



REGIONAL DISTRICT OF BULKLEY-NECHAKO

Floodplain Management Bylaw No. 1878, 2020

**REGIONAL DISTRICT OF BULKLEY-NECHAKO
FLOODPLAIN MANAGEMENT BYLAW NO. 1878, 2020**

**A Bylaw to establish floodplain management procedures and regulations
for structures in flood prone areas**

WHEREAS the *Local Government Act* allows a local government to designate land as a floodplain; specify the flood level for that floodplain; and specify setbacks for landfill or structural support required to elevate a floor system or pad above the flood level.

AND WHEREAS the Regional District of Bulkley-Nechako has considered the “Provincial Flood Hazard Area Land Use Management Guidelines, 2004”, as amended in 2018 and as amended from time to time.

NOW THEREFORE THE BOARD OF THE REGIONAL DISTRICT OF BULKLEY-NECHAKO, in open meeting assembled, enacts as follows:

Title

1. This bylaw may be cited as the “Regional District of Bulkley-Nechako Floodplain Management Bylaw No. 1878, 2020.”

Application

2. This bylaw shall be applicable within the geographic boundaries of the Regional District of Bulkley-Nechako.

Severability

3. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid, shall not affect the validity of the remaining portions of the bylaw.

Administration and Enforcement

4. The Regional District of Bulkley-Nechako's Building Inspector, Planner, Director of Planning, Bylaw Enforcement Officer or such other person whose job description involves administration and enforcement of this bylaw are authorized to ascertain whether this bylaw is being observed.
5. Persons appointed under Section 4 of this bylaw may enter any land, or structures that are not dwellings at any reasonable time for the purpose of ascertaining whether this bylaw is being observed. If entry into a private dwelling is required, that shall be arranged in accordance with Section 16 of the *Community Charter* (as amended from time to time) or by other lawful means.
6. No structure may be developed, constructed, erected, replaced, located, or enlarged within the designated floodplain except in strict conformity with this bylaw.
7. No person shall cause, suffer, or permit any structure to be developed, constructed, erected, replaced, located, or enlarged in contravention of this bylaw or otherwise to contravene or fail to comply with this bylaw.
8. No person shall interfere with or obstruct the entry of the persons appointed under Section 4 of this bylaw or any authorized representative onto any land or into any structures that are not dwellings to which entry is made or attempted.
9. Every person who:
 - a. violates any provision of this bylaw;
 - b. permits, suffers, or allows any act to be done in violation of any provision of this bylaw; or
 - c. neglects to do anything required to be done by any provision of this bylaw;commits an offence punishable upon summary conviction and is subject to a fine not less than \$2,000.00 and not more than \$10,000.00.
10. Each day during which any violation, contravention or breach of this bylaw continues shall be deemed a separate offence.

Interpretation

11. For the purposes of this bylaw, the following definitions apply:

ACCESSORY STRUCTURE means a structure which is used for a use that is customarily incidental, subordinate, and exclusively devoted to a permitted principal use in accordance with an applicable zoning bylaw.

FARM BUILDING means a structure or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming, and used essentially for the housing of equipment or livestock, or the production, storage, or processing of agricultural and horticultural produce or feed.

FLOOD CONSTRUCTION LEVEL means the flood elevation level, measured in metres Geodetic Survey of Canada datum (GSC), defined in Section 13 and generally as shown on Schedule A.

FLOODPLAIN SETBACK means the required minimum distance, measured horizontally, that a structural support or landfill, required to elevate a floor system or Pad above the designated flood level, must be separated from the Natural Boundary to maintain a floodway and to allow for potential erosion.

FLOODPLAIN means the area defined in Section 12 and generally as shown on Schedule A.

FREEBOARD means a vertical distance added to the simulated water level to accommodate uncertainties and provide a margin of safety to the established Flood Construction Level.

FLOOR AREA means the area covered by all parts of a structure measured from the outside wall of the structure at ground level.

HABITABLE AREA means any room or space within a structure that is or can be used for human occupancy, business, commercial sales, or the storage of goods, possessions, or equipment (including furnaces) that would be subject to damage if flooded.

MANUFACTURED HOME means a structure manufactured as a unit, intended to be occupied in a place other than at its manufacture, and designed as a dwelling unit, and includes mobile homes, and specifically excludes recreation vehicles.

NATURAL BOUNDARY means the visible high watermark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual and so long continued in all ordinary years as to mark upon the soil of the bed of

the lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the soil itself. In addition, the Natural Boundary includes the best estimate of the edge of dormant or old side channels and marsh areas.

PAD means a surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a Manufactured Home.

WATERCOURSE means any natural or man made depression with well defined banks and a bed 0.6 metres or more below the surrounding land serving to give direction to a current of water at least six (6) months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration.

