FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1669, 2022

A bylaw to establish regulations regarding floodplain management

WHEREAS Section 524(2) of the *Local Government Act* ("the Act") provides that if a local government considers that flooding may occur on land, the local government may, by bylaw, designate the land as a flood plain;

AND WHEREAS the Board of Directors of the Fraser Valley Regional District ("the Board") has deemed it advisable to establish floodplain management regulations over designated flood plain areas pursuant to Section 524(3) of the *Act*;

NOW THEREFORE the Board enacts as follows:

1) <u>CITATION</u>

This bylaw may be cited as *Fraser Valley Regional District Floodplain Management Bylaw No. 1669, 2022.*

2) <u>SEVERABILITY</u>

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid section must be severed and the remainder of the bylaw is deemed valid and will remain in effect.

3) **DEFINITIONS**

In this bylaw the following definitions apply:

ADDITION means the process or result of adding, extending, or increasing the size, floor area or height of a building or *Structure*.

ALLUVIAL FAN means an alluvial deposit of a stream where the stream issues from a steep mountain valley or gorge upon a plain or at the junction of a tributary stream with the main stream.

BUILDING OFFICIAL means any *Building Official* designated or appointed by the *Regional District* Board.

CARPORT means a roofed *Structure* with no enclosing walls, used or intended to be used for the parking and storage of vehicles.

DEBRIS FAN means a fan shaped surface, created by *Debris Flows* and debris floods and formed of coarse, bouldery to gravelly debris, carried and deposited by these processes. Fan debris is derived and reworked from mountain basins.

DEBRIS FLOW means rapid to extremely rapid downslope flows of cobbly and bouldery debris in slurries of mud also containing damaged trees, stumps and finer organic matter.

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 stream flow data available.

DESIGNATED FLOOD LEVEL means the observed or calculated water surface elevation for the *Designated Flood*, which is used in the calculation of the *Flood Construction Level*.

DWELLING UNIT means one (1) or more adjoining rooms in a building that together contain or provide for the installation of: a separate entrance from the exterior of the building; one (1) or more sleeping areas; one (1) or more washrooms; a single (1) cooking facility.

EXTENSION means the process or result of adding, extending, or increasing the size, floor area or height of a building or *Structure*.

FARM BUILDING means a building or part thereof that does not contain a *Residential Use* and which is associated with and located on, land devoted to the practice of agriculture, and used for housing of equipment or livestock, or the production, storage of, or processing of agricultural, horticultural produce, or feeds.

FLOOD CONSTRUCTION LEVEL means the *Designated Flood Level* plus *Freeboard*, or where a *Designated Flood Level* cannot be determined, a specified height above a *Natural Boundary*, Natural Ground Elevation, or any obstruction that could cause ponding.

FLOODPLAIN means a lowland area which is susceptible to flooding from a watercourse, lake, or other body of water and that which is shown on Schedule A and/or designated in Section 6 of this bylaw.

FLOODPLAIN SETBACK means the required minimum distance from the *Natural Boundary* of a watercourse, lake, or other body of water to any landfill or structural support required to elevate a floor system or *Pad* above the *Flood Construction Level*, so as to maintain a floodway and allow for potential land erosion.

FLOODPROOFING means the alteration of land or *Structures* either physically or in use to reduce or eliminate flood damage and includes the use of elevation and/or building setbacks from water bodies to maintain a floodway and to allow for potential erosion.

FREEBOARD means a vertical distance added to a *Designated Flood Level*, used to establish a *Flood Construction Level*.

GARAGE means a building or *Structure*, or part thereof, used or intended to be used for the parking and storage of vehicles.

GENERAL EXEMPTIONS mean the exemptions set out in this bylaw that exempt certain types of development from the *Flood Construction Levels* specified in Section 6(a) of this bylaw.

G.S.C. means Geodetic Survey of Canada datum and refers to the elevation above mean sea level.

