

**CITY OF QUESNEL  
BYLAW NO. 1922**

---

**A bylaw to designate land as Floodplain and make provisions in relation to flood management in the City of Quesnel**

---

**WHEREAS** it is desirable to minimize the risk of injury, loss of life, and property damage due to flooding;

**AND WHEREAS** Section 524 of the *Local Government Act* authorizes Council to enact a bylaw to designate land as Floodplain and to make regulations in relation to flood control, flood hazard management, and development of land that is subject to flooding;

**AND WHEREAS** Council has considered the Flood Hazard Area Land Use Guidelines published by the Province of BC in 2004, as amended, under authority of the *Environmental Management Act*;

**NOW THEREFORE** the Council of the City of Quesnel, in open meeting assembled, enacts as follows:

**1. INTRODUCTION**

- 1.1. This bylaw may be cited as “City of Quesnel Floodplain Management Bylaw No. 1922, 2022.
- 1.2. “Quesnel Floodplain Management Bylaw No. 1187 of 1991” and all amendments thereto are hereby repealed.

**2. DEFINITIONS**

**APPROVING OFFICER** means the appropriate person appointed under the *Land Title Act*.

**BUILDING INSPECTOR** means the Chief Building Official for the City of Quesnel.

**CITY** means the City of Quesnel.

**COMMERCIAL USE** means a use providing for the sale or rental of goods or services, or for the servicing and repair of goods; and includes retail sales, wholesaling in conjunction with retail sales, commercial and government offices, personal services, commercial schools, household services and household repairs.

**COUNCIL** means the elected Council for the City of Quesnel.

**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.

**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 (FCL)** is 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 concrete slab for habitable buildings. In the case of a **Manufactured Home**, the ground level or top of concrete or asphalt Pad on which it is located shall be equal or higher than the above described elevation. It also establishes the minimum crest level of a **Standard Dike**. Where the **Designated Flood Level** cannot be determined or where there are overriding factors, an assessed height above the **Natural Boundary** of the **Waterbody** or above the natural ground elevation may be used.

**FLOOD HAZARD AREA LAND USE MANAGEMENT DOCUMENT** is a document prepared by the Province of BC to provide direction in the preparation of flood hazard assessment reports.

**FLOODPLAIN** means a lowland area, whether diked, flood proofed, or not which, by reasons of land elevation, is susceptible to flooding from an adjoining **watercourse**, ocean, lake or other body of water and for administration purposes is taken to be that area submerged by the **Designated Flood Level** plus **freeboard**.

**FLOOD PROOFING** means the alteration of land or structures either physically or in use to reduce flood damage and includes the use of building setbacks from water bodies to maintain a floodway and to allow for potential erosion. Flood Proofing may be achieved by all or a combination of the following: 1) Building on fill, provided such fill does not interfere with the **Watercourse** and is adequately protected against floodwater erosion; 2) Building raised by structural means such as foundation walls, columns, etc.; 3) A combination of fill and structural means.

**FREEBOARD** means a vertical distance added to the **Designated Flood Level** to compensate for statistical uncertainties. Used to establish the **Flood Construction Level**.

**HABITABLE AREA** means any room or space within a building or structure that is or 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.

**MANUFACTURED HOME** means a structure manufactured as a unit, intended to be occupied in a place other than at its manufacture, and designed as a dwelling unit, and includes mobile homes, and specifically excludes Recreation Vehicles.

**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 (*Land Act*, Section 1).

**NON-CONFORMING** means any existing building located on flood prone land that does not meet **flood proofing** requirements set out in any pertinent bylaw, regulation, or covenant.

**PAD** means a paved surface on which blocks, posts, runners, or strip footings are placed for the purpose of supporting a **manufactured home** or unit.

**SETBACK** means a withdrawal of a building or landfill from the **Natural Boundary** or other reference line to maintain a floodway and to allow for potential land erosion.

**STANDARD DIKE** means those dikes built to a minimum crest elevation equal to the **Flood Construction Level** and meeting the standards of design and construction approved by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development and maintained by an ongoing authority such as a local government body.

**WATERCOURSE** means any natural or manmade depression with well-defined banks and a bed 0.6 meters 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 kilometers or more upstream of the point of consideration.

### 3. **FLOODPLAIN DESIGNATION**

3.1 The following areas of the **City** are designated as **floodplain**:

- i. All land identified in Schedules “A”, “B”, “C”, “D”, and “E” that are within City limits which are attached to and form a part of this bylaw.
- ii. Any land that is less than 1.5 meters above the **natural boundary** of an adjacent **watercourse**, lake, pond, swamp, marsh area or reservoir.
- iii. Any land specified in Section 4 of this Bylaw.

### 4. **FLOODPLAIN SPECIFICATIONS**

#### 4.1 **Floodplain Setbacks**

4.1.1 **Floodplain setbacks** shall be as follows, except where more than one **setback** is applicable, the greater shall apply:

- i. 30.0 meters from the **natural boundary** of the Fraser River, Quesnel River, and Baker Creek.
- ii. 15.0 meters from the **natural boundary** of any other **watercourse**.
- iii. 7.5 meters from the **natural boundary** of any lake, pond, swamp, marsh area or reservoir.

