

PART 5 OVERLAY DISTRICTS

SECTION 11 OVERLAY DISTRICTS

FHP

11.1 2013 FLOOD HAZARD PROTECTION OVERLAY

11.1.1 PURPOSE AND INTENT

The general purpose of this section is to provide for the safe and efficient use of lands within the floodway and flood fringe of all the rivers, streams, creeks, and waterways as they are defined under the Alberta Environment's Flood Hazard Identification Program, as well as the areas impacted by June 2013 flood event within the Foothills County.

The intent of this section is to discourage new development on lands subject to flooding and achieve the long term goal of maintaining and decreasing the overall density of development on lands that may be subject to flooding.

11.1.2 APPLICATION

11.1.2.1 The provisions of this section shall apply to the following areas of the County:

- a. Areas within floodway;
- b. Areas within flood fringe;
- c. Areas impacted by June 2013 flood event.

See below for definitions and in Section 2.5 "Definitions" of this bylaw for more information.

11.1.2.2 The areas within *floodway* and *flood fringe* can be viewed at Alberta Environment web site: <https://floods.alberta.ca/>

11.1.2.3 The *areas impacted by June 2013 flood event* can be viewed in Map A and are subject to this overlay district.

11.1.2.4 In the *Flood Hazard Protection Overlay*, the permitted and discretionary uses listed in the land use district in which the site is located shall continue to apply if supported by engineering and technical studies and meet all applicable development requirements.

11.1.2.5 For the purpose of applying for a Development Permit, where the site being developed is situated on the lands located within the Flood Hazard Protection Overlay District, all uses shall be considered discretionary uses.

11.1.2.6 Where provisions of the *Flood Hazard Protection Overlay* appear to be in conflict with the regulations of the land use district, the provisions of the overlay shall take precedence and be applied in addition to the regulations of the district.

11.1.3 DEVELOPMENT REQUIREMENTS

11.1.3.1 A Development permit is required for all permitted and discretionary uses and activities within the *Flood Hazard Protection Overlay*.

11.1.3.2 Notwithstanding Section 11.1.3.1, no development permit is required for a detached accessory building having an area of 20.8 sq.m. (224 sq. ft.) or less in size in accordance with Section 4.2.1.7;

Commented [CC1]: Updated the website for flood information.

Commented [CC2]: NEW - An amendment is proposed to ensure that for the purpose of applying for a Development Permit, all uses in the principal land use district shall be considered as a discretionary use where the site being developed is situated on lands identified as Flood Hazard Protection Overlay.
This will allow the Development Authority to review the application on a site specific basis to ensure that the portion of land being developed is considered suitable for the proposed use where lands may be impacted by Flooding.

- 11.1.3.3 The Approving Authority may issue a signed waiver to allow for development on a site without the requirements of a Development Permit in accordance with Section 4.2.1 of the Land Use Bylaw, where the landowner/applicant can provide proof that the development is located outside of the designated Flood Hazard Protection Overlay area on the property.
- 11.1.3.4 ~~For new development proposed within the floodway, proof must be provided that no other lands are available to located the development within the lot. Should other lands be available on the lot that are outside of the floodway, new development within the floodway will not be permitted.~~ Development and/or re-development of land within the flood hazard protection overlay area is discouraged. Development on existing titles partially within the flood hazard protection overlay area should be restricted to the area outside the flood hazard protection overlay area. Should lands that are sufficient to accommodate the proposed development be available on the lot outside of the flood hazard protection overlay area, new development within the flood hazard protection overlay area should not be permitted.
- 11.1.3.5 Development may be permitted in areas identified as *Lands impacted by the 2013 Flood Event* on Map A, if proof is submitted to the satisfaction of the Approving Authority, that the land subject to the proposed development was not impacted in any way by the June 2013 flood event.
- 11.1.3.6 Development may be permitted in the *Flood Hazard Protection Overlay* at the discretion of the Approving Authority based on the following plans, studies and information which are certified by a qualified and registered professional engineer:
- a. Appropriate engineering and technical studies supporting development safely within the *Flood Hazard Protection Overlay area* will be required at the time of development permit application;
 - b. An application for a development permit, accompanied by detailed drainage studies and plans drawn to metric scale showing the nature, location, dimensions, elevation of the site and the location of existing or proposed structures, fill, storage of materials, and drainage facilities;
 - c. Any structure proposed including habitable rooms, electrical panels and heating units and operable windows will be *flood-proofed* where required, as specified in Alberta Building Code;
 - d. Information on grade elevation in relation to the 1:100 year flood elevation and/or the elevation of the 2013 flood event;
 - e. Canadian Mortgage and Housing Corporation guidelines for building in flood susceptible areas;
 - f. Basement drainage; and/or
 - g. Site drainage.
- 11.1.3.7 The Approving Authority may refer to Alberta Environment, for comment on any development permit application for development within the *flood hazard area*.

