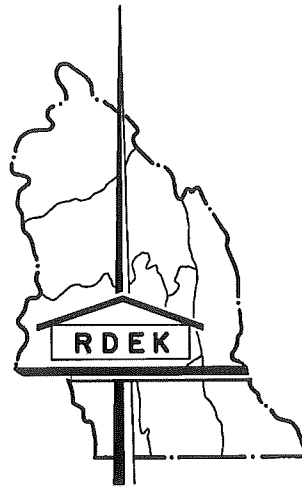


REGIONAL DISTRICT OF EAST KOOTENAY

CRANBROOK RURAL
FLOODPLAIN MANAGEMENT
BYLAW 1557, 2001



This is a consolidation of the Cranbrook Rural Floodplain Management Bylaw and **adopted text amendments**. This consolidated copy is for convenience only and has no legal sanction.

January 9, 2009

Cranbrook Rural Floodplain Management Bylaw No. 1557 Consolidation

BYLAW AMENDMENTS			
Bylaw	Amend. No. / Yr.	Adopted	Short Citing
1814	01/2005	Apr 1/09	Rampart / RDEK – Sublot 14, DL 4591, Plan X29 included within the boundary of Bylaw 1557 / portions of Bylaw 1313 that apply to land included in this Bylaw are repealed
2134	02/2009	Jan 9/09	Floodplain Management Amendments / RDEK

REGIONAL DISTRICT OF EAST KOOTENAY

BYLAW NO. 1557

A Bylaw to provide floodplain management regulations under Section 910 of the *Local Government Act*, within the Cranbrook Rural Area of the Regional District of East Kootenay.

WHEREAS the Board of the Regional District of East Kootenay, where it is considered that flooding may occur on land, may enact a floodplain management Bylaw pursuant to Section 910 of the *Local Government Act*.

AND WHEREAS the Board of the Regional District of East Kootenay and the Province of British Columbia consider a floodplain management bylaw will help to reduce future exposure to risk and to reduce the amount of damage to structures and property due to flooding;

AND WHEREAS the Regional District of East Kootenay wishes to update the floodplain management provisions for the Cranbrook rural area;

NOW THEREFORE the Board of the Regional District of East Kootenay in open meeting assembled hereby enacts as follows:

PART 1 TITLE

This Bylaw maybe cited as "Regional District of East Kootenay – Cranbrook Rural Floodplain Management Bylaw No. 1557, 2001."

PART 2 ADMINISTRATION AND ENFORCEMENT

ADMINISTRATION

- 2.01** The Manager of Planning and Development Services, Manager of Building and Protective Services, Bylaw Enforcement Officer, and any other person authorized to assist the aforementioned persons, are hereby authorized to administer this Bylaw.

VIOLATION AND PENALTY

- 2.02** Any person who contravenes any provision of this Bylaw commits an offence punishable on summary conviction and is liable to a fine not exceeding \$2,000.00 and costs of prosecution.

SEVERABILITY

- 2.03** If any section, or lesser portion of this Bylaw is for any reason held to be invalid, the invalid portion is severable and the validity of the remaining portions of this Bylaw will not be affected.

PART 3 INTERPRETATION

APPLICATION

- 3.01** The provisions of this Bylaw apply to the Cranbrook Rural Area of the Regional District of East Kootenay, as outlined on the attached Schedule A, which is incorporated in and forms part of this Bylaw.

*Parts 5 and 6 are provided for information only and do not form part of this Bylaw.

SCHEDULES

3.02 The following schedules attached to this Bylaw are incorporated in and form part of this Bylaw:

Schedule A - Area Included in Bylaw

Schedule B - General Exemptions from Floodplain Management Provisions

Schedule C - Request for Relaxation of Floodplain Management Provisions
Deleted by Bylaw 2134 adopted Jan 9/09

UNITS OF MEASURE

3.03 Numerical quantities in this Bylaw are written in the International System of Units (i.e. - metric)

DEFINITIONS

3.04 In this Bylaw:

Building means a *structure* used or intended for supporting or sheltering any use or occupancy.

