VILLAGE OF PEMBERTON

FLOOD REGULATION BYLAW No. 716, 2012

Being a bylaw to regulate development of land that may be subject to flooding.

WHEREAS pursuant to Section 910 of the *Local Government Act* a Council may, by bylaw, designate certain lands as flood plain specifying required flood levels as well as corresponding setbacks;

WHEREAS the Council of the Village of Pemberton is authorized to enact a bylaw to designate the floodplain and to make regulations in relation to flood control, flood hazard management and development of land that is subject to flooding that consider provincial guidelines and comply with provincial regulations;

THEREFORE BE IT RESOLVED that the Council of the Village of Pemberton in an open meeting assembled, **ENACTS AS FOLLOWS**:

1. CITATION

This Bylaw may be cited as "Village of Pemberton Flood Regulation Bylaw No. 716, 2012".

2. PART 1 - INTERPRETATION

1. DEFINITIONS:

In this Bylaw:

"Flood Construction Level (FCL)" means the Flood Construction Levels as shown on Schedule "A" and Schedule "B" entitled "Floodplain Map" which is attached to and forms part of this Bylaw:

"Floodplain" means the area shown on Schedule "A" and Schedule "B" entitled "Floodplain Map" which is attached to and forms part of this Bylaw;

"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 safely direct or alleviate potential erosion, and which may be achieved by any one of the following:

- a) building on fill, provided such fill does not interfere with flood flows of the watercourse and is adequately protected against floodwater erosion;
- b) building raised by structural means such as foundation walls, columns, or similar or equivalent structures;
- c) a combination of fill and structural means.

- **"Habitable Area"** means any room or space within a building or structure that is or can be used for human occupancy, assembly or institutional use, commercial sales, or storage of goods, possessions or equipment (including furnaces) which would be subject to damage if flooded:
- "Manufactured Home or Unit" means a structure manufactured as a unit, intended to be occupied in a place other than at is manufacture, and designed as a habitable area and includes mobile homes, but excludes Recreational 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 of vegetation, as well as in respect to the nature of the soil itself;
- "**Pad**" means a compacted gravel, paved or concrete surface on which blocks, posts, runners or strip footing are placed for the purpose of supporting a Manufactured Home or unit;
- "**Professional Engineer**" means a person who is registered or licensed under the provisions of the *Engineers and Geoscientists Act;*:
- "**Provincial Guidelines**" has the same meaning as in section 910 of the *Local Government Act*;
- "**Recreational Vehicle**" means any structure, trailer or vehicle used or designed to be used for living or sleeping purposes and which is designed or intended to be mobile on land, whether or not self-propelled;

"Section 219 Covenant" means a covenant under Section 219 of the *Land Title Act*, provided by an owner of land who covenants with the Village:

- a) to use the land only in the manner certified by a Professional Engineer as enabling the safe use of the land for the use intended;
- b) containing conditions respecting reimbursement by the owner for any expense incurred by the Village as a result of a breach of the covenant, and
- c) registered in the land title office under section 219 of the *Land Title Act*;

"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 Province of British Columbia;

"Watercourse" means any natural or man-made depression with welldefined banks and a bed 0.6 metres or more below the surrounding land servicing to give direction to a current of water at least 6 months of the year or having a drainage area of 2 square kilometres or more upstream of the point of consideration.

- 2. Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Local Government Act, Community Charter*, or *Land Title Act*, as the context and circumstances may require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. In the event of a conflict between this Bylaw and a Provincial enactment, the stricter law prevails. Headings in this Bylaw are for convenience only and must not be construed as defining or its scope or intent. If any part of this Bylaw is held to be invalid in a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.
- 3. The setback requirements established in this Bylaw are intended to be consistent with Provincial enactments, and in particular the Provincial Guidelines. Additional setbacks from watercourses may be required by the *Riparian Area Regulation* under the *Fish Protection Act* and other Provincial enactments. Any conflict or inconsistency shall be resolved by applying the standards and requirements of the Provincial enactment, except where this Bylaw imposes a stricter standard or requirement.

PART 2 - FLOODPLAIN DESIGNATION

- 4. The following areas of the Village of Pemberton are designated as Floodplain:
 - a) The floodplain and flood protection areas of the Lillooet River as shown on Schedule "A" Floodplain Map, attached hereto and forming part of this Bylaw;
 - b) The floodplain and flood protection areas of the Lillooet River as shown on Schedule "B" Floodplain Map, attached hereto and forming part of this Bylaw;
 - c) The floodplain and flood protection areas of the Lillooet River as shown on Schedule "C" Floodplain Map, attached hereto and forming part of this Bylaw.

