

THE CORPORATION OF THE VILLAGE OF SALMO

Bylaw NO. 382

A Bylaw to provide floodplain management regulations under Section 969 of the "Municipal Act", within the Village of Salmo.

WHEREAS the Council of the Corporation of the Village of Salmo, where it considers that flooding may occur on land, may enact a floodplain management bylaw pursuant to Section 969 of the Municipal Act;

AND WHEREAS the Corporation of the Village of Salmo and the Province of British Columbia consider a floodplain management bylaw will help to reduce future exposure to risk and reduce the amount of damage due to flooding;

NOW THEREFORE the Council of the Corporation of the Village of Salmo in open meeting assembled, enacts as follows; except those notes in *italics* which are provided for information only and do not form part of this bylaw:

(The purpose of the floodplain management provisions is to reduce the risk of injury, loss of life, and damage to buildings and structures due to flooding. However, neither the Corporation of the Village of Salmo nor the Province of British Columbia represent to any person that any building or structure, including a mobile home, used, constructed or located in accordance with the following provisions will not be damaged by flooding.)

1. TITLE

This bylaw may be cited for all purposes as the "Village of Salmo Floodplain Management Bylaw No. 382, 1994".

2. ADMINISTRATION AND ENFORCEMENT

ADMINISTRATION

- 2.1 The Building Inspector, Village Clerk and Deputy Village Clerk are hereby authorized to administer this bylaw.

VIOLATION

- 2.2 Every person who violates any provisions of this bylaw, or who causes or suffers or permits any act or thing to be done in contravention of, or in violation of, any provision of this bylaw, or who neglects to do or refrains from doing anything required to be done under provisions of this bylaw, shall be guilty of an offence of this bylaw.

PENALTY

- 2.3 Every person guilty of an offence of this bylaw shall be liable on summary conviction to a penalty not exceeding TWO THOUSAND (\$2,000.00) DOLLARS for each offence and costs of prosecution.

SEVERABILITY

- 2.4 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, such decision shall not affect the validity of the remaining portions of this bylaw.

3 . INTERPRETATION

APPLICATION

3.1 The provisions of this bylaw apply to the Village of Salmo.

SCHEDULES

3.2 The following schedules attached to this bylaw are incorporated into and form part of this bylaw:

- Schedule "A" - Erie Creek Alluvial Fan Hazard Zonation Map
- Schedule "B" - Amended Salmo River and Erie Creek Floodplain Map
- Schedule "C" - General Exemptions from Floodplain Management Provisions
- Schedule "D" - Request for Relaxation of Floodplain Management Provisions

UNITS OF MEASURE

3.3 Numerical quantities in this bylaw are written in the International System of Units (i.e. 'metric').

4 . DEFINITIONS

For all purposes of this bylaw, the following definitions apply:

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 having a roof supported by columns, posts or walls used or intended for supporting or sheltering any use or occupancy;
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;
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 stream flow 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;
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 one or more rooms with self-contained sleeping, living, eating, cooking and sanitary facilities used or intended for use as a residence by one or more persons;
FREEBOARD	means a vertical distance added to a Designated Flood Level, used to establish a Flood Construction Level;
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 5 of this bylaw;
FLOODPLAIN SETBACK	means either a specified area or the required minimum distance from a reference line or 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.
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;
MOBILE HOME	means a single family dwelling unit suitable for year round occupancy, specially designed to be moved along the highway from time to time, and which arrives at the site where it is to be occupied complete and ready for occupancy except for placing on supports, connection of utilities, and some incidental assembly;
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 soil itself, as defined in Section 1 of the Land Act, 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 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 and maintained by an ongoing authority such as a local government body;
TOP OF BANK	means the point at which the upward ground level becomes less than one (1.0) vertical to four (4.0) horizontal, 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 Minister of Environment, Land and Parks or his Designated Official;
WATERCOURSE	means any natural or manmade 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 2 square kilometres or more upstream of the point of consideration.

5. FLOODPLAIN DESIGNATION

The following land is designated as Floodplain:

- 5.1) Land outlined in either: red, yellow, green or blue on Schedule "A" - Erie Creek Alluvial Fan Hazard Zonation Map, attached hereto and forming part of this bylaw;
- 5.2 Land shown as floodplain on Schedule "B" - Amended Salmo River and Erie Creek Floodplain Map, attached hereto and forming part of this bylaw;
- 5.3 Land lower than the flood construction levels specified in Section 6.1;
- 5.4 Land within the floodplain setbacks specified in Section 6.2.

