

VILLAGE OF PEMBERTON

FLOOD REGULATION BYLAW No. 716, 2012

Being a bylaw to regulate development of land that may be subject to flooding.

WHEREAS pursuant to Section 910 of the *Local Government Act* a Council may, by bylaw, designate certain lands as flood plain specifying required flood levels as well as corresponding setbacks;

WHEREAS the Council of the Village of Pemberton is authorized to enact a bylaw to designate the floodplain and to make regulations in relation to flood control, flood hazard management and development of land that is subject to flooding that consider provincial guidelines and comply with provincial regulations;

THEREFORE BE IT RESOLVED that the Council of the Village of Pemberton in an open meeting assembled, **ENACTS AS FOLLOWS:**

1. CITATION

This Bylaw may be cited as “Village of Pemberton Flood Regulation Bylaw No. 716, 2012”.

2. PART 1 - INTERPRETATION

1. DEFINITIONS:

In this Bylaw:

“**Flood Construction Level (FCL)**” means the Flood Construction Levels as shown on Schedule “A” and Schedule “B” entitled “Floodplain Map” which is attached to and forms part of this Bylaw;

“**Floodplain**” means the area shown on Schedule “A” and Schedule “B” entitled “Floodplain Map” which is attached to and forms part of this Bylaw;

“**Flood-proofing**” means the alteration of land or structures either physically or in use to reduce flood damage and includes the use of building setbacks from water bodies to maintain a floodway and to safely direct or alleviate potential erosion, and which may be achieved by any one of the following:

- a) building on fill, provided such fill does not interfere with flood flows of the watercourse and is adequately protected against floodwater erosion;
- b) building raised by structural means such as foundation walls, columns, or similar or equivalent structures;
- c) a combination of fill and structural means.

“Habitable Area” means any room or space within a building or structure that is or can be used for human occupancy, assembly or institutional use, commercial sales, or storage of goods, possessions or equipment (including furnaces) which would be subject to damage if flooded:

“Manufactured Home or Unit” means a structure manufactured as a unit, intended to be occupied in a place other than at its manufacture, and designed as a habitable area and includes mobile homes, but excludes Recreational 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 of vegetation, as well as in respect to the nature of the soil itself;

“Pad” means a compacted gravel, paved or concrete surface on which blocks, posts, runners or strip footing are placed for the purpose of supporting a Manufactured Home or unit;

“Professional Engineer” means a person who is registered or licensed under the provisions of the *Engineers and Geoscientists Act*;

“Provincial Guidelines” has the same meaning as in section 910 of the *Local Government Act*;

“Recreational Vehicle” means any structure, trailer or vehicle used or designed to be used for living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled;

“Section 219 Covenant” means a covenant under Section 219 of the *Land Title Act*, provided by an owner of land who covenants with the Village:

- a) to use the land only in the manner certified by a Professional Engineer as enabling the safe use of the land for the use intended;
- b) containing conditions respecting reimbursement by the owner for any expense incurred by the Village as a result of a breach of the covenant, and
- c) registered in the land title office under section 219 of the *Land Title Act*;

“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 Province of British Columbia;

“Watercourse” means any natural or man-made depression with well-defined banks and a bed 0.6 metres or more below the surrounding land servicing to give direction to a current of water at least 6 months of the year

or having a drainage area of 2 square kilometres or more upstream of the point of consideration.

2. Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Local Government Act*, *Community Charter*, or *Land Title Act*, as the context and circumstances may require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. In the event of a conflict between this Bylaw and a Provincial enactment, the stricter law prevails. Headings in this Bylaw are for convenience only and must not be construed as defining or its scope or intent. If any part of this Bylaw is held to be invalid in a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
3. The setback requirements established in this Bylaw are intended to be consistent with Provincial enactments, and in particular the Provincial Guidelines. Additional setbacks from watercourses may be required by the *Riparian Area Regulation* under the *Fish Protection Act* and other Provincial enactments. Any conflict or inconsistency shall be resolved by applying the standards and requirements of the Provincial enactment, except where this Bylaw imposes a stricter standard or requirement.

PART 2 - FLOODPLAIN DESIGNATION

4. The following areas of the Village of Pemberton are designated as Floodplain:
 - a) The floodplain and flood protection areas of the Lillooet River as shown on Schedule "A" Floodplain Map, attached hereto and forming part of this Bylaw;
 - b) The floodplain and flood protection areas of the Lillooet River as shown on Schedule "B" Floodplain Map, attached hereto and forming part of this Bylaw;
 - c) The floodplain and flood protection areas of the Lillooet River as shown on Schedule "C" Floodplain Map, attached hereto and forming part of this Bylaw.

PART 3 – SETBACK REQUIREMENTS

5. Unless specified elsewhere in this Bylaw, a landfill or structural support required to support a floor system or pad of a building or structure for which full flood-proofing or partial flood-proofing is required, must not be constructed, reconstructed, moved extended or located:
 - a) in an area where the natural ground elevation is less than the applicable Flood Construction Level from the Lillooet River, unless the area is protected by a standard dyke;.

- b) within thirty (30) metres of the natural boundary of the Lillooet River;
- c) within fifteen (15) metres of the natural boundary of any other watercourse or edge of bluff, subject to erosion or 3 times the height of the bluff (as measured vertically from the toe to top of bluff), whichever is greater; or
- d) within 7.5 metres of the natural boundary of a lake, wetland pond, drainage ditch or any structure for flood protection or seepage control or the toe edge of any dike.

PART 4 - ELEVATION REQUIREMENTS

6. Unless specified elsewhere in this Bylaw, no building, manufactured home or unit, shall be constructed, reconstructed, moved, extended or located with the underside of a wooden floor system or top of a concrete slab or any area uses for habitation, institutional use, assembly use, tourist accommodation use, business or storage of goods damageable by floodwaters, or in the case of a Manufactured Home or unit the Pad on which it is located, lower than:
- a) the FCL for the Lillooet River as shown on the attached Schedule "A" Floodplain Map;
 - b) the FCL for the Lillooet River as shown on the attached Schedule "B" Floodplain Map; or
 - c) the FCL for the Lillooet River as shown on the attached Schedule "C" Floodplain Map;

PART 5 – SITE SPECIFIC EXEMPTIONS

7. An owner of land within a floodplain may apply in writing to the Building Inspector, in a form approved by the Building Inspector, for an exemption to or relaxation of the requirements and restrictions of this Bylaw, based on a report by a professional engineer who has assessed the condition of the land and certifies in a report that the land may be used safely for its intended purposes.
8. On receiving an application under section 7 together with the professional engineer's report on which the application is based, the Building Inspector may grant an exemption to or relaxation of the requirements and restrictions of this Bylaw or section 910 of the *Local Government Act*, on condition that the owner of the land, at the sole expense of the owner, enter into a Section 219 Covenant, which covenant must include:
- a) a prohibition on the building and development except in accordance with the professional engineer's report and recommendations,
 - b) provisions for releasing and indemnifying the Village from liability in relation to the exemption, and which may include any other restrictions, terms and conditions the Building Inspector considers

necessary or advisable for safe use in the circumstances of the specific building, structure or other development.

PART 6 – OFFENCE AND PENALTY

9. A person who contravenes a regulation or requirement of this bylaw, or who directs, permits, allows or suffers a contravention by another person, commits an offence and on conviction is liable to a fine of up to \$10,000; and in the case of a continuing offence, each day that the offence continues is a separate offence.

PART 7 – GENERAL

10. The Village does not, by the enactment, administration or enforcement of this Bylaw, represent to any person that any building, structure, manufactured home or habitable area located, constructed or used in accordance with the provisions of this Bylaw, or in accordance with conditions, terms, information, advice, direction or guidance provided by the Village in the course of administering this Bylaw, will not be damaged by flooding or floodwater.

11. Schedules A, B and C are attached to and form part of this Bylaw.

READ A FIRST TIME this 6th day of November, 2012.