HABITABLE AREA means any space or room, including a manufactured or mobile home that is or can be used for *Residential Use*, business, or the storage of goods which are susceptible to damage by floodwater; and for certainty, *Habitable Area* includes any enclosed space within a building with headroom greater than 1.5 metres (4.92 ft.).

HEAVY INDUSTRY means and includes such uses as manufacturing or processing of wood and paper products, metal, heavy electrical, non-metallic mineral products, petroleum and coal products, industrial chemicals and by-products, and allied products.

ISOLINE means a line on a map or chart along which there is a constant value as of design flood level.

INSTITUTIONAL USE means a use providing for public functions and includes federal, provincial, regional and municipal offices, schools, churches, colleges, hospitals, community centres, libraries, museums, jails, courts of law and similar facilities; and specifically excludes public storage and works yards, and public utility uses.

LIGHT OR SERVICE INDUSTRY means and includes such uses as assembly, fabrication and light manufacturing, warehousing, wholesaling and food processing.

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.

MINIMUM PONDING ELEVATION means a minimum construction level assigned to reduce possible flood damage due to ponding of local drainage during a severe local storm.

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) and also includes the edge of dormant side channels of any lake, river, stream, or other body of water.

NATURAL GROUND ELEVATION means the undisturbed ground elevation prior to site preparation.

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

PROFESSIONAL ENGINEER (P. ENG.) means an individual registered with the Association of Professional Engineers and Geoscientists of the Province of British Columbia as a *Professional Engineer* under the *Professional Governance Act*.

PROFESSIONAL GEOSCIENTIST (P.GEO.) means an individual registered with the Association of Professional Engineers and Geoscientists of the Province of British Columbia as a *Professional Geoscientist* under the *Professional Governance Act*.

PROTECTIVE WORKS means any landfill, embankment, dike, berm, revetment, wall, barrier, flap gate, drainage infrastructure or other *Structure* constructed exclusively or *inter alia* for the purposes of protecting an area, *Structure* or development from the effects of floods, *Debris Flows*, or debris floods.

PROVINCIAL GUIDELINES means the policies, strategies, objectives, standards, guidelines and environmental management plans, in relation to flood control, flood hazard management and development of land that is subject to flooding, prepared and published by the Province and as amended from time to time.

RECONSTRUCTION Means the substantial rebuilding of an existing *Structure* to an extent that is equal to or greater than 75% of the existing *Structure* above the foundation. It must not include structural alterations to the foundation.

REGIONAL DISTRICT means the Fraser Valley Regional District.

RENOVATION Means a minor change, repair, improvement or alteration that does not result in a change of occupancy of the *Structure*. *Renovation* does not involve an *Addition* thereto. The Chief Building Official or designate is delegated the authority to determine minor change, repair, improvement or alteration in the case of any uncertainty in the application of the definition.

RESIDENTIAL USE means a use providing for the accommodation and home life of a person or persons; includes the keeping of household pets; excludes the keeping of any animals or birds for financial gain for favour or for the provision of food.

STANDARD DIKE means a dike built to a minimum crest elevation equal to the *Flood Construction Level* and meeting standards of design and construction approved by the Province and maintained by an ongoing public authority including an improvement district and/or the Regional District.

STRUCTURE means any construction fixed to, supported by, or sunk into land or water; and includes in-ground swimming pools, manufactured home *Pads*, and improvements accessory to the principal use of land, but excludes landscaping, screening, hot tubs, paving improvements, and retaining walls under 1.5m in height.

TOP OF BANK means the point at which the upward ground level becomes less than one (1.0) vertical to four (4.0) horizontal, and refers to the crest of the bank or bluff where the slope clearly changes into the natural upland bench.

WATERCOURSE means any natural or man made depression with well defined banks and a bed 0.6 metres 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 kilometres or more upstream of the point of consideration.