Floodplain Designation

12. The following lands are designated as Floodplain:
- a. All lands covered by the 200 year flood elevation plus Freeboard, as identified on the following Floodplain Maps attached to this bylaw as Schedule A.
 - i. Bulkley & Telkwa Rivers – Smithers to Telkwa, Drawing No. 84-68-1 to 84-68-8.
 - ii. Bulkley River – Quick to Houston, Drawing No. 96-10-1 to 6.
 - iii. Bulkley River – Quick Area, Drawing No. 86-23-1 to 4.
 - iv. Stuart River and Lake – Fort St. James, Drawing No. 89-42-1 to 7.
 - v. Ebenezer Flats near Smithers 200 Year Flood Map.
 - b. All lands identified on the Non-Standard Flood Area Map for Simpson, Biggs and McKinnon Creeks, Smithers attached to this bylaw as Schedule B.
 - c. All lands identified on the Non-Standard Flood Area Map for the unnamed creek at Takla Narrows, Takla Lake attached to this bylaw as Schedule C.
 - d. All other lands which are below the Flood Construction Levels specified in Section 13 of this bylaw or which are within the Floodplain Setbacks specified in Section 15 of this bylaw.

Flood Construction Levels

13. The following elevations are specified as Flood Construction Levels:
 - a. The 200 year flood elevation, plus Freeboard, as identified on Schedule A interpolating between elevation isolines where necessary.
 - b. Where Floodplain mapping is not available, the specified Flood Construction Level is that identified in Schedule D.

The Flood Construction Levels identified on the Ebenezer Flats near Smithers 200 Year Flood Map in Schedule A supersedes the Flood Construction Levels identified on the Bulkley & Telkwa Rivers Floodplain Mapping Drawing 84-68-2.

14. Without limiting Section 524.5 of the *Local Government Act*:
 - a. No Habitable Area shall be created, constructed, reconstructed, located, placed, moved, or extended lower than the Flood Construction Level.
 - b. The underside of any floor system, or the top of any Pad supporting a Habitable Area, including a Manufactured Home, shall be above the Flood Construction Level.
 - c. A furnace, hot water tank, main electrical switchgear or panel, or other fixed equipment susceptible to damage by floodwater shall not be located below the Flood Construction Level.

Floodplain Setback Requirements

15. The distances specified in Schedule D of this bylaw are Floodplain Setbacks established in accordance with section 524.(3) (b) of the *Local Government Act*. No portion of any landfill including the landfill slope, or portion of any structural support, required to support a floor system or Pad above the Flood Construction Level, shall be created, constructed, reconstructed, located, placed, moved, or extended within the Floodplain Setbacks. Where more than one Floodplain Setback is identified for an area, the greater distance shall be the applicable Floodplain Setback.
16. The face of any landfill slope required to support a floor system or Pad above the Flood Construction Level shall be adequately protected against erosion from flood flows, wave action, ice or other debris.

Non-Standard Flood Areas

Explanatory Note: Non-Standard Flood Areas are areas where standard Flood Plain setbacks and elevations contained elsewhere in this bylaw may not be adequate to provide the necessary protection against flooding, erosion and/or debris flow.

17. Non-Standard Flood Areas are identified on Schedules B and C which are attached to and form part of this bylaw.
18. No structure shall be constructed, structurally altered or placed on a property within a Non-Standard Flood Area identified on Schedules B or C unless and until the Building Inspector has received a report certified by a qualified professional pursuant to Section 56 of the *Community Charter* which identifies the appropriate Flood Construction Level and Floodplain Setback.

General Exemptions

19. Section 14 – 18 of this bylaw shall not apply to the following:
 - a. The renovation of an existing structure that does not involve an addition to the structure.
 - b. An addition to a structure that would increase the Floor Area of the structure by less than twenty-five (25%) percent of the Floor Area of a structure that was existing on March 9th, 1978 provided that the addition:
 - i. is constructed at an elevation not lower than the existing structure,
 - ii. does not include the creation of a new dwelling unit,
 - iii. does not include a furnace, hot water tank, main electrical switchgear or panel, or other fixed equipment susceptible to damage by floodwater located below the Flood Construction Level, and
 - iv. does not include the expansion to or addition of a basement.
 - c. Carports, garages, and entryways.
 - d. Farm Buildings.
 - e. Open sided recreation shelters and stands which do not have fixtures that are susceptible to damage by flood waters.

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- f. Accessory Structures that have a Floor Area that is 25 m² (269 sq. ft) or less in area provided that the structure does not include a furnace, hot water tank, main electrical switchgear or panel, or other fixed equipment damageable by flood waters.

No Representation

- 20. By the enactment, administration, or enforcement of this bylaw, the Regional District of Bulkley-Nechako does not represent to any person that any structure located, constructed and used in accordance with this bylaw, or in accordance with conditions, terms, information, advice, direction, or guidance provided by the Regional District of Bulkley-Nechako in the course of administering this bylaw, will not be damaged by flooding or flood water.

Readings and Adoption


READ A FIRST TIME this 22nd day of October, 2020

READ A SECOND TIME this 22nd day of October, 2020

READ A THIRD TIME this 22nd day of October, 2020

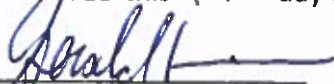
I hereby certify that the foregoing is a true and correct copy of "Regional District of Bulkley-Nechako Zoning Bylaw No. 1878, 2020".

DATED AT BURNS LAKE this 19th day of November, 2020



Corporate Administrator

ADOPTED this 19th day of November, 2020



Chairperson



Corporate Administrator