

THE CORPORATION OF THE CITY OF VERNON
BYLAW NUMBER 5895

A bylaw to amend the City of Vernon's Official
Community Plan Bylaw Number 5470

WHEREAS the Council of The Corporation of the City of Vernon has determined to amend the "Official Community Plan Bylaw Number 5470, 2013";

AND WHEREAS all persons who might be affected by this amending bylaw have, before the passage thereof, been afforded an opportunity to be heard on the matters herein before the said Council, in accordance with the provisions of Section 464 of the *Local Government Act*, and all amendments thereto;

NOW THEREFORE the Council of The Corporation of the City of Vernon, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as **"Official Community Plan (Flood Hazard Development Permit Area) Text Amendment Bylaw 5895, 2022"**.
2. That Official Community Plan Bylaw Number 5470 is hereby amended as follows:
 - **Add** Section 26.1 Flood Hazard Development Permit Areas as shown in **red** on attached **Schedule "A"** attached to and forming part of this bylaw;
 - **Add** NEW definitions to Section 30 Definitions as shown in **red** on attached **Schedule "B"** attached to and forming part of this bylaw
 - **Add 'Schedule FH1'** - Flood Hazard Development Permit Map as shown on attached **Schedule "C"** attached to and forming part of this bylaw
3. Official Community Plan Bylaw Number 5470 is hereby ratified and confirmed in every other respect.

BYLAW 5895

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READ A FIRST TIME this day of , 2022.

READ A SECOND TIME this day of , 2022.

PUBLIC HEARING held this day of , 2022.

READ A THIRD TIME this day of , 2022.

ADOPTED this day of , 2022.

Mayor

Corporate Officer

26.1 Flood Hazard Development Permit

Goals

1. To minimize the risk to people and property from flood hazards and mitigate and/or avoid increasing the impacts of flooding within areas already developed;
2. To encourage safety in the construction, location and manner of development;
3. To avoid increasing the hazard to or vulnerability of others on the floodplain; and
4. To promote a natural floodplain regime.

Guiding Principles Met

Foster prosperity for people, business and government
Protect and preserve green spaces and sensitive areas
Create a culture of sustainability

Special Conditions or Objectives that Justify Designation

The creeks and lakes that are key features of the physical environment, combined with occasional extreme weather activity, make some areas of Vernon susceptible to potential hazards from flooding.

Pursuant to sections 488 through 490 of the *Local Government Act*, the City of Vernon seeks to protect development from natural hazards in these areas by designating them as Development Permit Areas. This allows for taking appropriate precautionary measures through professional studies and assessments in order to guide safe development, building design, construction and long-term maintenance and monitoring.

The City of Vernon has created the Flood Hazard Development Permit Map Schedule FH1, for the purpose of identifying areas susceptible to potential hazards from flooding.

These Development Permit Area guidelines work with the City of Vernon's Floodplain Management Bylaw 5896, which provides the detailed requirements on development activities within floodplain areas.

Scope of Application

The Flood Hazard Development Permit Map Schedule FH1 denotes areas susceptible to potential hazards from flooding. Parcels located wholly or partially within areas identified on the Flood Hazard Development Permit Map are subject to a requirement for a Development Permit, unless they meet one or more of the exemption criteria in listed in Section 26.1. of this bylaw.

Exemptions

The following are exempt from the requirement to obtain a Floodplain Development Permit:

1. Development outside of the Floodway or Floodplain Setback area, that meets the Flood Protection Requirements or General Exemption criteria in Sections 7 and 8 of Floodplain Management Bylaw 5896;
2. Public works and services and maintenance activities carried out by, or on behalf of the City;
3. Minor alterations or repairs to existing roads, paths or driveways, provided that there is no further disturbance of land or vegetation; and
4. Planting of vegetation, habitat creation, restoration or enhancement works or removal of trees or vegetation in accordance with City and provincial enactments.

Guidelines

The following guidelines apply to all development applications for parcels wholly or in part in areas susceptible to potential hazards from flooding as designated in the Flood Hazard Development Permit Map Schedule FH1:

1. A new building or part of a building with sheltering as a use may not be located within the Floodplain Setback area or where the development may impede a floodway. Despite this, if development must be considered in this area, due to the parcel being primarily in the hazard area, a site specific exemption, in accordance with the Floodplain Management Bylaw 5896 is required. In addition, the owner **is to** register a restrictive covenant under section 219 of the LTA in favour of the City of Vernon specifying conditions that will certify that the land is safe for the intended use; acknowledging that no municipal disaster financial assistance funding is available for the building or its contents; and releasing and indemnifying the City from liability in the event of damage caused by flood or erosion.

SCHEDULE 'A'
Attached to and forming part of Bylaw 5895
" Official Community Plan (Flood Hazard Development Permit Area) Text Amendment Bylaw
5895, 2022"

2. For all parcels outside of the Floodplain Setback, but within the Flood Hazard DPA, that do not meet the flood protection requirements or the exemption criteria as set out in the City of Vernon's Floodplain Management Bylaw 5896, a site specific exemption, in accordance with the Floodplain Management Bylaw 5896 is required.
3. Every new building or part of a building and related structure must:
 - a) be constructed in a location and manner that will maximize the safety of residents and property;
 - b) not increase the risk or hazard to, or vulnerability of, other properties or structures;
 - c) be located in the least hazardous part of the subject parcel;
 - d) in connection with renovations to any existing permanent Structure, where reasonable,
 - i. reduce flood hazard to the existing permanent structure by raising the habitable area to Flood Construction Levels;
 - ii. reduce or eliminate the potential for flood damage by using construction methods that allow for occasional wetting and drying;
 - e) consider additional structural and/or non-structural flood protection measures to mitigate the impacts of flooding within areas already developed;
 - f) maintain and/or restore vegetation along all creek banks and Floodplain Setback areas to minimize erosion and protect slope stability; and
 - g) preserve natural floodplain regimes. Development should be sited so as to allow normal creek processes (erosion and channel migration) and anticipated flooding to occur. Where appropriate, this should include actions, such as grading of the site, to deflect flood water and to allow for floodways or pooling of floodwater.

30.0 Definitions

B

BUILDING means any structure used or intended for supporting or sheltering any use or occupancy.

C

CITY means The City of Vernon.

F

FLOOD means an overflowing or pooling of water on land that is normally dry.

FLOOD CONSTRUCTION LEVEL means the Flood Construction Level as referenced in the City of Vernon Floodplain Management Bylaw 5896.

FLOODPLAIN SETBACK means the distance from the Natural Boundary of a water body or existing dike in which development should be prohibited or restricted to limit local flood risk, limit transfer of risk to adjacent properties, and provide sufficient space for existing or future flood protection (e.g. dikes).

FLOODWAY means the channel of a watercourse and overbank areas anticipated to actively convey the flow of a Flood.

FLOOD-PROOFING means the alteration of land or buildings to reduce or eliminate the potential for flood damage and may include the use of increased elevation and/or construction methods that allow for occasional wetting and drying.

H

HABITABLE AREA means any room or space within a Building or structure, to the underside of the floor system, that is or can be used for human occupancy, commercial sales, or storage of goods, possessions or equipment (including furnaces) which would be subject to damage if flooded.

N

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, in vegetation, as well as in the nature of the soil itself.

SCHEDULE 'B'
Attached to and forming part of Bylaw 5895
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S

SELF-SUPPORTING DECK is a structure that does not contain a residential occupancy and is built independently from another Building.

STRUCTURE means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into the land or water, specifically including retaining structures of any size directly connected to a Building or other structure but specifically excluding landscaping, fences, signs and paving.

T

TOP OF BANK means the Natural Boundary.

SCHEDULE 'C'
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Flood Hazard Development Permit Map Schedule FH1