PART 3 – SETBACK REQUIREMENTS

- 5. Unless specified elsewhere in this Bylaw, a landfill or structural support required to support a floor system or pad of a building or structure for which full flood-proofing or partial flood-proofing is required, must not be constructed, reconstructed, moved extended or located:
 - a) in an area where the natural ground elevation is less than the applicable Flood Construction Level from the Lillooet River, unless the area is protected by a standard dyke;.

- b) within thirty (30) metres of the natural boundary of the Lillooet River;
- c) within fifteen (15) metres of the natural boundary of any other watercourse or edge of bluff, subject to erosion or 3 times the height of the bluff (as measured vertically from the toe to top of bluff), whichever is greater; or
- d) within 7.5 metres of the natural boundary of a lake, wetland pond, drainage ditch or any structure for flood protection or seepage control or the toe edge of any dike.

PART 4 - ELEVATION REQUIREMENTS

- 6. Unless specified elsewhere in this Bylaw, no building, manufactured home or unit, shall be constructed, reconstructed, moved, extended or located with the underside of a wooden floor system or top of a concrete slap or any area uses for habitation, institutional use, assembly use, tourist accommodation use, business or storage of goods damageable by floodwaters, or in the case of a Manufactured Home or unit the Pad on which it is located, lower than:
 - a) the FCL for the Lillooet River as shown on the attached Schedule "A" Floodplain Map;
 - b) the FCL for the Lillooet River as shown on the attached Schedule "B" Floodplain Map; or
 - c) the FCL for the Lillooet River as shown on the attached Schedule "C" Floodplain Map;

PART 5 – SITE SPECIFIC EXEMPTIONS

- 7. An owner of land within a floodplain may apply in writing to the Building Inspector, in a form approved by the Building Inspector, for an exemption to or relaxation of the requirements and restrictions of this Bylaw, based on a report by a professional engineer who has assessed the condition of the land and certifies in a report that the land may be used safely for its intended purposes.
- 8. On receiving an application under section 7 together with the professional engineer's report on which the application is based, the Building Inspector may grant an exemption to or relaxation of the requirements and restrictions of this Bylaw or section 910 of the *Local Government Act*, on condition that the owner of the land, at the sole expense of the owner, enter into a Section 219 Covenant, which covenant must include:
 - a) a prohibition on the building and development except in accordance with the professional engineer's report and recommendations,
 - b) provisions for releasing and indemnifying the Village from liability in relation to the exemption, and which may include any other restrictions, terms and conditions the Building Inspector considers

necessary or advisable for safe use in the circumstances of the specific building, structure or other development.

PART 6 – OFFENCE AND PENALTY

9. A person who contravenes a regulation or requirement of this bylaw, or who directs, permits, allows or suffers a contravention by another person, commits an offence and on conviction is liable to a fine of up to \$10,000; and in the case of a continuing offence, each day that the offence continues is a separate offence.

PART 7 – GENERAL

- 10. The Village does not, by the enactment, administration or enforcement of this Bylaw, represent to any person that any building, structure, manufactured home or habitable area located, constructed or used in accordance with the provisions of this Bylaw, or in accordance with conditions, terms, information, advice, direction or guidance provided by the Village in the course of administering this Bylaw, will not be damaged by flooding or floodwater.
- 11. Schedules A, B and C are attached to and form part of this Bylaw.

READ A FIRST TIME this 6th day of November, 2012.