Designated flood level means the observed or calculated elevation for the *designated flood*, which is used in the calculation of the *flood construction level*.

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 there is inadequate streamflow data 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.

Dwelling unit means a *habitable areas* or *areas* occupied or designed to be occupied by one or more persons, with facilities for living, sleeping, and not more than one *kitchen*, and which is directly accessible from the outside or from a common hall without passing through any other *dwelling unit*.

BL 2134
09 Jan 09

Flood construction level or flood level means a *designated flood level* plus an allowance for *freeboard*, or where a *designated flood level* cannot be determined, a specified height above an *ordinary high water mark*, *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 and that which is designated in section 4.01 of this Bylaw.

BL 2134
09 Jan 09

Floodplain setback means the required minimum distance from the *ordinary high water mark* 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*.

G.S.C. means Geodetic Survey of Canada datum.

Habitable area means any space or room, including a *manufactured home*, that is or can be used for dwelling purposes, business, or the storage of goods which are susceptible to damage by floodwater.

Kitchen means a room or portion of a room in a *dwelling unit* which contains all or some of the following *kitchen* appliances: 220 volt stove, natural gas stove, cooktop, wall oven, microwave, dishwasher, toaster oven, fridge. The following items, on their own or in combination with each other, do not constitute a *kitchen*: microwave, hotplate, fridge and toaster oven.

Manufactured home means a single family dwelling built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than its manufacture. *Manufactured homes* include mobile homes and modular homes which are either completely self-contained *dwelling units* or are incomplete *dwelling units* which are fastened together and completed on site. All new *manufactured homes* must be constructed to either CAN/CSA Z240 (mobile home) or the National Building Code of Canada or Provincial Building Code where manufactured.

Natural boundary deleted by Bylaw 2134 adopted Jan 9/09

Natural ground elevation means the undisturbed ground elevation prior to site preparation.

BL 2134
09 Jan 09

Ordinary high water mark means the visible high water mark 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 soils of the bed of the lake, river, stream, or other body of water a character distinct from that of the banks, both in vegetation and in the nature of the soil itself.

Pad means a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a *manufactured home*, or a concrete pad for supporting a *habitable area*.

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 Ministry of Environment, Lands and Parks and maintained by an ongoing authority such as local government body.

Structure means any construction which is fixed to, supported by or sunk into land or water, excluding paving or surfacing materials such as asphalt or concrete.

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 5.0 square kilometres or as designated by the Minister responsible for Environment, or his designated official.

PART 4 FLOODPLAIN MANAGEMENT

FLOODPLAIN DESIGNATION

4.01 The following land is designed as *floodplain*:

- (1) Land lower than the *flood construction levels* specified in section 4.02(1).
- (2) Land within the *floodplain setbacks* specified in section 4.02(2).

FLOODPLAIN SPECIFICATIONS

4.02 (1) Flood Construction Levels

The following elevations are specified as *flood construction levels*, except that where more than one *flood construction level* is applicable, the higher elevation shall be the *flood construction level*:

BL 2134
09 Jan 09

- (a) 3.0 metres above the *ordinary high water mark* of the St. Mary River;
- (b) 1.5 metres above the *ordinary high water mark* of any other *watercourse*, lake, marsh or pond.

(2) Floodplain Setbacks

The following distances are specified as *floodplain setbacks*, except that where more than one *floodplain setback* is applicable, the greater distance shall be the *floodplain setback*:

BL 2134
09 Jan 09

- (a) 30.0 metres from the *ordinary high water mark* of the St. Mary River;
- (b) 15.0 metres from the *ordinary high water mark* of any other *watercourse*; or
- (c) 7.5 metres from the ordinary high water mark of a lake, marsh, or pond.

PART 5 APPLICATION OF FLOODPLAIN SPECIFICATIONS

BL 2134
09 Jan 09

5.01

- (1) Pursuant to THE specified *flood construction levels* and *floodplain setbacks* of this Bylaw:
 - i) 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 level, and
 - ii) any landfill required to support a floor system or pad shall not extend within any setback from a *watercourse* or body of water specified by the Bylaw or the Minister of Environment."
- (2) 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 4.02(1). The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.
- (3) The building inspector, or such person appointed by the Board of the Regional District of East Kootenay may require that a British Columbia Land Surveyor's certificate be required to verify compliance with the *flood construction levels* and *floodplain setbacks* specified in section 4.02(1) and (2). The cost of verification shall be assumed by the land owner.