4) APPLICATION AND FLOODPLAIN DESIGNATION

a) Area of Application

This bylaw shall be applicable within the boundaries of the Regional District except in:

- i. areas lying within a village, town, city or district municipality; and
- ii. lands at Cultus Lake Park separately administered by the Cultus Lake Park Board; and
- iii. lands in Electoral Area B, commonly known as Sunshine Valley, as shown on Schedule A (Map 4).

b) Floodplain Designation

The following lands are designated as Floodplain:

- i. land shown as *Floodplain* on Schedule A (Maps 1-10) of this bylaw;
- ii. land lower than the *Flood Construction Levels* specified in Section 6 of this bylaw; and
- iii. land within the *Floodplain* Setbacks specified in Section 6 of this bylaw.

5) SPECIFIED FLOOD HAZARD MANAGEMENT AREAS

a) Alluvial Fans

Includes alluvial and debris torrent fans, as mapped or identified on Schedule A, as well as *Alluvial Fans* which have not yet been identified. Where development is proposed within or adjacent to an *Alluvial Fan* with an unspecified boundary identified on Schedule A, a *Professional Engineer* or *Professional Geoscientist* may be required to determine if the proposed development is subject to the *Alluvial Fan* hazard or if the flood protection regulations of this bylaw apply.

All development on properties on *Alluvial Fans* must meet the *Flood Construction Level* and setback as determined by a site-specific geohazard assessment by a *Professional Engineer* or *Professional Geoscientist* pursuant to Section 56 of the *Community Charter* and Section 302 of the *Local Government Act* and in accordance with the *Provincial Flood Hazard Area Land Use Management Guidelines* and subsequent amendments.

The flood protection regulations in this bylaw must be taken into consideration in sitespecific geohazard assessments where development is proposed on *Alluvial Fans*. Where land is within the Fraser River *Floodplain* and an *Alluvial Fan*, the greater of the *Flood Construction Levels* and *Floodplain* setbacks between this bylaw and the site-specific report shall apply.

b) Diked Areas

Within the portion of the Fraser River *Floodplain* shown on Schedule A (Map 8), no building or *Structure* is permitted to be constructed outside the area protected by the Dewdney Dike and Nicomen Island Dike.

c) Coquihalla River

Notwithstanding sections 6(a) and 6(b) of this bylaw, all development on lands in Electoral Area B, commonly known as Othello, as shown on Schedule A (Map 4), must meet the *Flood Construction Level* and setback as determined by a site-specific geohazard assessment by a *Professional Engineer* or *Professional Geoscientist* pursuant to Section 56 of the *Community Charter and* Section 302 of the *Local Government Act*.

6) **FLOODPLAIN SPECIFICATIONS**

a) Flood Construction Levels

The following elevations are specified as *Flood Construction Levels*, except where more than one *Flood Construction Level* is applicable, the higher elevation shall be the *Flood Construction Level*:

i. The *Flood Construction Level* for a specific property, as determined by interpolation from those *Flood Construction Levels* shown on Schedule A.

OR

Where the *Flood Construction Level* is not shown on Schedule A, the following shall apply:

- ii. 6.0 metres above the Natural Boundary of the Fraser River.
- iii. 3.0 metres above the Natural Boundary of Anderson Creek, Anderson River, Carratt Creek, Cascade Creek, Chehalis River, Chilliwack River, Clayburn Creek, Coquihalla River, Deroche Creek, Emory Creek, Frosst Creek, Hamson River, Holachten Creek, Hunter Creek, Jones Creek (Wahleach Creek), Legace Creek, Lillooet River, Lorenzetta Creek, Lost Creek, Nahatlatch River, Nicolum Creek, Nomsh Creek, Pattison Creek, Pitt River, Pye Creek, Scuzzy Creek, Siddle Creek, Silverhope Creek, Slesse Creek, Sumallo River, Stave River, Stulkawhits Creek, Squakum Creek, Sweltzer River, Vedder River, Weaver Creek and Yale Creek.
- iv. 1.5 metres above the *Natural Boundary* of any other watercourse.
- v. <u>Specified Lakes</u>