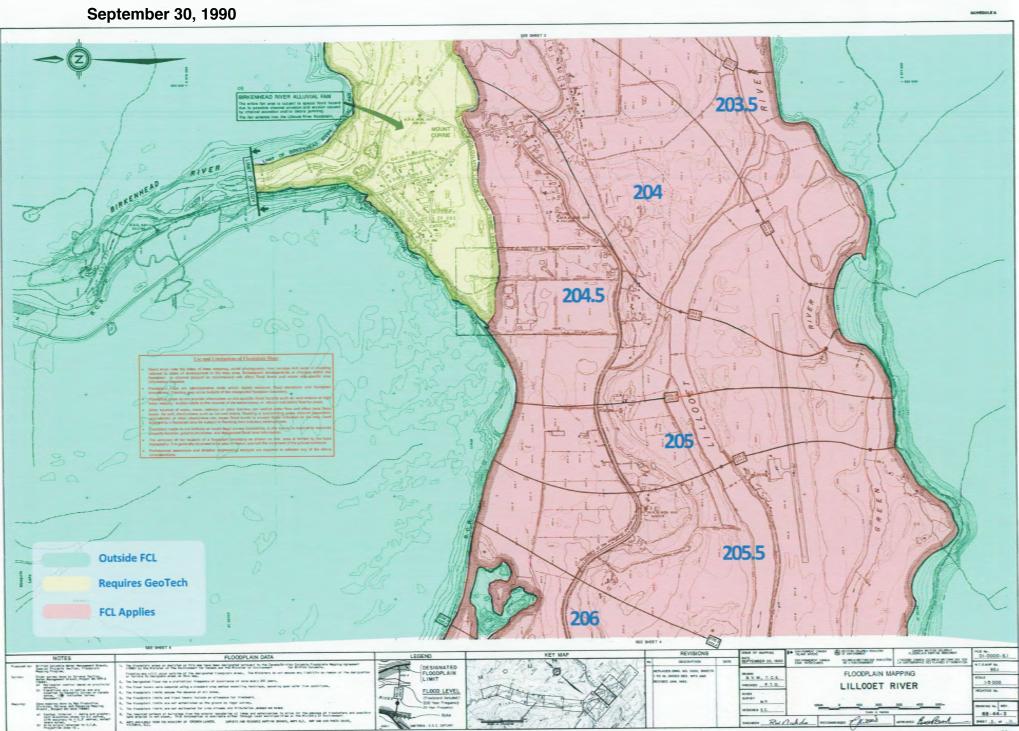
READ A SECOND TIME this 6th day of November, 2012.

READ A THIRD TIME this 6th day of November, 2012.

ADOPTED this 20th day of November, 2012.