PART 6 EXEMPTIONS

BL 2134
09 Jan 09

GENERAL EXEMPTIONS**6.01**

The general exemptions from the *flood construction levels* and *floodplain setbacks* are outlined in Schedule B of this Bylaw.

SITE-SPECIFIC EXEMPTIONS**6.02**

An application by a property owner to the Regional District for a site-specific exemption or relaxation shall be completed upon a form provided by the Regional District and submitted in accordance with instructions on the application. Application may be made to vary either the required setback from or elevation above a *watercourse* or body of water.

PART 7 NO REPRESENTATION

7.01 By the enactment, administration or enforcement of this Bylaw the Regional District of East Kootenay does not represent to any person that any *building* or *structure*, including a *manufactured home*, located, constructed or used in accordance with the provisions of this Bylaw or in accordance with any advice, information, direction or guidance provided by the Regional District in the course of the administration of this Bylaw will not be damaged by flooding.

PART 8 ADOPTION

EFFECTIVE DATE OF BYLAW

8.01 This Bylaw is in force from the date of adoption.
READ A FIRST TIME the 8th day of June 2001.
READ A SECOND TIME the 8th day of June 2001.
READ A THIRD TIME the 6th day of July 2001.

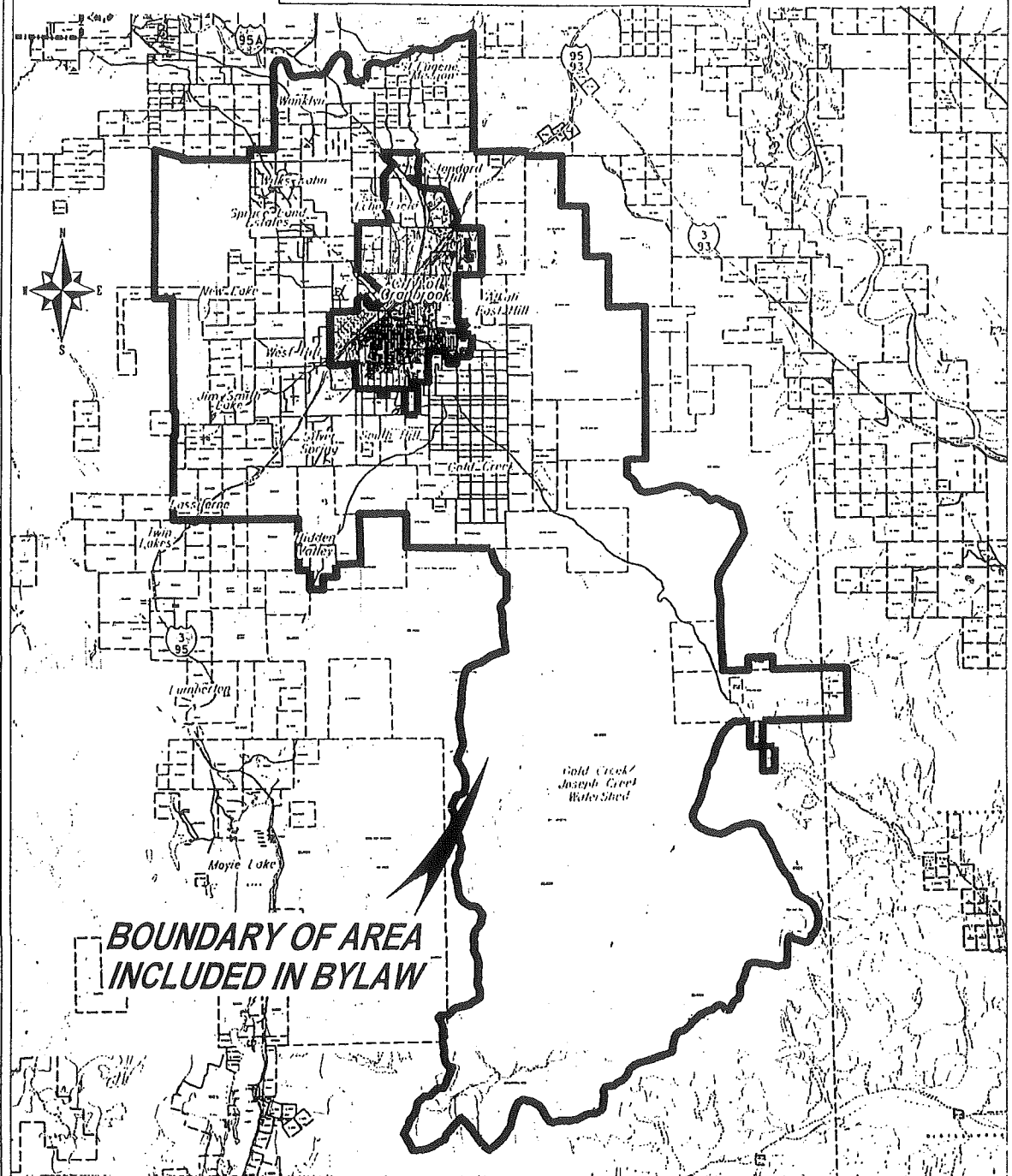
APPROVED under the provisions of Section 910 of the *Local Government Act* on the 3rd day of August 2001. Signed: "A. Zackodnick, P.Eng." (Designated Official)