Harrison Lake 14.55 metres Geodetic Survey of Canada datum. Lake Errock 1 6.5 metres Geodetic Survey of Canada datum. Lilloette Lake 20 1.00 metres Geodetic Survey of Canada datum. Pitt Lake 5.18 metres Geodetic Survey of Canada datum. Stave Lake 83.8 metres Geodetic Survey of Canada datum.

vi. 1.5 metres above the *Natural Boundary* of any other lake, pond or marsh.

b) Floodplain Setbacks

The following distances are specified as *Floodplain* Setbacks, except that where more than one *Floodplain* Setback is applicable, the greater setback shall be the *Floodplain* Setback:

i. where the *Floodplain* Setback line is shown on Schedule A the distance shall be scaled from the map.

OR

where the *Floodplain* Setback is not shown on Schedule A the following shall apply:

- ii. 60.0 metres from the *Natural Boundary* of Cascade Creek, Chilliwack River (downstream of Slesse Creek to the *Floodplain* Setback line), Deroche Creek, Norrish Creek, Pattison Creek, Slesse Creek and from any flood channels.
- iii. 30.0 metres from the Natural Boundary of Anderson Creek, Anderson River, Carratt Creek, Chehalis River, Chilliwack River (upstream of Slesse Creek), Clayburn Creek, Coquihalla River, Emory Creek, Eng Creek, Frosst Creek, Gourlay Creek, Harrison River, Herford Creek, Hunter Creek, Jones Creek (Wahleach Creek), Lagace Creek, Lillooet River, Liumchen Creek, Lost Creek, Lorenzetta Creek, MacNab Creek, Nahatlatch River, Nicolum Creek, Paleface Creek, Pitt River, Pye Creek, Ryder Creek, Sakwi Creek, Scuzzy Creek, Siddall Creek, Silverhope Creek, Slesse Creek, Squakum Creek, Stave River, Stulkawhits Creek, Sumallo River, Sweltzer Creek, Tamihi River, Yale Creek, Vedder River, Weaver Creek, Wingfield Creek and from any flood channels.
- iv. 15.0 metres from the *Natural Boundary* of any other watercourse.
- v. 15.0 metres from the *Natural Boundary* of Pitt Lake, Harrison Lake and Stave Lake.
- vi. 7.5 metres from the *Natural Boundary* of any other lake, pond or marsh.
- vii. 7.5 metres to the inboard toe of any dike or dike right of way used for flood protection or seepage control.

c) Minimum Ponding Elevation

Notwithstanding Sections 6 a) and Section 8 of this bylaw, within the portion of the Fraser River *Floodplain* shown on Schedule A (Map 8), no building or *Structure* is permitted to be constructed, *Reconstructed*, moved, or *Extended* with the underside of any floor system or the top of any *Pad* supporting a *Habitable Area* ("the floor system") at an elevation lower than 5.2 metres GSC.

