

Bylaw No. **311**

Village of Sayward

STATUS

TITLE: Village of Sayward Floodplain Management Bylaw, 2001

PURPOSE: To adopt floodplain regulations pursuant to Section 910 of the Local Government Act.

COUNCIL: **Date:**

Decision:

MINISTER OF ENVIRONMENT, LANDS AND PARKS: **Date sent:**

Approved:

COUNCIL: **Date:**

Decision:

Village of Sayward

Bylaw No.311

**A bylaw to regulate the siting and construction of buildings and structures
in floodplains and near watercourses in the Village of Sayward.**

PART A TITLE

- 1. This Bylaw may be cited for all purposes as Bylaw No. 311 being the " the "Village of Sayward Floodplain Management Bylaw, 2001".

PART B APPLICATION

- 1. This bylaw shall be applicable to all areas within the boundaries of the Village of Sayward.
- 2. The following schedules are attached to and form a part of this bylaw.
 - a) Schedule "A" being Floodplain Management Regulations;
 - b) Schedule "B" being Floodplain Mapping for the Salmon and White Rivers.
 - c) Schedule "C" being a Form to make application for a Site Specific Exemption to the Bylaw requirements.

PART C REPEAL

- 1. Section 406 "Siting of Buildings Adjacent to Lakes and Watercourses" of Bylaw No. 309 being the "Village of Sayward Zoning Bylaw, 2001"; is hereby repealed upon adoption of this Bylaw.

PART D ADOPTION

READ A FIRST AND SECOND TIME THIS 24TH DAY OF JANUARY 2001.
READ A THIRD TIME THIS 24TH DAY OF JANUARY 2001.

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 311, being the "Village of Sayward Floodplain Management Bylaw, 2001", as read a third time by the Council of the Village of Sayward on the day of 2001.

Chief Administrative Officer

APPROVED PER SECTION 910 OF THE LOCAL GOVERNMENT ACT THIS DAY OF 2001.
ADOPTED THIS DAY OF 2001.

Mayor

Chief Administrative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 311, being the "Village of Sayward Floodplain Management Bylaw, 2001", as adopted by the Council of the Village of Sayward on the day of , 2001.

Chief Administrative Officer

PART 100

ADMINISTRATION

101 Other Legislation

- 1) Nothing contained in this Bylaw shall relieve any person from the responsibility to ascertain whether their proposed development complies with all applicable enactments.

102 General Prohibitions

- 1) No building or structure shall be constructed, reconstructed, altered, moved or extended by the owner, occupier or other person so that it contravenes the requirements of this Bylaw.

103 Enforcement

- 1) The Chief Administrative Officer or the Public Works Manager or their designate is hereby appointed by Council pursuant to Section 268 of the Local Government Act administer this Bylaw.
- 2) Persons appointed under Section 268 of the Local Government Act may enter at all reasonable times on any parcel subject to the regulations of this Bylaw to ascertain whether the regulations are being obeyed.
- 3) Persons appointed under Section 268 of the Local Government Act may issue notices and orders as may be necessary to the owner of a parcel where a contravention of the regulations of this Bylaw has been observed.

104 Violation

- 1) Any person who violates any regulation of this Bylaw, or suffers or permits any act or thing to be done in contravention of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the regulations of this Bylaw, shall be deemed to be in violation of this Bylaw.
- 2) It shall be unlawful for any person to prevent or obstruct any official appointed under Section 268 of the Local Government Act from performing his or her duties under this Bylaw.

105 Penalty

- 1) Any person who violates the provisions of this Bylaw commits an offense and is liable on conviction to a fine not exceeding Two Thousand Dollars (\$2,000.00) and not less than Five Hundred Dollars (\$500.00) or imprisonment for a period not exceeding six months, or both.
- 2) Each day during which such violation is continued shall be deemed to constitute a new and separate offense.

- 3) Upon conviction, the Provincial Court Judge may direct that no prosecution under this section may be made, with respect to the continuance of the violation, for such period of time as he or she directs.

106 Severability

- 1) 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 remainder.

107 No Representation

- 1) By the enactment, administration or enforcement of this Bylaw, the Village of Sayward does not represent to any person that any building or structure, including a mobile home, located, constructed or used in accordance with the regulations of this Bylaw or in accordance with any advice, information, direction or guidance provided by the Village of Sayward in the course of the administration of this Bylaw will not be damaged by flooding.