Commented [CC3]: NEW – Allows the Approving Authority to grant a waiver confirming that no development permit is required in accordance with Section 42.1 of the Land Use Bylaw on development sites that are outside of the overlay area where parcels are situated partially within the overlay district.

Commented [CC4]: Clarification - This is to emphasize that building in the Flood Hazard Protection District is discouraged. Development may proceed at the discretion of the Approving Authority should no lands outside of the Flood Hazard Protection Overlay be available and all requirements of the Flood Hazard Protection Overlay can be met including appropriate studies and engineering completed to the satisfaction of the County.

- 11.1.3.8 The Approving Authority shall not issue a development permit until it is satisfied through the submission of engineering reports that adequate *flood proofing* exists.
- 11.1.3.9 The Approving Authority shall permit minor renovations and repairs to an existing building, whether structural or not, in the *flood fringe* without requiring the *flood proofing* of a building.
- 11.1.3.10 All mechanical and electrical equipment within a building shall be located at or above the *designed flood level*.
- 11.1.3.11 Basements shall be discouraged in new buildings within the *flood fringe*, *floodway* and on *lands impacted by 2013 Flood*, unless they are *flood proofed* to the satisfaction of the Approving Authority.
- 11.1.3.12 Within the *Flood Hazard Protection Overlay Area*, no inside or outside storage of chemicals, explosives, flammable liquids, toxic or waste materials that cannot readily removed in the event of a flood shall be allowed.

11.1.4 FLOOD HAZARD WARNING AND DISCLAIMER OF LIABILITY

- 11.1.4.1 The degree of flood protection intended to be provided by this section is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study for river and lakeshore settings. Larger floods may occur, or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside the floodway and flood fringe boundaries will always be totally free from flooding or flood damages, nor shall this section create a liability on the part of or be a cause of action against the MD of Foothills No.31 or any officer or employee thereof for any flood damages that result from the reliance on this section.
- 11.1.4.2 **Map A** titled *Lands Impacted by the 2013 Flood Event* shows the outside perimeter of the 2013 flood affected areas based on all information that the Foothills County has available. The area identified as *Lands Impacted by the 2013 Flood Event* on this map may be amended if landowners submit adequate proof to the satisfaction of the Approving Authority that their land was not impacted by the June 2013 flood.

11.1.5 DEFINITIONS

Designed Flood Level: is the flood level that is used to delineate the flood limits. For Alberta's Flood Hazard Identification Program, the minimum frequency would be 1:100 year return period flood calculated at the time of the study. The design flood may also be a historical open water and ice jam flood.

Flood Hazard Area: The total area flooded by a 1:100 year flood. It is usually divided into floodway and flood fringe zones.

Floodway: The portion of the flood hazard area where flows are deepest, fastest, and most destructive. Floodway is described in the Alberta Environment's Flood Hazard Identification Program (<https://www.ablerta.ca/final-flood-maps.aspx>)

Flood Fringe: Floodwater in the flood fringe is generally shallower and flows more slowly than in the floodway. Flood fringe is the outer portion of the flood hazard area. Flood fringe is described in the Alberta Environment's Flood Hazard Identification Program

(<https://www.ablerta.ca/final-flood-maps.aspx>)

Flood Proofing: With respect to a building or building extension, a design, manner of construction or siting thereof for the purpose of preventing damage by floods of a specified magnitude.

Lands Impacted by 2013 Flood Event: are those lands which the County identifies were impacted by flooding on June 20th, 2013. These lands may or may not be within the flood hazard area. Some of these lands may only have been partially flooded or minimally impacted, while some may have been significantly impacted.

Flood Hazard Protection Overlay area or lands subject to flooding are those lands included within one or all of the following areas:

- a. Floodway
 - b. Flood Fringe; or
 - c. Lands impacted by 2013 Flood Event.
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