7) APPLICATION OF FLOODPLAIN SPECIFICATIONS

- a) Pursuant to Section 524 of the *Local Government Act*, after a bylaw has specified *Flood Construction Levels* and *Floodplain* Setbacks:
 - i. No *Habitable Area* shall be constructed, reconstructed, altered, moved or extended, lower than the *Flood Construction Level* specified in Section 6(a) of this bylaw.
 - ii. The underside of any floor system, or the top of any *Pad* supporting a *Habitable Area*, any space or room, including a manufactured home, that is used for dwelling purposes, business, or storage of goods which are susceptible to damage by floodwater shall be above the *Flood Construction Level*.
 - iii. No building, *Structure* or *Habitable Area*, with the exception of *Minor Buildings*, as defined in this bylaw, shall be constructed, reconstructed altered, moved or extended within the *Floodplain* Setback as described in Section 6(b) of this bylaw.
 - iv. Any landfill required to support a floor system or *Pad* shall not extend within any setback from a water course or body of water specified by the bylaw.
 - v. Enclosed underground parking below the *Flood Construction Level* is not permitted on any property located within the *Floodplain* as identified on Schedule A.
 - vi. Hot water tanks and furnaces not behind *Standard Dikes* must meet Flood Construction Levels.
- b) Structural support or compacted landfill or a combination of both may be used to elevate the underside of the floor system or the top of the *Pad* above the *Flood Construction Levels* specified in Section 6 a). The structural support and/or landfill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.
- c) The Building Inspector may require that a British Columbia Land Surveyor's certificate be required to verify compliance with:
 - i. the location of the proposed development site in relation to *Alluvial Fan* hazard boundaries.
 - ii. the Flood Construction Levels and Floodplain Setbacks specified in Section 6(a) and (b).

The cost of the verification shall be assumed by the land owner.

d) Notwithstanding the floodproofing and setback standards in this bylaw, a site-specific geohazard assessment, pursuant to Section 56 of the *Community Charter* and Section 302 of the *Local Government Act*, may be required by the *Building Official* prior to building permit approval.

8) **GENERAL EXEMPTIONS**

- a) Pursuant to the Provincial Guidelines and Section 524 of the *Local Government Act* the following types of construction are exempt from meeting the *Flood Construction Levels* specified in Section 6 a):
 - i. A *Renovation* to an existing building or *Structure* that does not involve an *Addition* or *Reconstruction* thereto.
 - ii. An *Addition* to an existing building or *Structure*, at the original nonconforming floor elevation, that would:
 - a. increase the size of the building or *Structure* by not more than 25.0 percent of the ground floor area, as it existed in July 1981; or
 - b. increase the ground floor area of the building or *Structure* by not more than 50 square metres over the ground floor area as it existed in July 1981,

provided that the degree of nonconformity regarding *Floodplain* setback is not increased.

- iii. A building or *Structure*, or portion thereof, to be used as:
 - a. an attached *Garage* with no interior partitioning walls and not exceeding 110 square metres in floor area;
 - b. Carport, unenclosed porch, or open deck;
 - c. Detached non-habitable buildings accessory to *Residential* Use not exceeding 110 square metres; or
 - d. an entrance foyer up to 12 square metres.
- iv. *Farm Buildings* other than *Dwelling Units* and closed-sided livestock housing.
- v. Picnic shelters, stands, campsite washhouses, and outdoor playgrounds.
- vi. Hot water tanks and furnaces behind Standard Dikes.
- vii. Closed sided livestock housing behind Standard Dikes.
- viii. On-loading and off-loading facilities associated with water-orientated industry and portablesawmills.
- ix. Manure pits.

9) CONDITIONAL EXEMPTIONS

- a) The following types of development are exempt from the *Flood Construction Levels* specified in Section 6 a) of this bylaw, subject to the following conditions:
 - i. Closed-sided livestock housing not behind *Standard Dikes* shall be located with the underside of the wooden floor system or the top of the *Pad* no lower than 1.0 metre above the surrounding ground elevation or no lower than the *Flood Construction Level* specified in Section 6 a) of this bylaw, whichever is lesser.

- Heavy Industrial, or Light or Service Industrial uses, other than main electrical switchgear, shall be located with the underside of a wooden floor system or the top of the *Pad* no lower than the *Flood Construction Levels* specified in Section 6 a) of this bylaw, minus Freeboard of 0.6 metres. Main electrical switchgear shall be no lower than the *Flood Construction Level*.
- Notwithstanding Subsection 6 a)(i), where a lot existed prior to July 26, 2005, and is protected by the Dewdney Dike as shown on Schedule A (Map 8), and:
 - a. where the difference between the 200-year *Flood Construction Level* and the ground elevation exceeds 2.5 metres, and
 - b. where the owner has entered into a Restrictive Covenant with the Regional District in the approved form, and
 - c. where the *Minimum Ponding Elevation* established in Section 6 (c) is met,

a single family *Residential Use* may be constructed, reconstructed, moved or extended and a manufactured home or unit, modular home or *Structure* used for single family residential purposes may be located on that lot with the underside of the floor system or any area used for habitation, business or storage of goods damageable by floodwaters to a minimum elevation of two point five (2.5) metres above the surrounding ground elevation.