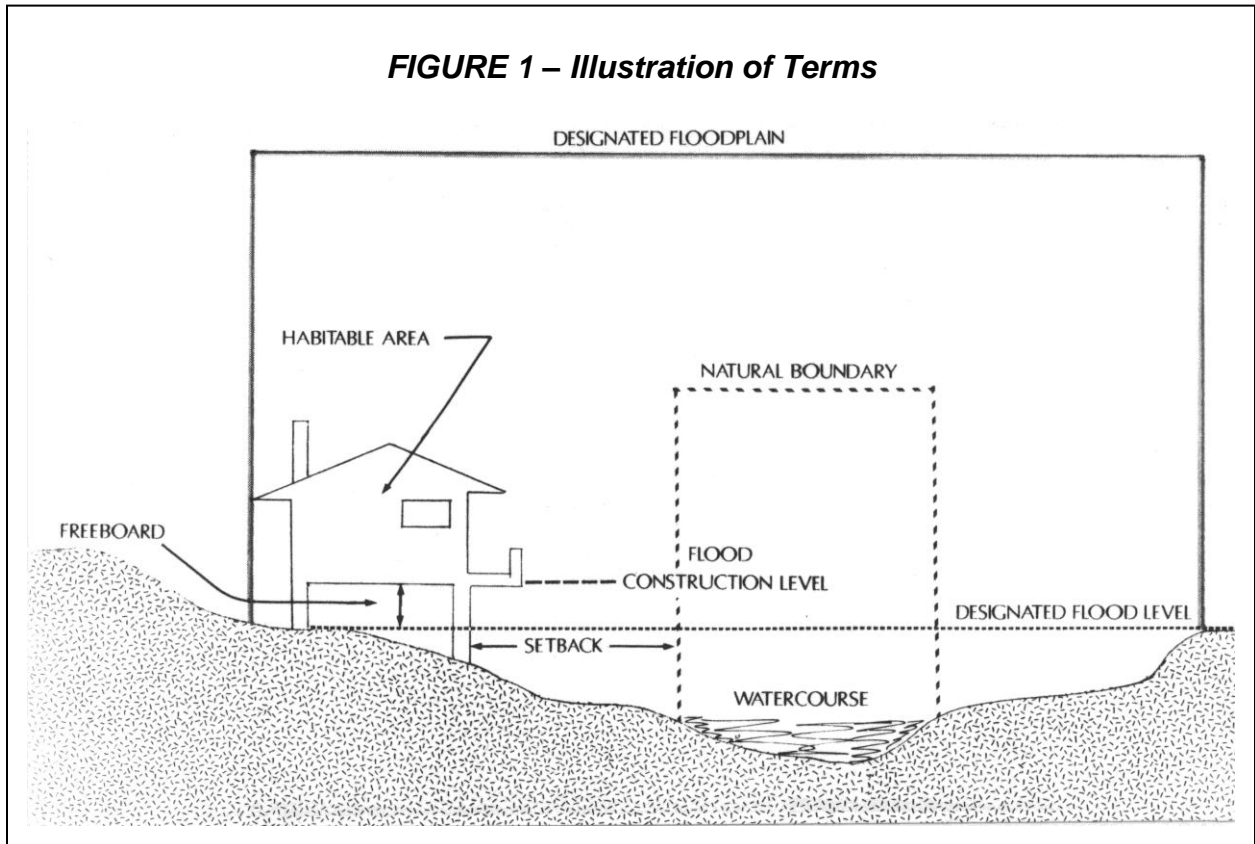
PART 200

INTERPRETATION

ALLUVIAL FAN	means an alluvial deposit of a stream where it issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream.
BUILDING	means a structure used or intended for supporting or sheltering any use, or occupancy.
DESIGNATED FLOOD	means a flood which may occur in any given year, of such magnitude as to equal a flood having a 200-year recurrence interval, based on a frequency analysis of unregulated historic flood records or by regional analysis where inadequate streamflow data is available. Where the flow of a large watercourse is controlled by a major dam, the designated flood shall be set on a site specific basis.
DESIGNATED FLOOD LEVEL	means the observed or calculated elevation for the designated flood, which is used in the calculation of the flood construction level.
DWELLING UNIT	means a self-contained unit consisting of one or more rooms designed, occupied, or intended for occupancy, as a separate household with sleeping and sanitary facilities and not more than one set of kitchen and cooking facilities, but specifically excluding recreational vehicles.
FARM BUILDING	means a building or part thereof 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, processing, marketing and selling of agricultural and horticultural produce or feeds.
FLOOD CONSTRUCTION LEVEL or FLOOD LEVEL	means a designated flood level plus freeboard, or where a designated flood level cannot be determined, a specified height above a natural boundary, natural ground elevation, or any obstruction that could cause ponding.
FLOODPLAIN	means an area which is susceptible to flooding from a watercourse, lake, or other body of water.
FLOODPLAIN SETBACK	means the required minimum distance from the natural boundary of a watercourse, lake, or other body of water to any landfill or structural support required to elevate a floor system or pad above the flood construction level, so as to maintain a floodway and allow for potential land erosion.

FREEBOARD	means a vertical distance added to a designated flood level, used to establish a flood construction level.
GEODETIC SURVEY OF CANADA (G.S.C.) DATUM	means a vertical distance above Canadian Geodetic Datum (mean sea level as determined by the Canadian Hydrographic Service).
HABITABLE AREA	means any space or room, including a mobile home, used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater.
HIGH WATER MARK	See NATURAL BOUNDARY.
LANDFILL	means sand, gravel, earth, rock or any combination thereof placed or deposited by man to raise the level of the ground, but does not include building or construction debris.
MOBILE HOME PAD	See "PAD".