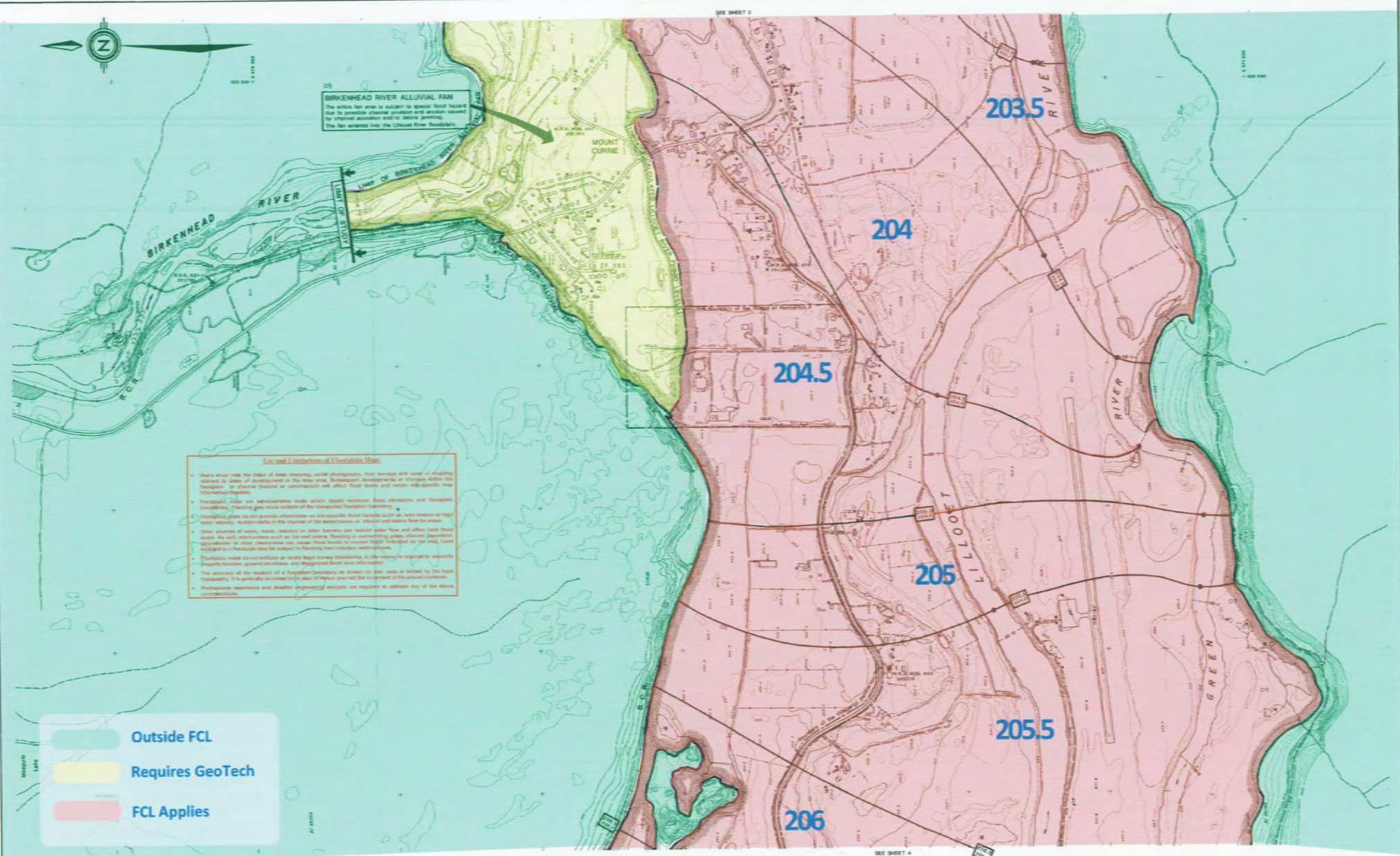
READ A SECOND TIME this 6th day of November, 2012.

READ A THIRD TIME this 6th day of November, 2012.

ADOPTED this 20th day of November, 2012.

