) permit an excavated area to be reclaimed, and
 - (ix) allow for intermunicipal or regional use;
 - (x) adequate precautions shall be taken to prevent pollution of ground water by the disposal operations;

e) sites shall have regard for adjacent land uses and shall be:

 - (v) located adjacent to an all weather road
 - (vi) serviced by an adequate all weather road network
 - (vii) located in proximity to a provincial highway, and
 - (viii) located a minimum of 305 m (1,000 ft) from medium density or intensive density country residential developments

and 215 m (705 ft) from any isolated residence or residential site;

- f) no excavation, stockpiling or structures shall be permitted within 46 m. of the centre line of any highway or municipal road, or municipal right of way, or within 6 m. of any site line not adjacent to a highway or municipal road or municipal right of way;
- g) a buffer strip containing trees, shrubs or a berm shall be located surrounding a disposal area;
- h) no material is to be deposited within 30 m (100 ft) of the bank of any river or watercourse;
- i) the site shall be:
 - (ix) fenced and gated with a locking gate,
 - (x) appropriately staffed and no unsupervised access to the site shall be permitted;
 - (xi) signed to identify hours of operation and acceptable clean fill materials permitted on site, and
 - (xii) if required by Council, landscaped to the satisfaction of Council;
- j) the owner of the land and the site operator shall be required to enter into:
 - (xiii) an agreement to ensure the site complies with all relevant requirements of this bylaw, and
 - (xiv) a restoration agreement to reclaim the site based on a detailed restoration plan, which must be submitted to and approved by the municipality. The following guidelines shall be followed in the preparation of a restoration plan:
 - i) The objective of site restoration is to achieve an appropriate and productive after use of the disturbed site. Depending on the area involved, this normally consists of some combination of the following: smoothing and contouring slopes, restoring subsoil and topsoil, and revegetating.
 - ii) Restoration should be recognized as an integral part of extraction, and should be included in pre-excavation planning. As part of this process a practical after-use should be selected as early as is possible. Factors to consider include: site location and characteristics, availability of topsoil and water, the surrounding area, zoning and similar restrictions, and practicality and cost-effectiveness. The operator, landowner or other individual to whom title to the site will be transferred (if known), and the municipality should undertake this planning jointly.
 - iii) Progressive restoration, in which sections of a site are restored while operations are ongoing in other sections of the same site, is encouraged, particularly for large sites.
 - iv) Post-excavation ownership of a site or the restorative procedures and designated after-use which will be required by the municipality may be in substantial doubt prior to and during operations. Where this is the case, it may be advisable for the operator to delay intensive restoration or designation of any unusual or highly specialized after-use until final agreements are reached. This does not reduce the necessity for basic environmental protection and restoration during excavation to ensure public safety, slope stability, overburden management, drainage, and erosion and weed control. **Similarly, progressive restoration should not be delayed where the designated after-use does not require intensive restoration (e.g. an unimproved wildlife area).**

- v) Rehabilitative earthwork normally should include the covering of bare rock and subsoil. Nonusable or nonsalable materials, including overburden, screenings and rocks, should be placed in the pit bottom. Recontoured slopes generally should be no steeper than 4:1 where reasonably attainable and consistent with surrounding terrain and planned after use.
- vi) Topsoil should be applied to newly recontoured slopes to a minimum depth of 5 to 10 cm.
- vii) Revegetation as soon as possible following recontouring is the best way to stabilize slopes, control weeds, minimize erosion and promote an aesthetic and productive after use.
- viii) The most essential aspect of revegetation is rapid establishment of a ground cover. Grasses are usually the best species for doing this. Fertilizers, including manure, will enhance growth. Spreading of slash on recontoured slopes will speed natural revegetation.
- ix) Underwater slopes should have a gentle grade where wildlife are to be encouraged.
- x) The operator should restore, in a mutually agreeable manner, access and haul roads constructed by the operator and considered unnecessary by the final land owner.
- xi) Restoration normally should be finished within three years of completing operations.
- k) the site operator and any person who hauls clean fill may be required to enter into a road maintenance agreement; and
- l) Council may require a performance bond to guarantee adherence to the above noted agreements subject to the following.
 - i) The guarantee shall be in the amount of a minimum of \$5,000 for the first two (2) ha or portion thereof of the area disturbed by the operation (including the area disturbed by excavation, stockpiling, overburden and debris storage and on-site access / haul routes) and \$1,000 for each additional 0.4 ha or portion thereof.
 - ii) The guarantee may take the form of cash, performance bond, irrevocable letter of credit or other form acceptable to Council.
 - iii) Arrangements will be made for the guarantee to remain in effect for six months beyond the termination of mineral extraction, restoration and road maintenance agreements relating to the operation, to allow a discovery period by the municipality.
 - iv) Any performance bond which forms a part or all of the performance guarantee shall be renewed thirty (30) days before its date of expiry. Failure to provide written confirmation of renewal may lead to the municipality requiring a payout of the performance bond.
- m) An approval of a clean fill development shall be for a maximum period of two years and may be renewed at the discretion of Council providing the requirements of this Bylaw continue to be met.

c) Part IV – Zoning Districts

- i. By deleting Section 2, article b) xxii. of Schedule A: A - Agricultural District and inserting the following in its place
“xxii. Solid waste disposal facility, soil farms, clean fill sites”

d) Part V – Definitions

- i. By adding the following items:

“Clean Fill: Shall mean clean and inert concrete, reinforced concrete, stone, bricks, cindercrete, tile/ceramics, soil and sand that does not

cause any adverse environmental impacts or any public health or safety concerns.

Clean Fill Site: Shall mean a site to accommodate the disposal of clean fill from off-site sources.

Waste, Liquid: Shall mean any waste which contains animal, mineral or vegetable matter in solution or suspension.

Waste, Solid Shall mean discarded materials, substances or objects, other than clean fill, which originated from residential, commercial, institutional and industrial sources which are typically disposed of in municipal or private landfills, but not including dangerous goods, hazardous waste or biomedical waste.”

- ii. By deleting the definition for “Public Utility” and inserting the following in its place:

“Public Utility: Shall mean a system, work, plant, equipment or service, whether owned or operated by municipal, provincial or federal governments or by a corporation under Federal or Provincial statute, which furnishes any of the following services and facilities to, or for the use of, all or a portion of the inhabitants of the Municipality:

- (i) communication by way of telephone lines, optical cables, and cable television services;
- (ii) public transportation by bus and railway,
- (iii) production, transmission and delivery of water, gas and electricity;
- (iv) collection and disposal of solid waste, liquid waste or clean fill;
- (v) communications transmission towers.”

2. This Bylaw shall come into force on the date of the final approval of the Minister of Municipal Government.

Reeve

SEAL

Administrator

Certified a true copy of Bylaw 5-3003
adopted by resolution of the Council
on the _____ day of
_____, 2003.

Administrator