iv. Notwithstanding Subsection 6 a)(i), where a lot existed prior to July 26, 2005 and is protected by the Nicomen Island Dike as shown on Schedule A (Map 8), and:

- a. where the difference between the 200-year *Flood Construction Level* and the ground elevation exceeds 3.3 metres, and
- b. where the owner has entered into a Restrictive Covenant with the Regional District in the approved form, and
- c. where the *Minimum Ponding Elevation* established in Section 6 (c) is met,

a single family *Residential Use* may be constructed, reconstructed, moved or extended and a manufactured home or unit, modular home or *Structure* used for single family residential purposes may be located on that lot with the underside of the floor system or any area used for habitation, business or storage of goods damageable by floodwaters to a minimum elevation of three point three (3.3) metres above the surrounding ground elevation.

10) SITE-SPECIFIC EXEMPTIONS

- a) Pursuant to Section 524(7) of the *Act* the Board may exempt a person from meeting the requirements specified in Section 6 of this bylaw in relation to a specific parcel of land or a use, building or other *Structure* on the parcel of land if the Board determines that:
 - i. The Board has received a flood hazard assessment completed by a *Professional Engineer* or *Professional Geoscientist* that the land may be used safely for the use intended without sole reliance on *Protective Works* and that the exemption will not result in a transfer of flood hazard to other lands.;
 - ii. Any proposed structural measures for flood hazard mitigation proposed are financially viable;
 - iii. The exemption is consistent with the Provincial Guidelines and as they may be amended from time to time; including:
 - a. The proposed *Flood Construction Level* and *Floodplain* setback represent the minimum practical variation from the requirements of the bylaw given the existing site characteristics, location of the existing infrastructure (if any), and intended use of the land, specifically without regard to the economic circumstances or siting preference of the applicant;
 - b. A valid hardship exists and no other reasonable option exists. A hardship shall only be recognized where the physical characteristics of the lot (e.g. exposed bedrock, steep slope, the presence of a watercourse, etc.) and size of the lot are such that development proposals consistent with the current land use zoning cannot occur under the requirements of this Bylaw. The economic circumstances or design and siting preferences of the applicant shall not be considered as grounds for hardship;
 - c. The proposed construction methods are designed to mitigate flood damage;
 - d. The owner shall enter into a restrictive covenant under Section 219 of the *Land Title Act* in the approved form; and
 - e. The application for exemption shall be in the approved form.

11) SCHEDULES

The following schedules attached hereto form an integral part of this bylaw:

• Schedule A – Maps 1-8b

12) REPEAL

The following Bylaws are hereby repealed:

Fraser Valley Regional District Floodplain Management Bylaw No. 0681, 2005 and any amendments thereto Fraser Valley Regional District Floodplain Management Consolidation Bylaw No. 0748, 2006

13) READINGS AND ADOPTION

READ A FIRST TIME THIS18thday ofMay, 2023READ A SECOND TIME THIS18thday ofMay, 2023READ A THIRD TIME THIS18thday ofMay, 2023ADOPTED THIS18thday ofMay, 2023Charpence ChairCorporate Officer/Deputy

14) <u>CERTIFICATION</u>

I hereby certify that this is a true and correct copy of *Fraser Valley Regional District Floodplain Management Bylaw No. 1669, 2022* as adopted by the Board of Directors of the Fraser Valley Regional District on May 18, 2023