Mayor

Corporate Officer



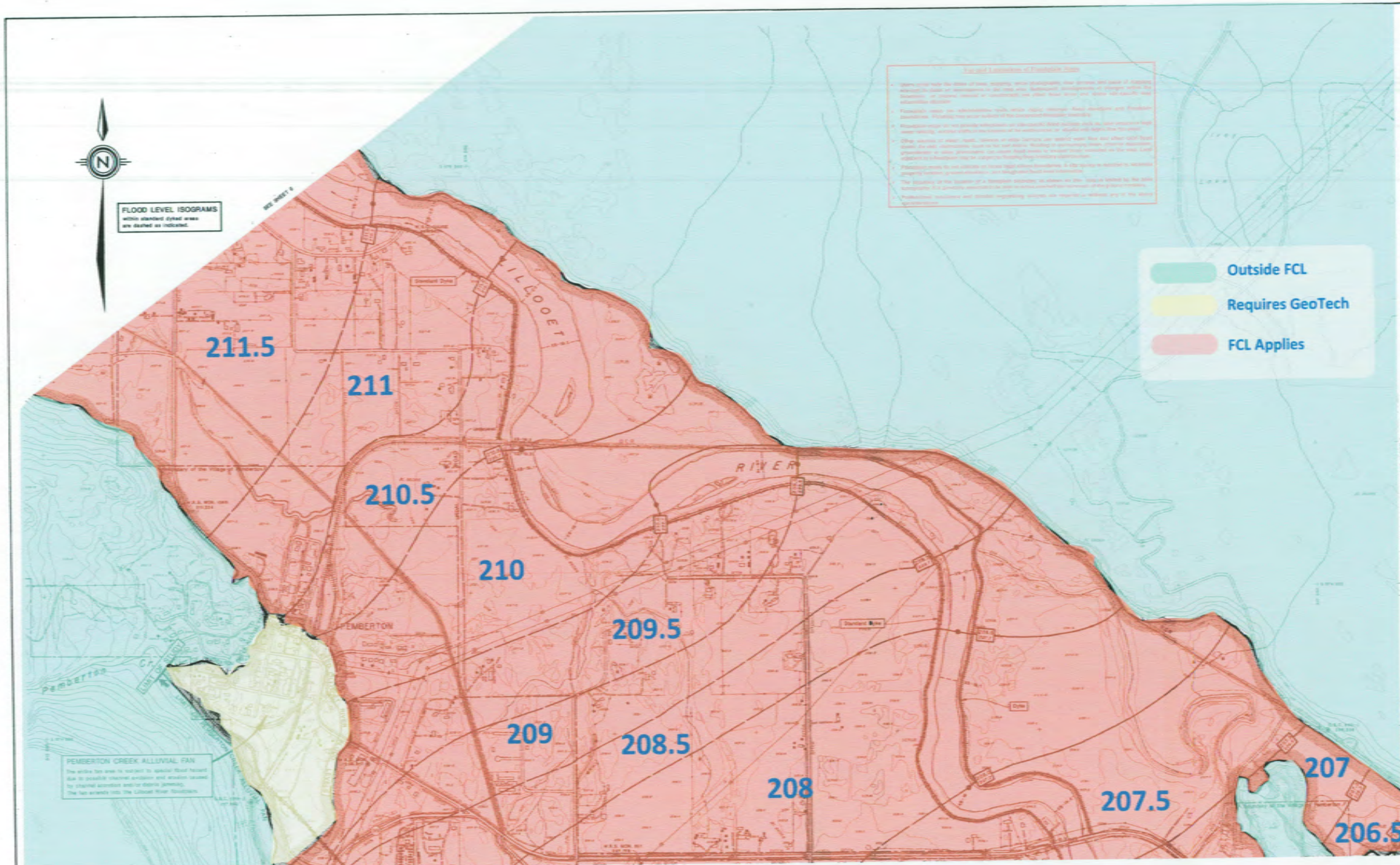
Use and Limitation of Floodplain Maps

- There is no warranty for the date of these drawings, and development may proceed and land may be occupied, or other development may be undertaken, in the area shown, before the completion of the Floodplain or Channel Studies or construction will affect flood levels and water velocities and flow characteristics.
- Floodplain maps are administrative tools which depict minimum flood elevations and floodplain boundaries. They do not constitute a guarantee of the accuracy of the information shown on the map. Floodplain maps are not intended to be used as a basis for design or construction of structures or other works. Floodplain maps are not intended to be used as a basis for design or construction of structures or other works.
- Other sources of water, wind, debris or other hazards can affect flood levels and affect land use. The user should consult with the appropriate authorities for information on other hazards.
- Floodplain maps do not indicate or imply legal boundaries. At the time of the original survey, the boundaries of the property, ground conditions, and adjacent flood levels were not known.
- The accuracy of the location of a floodplain boundary on a map is limited by the data available. It is generally assumed that the user of the map will be aware of the general conditions.
- Professional assistance and detailed engineering analysis are required to address any of the above considerations.

