



A BYLAW TO ESTABLISH FLOODPLAINS, CONSTRUCTION LEVELS IN FLOODPLAINS, AND SETBACKS FOR LANDFILL AND STRUCTURES IN FLOODPLAINS

WHEREAS Section 524 of 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 supports within the floodplain;

AND WHEREAS the Village of Tahsis has considered the Provincial Guidelines;

NOW THEREFORE, the Council of the Village of Tahsis, in open meeting assembled, enacts the following:

Short Title

1. This bylaw may be cited for all purposes as the "Village of Tahsis Floodplain Management Bylaw No. 635, 2020".

Application

2. This Bylaw applies only to those areas of the Village to which a bylaw adopted under Section 524 (3) of the *Local Government Act* applies.

Interpretation

3. For the purpose of this bylaw:

Bylaw Enforcement Officer means persons employed or appointed under s. 36 of the Police Act (RSBC 1996, Ch. 367) from time to time by the Council.

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.

Designated Flood Level means the observed or calculated elevation for the Designated Flood and is used in the calculation of the Flood Construction Level.

Flood Construction Level means the Designated Flood Level plus the allowance for Freeboard and is used to establish the elevation of the underside of a wooden floor system or top of a concrete slab for any Habitable Area as measured from the natural boundary of a watercourse or the sea. In the case of a Mobile Home the Designated Flood Level is the Flood Construction Level for the top of the Pad.

Freeboard means a vertical distance added to the Designated Flood Level and is used to establish the Flood Construction Level.

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

Landfill means the placement of sand, gravel, earth, rock or any combination thereof placed or deposited by persons to raise the level of the ground but does not include building or construction debris.

Mobile Home means any structure, whether or not ordinarily equipped with wheels, that is designated, constructed or manufactured to be moved from one place to another by being towed or carried, and to provide a dwelling, house, or premises, that is registered or capable of being registered in the Manufactured Home Registry established under the *Manufactured Home Act*, and complies with the specifications for manufactured homes set out in the Manufactured Home Regulation B.C. Regulation 441/2003.

Natural Boundary means the visible high water mark of any lake, river, stream, the sea 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, the sea 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. In addition, the Natural Boundary includes the best estimate of the edge of dormant or old side channels and marsh areas as confirmed by a BCLS.

Pad means a surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a Mobile Home, or other Habitable Area.

Professional Engineer means a person who is registered or licensed under the provisions of the Engineers and Geoscientists Act.

Village means the Village of Tahsis.

Sea means the Tahsis Inlet.

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.

Stream means:

(a) a natural watercourse, including a natural glacier course, or a natural body of water, whether or not the stream channel of the stream has been modified, or

(b) a natural source of water supply,

including, without limitation, a lake, pond, river, creek, spring, ravine, gulch, wetland or glacier, whether or not usually containing water, including ice, but does not include an aquifer.

Severability

4. 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.

Enforcement

Every person who violates any provision of this Bylaw; causes or permits an act or thing to be done in violation to any provision of this Bylaw; neglects or omits to do anything required by this Bylaw; or fails to comply with an order, direction or notice made or delivered under this Bylaw commits an offence and is liable, upon conviction, to the penalties prescribed under this Bylaw and the **Offence Act**.

5. The Bylaw Enforcement Officer may enter, at all reasonable times, upon any premises to inspect and determine whether all regulations, prohibitions and requirements are being met, in accordance with Section 16 of the **Community Charter**.
6. Any person who violates any provision of this bylaw shall, upon summary conviction, be liable to a penalty of up to \$5,000.00 per offence.
7. Each day that an offence occurs constitutes a separate offence.

No Representations

8. By the enactment, administration or enforcement of this Bylaw, or the granting of a site-specific exemption, the Village 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 in the course of administration of this Bylaw will not be damaged by flooding.

General Prohibitions

9. No person shall construct, build, erect, or place, or allow to be built, erected, or placed any building or structure contrary to the provisions of this bylaw.

Floodplain Designations

10. The following lands are designated as flood plain.
 - a. Land identified as floodplain on Schedule "A" the Tahsis and Leiner River 2100 Floodplain Map (prepared in 2019), forming part of this bylaw.
 - b. Land within the floodplain Setbacks specified in Section 12 of this Bylaw.
 - c. Land lower than the Flood Construction Levels specified in Section 13 of this bylaw.

Setback Requirements

11. Unless specified elsewhere in this Bylaw, and subject to Section 524 (6) of the ***Local Government Act***, no landfill or portion of a landfill slope, or structural support required to support a floor system or Pad above the Designated Flood Level, shall be constructed, reconstructed, moved, extended or located:
 - a. within thirty (30) metres from the Natural Boundary of the Tahsis and Leiner Rivers
 - b. within fifteen (15) metres from the Natural Boundary of McKelvie, Ubedam and Extravagant Creeks, or any other Watercourse including a lake, marsh, or pond;
 - c. within thirty (30) metres from the Natural Boundary of the sea.