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 soils itself, as defined in Section 1 of the <u>Land Act</u> , and also includes the edge of dormant side channels of any lake, river, stream, or other body of water.
NATURAL GROUND ELEVATION	means the undisturbed ground elevation prior to site preparation.
PAD	means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a mobile home or unit, or a concrete pad for supporting a habitable area.
SETBACK	means the required minimum horizontal distance measured from the respective lot line or other feature as may be identified to any building or structure or part thereof.
SHORELINE PROTECTION DEVICE	means breakwaters, seawalls, bulkheads, riprap, deposition of materials such as stone and concrete rubble, bluff stabilization projects, and similar measures employed to protect property from the sea and watercourses.

STANDARD DYKE	means a dyke built to a minimum crest elevation equal to the flood construction level and meeting standards of design and construction approved by the appropriate government agency (Ministry of Environment Lands & Parks) and maintained by an ongoing authority such as a local government body.
STRUCTURE	means anything that is constructed or erected, and includes decks, swimming pools, mobile home space, and major improvements accessory to the principal use of land, but specifically excludes retaining walls under 2.0m (6.6ft) in height as well as landscaping, paving improvements, signs and fences.
TOP OF BANK	means the point at which the upward ground level becomes less than one (vertical to four horizontal (1:4), and refers to the crest of the bank or bluff where the slope clearly changes into the natural upland bench; or as designated by the appropriate provincial agency.
TSUNAMI	means a sea wave generated by tectonic or volcanic activity.
VILLAGE	means the Village of Sayward.
WATERCOURSE	means any natural or man-made depression with well-defined banks and a bed 0.6m (2.0ft) or more below the surrounding land serving to give direction to a current of water at least six months of the year and having a drainage area of 2.0km ² (0.8miles ²) or more upstream of the point of consideration, or as required by a designated official of the appropriate provincial agency.
WETLAND	means land seasonally or permanently covered by water and dominated by water-tolerant vegetation. Wetlands shall include swamps, marshes, bogs and fens, but lands periodically flooded for agricultural purposes are excluded.



PART 300**REGULATIONS****301 Floodplain Designation**

The following lands are designated as floodplain:

- a) Lands shown as floodplain on the following Schedule B – Floodplain Mapping for the Salmon/White Rivers.
- b) Land lower than the flood construction levels specified in Section 302.
- c) Land within the floodplain setbacks specified in Section 303.