#### 4.2 **Flood Construction Levels (FCLs)**

4.2.1 Within a designated **floodplain**, the following elevations are specified as **FCLs**, except where more than one **FCL** is applicable, the higher elevation shall apply:

- i. By interpolation of the **Approving Officer, Building Inspector**, or Qualified Professional, the **FCLs** shown in Schedules “A”, “B”, “C”, “D”, and “E”

- ii. 3.0 meters above the **natural boundary** of the Fraser River, Quesnel River, and Baker Creek located within the **City** that are not specified in Schedules “A”, “B”, “C”, “D”, nor “E”.
- iii. 1.5 meters above the **natural boundary** of any other **watercourse**, lake, pond, swamp, marsh area or reservoir.

4.2.2 Where landfill is used to achieve the required **FCL** stated in Section 4.2.1, the face of the landfill must be adequately protected against erosion from flood flows, wave action, ice or other debris, and must be designed by a Qualified Professional.

## 5. **APPLICATION OF FLOODPLAIN SPECIFICATIONS**

**5.1** No **habitable area** shall be constructed, reconstructed, altered, moved, or extended, such that the underside of its floor system or the top of its supporting **pad** is lower than the **FCL** specified in this Bylaw, except as otherwise stated in Section 6 of this Bylaw.

**5.2** No building, structure, obstruction, fill, or **habitable area** shall be constructed, reconstructed, altered, moved, or extended within the **floodplain setback** specified in this Bylaw, except as otherwise stated in this Bylaw.

**5.3** The **Building Inspector** may require that a British Columbia Land Surveyor’s certificate be submitted, at the cost of the land owner, to verify compliance with the **FCL** and **floodplain setback** specified in this Bylaw.

## 6. **GENERAL EXEMPTIONS**

**6.1** The **FCL** requirements of Section 4.2 of this Bylaw shall not apply to:

6.1.1 That portion of a building defined as a crawlspace by the most up-to-date BC Building Code provided that no goods susceptible to floodwater are stored within the space.

6.1.2 Renovation of an existing building or structure provided that there is no increase to the existing floor area below the **FCL** and that the renovation does not create a new dwelling unit below the **FCL**.

6.1.3 An addition to an existing building or structure provided that:

- i. The total added floor area is less than 25% of the existing floor area (excluding carports or garages);
- ii. The addition must not increase the degree of nonconformity in relation to **floodplain setback**;
- iii. The addition is not constructed to an elevation lower than the existing building or structure; and
- iv. A new dwelling unit is not created.

6.1.4 That portion of a building or structure to be used as a carport or garage.

6.1.5 Porches or decks.

6.1.6 Open-sided recreation shelters, stands, washhouses, washrooms, docks, and other outdoor facilities zoned for park, recreation or tourist service commercial.

6.1.7 Accessory buildings such as detached carports and garages, storage buildings, sheds, and domestic greenhouses.

## 7. SITE SPECIFIC EXEMPTIONS

7.1 Notwithstanding the above, the **Approving Officer** may grant a site-specific exemption with respect to **floodplain setback** or **FCL** requirements listed elsewhere in this Bylaw where an application is made to the **City** and:

- i. A professional engineer or geoscientist experienced in geotechnical engineering submits a flood hazard assessment report certifying that the subject property can be used safely for the intended use, which must follow any of the requirements outlined in the Provincial **Flood Hazard Area Land Use Management Document** that are deemed necessary by the **Approving Officer**;
- ii. The land owner enters into a restrictive covenant under Section 219 of the *Land Title Act* absolving the City of Quesnel of any liability with respect to the flooding of the property or flood damage to land, buildings, structures, and contents thereof; and
- iii. Any other requirement deemed necessary by the **Approving Officer** is met.

## 8. DELEGATION

8.1 **Council** delegates to the **Approving Officer** the power of **Council** to exempt a person from adhering to the **floodplain setback** or **FCL** requirements of this Bylaw in relation to a specific parcel of land or a use, building, or other structure on the parcel of land, as outlined in Section 7 of this Bylaw.

8.2 Within 30 days of the decision made by the **Approving Officer** to grant or refuse an exemption, the applicant may request that **Council** reconsider the decision subject to the following:

- i. The request shall be in writing, and include reason(s) in support of the reconsideration;
- ii. Upon receipt of a complete written request for **Council's** reconsideration, the **Approving Officer** shall prepare a report to **Council** attaching the application and setting out the reasons for the decision;
- iii. At a date and time set by **Council** the applicant shall have the opportunity to appear before **Council** and be heard regarding the decision of the **Approving Officer**; and
- iv. Following this, **Council** shall reconsider the decision of the **Approving Officer** and either uphold the decision or substitute the **Council's** decision for the **Approving Officer's**.

## 9. SEVERABILITY

9.1 If a section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a Court of competent jurisdiction, it shall be severed and such decision shall not affect the validity of the remaining portions of this bylaw.

## 10. OFENCES AND PENALTIES

- 10.1** No person shall do any act or suffer or permit any act or thing to be done in contravention of this bylaw.
- 10.2** Every person who violates any provision of this bylaw, or who permits any act or thing to be done in contravention of this bylaw, or who fails to do any act or thing required by this bylaw, commits an offence and shall be liable, upon conviction, to a fine of not less than One Hundred dollars (\$100.00) and not more than Ten Thousand dollars (\$10,000.00), plus the costs of prosecution, and any other order imposed pursuant to the Community Charter.
- 10.3** Each day that an offence continues against this bylaw shall be considered a separate offence.

READ A FIRST TIME this 21<sup>st</sup> day of June, 2022.

READ A SECOND TIME this 21<sup>st</sup> day of June, 2022.

READ A THIRD TIME this 27<sup>th</sup> day of September, 2022.

RECONSIDERED AND FINALLY PASSED AND ADOPTED by a majority vote of all members of Council this <sup>th</sup> day of , 2022

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer