

VILLAGE OF KASLO

BYLAW NO.1193

**A bylaw to establish floodplain management provisions**

Whereas the Village of Kaslo, where it is considered that flooding may occur on land, may enact a floodplain bylaw pursuant to the *Local Government Act*;

Now therefore the Council of the Village of Kaslo, in open meeting assembled, enacts as follows:

**Citation**

1. This bylaw may be cited for all purposes as the "Village of Kaslo Floodplain Management Bylaw No.1193".

**Purpose**

2. The purpose of the floodplain management provisions is to reduce the risk of injury, loss of life, and damage to buildings and structures as a result of flooding. Nothing in this bylaw shall be deemed or construed as a representation to any person that any building or structure, including a manufactured home, used, constructed or located in accordance with the floodplain provisions will not be damaged by flooding or avulsion.

**Definitions**

3. For the purposes of this Bylaw, the following definitions apply:

**"Manufactured Home"** means a structure, transportable in one or more sections, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to provide residential accommodation and to be moved from one place to another by being towed or carried and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" but does include "modular homes" and "mobile homes."

**"Flood Construction Level"** means a designated flood level plus an allowance for 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 Designation**

4. The following land within the Village of Kaslo is designated as a floodplain:
  - a. The floodplain and alluvial fan of the Kaslo River, the floodplain of Kootenay Lake and floodplain of McDonald Creek as shown on Schedule 'A'.

**Floodplain Regulation**

5. The regulations prescribed in this Bylaw apply to all land and buildings within the areas designated as floodplain in Schedule 'A'.

**Floodplain Setbacks**

6. The following distances are specified as floodplain setbacks, except that where more than one floodplain is applicable, the greater distance shall be the floodplain setback:
- a. 15 metres from the natural boundary of Kootenay Lake;
  - b. 7.5 metres from reservoirs (unless otherwise specified);
  - c. 7.5 metres from the natural boundary of a small lake, pond, swamp or marsh area;
  - d. 7.5 metres from a structure for flood protection or seepage control;
  - e. 7.5 metres from any standard dike right-of-way;
  - f. 30 metres from the natural boundary of the Kaslo River or from a bridge over the Kaslo River;
  - g. 15 metres from the natural boundary of any other watercourse not mentioned in this section.

**Flood Construction Levels**

7. The following elevations are specified as flood construction levels:
- a. on land protected by standard dikes, not lower than whichever is higher of
    - i. elevation 536.5 metres Geodetic Survey of Canada datum; or,
    - ii. the minimum Flood Construction Level prescribed by the Clearwater Flood Construction Levels 2020 Mapping as shown in Schedule 'B'.
  - b. on land unprotected by standard dikes, not lower than:
    - i. elevation 536.5 metres Geodetic Survey of Canada datum for locations within the Kootenay Lake floodplain as shown on Schedule 'A'; or,
    - ii. the flood construction level for the Kaslo River as prescribed by the Clearwater Flood Construction Levels 2020 Mapping as shown in Schedule 'B'; or,
    - iii. 0.6 metres above the natural boundary for the areas of the McDonald Creek Fan, as shown on Schedule 'A', designated with a non-standard flooding an erosion rating (NSFER) of 1; or,

- iv. 1.5 metres above the natural boundary of a swamp, pond or other watercourse not mentioned by name in this section.
- c. Applications for construction on or subdivision of land located in the McDonald Creek Fan that is designated on Schedule 'A' with a non-standard flooding and erosion rating (NSFER) of E, must be accompanied by a geotechnical report, including a complete hazard assessment, showing the siting of proposed buildings and containing site specific recommendations for protection from flooding and other hazards, in accordance with the *Community Charter* or the *Land Title Act*, as applicable.

### **Application of the Floodplain Specifications**

- 8. a. In accordance with the *Local Government Act*, as amended, the underside of any floor system, or top of any pad supporting any 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 must be above the applicable flood construction levels specified in this bylaw;
- b. The area below the flood construction level must not be used for the installation of furnaces, major electrical switchgear, or other fixed equipment susceptible to damage by floodwater;
- c. 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 a pad above the specified flood construction levels. The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris and shall not be located within the floodplain setback;
- d. The Building Official, Approving Officer or such person appointed by Council may require that a British Columbia Land Surveyor's certificate be provided, at the cost of the proponent, to verify compliance with the flood construction levels and floodplain setback requirements specified in this bylaw.
- e. When a building permit is applied for on lots with frontage on Kootenay Lake the Building Official or Approving Officer may request, at the cost of the proponent, a structurally engineered foundation or geotechnical report if any part of a footing up to and including the level of a slab, or portion of the foundation is intended by its design to be submersible or subject to water fluctuation below 536.5 metres or wave action.

9. Unless a building is situated on land with a natural elevation above the specified flood construction level or greater:
  - a. basements are prohibited in the building;
  - b. crawl spaces in the building must not exceed 1.2 metres in height to the underside of the floor joists;
  - c. all entry points for flood or debris flow material, such as windows and doors, must be located above the flood construction level;
  - d. the building foundation shall be constructed to withstand the hydrostatic forces during inundation up to the flood construction level; and
  - e. all applicable engineering requirements related to the applicable NSFEMA rating must be satisfied.

#### **General Exemption**

10.
  - a. In accordance with the *Local Government Act*, as amended, Council may exempt a person from the application of flood construction levels and floodplain setbacks requirements specified in Sections 6 and 7 of this Bylaw;
  - b. Council cannot exempt a person from the application of Provincial regulations with respect to dikes and watercourses.

#### **Exemptions for Specific Types of Development**

11. The elevation requirements in Section 7, 8 and 9, inclusive, shall not apply to
  - a. a renovation of an existing building;
  - b. an addition to an existing building which increases the floor area by less than 25 per cent;
  - c. that portion of a building to be used as a carport or garage;
  - d. on-loading and off-loading facilities associated with water-oriented industry and portable sawmills. Main switchboxes shall be placed above the flood construction level;
  - e. Hot water tanks and furnaces located behind standard dikes;
  - f. Picnic shelters, washroom and shower facilities, and laundry or campground space facilities;

- g. Industrial uses which are required to flood proof to the flood construction level, except for Parcel A, District Lots 208 and 209A, K.D., Plan 108889-I for which the full elevation requirements of the sections shall apply.
- 12. 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 part that is invalid shall not affect the validity of the remainder.
- 13. This bylaw shall take effect upon the date of its adoption.

READ A FIRST TIME this 13<sup>th</sup> day of September 2016.

READ A SECOND TIME this 13<sup>th</sup> day of September 2016.

READ A THIRD TIME this 13<sup>th</sup> day of September 2016.

RECONSIDERED AND ADOPTED ON THIS 11<sup>th</sup> day of October 2016.

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Mayor

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Chief Administrative Officer

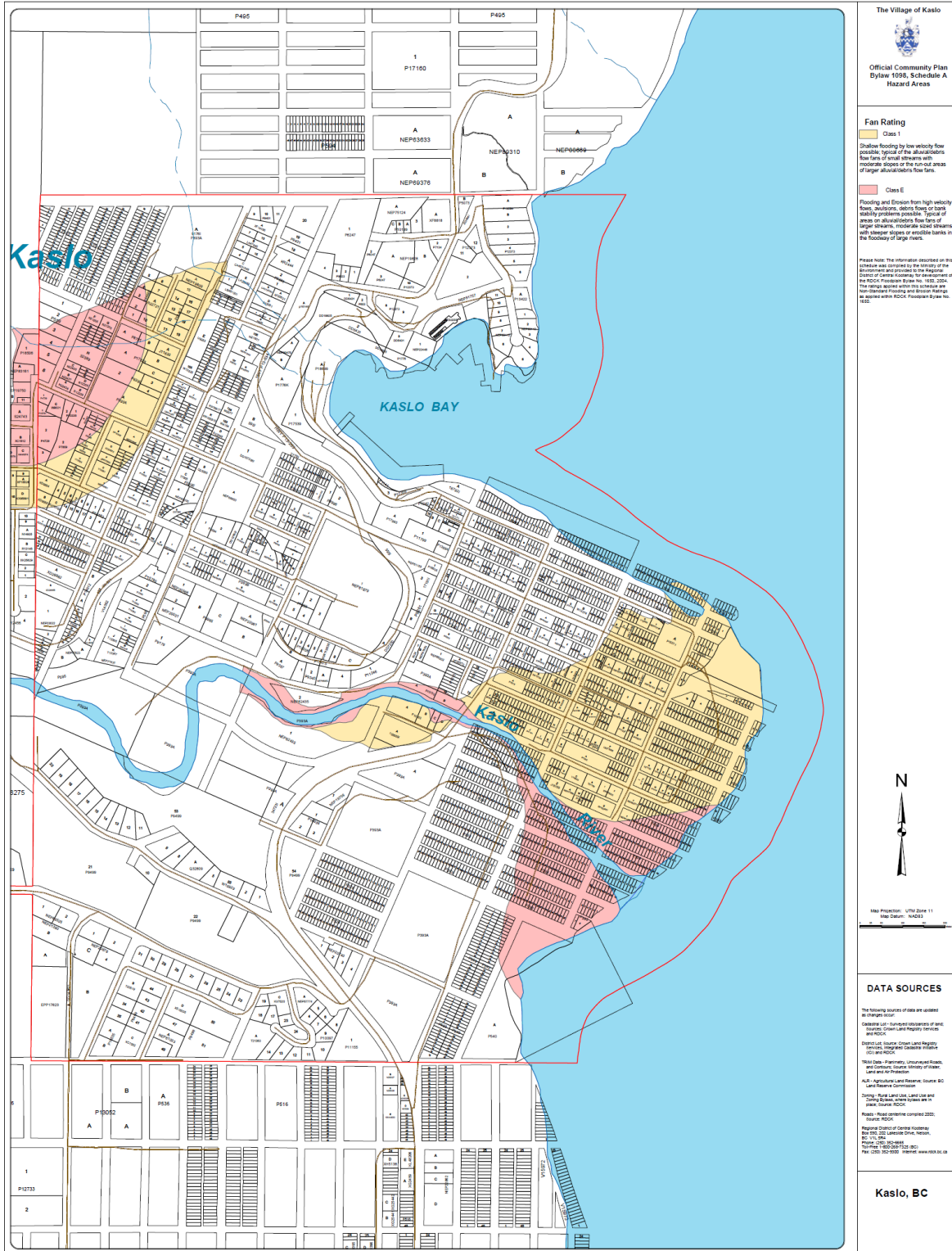
CERTIFIED CORRECT:

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Chief Administrative Officer

# Village of Kaslo Floodplain Management Bylaw 1193

## Schedule "A"



# Village of Kaslo Floodplain Management Bylaw 1193

## Schedule "B"