302 Flood Construction Levels

- 1) Where floodplain mapping is available, the flood construction level for a specific property shall be determined by interpolation from the flood construction levels shown on Schedule B – Floodplain Mapping for the Sayward/White Rivers.
- 2) Where floodplain mapping is not available, the following elevations are specified as flood construction levels:
 - a) 3.0m (9.8ft) above the natural boundary of the Salmon/White Rivers, and any other watercourse where the designated flood, as determined by a suitably qualified professional engineer, is greater than 80m³/sec;
 - b) 1.5m (4.9ft) above the natural boundary of any other watercourse;
 - c) 1.5m (4.9ft) above the natural boundary of the sea, any lake, wetland or pond.
- 3) On alluvial fans the flood construction level will be determined by a site specific assessment by a suitably qualified professional engineer pursuant to the provisions of Section 695 of the Local Government Act.
- 4) Where more than one flood construction level is applicable, the higher elevation shall be the flood construction level.

303 Floodplain Setbacks

- 1) The following distances are specified as floodplain setback:
 - a) 30.0m (98.4ft) from the natural boundary of the Salmon/White Rivers, or 15.0 metres (49.2 feet) horizontal setback from the top of bank or the eroded slopes of the River, whichever is greatest;
 - b) 15.0m (49.2ft) from the natural boundary of any other watercourse;
 - c) 15.0m (49.2ft) from the natural boundary of the sea, any lake, wetland, or pond;
 - d) 7.5m (24.6ft) from any dyke right-of-way, or structure for flood protection or seepage control.

- 2) On alluvial fans the floodplain setback will be determined by a site specific assessment by a suitably qualified professional engineer pursuant to the provisions of Section 695 of the Local Government Act, and by provincial and federal agencies having jurisdiction for protection of fish and wildlife habitat.
- 3) Where more than one floodplain setback is applicable, the greater distance shall be the floodplain setback.

304 Application

- 1) The underside of any floor system, or the top of any pad supporting any space or room, including a manufactured home, that is used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be above the specified flood construction levels of Section 302.
- 2) Buildings or structures used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater shall be sited according to the floodplain setbacks specified in Section 303.
- 3) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the flood construction levels specified in Section 302. The structural support and compacted landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris. The structural support and compacted landfill shall be installed and compacted under the direction of a professional geotechnical engineer.
- 4) Any compacted landfill required to support a floor system or pad shall not extend within any floodplain setbacks specified in Section 303.
- 5) The Chief Administrative Officer, or such person appointed by the Council of the Village of Sayward may require that a British Columbia Land Surveyor's certificate be obtained to verify compliance with the flood construction levels of Section 302 and floodplain setbacks of Section 303. The landowner and/or applicant shall assume the cost of verification.

305 General Exemptions

- 1) General Exemptions of the above-noted flood construction levels and floodplain setbacks are permitted as follows:
 - a) A renovation of an existing building or structure that does not involve an addition thereto;
 - b) An addition to a building or structure, at the original non-conforming floor elevation, that would increase the size of the building or structure by less than 25% of the ground floor area (excluding carports or garages) existing at the date of adoption of this Bylaw, provided that the degree of non-conformity regarding the setback is not increased;
 - c) That portion of a building or structure to be used as a carport, garage or entrance foyer;

- d) Farm buildings other than dwelling units and closed-sided livestock housing;
- e) Hot water tanks and furnaces behind standard dykes;
- f) Closed-sided livestock housing behind standard dykes;
- g) On-loading and off-loading facilities associated with water-oriented industry or portable sawmills.

306 Site Specific Exemptions

- 1) Site specific exemptions shall be considered upon request. Requests shall be submitted to the Village of Sayward on a form attached to this Bylaw as Schedule "C". The Village shall forward all requests to the appropriate provincial agency for a final decision.

307 Conditional Exemptions

- 1) The following types of development are exempt from the flood construction levels specified in Section 302 subject to the following conditions:

i) Farm Dwelling Units:

Farm dwelling units on parcels of 8.1 hectares (20.0 acres), or greater, within the Agricultural Land Reserve shall be located with the underside of a floor system or the top of the pad of any habitable area (or in the case of a mobile home, the top of pad or the ground surface on which it is located) no lower than 1.0 metres (3.3 feet) above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the flood construction levels specified in Section, whichever is the lesser.

ii) Closed-sided Livestock Housing:

Closed-sided livestock housing not behind standard dykes shall be located with the underside of the floor system or the top of the pad (or in the case of mobile housing, the top of pad or the ground surface on which it is located) no lower than 1.0 metres (3.3 feet) above the natural ground elevation taken at any point on the perimeter of the building, or no lower than the flood construction levels specified in Section 302, whichever is the lesser.