Legend

- Outside FCL
- Requires GeoTech
- FCL Applies

| NOTES | FLOODPLAIN DATA | LEGEND | KEY MAP | REVISIONS | DATE OF MAP | DATE | FILE NO. |
|--|--|---|--|---|-------------|------|----------|
| <p>1. The Floodplain Data is based on the Floodplain Mapping Report prepared by the Lillooet River Board, dated September 1989.</p> <p>2. The Floodplain Data is based on the Floodplain Mapping Report prepared by the Lillooet River Board, dated September 1989.</p> <p>3. The Floodplain Data is based on the Floodplain Mapping Report prepared by the Lillooet River Board, dated September 1989.</p> <p>4. The Floodplain Data is based on the Floodplain Mapping Report prepared by the Lillooet River Board, dated September 1989.</p> <p>5. The Floodplain Data is based on the Floodplain Mapping Report prepared by the Lillooet River Board, dated September 1989.</p> <p>6. The Floodplain Data is based on the Floodplain Mapping Report prepared by the Lillooet River Board, dated September 1989.</p> <p>7. The Floodplain Data is based on the Floodplain Mapping Report prepared by the Lillooet River Board, dated September 1989.</p> <p>8. The Floodplain Data is based on the Floodplain Mapping Report prepared by the Lillooet River Board, dated September 1989.</p> <p>9. The Floodplain Data is based on the Floodplain Mapping Report prepared by the Lillooet River Board, dated September 1989.</p> <p>10. The Floodplain Data is based on the Floodplain Mapping Report prepared by the Lillooet River Board, dated September 1989.</p> | <p>DESIGNATED FLOODPLAIN LIMIT</p> <p>FLOOD LEVEL (Floodplain included) 200 Year Frequency</p> <p>DATE</p> | <p>REPLACES DWG. NO. 88-04-3 SHEETS 1 TO 16, DATED DEC. 87'S AND REVISED JAN. 1988.</p> | <p>DATE OF MAP: SEPTEMBER 30, 1990</p> <p>DATE: SEPTEMBER 30, 1990</p> <p>DESIGNED BY: R. A. ...</p> <p>DRAWN BY: S. J. M., T. C. E.</p> <p>CHECKED BY: P. T. S.</p> <p>APPROVED BY: ...</p> | <p>FILE NO.: 88-04-3</p> <p>SCALE: 1:5,000</p> <p>DRAWING NO.: 88-04-3</p> <p>SHEET 3 OF 11</p> | | | |