ADOPTED the 7th day of September 2001.

"J.E. Ogilvie"
CHAIR

"L.V. Crane"
MANAGER OF ADMINISTRATIVE SERVICES

SCHEDULE A



This is Schedule A as referred to in Bylaw No. 1557 cited as
"Regional District of East Kootenay - Cranbrook Rural
Floodplain Management Bylaw No.1557, 2001."

Chair

J. Gilvie

D. Bane

Manager of Administrative Services

07 Sept 2001

Date

SCHEDULE B

Floodplain Management Provisions

GENERAL EXEMPTIONS

- BL 2134
09 Jan 09
1. The following types of development are exempt from the *flood construction levels* specified in Section 4.02(1) of this Bylaw.
- (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 nonconforming floor elevation, that would increase the size of the *building* or *structure* by less than 25 percent of the floor area existing at the date of adoption of this Bylaw, provided an exemption of up to 25% of the floor area has not been granted previously by the Ministry of Environment, Lands and Parks, and provided that the degree of nonconformity regarding the setback is not increased;
 - (c) That portion of *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 and portable sawmills.
- BL 2134
09 Jan 09
2. The following types of development are exempt from the *flood construction levels* specified in Section 4.02(1) of this Bylaw, subject to the following conditions:
- (a) Farm Dwelling Units: Farm *dwelling units* on parcel sizes 8.1 hectares, or greater, located within the Agricultural Land Reserve and zoned for agricultural use, shall be located with the underside of a wooden floor system or the top of the *pad* of any *habitable area* (or in the case of a *manufactured home* the top *pad* or the ground surface on which it is located) no lower than 1.0 metre 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 4.02(1) of this Bylaw, whichever is the lesser.
 - (b) Closed-sided Livestock Housing: Closed-sided livestock housing not behind *standard dykes* shall be located with the underside of the wooden floor system or the top of the *pad* (or in the case of a *manufactured home* the top of the *pad* or the ground surface on which it is located) no lower than 1.0 metre 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 4.02(1) of this Bylaw, whichever is lesser.
 - (c) Industrial Uses: Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the *pad* (or in the case of a *manufactured home* the top of the *pad* or the ground surface on which it is located) no lower than the *flood construction levels* specified in Section 4.02(1) of this Bylaw, minus *freeboard*. Main electrical switchgear shall be no lower than the *flood construction level*.

SCHEDULE C

~~Floodplain Management Provisions~~

Deleted by Bylaw 2134 adopted Jan 9/09