Flood Construction Level

12. Subject to Section 524 (6) of the ***Local Government Act***, no building, structure (including a Mobile Home), or any part thereof, shall be constructed, reconstructed, moved, extended, or located, where the underside of any wooden floor system or top of a slab or Pad of any Habitable Area is located below:
 - a. the Flood Construction Level for a specific parcel, as determined by interpolation from those flood construction levels shown for land identified as floodplain on:
 - i. The "1:200 Year Storm Event" as outlined on the Tahsis and Leiner

Rivers 2100 Floodplain Map Schedule "A" attached to and forming part of this Bylaw;

or where such mapping is not available, the maximum elevation of;

- b. three (3) metres above the Natural Boundary of the Tahsis and Leiner Rivers, where that land is within a distance of 200 metres of that Watercourse; and,
 - c. one and one half (1.5) metres above the Natural Boundary of McKelvie, Ubedam or Extravagant Creeks, or any other Watercourse, as well as a lake, a marsh or a swamp where that land is within a distance of 100 metres of that Watercourse, a lake, a marsh or a swamp.
 - d. An elevation of five and one third (5.3) metres geodetic.
13. Subject to Section 13 of this Bylaw the required elevation may be achieved by structural elevation of the said Habitable Area, and/or by the placement of compacted landfill on which any building or structure is to be located. Any structural support or compacted landfill shall be protected from scour and erosion, and an engineer must certify the suitability of the landfill or structure as safe for the intended use.

General Flood Construction Level Exemptions

14. Section 524 (6) (a) of the *Local Government Act* and Section 13 of this Bylaw do not apply to:
- a. a renovation of an existing building or structure that does not involve an addition or expansion of habitable space under the flood construction level;
 - 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 that was existing on March 16, 2021;
 - c. a building or that portion of a building to be used as a garage, carport, or storage building not used for the storage of goods damageable by flood waters, toxic materials, or materials that may contaminate the environment;
 - d. on-loading and off-loading facilities associated with water-oriented industry and portable sawmills provided the main electrical switchgear is placed above the Flood Construction Level;
 - e. that portion of a building used as crawl space (not exceeding 1.5 metres in height);
 - f. recreation shelters, stands, campsite washrooms and washhouses, and other outdoor recreation facilities not susceptible to flood damage;

- g. farm buildings other than dwelling units and closed sided livestock housing;

Site Specific Exemption Applications

15. Pursuant to Section 524 (7) of the **Local Government Act** a person may make application to Council to exempt a specific parcel of land or a use, building or other structure on that parcel of land, from Section 524 (6) of the **Local Government Act** and this bylaw provided that a complete application is made to the Bylaw Enforcement Officer on the application form prescribed by the Bylaw Enforcement Officer.

16. The Council of the Village of Tahsis may exempt a person from the application of Section 524 (6) of the **Local Government Act** or this Bylaw, in relation to a specific parcel of land or a use, building or other structure on the parcel of land where:
 - a. the Council considers the proposed exemption advisable;

 - b. a Professional engineer or geoscientist with experience in geotechnical engineering certifies that the property can be safely used for the intended use and, if applicable, that can reasonably be protected from a 1 in 200-year flood can be achieved; or,

 - c. the professional engineer or geoscientist providing the certification required under Section 16.b. of this Bylaw, provides a Flood Hazard and Risk Assurance Statement and information identified in EGBC Appendix I - Legislated Flood Assessments in a Changing Climate in BC, as amended from time to time; and

 - d. the owner grants a restrictive covenant under Section 219 of the Land Title Act respecting the use and development of the land which includes an indemnity in favour of the Village to indemnify and save harmless the Village against any loss or damage with respect to the flooding to the property, or flood damage to the land, structures, and contents thereof, or any injury (including death) to any person or animal arising from the flooding of the property or flood damage to the land.