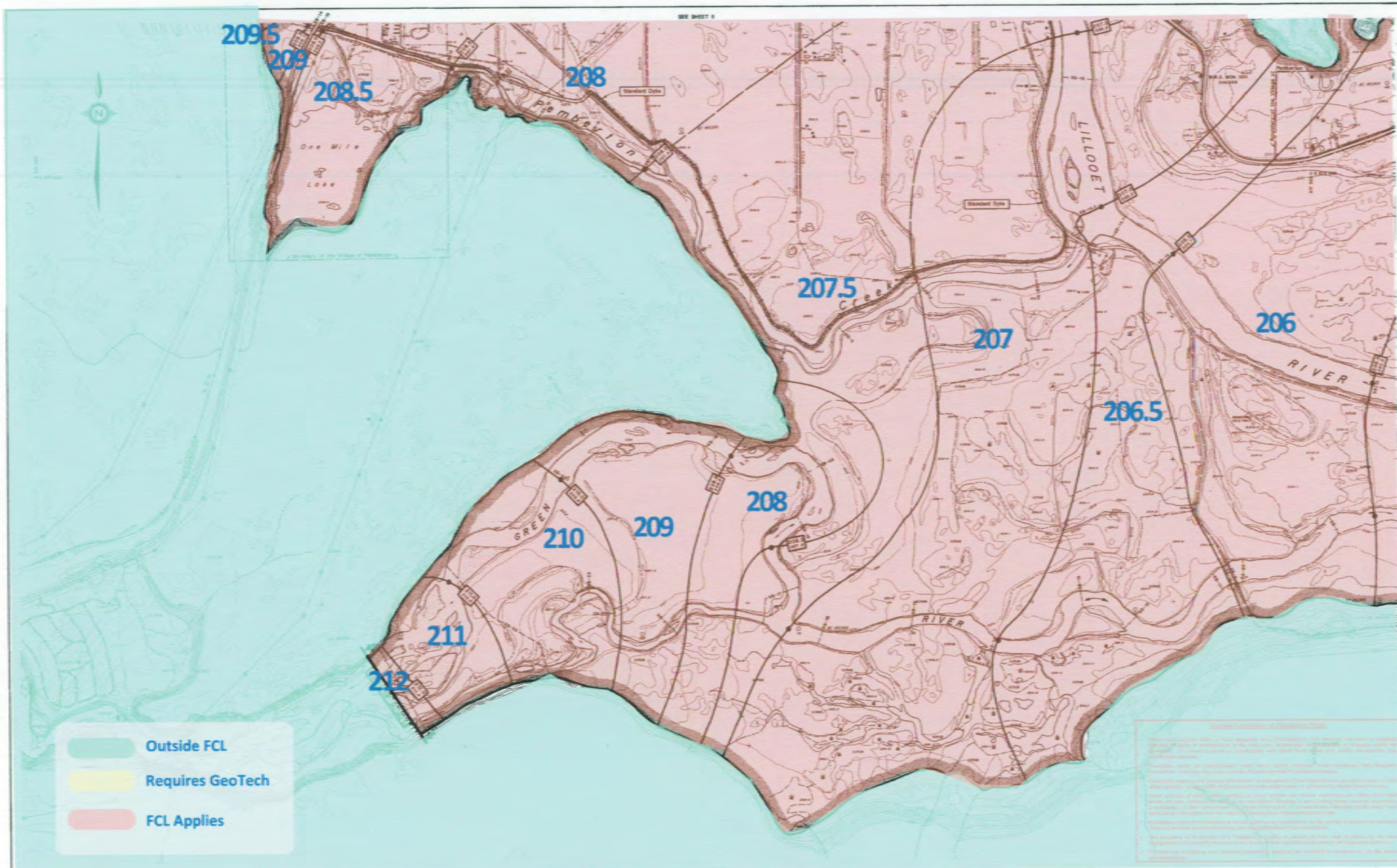
Flooded Limitations of Floodable Zone
 This map is based on the 1985 Floodable Zone map prepared by the City of Lillooet. It shows the flooded limitations of the floodable zone for the Lillooet River. The flooded limitations are shown as a red shaded area. The flooded limitations are based on the 1985 Floodable Zone map and the 1985 Floodable Zone map. The flooded limitations are based on the 1985 Floodable Zone map and the 1985 Floodable Zone map. The flooded limitations are based on the 1985 Floodable Zone map and the 1985 Floodable Zone map.

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| | Outside FCL |
| | Requires GeoTech |
| | FCL Applies |

FLOOD LEVEL ISOGRAMS
 within shaded areas are shown as indicated.

