

## REGIONAL DISTRICT OF EAST KOOTENAY

### BYLAW NO. xxxx

A bylaw to amend Bylaw No. 2532 cited as “Regional District of East Kootenay – Elk Valley Official Community Plan Bylaw No. 2532, 2014.”

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WHEREAS the Board of the Regional District of East Kootenay wishes to amend Bylaw No. 2532;

AND WHEREAS the Board deems it desirable to make this amendment as aforementioned;

NOW THEREFORE, the Board of the Regional District of East Kootenay in open meeting assembled, enacts as follows:

1. This Bylaw may be cited as “Regional District of East Kootenay – Elk Valley Official Community Plan Bylaw No. 2532, 2014 – Amendment Bylaw No. xx, 2021 (Floodplain Amendments / RDEK).”

2. Section 11.1 (1) is repealed and the following substituted:

- (1) Background

A number of watercourses in the plan area, including Coal Creek, Lizard Creek, and the Elk River represent significant flood hazards. In 2019, the RDEK hired Northwest Hydraulic Consultants Ltd. (NHC) to complete a study of the Elk River floodplain. The study included the production of maps that identified flood and geomorphic hazard areas. Later that same year, the RDEK requested NHC refine the fluvial hazard zone along the Elk River and the alluvial fan hazards at Hosmer Creek, Hartley Creek and Cokato Road. The final report and accompanying maps provided guidance for the following land use policies and mitigation measures. The mapping provided by NHC extends from the District of Sparwood to the community of Morrissey, approximately a 45 km length and is shown on **Schedules F1 –F9**. For properties outside of the NHC study area, the 200 year flood level, floodplain, alluvial fans and debris flow fans have been utilized and are shown on **Schedules F1 – F9**.

Due to the steep mountainous terrain surrounding the Elk Valley, extensive sections of the plan area are subject to avalanche activity. This avalanche activity is generally not a problem for residential development in the valley itself. The main exception is the extreme western edge of the Elk Valley floor within and just north of the District of Sparwood. Avalanche hazards are identified on **Schedules G1-G3**.

The Elk Valley is located within the Rocky Mountains and many parcels encompass topographical features. Slopes can lead to geotechnical hazards and should be considered as part of the development approval process. Steep slope areas are identified on **Schedules H1-H3**.

Areas of the Elk Valley are subject to slope instability. Under certain moisture conditions, these slopes have the potential to fail, as has previously happened in a subdivision within the City of Fernie.

3. Section 11.1 (3)(a) is repealed and the following substituted:

- (a) Minimum setback and flood construction levels for development near the ordinary high water mark of water bodies and watercourses are established within the Elk Valley Floodplain Management Bylaw. All requirements must be met unless a site specific exemption has been granted by the RDEK.

4. Section 11.1 (3)(b) is repealed and the following substituted:
  - (b) The development of land susceptible to flooding, including land located within the 200-year floodplain level and active floodplain identified on **Schedules F1-F9** is discouraged. Lands susceptible to flooding should not contain structures used for habitation. Suitable uses for land susceptible to flooding include but are not limited to parks, open space, recreation or agricultural use.
5. Section 11.1 (3)(c) is repealed and the following substituted:
  - (c) Subdivision of land within the high or moderate fan hazard area or floodway within the NHC Floodplain Mapping area as shown on **Schedules F1 – F9** is not supported. Rezoning applications to support an increase in density within the high or moderate fan hazard area or floodway within the NHC Floodplain Mapping area as shown on **Schedules F1 – F9** is not supported.
6. Section 11.1 (3)(d) is repealed and the following substituted:
  - (d) Subdivision of land in the Provincial Flood Mapping high hazard area or floodplain as shown on **Schedule F1 – F9** is strongly discouraged. Specific geotechnical studies may be required as per provincial legislation for development of land susceptible to hazard.
7. Section 11.1 (3)(e) is repealed and the following substituted:
  - (e) Rezoning applications for parcels containing a Provincial Mapping high hazard area or floodplain as shown on **Schedule F1 – F9** must incorporate strategies that ensure the development will not be impacted by the hazards. Examples of suitable strategies include:
    - (i) completion of a qualified professional engineer's report identifying potential hazards and appropriate hazard mitigation measures;
    - (ii) registration of a covenant which establishes the entire alluvial or debris flow fan identified in **Schedules F1-F9** as a "no-build" area which may be removed following the implementation of recommendation in a report by a qualified professional engineer; and
    - (iii) registration of a covenant which designates building envelopes outside of the entire alluvial or debris flow fan identified in **Schedules F1-F9**.
8. Section 11.1 (3)(g) is repealed and the following substituted:
  - (g) Applications to vary the minimum usable site area requirements contained within the zoning bylaw will generally not be supported.
9. The following schedules are repealed and replaced with **Schedules F1-F9** which are incorporated in and form part of this Bylaw:

Schedule F1 – Flood Hazard Elk Valley (South)

Schedule F2 – Flood Hazard Elk Valley (North)

READ A FIRST TIME the            day of            , 2021.

READ A SECOND TIME the            day of            , 2021.

READ A THIRD TIME the            day of            , 2021.

ADOPTED the            day of            , 2021.

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CHAIR

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CORPORATE OFFICER