**Schedule "A" - Tahsis and Leiner Rivers 2100 Floodplain Map
(prepared in 2019)**

READ a first time this 2nd day of March, 2021

READ a second time this 2nd day March, 2021

READ a third time this 2nd day of March, 2021

Reconsidered, Finally Passed and Adopted this 16 day of

MARCH, 2021

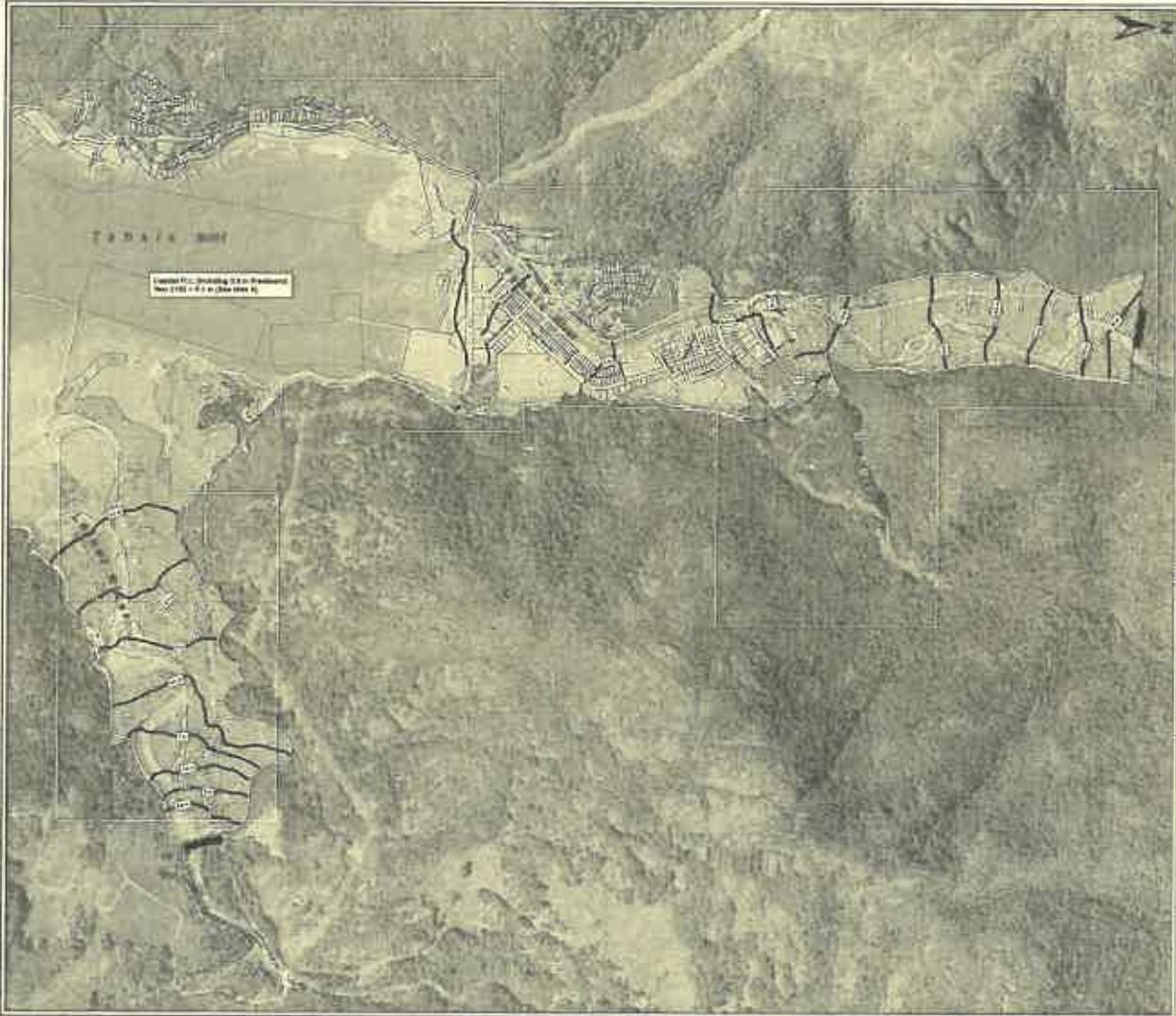

MAYOR


CORPORATE OFFICER

I hereby certify that the foregoing is a true and correct copy of the original Bylaw No. 639, 2020 duly passed by the Council of the Village of Tahsis on this

16th day of March, 2021.

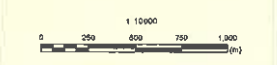

CORPORATE OFFICER



- Legend**
- River Flood Isohyets and FCL (0.3m Freeboard)
 - Contours
 - 1:200 Year Storm Event (Year 2100)
 - Municipal Boundary
 - ▭ Parcels

Use and Limitations of Floodplain Maps

- 1 - These maps are prepared by the Flood Inundation Studies Commission for 2015-2016, and are intended for general informational purposes only. They are not intended for use in legal proceedings, and should not be used to determine liability for flood damage or loss of property.
- 2 - The accuracy of the location of a floodplain boundary is subject to the accuracy of the data used in the study.
- 3 - The maps are not intended to be used as a basis for engineering design, or for any other purpose that requires a higher level of accuracy than that provided by the maps.
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Project No. 2221-49140-2019 Date January 17, 2021 Drawn By CP

**Village of Tahsis
Tahsis and Leiner River
2100 Floodplain Map**