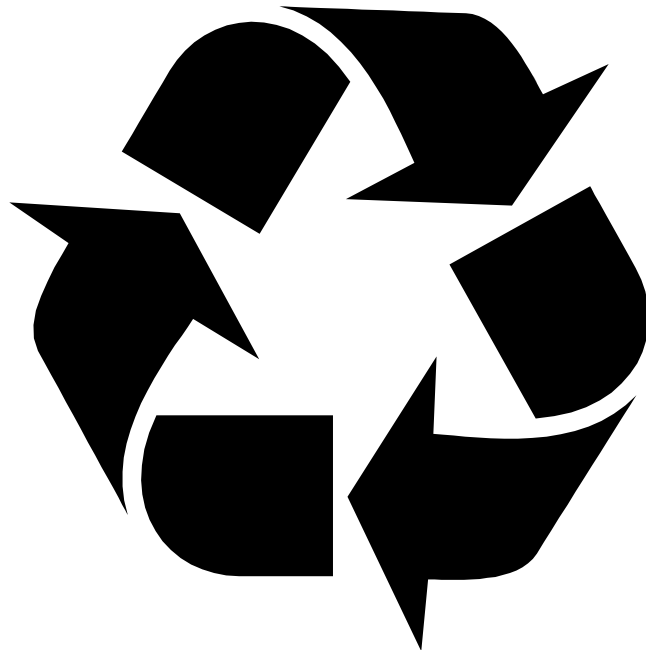
iii) Industrial Uses:

Industrial uses, other than main electrical switchgear, shall be located with the underside of a floor system, or the top of the pad, (or in the case of manufactured housing, the top of pad or the ground surface on which it is located) no lower than the flood construction levels specified in Section 302, minus freeboard. Main electrical switchgear shall be no lower than the flood construction level.

SCHEDULE "B"

FLOODPLAIN MAPPING FOR THE SALMON AND WHITE RIVERS

A copy of this Schedule is available for view at the Village of Sayward office. Due to its size it is published separately and only on request.



Request for Relaxation of Floodplain Management Provisions

Note: This form is to be completed and submitted by the property owner to the Village office as a request to relax a floodplain management provision. Sections 1 and 2 must be completed before forwarding to the Regional Water Manager's office, Ministry of Environment, Lands and Parks, Vancouver Island Region, 2080-A Labieux Road Nanaimo, B.C., V9T 6J9, for consideration.

1. Application Information	
Applicant's Name:	
Address:	
Complete legal description of property affected: <i>(as it appears on Land Title Certificate)</i>	
Name of Municipality: <p style="text-align: center;">Village of Sayward</p>	
Proposed Development:	
Name of Adjacent Watercourse or Body of Water:	
This is a Request for: Relaxation of required setback from _____ metres to _____ metres Relaxation of required elevation from _____ metres to _____ metres.	
Enclosed are: <i>(the following information must be provided before this application will be considered)</i>	
<input type="checkbox"/> legal map of the property	<input type="checkbox"/> site plan of property indicating: <ul style="list-style-type: none"> • building envelope • size & location of all proposed buildings • location of adjacent watercourse/bodies of water, top and bottom of banks • all applicable setbacks (eg. for watercourses, septic, property lines)
<input type="checkbox"/> key map showing property location	<input type="checkbox"/> other information pertinent to this application
<input type="checkbox"/> photos of property (proposed building location, adjacent existing development, riverbank areas, etc.)	
Reasons for Application <i>(be as specific as possible and continue on reverse, if necessary)</i>	
_____ Applicant's Signature	_____ Date

2. LOCAL AUTHORITY	
Applicable Bylaw#: _____ <i>(please attach copy)</i>	Section: _____
Bylaw Adopted pursuant to Section 910 of the Municipal Act? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Supports application <input type="checkbox"/> Does not support application	
Comments <i>(please note any other local bylaw provisions (i.e DPA's) that affect this application)</i>	
_____ Signature Name, Position	_____ Date

3. MINISTRY OF ENVIRONMENT, LANDS AND PARKS	
Date Received:	
Approval: <i>(Sec 910 Municipal Act Bylaw)</i>	Recommendation: <i>(other Bylaw)</i>
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Conditions: (<input type="checkbox"/> see attached response letter)	
_____ Designated Official	_____ Date