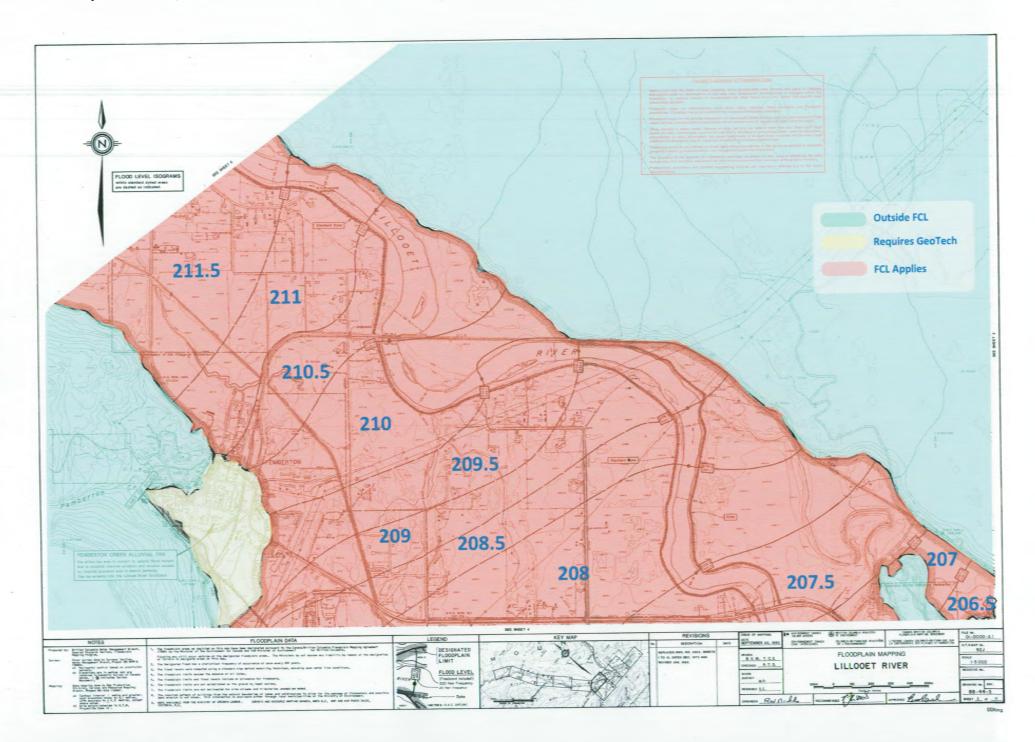
Mayor

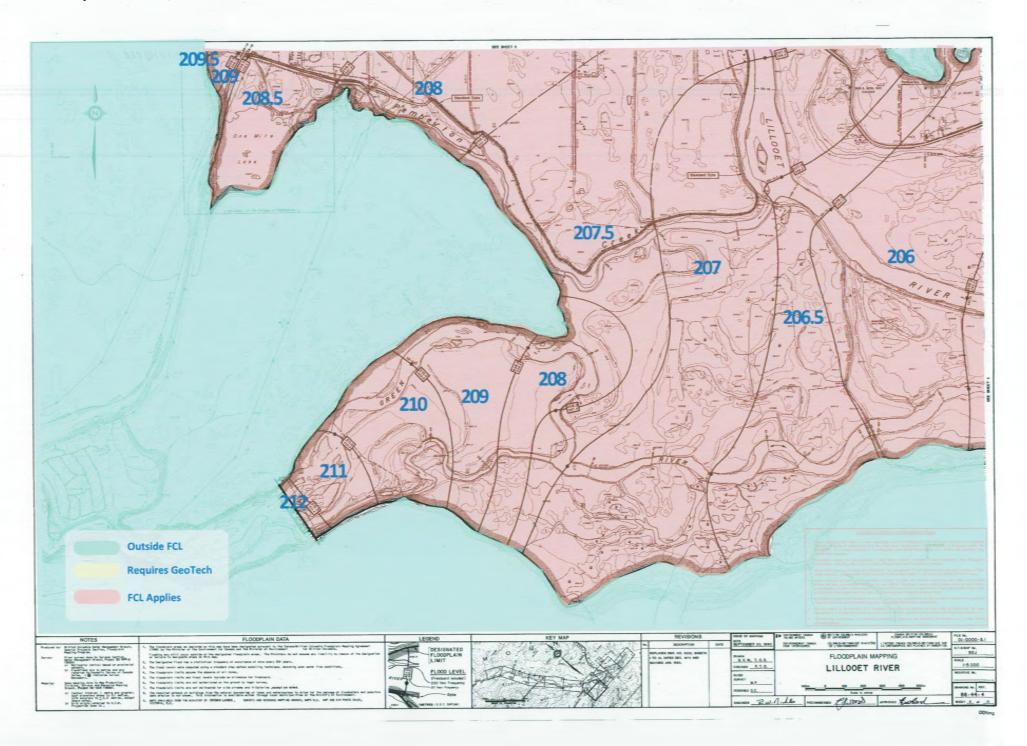
Corporate Officer



SCHEDULE A

DOting





VILLAGE OF PEMBERTON

BYLAW No. 723, 2013 Development Cost Charge

Being a bylaw to establish Development Cost Charges

A Bylaw to establish Development Cost Charges for the Village of Pemberton Wastewater System, Water System, Roads, Park Land and Drainage as follows:

WHEREAS the Council may, pursuant to Section 933 of the *Local Government Act*, impose Development Cost Charges under the terms and conditions of that section;

AND WHEREAS Development Cost Charges may be imposed for the sole purpose of providing funds to assist the Municipality in paying the capital cost of providing, constructing, altering or expanding sewage, water, drainage and highway facilities and providing park land or any of them, in order to service, directly or indirectly, the development for which the charges are imposed;

AND WHEREAS in the consideration of Council the charges imposed by this bylaw:

- 1. are not excessive in relation to the capital cost of prevailing standards of service in the Municipality;
- 2. will not deter development in the Municipality;
- 3. will not discourage the construction of reasonably priced housing or the provision of reasonably priced serviced land;

NOW THEREFORE the Council of the Village of Pemberton, in open meeting assembled, enacts as follows:

1 CITATION and SCHEDULES

- 1.1 This bylaw may be cited for all purposes as "Village of Pemberton Development Cost Charges Bylaw No. 723, 2013."
- 1.2 Schedule "A" is attached to and forms part of this Bylaw.

2 INTERPRETATION

2.1 In this bylaw:

Apartment means any Dwelling Unit, other than a townhouse, that is or will be situated in any building or structure that consists of, or will consist of, at least four dwelling units.

Approving Officer means a person appointed by the Village under the *Land Title Act* to review subdivision applications and carry out the duties, powers and functions of an approving officer under the *Land Title Act* and *Local Government Act*, or a person designated to act in the place of that officer.

Building Official means a person appointed by the Village to issue a building permit under the applicable bylaw for the Village, or a person designated to act in the place of that official.