PEMBERTON CREEK ALLUVIAL FAN
 The entire fan area is subject to erosion hazard due to possible channel migration and erosion caused by channel accretion and/or debris jamming. The fan extends into the Lillooet River floodplain.

| <p>NOTES</p> <p>1. This floodplain map was prepared by the City of Lillooet. It is based on the 1985 Floodable Zone map prepared by the City of Lillooet. It is based on the 1985 Floodable Zone map prepared by the City of Lillooet. It is based on the 1985 Floodable Zone map prepared by the City of Lillooet.</p> | <p>FLOODPLAIN DATA</p> <p>1. The floodplain data is based on the 1985 Floodable Zone map prepared by the City of Lillooet. It is based on the 1985 Floodable Zone map prepared by the City of Lillooet. It is based on the 1985 Floodable Zone map prepared by the City of Lillooet.</p> | <p>LEGEND</p> <p>DESIGNATED FLOODPLAIN LIMIT</p> <p>FLOOD LEVEL (Flooded Limit)</p> | <p>KEY MAP</p> | <p>REVISIONS</p> <table border="1"> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> <tr> <td>1</td> <td>Revised map to show the 1985 Floodable Zone map prepared by the City of Lillooet.</td> <td>SEPTEMBER 30, 1990</td> </tr> </table> | No. | Description | Date | 1 | Revised map to show the 1985 Floodable Zone map prepared by the City of Lillooet. | SEPTEMBER 30, 1990 | <p>FLOODPLAIN MAPPING LILLOOET RIVER</p> <p>DATE: SEPTEMBER 30, 1990 DRAWN BY: S.S.L. CHECKED BY: D.T.S. SCALE: 1:5,000</p> |
|--|---|--|-----------------------|---|-----|-------------|------|---|---|--------------------|---|
| No. | Description | Date | | | | | | | | | |
| 1 | Revised map to show the 1985 Floodable Zone map prepared by the City of Lillooet. | SEPTEMBER 30, 1990 | | | | | | | | | |



Outside FCL
 Requires GeoTech
 FCL Applies

(Small text block containing project details and notes, partially illegible)

| <p>NOTES</p> <p>1. The floodplain areas are shown on this map have been designated according to the General Order (General Floodplain Mapping Agreement) made by the Minister of the Environment for Canada and the Province of British Columbia. The Province does not assume any liability in respect of the design of the floodplain mapping.</p> <p>2. The floodplain areas are shown on this map have been designated according to the General Order (General Floodplain Mapping Agreement) made by the Minister of the Environment for Canada and the Province of British Columbia. The Province does not assume any liability in respect of the design of the floodplain mapping.</p> | <p>FLOODPLAIN DATA</p> <p>1. The floodplain areas are shown on this map have been designated according to the General Order (General Floodplain Mapping Agreement) made by the Minister of the Environment for Canada and the Province of British Columbia. The Province does not assume any liability in respect of the design of the floodplain mapping.</p> <p>2. The floodplain areas are shown on this map have been designated according to the General Order (General Floodplain Mapping Agreement) made by the Minister of the Environment for Canada and the Province of British Columbia. The Province does not assume any liability in respect of the design of the floodplain mapping.</p> | <p>LEGEND</p> <p>DESIGNATED FLOODPLAIN LIMIT</p> <p>FLOOD LEVEL (Floodplain datum)</p> <p>200 Year Frequency</p> <p>200 Year Frequency</p> <p>200 Year Frequency</p> <p>200 Year Frequency</p> | <p>KEY MAP</p> | <p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>REPLACES THE NO. 8480 SHEETS 1 TO 4, DATED DEC. 1974 AND REVISED JAN. 1981.</td> <td></td> </tr> </tbody> </table> | NO. | DESCRIPTION | DATE | 1 | REPLACES THE NO. 8480 SHEETS 1 TO 4, DATED DEC. 1974 AND REVISED JAN. 1981. | | <p>DATE OF MAPPING SEPTEMBER 25, 1988</p> <p>SCALE 1:5,000</p> <p>PROJECT FLOODPLAIN MAPPING LILLOOET RIVER</p> <p>APPROVED <i>(Signature)</i></p> | <p>FILE NO. 88-0000-S-1</p> <p>STAMP NO. 953</p> <p>SCALE 1:5,000</p> <p>PROJECT NO. 88-44-4</p> <p>SHEET NO. OF 12</p> |
|---|---|---|-----------------------|---|-----|-------------|------|---|---|--|--|--|
| NO. | DESCRIPTION | DATE | | | | | | | | | | |
| 1 | REPLACES THE NO. 8480 SHEETS 1 TO 4, DATED DEC. 1974 AND REVISED JAN. 1981. | | | | | | | | | | | |