6. FLOODPLAIN SPECIFICATIONS

6.1 FLOOD CONSTRUCTION LEVELS:

The following elevations are specified as Flood Construction Levels, **except that where more than one Flood Construction Level is applicable, the highest elevation shall be the Flood Construction Level:**

- a) Within the areas outlined in blue on Schedule "A", the Flood Construction Level shall be 0.3 metres above the highest of: the natural ground surface, the crown of road, or any other obstruction that could cause ponding;
- b) Within the areas outlined in green on Schedule "A", the Flood Construction Level shall be 0.6 metres above the highest of: the natural ground surface, the crown of road, or any other obstruction that could cause ponding;

- c) Within the areas outlined in yellow on Schedule "A", the Flood Construction Level shall be 1.0 metres above the highest of: the natural ground surface, the crown of road, or any other obstruction that could cause ponding;
- d) Within the areas outlined in red on Schedule "A", the Flood Construction Level shall be set by a qualified engineer under Section 734 (2) of the Municipal Act;
- e) The Flood Construction Level for a specific property as determined by interpolation from those flood construction levels shown on Schedule "B" - Amended Salmo River and Erie Creek Floodplain Map, attached hereto and forming part of this bylaw.

6.2 FLOODPLAIN SETBACKS:

The following are specified as floodplain setbacks:

- a) within 30 metres of the natural boundary of the Salmo River;
- b) within 15 metres of the natural boundary of Erie Creek or any other watercourse;
- c) within 7.5 metres of any Standard Dyke right-of-way, or structure for flood protection or seepage control;
- d) within 7.5 metres of the natural boundary of a marsh or pond.

7. APPLICATION OF FLOODPLAIN SPECIFICATIONS:

- (1) Pursuant to Section 969(5) of the Municipal Act, after a bylaw has specified Flood Construction Levels and Floodplain Setbacks:
 - "a) 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
 - b) 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, Lands and Parks."
- (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 6.1. 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 Council of the Corporation of the Village of Salmo may require that a qualified Applied Science Technologist, Professional Engineer, or British Columbia Land Surveyor provide a certificate to verify compliance with the Flood Construction Levels and Floodplain Setbacks specified in Sections 6.1 and 6.2. The cost of verification shall be assumed by the land owner.

8. GENERAL EXEMPTIONS

Pursuant to Section 969(6) of the Municipal Act, the Minister of Environment, Lands and Parks may exempt or relax types of developments from the requirements of

Section 969, subject to conditions he may impose. The General Exemptions which have been approved by the Minister are provided for information purposes on Schedule "C" of this bylaw.

9. SITE-SPECIFIC EXEMPTIONS

An application by a property owner to the Minister of Environment, Lands and Parks for a site-specific exemption or relaxation shall be completed upon a form provided by the Corporation of the Village of Salmo which is attached as Schedule "D" of this bylaw and submitted in accordance with the instructions on the application.

10. NO REPRESENTATION

By the enactment, administration or enforcement of this bylaw the Village of Salmo does not represent to any person that any building or structure, including a mobile 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 Village of Salmo in the course of the administration of this bylaw will not be damaged by flooding.

11. ADOPTION EFFECTIVE DATE OF BYLAW

This bylaw is in force from date of adoption.

READ a first time this 26th day of April, 1994.

READ a second time this 26th day of April, 1994.

READ a third time this 26th day of April, 1994.

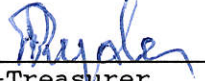
Corporation of the Village of Salmo Bylaw No. 382.
APPROVED under the provisions of Section 969 of the Municipal Act on this 09 day of JUNE, 1994.


Minister of Environment, Lands and Parks

RECONSIDERED, FINALLY PASSED AND ADOPTED
this 12th day of July, 1994.

I hereby certify this to be a true copy of the "Village of Salmo Floodplain Management Bylaw No. 382, 1994".


Mayor


Clerk-Treasurer

A true copy of By-Law No. 382
registered in the office of the Inspector
of Municipalities this 28th day of
September 1994.


Deputy Inspector of Municipalities

ELECTORAL AREA G

VILLAGE OF SALMO MUNICIPAL BOUNDARY

July 12, 1994
Date of Adoption

This is Schedule "B" referred to in By-law No. 382, 1994, which establishes a Floodplain Management By-law.

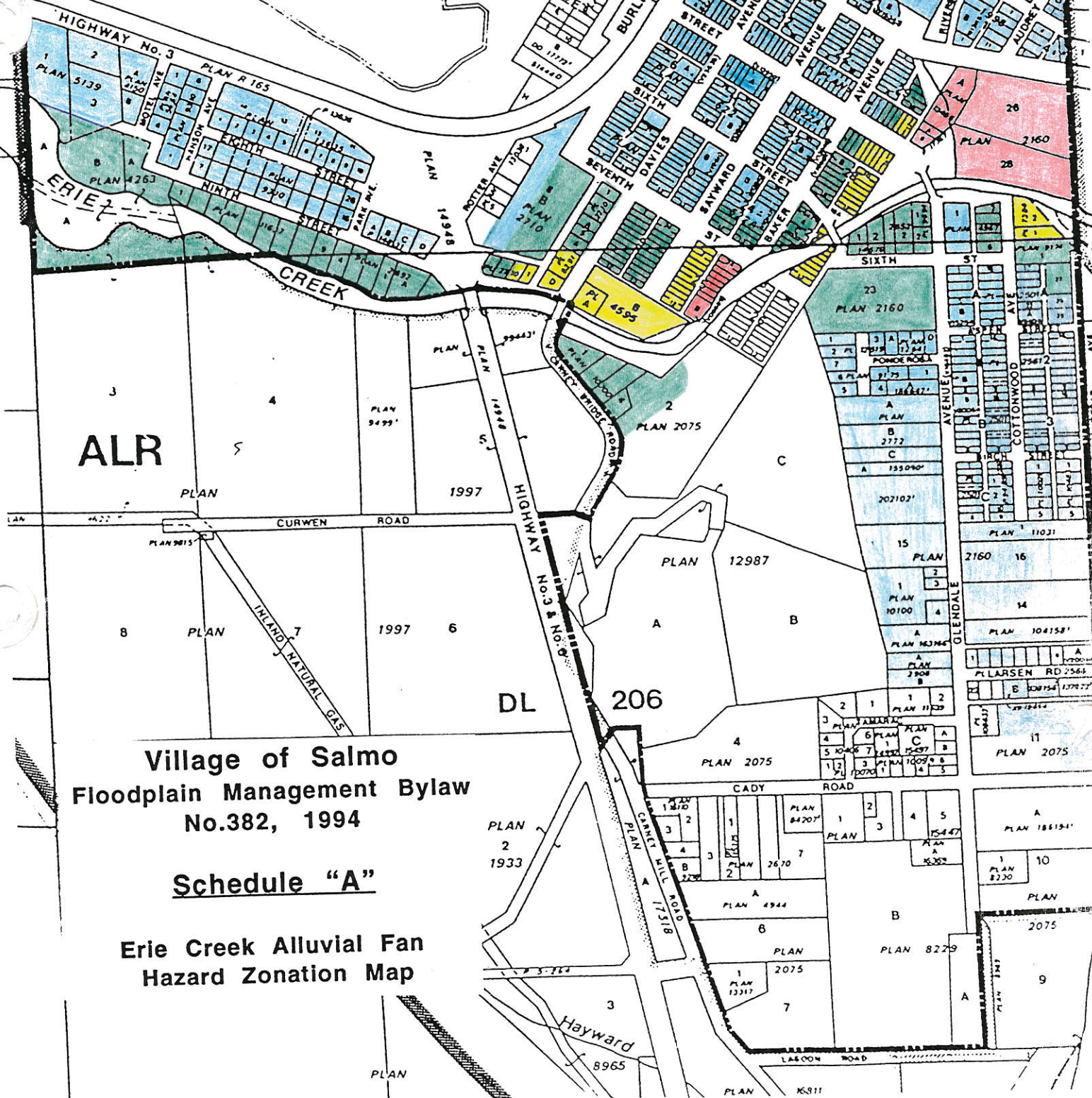
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Ryder
Clerk-Treasurer
PLAN 13942

M.B. Hanson
Mayor
PLAN 28708'

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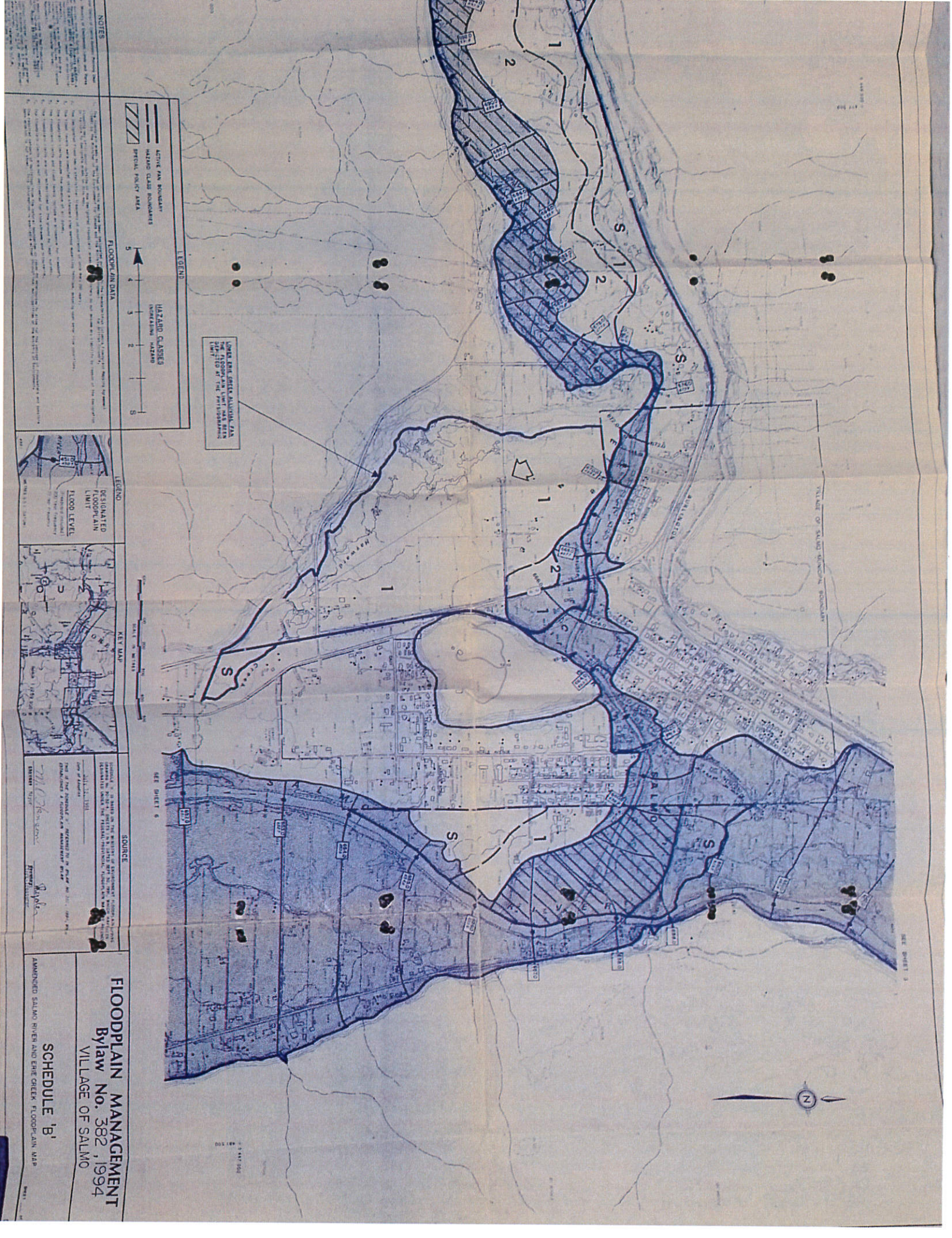
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Village of Salmo
Floodplain Management Bylaw
No. 382, 1994

Schedule "A"

Erie Creek Alluvial Fan
Hazard Zonation Map



NOTES

- ACTIVE FAN BOUNDARY
- HAZARD CLASS BOUNDARIES
- SPECIAL FLOOD AREA



FLOODPLAIN DATA

HAZARD CLASSES
INDICATING HAZARD

LEGEND

DESIGNATED
FLOODPLAIN
LIMIT

FLOOD LEVEL



KEY MAP



SCALE

1:50,000

DATE

1994

BY

THE VILLAGE OF SALMO

AMENDED SALMO RIVER AND ENRIE CREEK FLOODPLAIN MAP

SCHEDULE 'B'