Commercial use means a use of space for retail sale, restaurant, professional service, personal service, business office, hotel, motel or other tourist accommodation, entertainment, recreation, adult or child care facility, or other business purpose, other than for an industrial or institutional use or a home occupation within a dwelling unit.

Duplex means a "duplex residential use" as defined in the Zoning Bylaw.

Dwelling unit means one or a set of habitable rooms, used or intended to be used for the residential accommodation of one family and containing only one set of cooking facilities;

Industrial use has the same meaning as defined in the Zoning Bylaw.

Institutional use means a use providing for public functions not otherwise included as a commercial or industrial use, and for certainty, includes

- (a) government offices, courts, police stations, and jails;
- (b) public hospitals, adult or child care facilities, and schools, college or university facilities, any of which are operated by a government body or by a non-profit or charitable organization registered as such under Provincial or Federal legislation; and
- (c) any civic use as defined in the Zoning Bylaw.

Minor Change means a change to the scope of work authorized by a building permit which results in an increase of five percent (5%) or less in the cumulative total square footage of the dwelling unit of all dwelling units, the building area, the number of dwelling units within a building or on a lot, or the developed area of a lot.

Single family dwelling has the same meaning as single residential dwelling in the Zoning Bylaw.

Single Family Small means any single residential lot which is smaller than 700 m^2 .

Subdivision means the division of land into 2 or more parcels under the *Land Title Act* or *Strata Property Act*.

Substantial change means a change to the scope of work authorized by a building permit which results in either:

- a) an increase by more than five percent (5%) in the cumulative total square footage of the dwelling units, the building area, the number of dwelling units within a building or on a lot, or the developed area of a lot; or
- **b)** a change to the zone or land use on which the Development Cost Charges was based, as determined by the Village.

Townhouse means a single building comprised of at least four dwelling units, separated one from the other by party walls extending normally from the foundation or the top of a common parking garage to the roof of the dwelling units, with each dwelling unit having a separate, direct entrance from the grade of the ground; and includes all row, linked, patio, garden, court or other housing that meets these criteria.

Village means the Village of Pemberton.

Zoning Bylaw means the *Village of Pemberton Zoning Bylaw No. 466, 2001,* as amended or replaced from time to time.

- 2.2 Unless defined herein, words and phrases in this Bylaw have the same meaning as in the *Zoning Bylaw*, as the context and circumstances may require. Any difficulties of interpretation in this Bylaw will be resolved by construing it in a manner that is consistent with the *Local Government Act* and the *Community Charter*.
- 2.3 If any part of this bylaw is held to be invalid by a court of competent jurisdiction, that part is severed and the remainder of this bylaw continues to be valid and in force.

3 CHARGES PAYABLE

- 3.1 Subject to the exceptions set out in the *Local Government Act* or another Act of British Columbia or of Canada, every person who obtains:
 - (a) approval of a subdivision of a parcel of land; or

(b) a building permit authorizing the construction, alteration or extension of a building or other structure,

must pay to the Village the development cost charges calculated in accordance with Schedule "A".

Subdivision

- 3.2 Charges payable in relation to subdivision approval are based on:
 - (a) for non-residential development, the total parcel area before subdivision; and
 - (b) for residential units, the maximum number of dwelling units permitted under the Zoning Bylaw.

Building Permit

- 3.3 Charges payable in relation to the issuance of a building permit are based on:
 - (a) for non-residential development, the floor space area <u>for commercial and</u> <u>institutional and total parcel area for industrial</u>; and
 - (b) for residential development, the actual number of dwelling units.
- 3.4 If, in relation to a building permit:
 - (a) a minor change is proposed, the development cost charges will be recalculated based on the increase in building area, developed area, or dwelling units (as applicable) using the rates in the development cost charges bylaw that are in effect at the time of the revision permit. The difference between the amount originally charged and the recalculated charges must be paid at or before the time the revision permit is issued.

4 **EXEMPTIONS**

į

- 4.1 Despite section 3.1 (b), development cost charges do not apply to a development authorized by a building permit if:
 - (a) the permit authorizes the construction, alteration or extension of a building or part of a building that is, or will be, after the work under the permit is carried out, exempt from taxation under a statute;
 - (b) after the construction, alteration or extension, the building:

- i. will contain fewer than 4 self-contained dwelling units, each to be used solely for residential purposes; and
- ii. be put to no other use other than the residential use in those dwelling units;
- (c) the value of the work authorized by the permit does not exceed \$50,000, or an amount established by a regulation of the minister; or
- (d) in relation to the construction, alteration or extension of self-contained dwelling units in a building authorized under the permit, each unit is no larger in area than 20 square metres, and each unit is to be put to no other use other than the residential use in those dwelling units.

5 WHEN PAYMENTS ARE OWING

5.1 Charges imposed under this Bylaw are due and payable at the time of approval of the subdivision or issuance of the building permit in respect of which the charges are imposed.

6 PAYMENT BY INSTALMENTS

6.1 A person on whom a charge under this Bylaw is imposed may elect to pay it by instalments in accordance with the *Development Cost Charge (Instalments) Regulation* under the *Local Government Act.*

7 IN-STREAM APPLICATIONS

- 7.1 If a proposed subdivision has been approved or a building permit has been issued pursuant to an application received by the Village prior to the date of adoption of this Bylaw, the development cost charges payable shall be the lesser of the amounts payable under this Bylaw and the amounts payable under the *Village of Pemberton Development Cost Charges Bylaw No. 521, 2004*, as of its most recent amendment.
- 7.2 If, at the date of adoption of this Bylaw,
 - (a) an application for issuance of a building permit authorizing the construction, alteration or extension of a building or structure has been submitted to the Building Official, in a form satisfactory to the Building Official; or
 - (b) an application for approval of a subdivision has been submitted to the Approving Officer in a form satisfactory to the Approving Officer; and
 - (c) the applicable charges established in Schedule A have been fully paid,

Development Cost Charges that would have applied under the Village of Pemberton Development Cost Charges Bylaw No. 521, 2004 shall continue to apply for a period of 12 months after the date of adoption of this Bylaw, unless the applicant agrees in writing that the charges in this Bylaw should have effect.

8 REPEAL AND EFFECTIVE DATE

- 8.01 The Village of Pemberton Development Cost Charges Bylaw No. 521, 2004, and all amendments thereto, are hereby repealed.
- 8.02 This Bylaw becomes effective on the date of its adoption.

READ A FIRST TIME this 5th day of February, 2013.

READ A SECOND TIME this 5th day of February, 2013.

READ A THIRD TIME this 21st day of May 2013.

Certified to be a true and correct copy of "Village of Pemberton Development Cost Charges Bylaw No. 723, 2013." as at third reading.

Suena Faser

Sheena Fraser, Corporate Officer

APPROVED by the Inspector of Municipalities this 2nd day of October, 2013.

DOPTED this 15th day of October, 2013.

Mayor Jordan Sturdy

Siena Then

Corporate Officer



Ě

Ĺ

SCHEDULE "A"

VILLAGE OF PEMBERTON

DEVELOPMENT COST CHARGE BYLAW NUMBER 723, 2013

USE	Unit	 Roads	Dr	ainage	 Sewer	Wa	iter	Par	kland		Total
Single Family Single Family,	Lot	\$ 927.06	\$	86.76	\$ 2,037.98	\$9	89.82	\$1,	315.31	\$5	,356.93*
Single Fairiny, Small	Lot	\$ 599.86	\$	46.85	\$ 1,585.09		69.86	• •	023.02	•	,024.68*
Townhouse	Dwelling	\$ 563.51	\$	28.63	\$ 1,358.65	\$6	59.88	\$	876.87	•	,487.54*
Apartment	Dwelling	\$ 363.55	\$	23.42	\$ 905.77	\$4	39.92	\$	584.58	\$ 2	,317.25*
Institutional	Sq.m FA	\$ 16.36	\$	0.28	\$ 4.98	\$	2.42	\$	9.44	\$	33.48*
Commercial	Sq.m FA	\$ 12.72	\$	0.20	\$ 5.89	\$	1.97	\$	3.86	\$	24.64*
Industrial	Sq.m Lot	\$ 2.52	\$	0.26	\$ 2.91	\$	1.46	\$	-	\$	7.15*

* Increased over first & second reading due to increase in Water:

	First & Second				
USE	Reading	Third Reading	Difference		
Single Family	\$ 5,341.38	\$ 5,356.93*	\$15.55		
Single Family, Small	\$ 4,012.59	\$ 4,024.68*	\$12.09		
Townhouse	\$ 3,477.18	\$ 3,487.54*	\$10.36		
Apartment	\$ 2,310.33	\$ 2,317.25*	\$ 6.92		
Institutional	\$ 33.44	\$ 33.48*	\$.04		
Commercial	\$ 24.62	\$ 24.64*	\$.02		
Industrial	\$ 7.12	\$ 7.15*	\$.03		