FLOODPLAIN MANAGEMENT

Bylaw No. 382, 1994

VILLAGE OF SALMO

DATE

1994

THE CORPORATION OF THE VILLAGE OF SALMO

BYLAW NO. 382

SCHEDULE
"C"

Floodplain Management Provisions

General Exemptions

1. The following types of development are exempt from the requirement of Section 969(5)(a) of the Municipal Act, as it pertains to the Flood Construction Levels specified in Section 6.1 of this bylaw:

- i) A renovation of an existing building or structure that does not involve an addition thereto;
- ii) 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 ground floor area (excluding carports or garages) existing at the date of adoption of this bylaw, provided that the degree of nonconformity regarding setback is not increased;
- iii) That portion of a building or structure to be used as a carport, garage or entrance foyer;
- iv) Farm buildings other than dwelling units and closed-sided livestock housing;
- v) Hot water tanks and furnaces behind Standard Dykes;
- vi) Closed-sided livestock housing behind Standard Dykes;
- vii) Heavy Industry behind Standard Dykes;
- viii) On-loading and off-loading facilities associated with water-oriented industry and portable sawmills.

2. The following types of development are exempt from the requirements of Section 969(5)(a) of the Municipal Act, as it pertains to the Flood Construction Levels specified in Section 6.1 of this bylaw, subject to the following conditions:

- i) **Farm Dwelling Units:** Farm dwelling units on parcel sizes 8.1 hectares, or greater, located within the Agricultural Land Reserve, 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 of 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 6.1 of this bylaw, 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 wooden floor system or the top of the Pad (or in the case of a manufactured home the top of 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 6.1 of this bylaw, whichever is the lesser.

- iii) Industrial Uses: Industrial uses, other than main electrical switch gear, 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 Pad or the ground surface on which it is located) no lower than the Flood Construction Levels specified in Section 6.1 of this bylaw, minus Freeboard. Main electrical switch gear shall be no lower than the Flood Construction Level.

As approved by the Minister of Environment, Lands and Parks
this 09 day of JUNE, 1994.

A handwritten signature in dark ink, appearing to be "John S. [unclear]", written over a horizontal line.



Province of
British Columbia
Ministry of
Environment,
Lands and Parks

REQUEST FOR RELAXATION OF FLOODPLAIN MANAGEMENT PROVISIONS

VILLAGE OF SALMO - FLOODPLAIN MANAGEMENT BYLAW - NO. 382, 1994

Note: This form is to be completed and submitted by the property owner to the municipality or regional district 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 for consideration.

1. APPLICANT

Applicant's Name:

Address:

Telephone No.:

Lot, Block, Legal Subdivision, Section, Plan, Township, Range, Land District:

Name of Regional District, Village, Town, City or District:

Proposed Development:

Name of Adjacent Watercourse or Body of Water:

Relaxation of required setback from _____ metres to _____ metres.

Relaxation of required elevation from _____ metres to _____ metres.

Enclosed are:

(check where provided; provision of all of this information is necessary to facilitate processing of application)

☐ legal map of property

☐ site plan of property indicating:

- building envelope
- size & location of all proposed buildings
- location of adjacent watercourses/bodies of water, top & bottom of banks
- all applicable setbacks (eg. for watercourses, septic, property lines)

☐ photos of property (proposed building location, adjacent existing development, riverbank areas, etc)

☐ other information pertinent to this application

Reasons for Application (continue on reverse, if necessary):

Applicant's Signature

Date

2. LOCAL AUTHORITY

Applicable Bylaw No. & Section:
(please attach copy)

Bylaw adopted pursuant to
Sec. 969 Municipal Act

☐ Yes

☐ No

☐ Supports application

☐ Does not support application

Comments (please note any other local bylaw provisions that affect this application):

Building Inspector Signature

Date

3. MINISTRY

Date Received:

Approval: ☐ Yes ☐ No
(Sec. 969 Municipal Act Bylaw)

Recommendation: ☐ Yes ☐ No
(Other Bylaw)

Conditions: (☐ see attached response letter)

Designated Official

Date