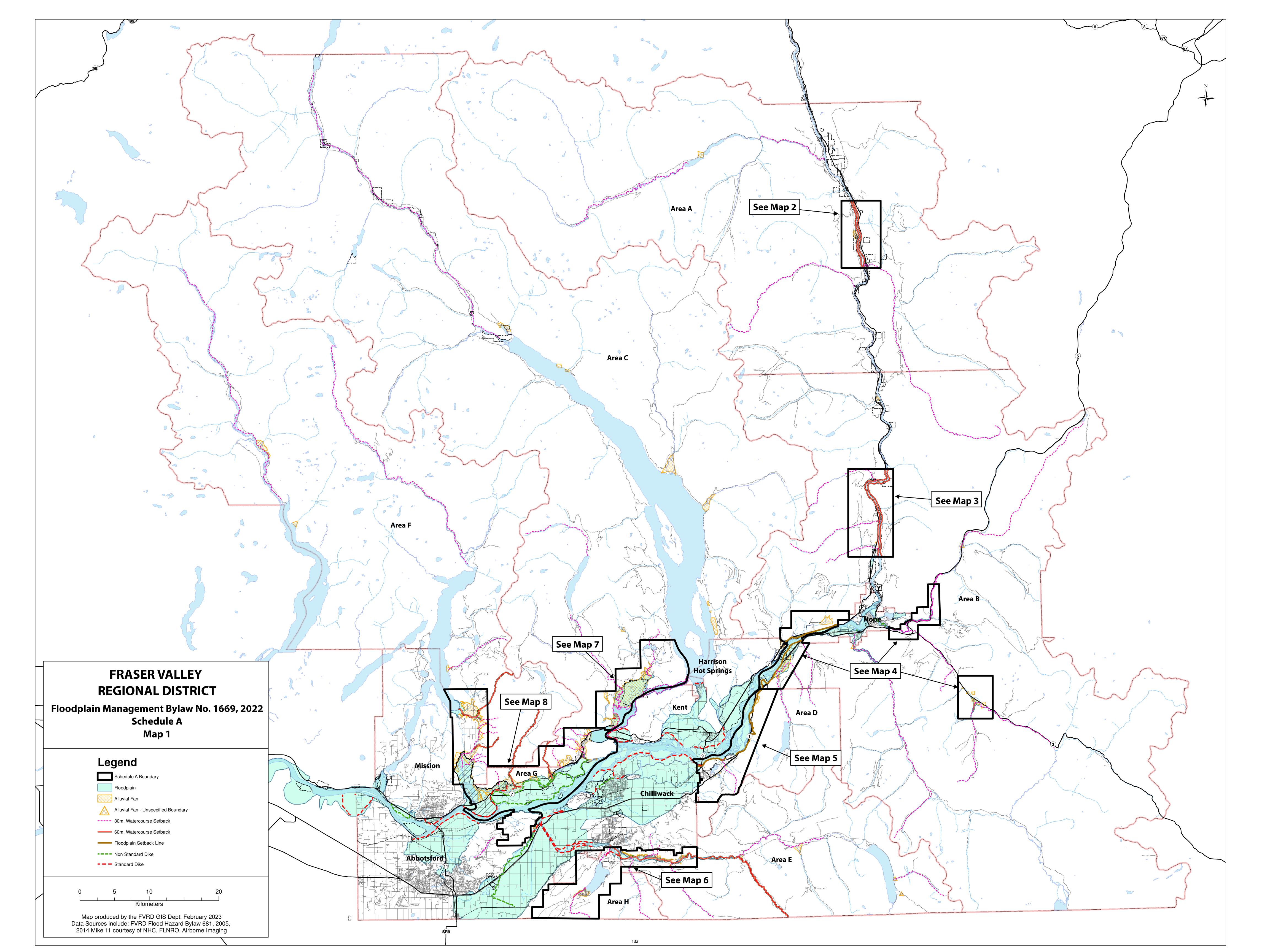
Dated at Chilliwack, BC on May 18, 2023

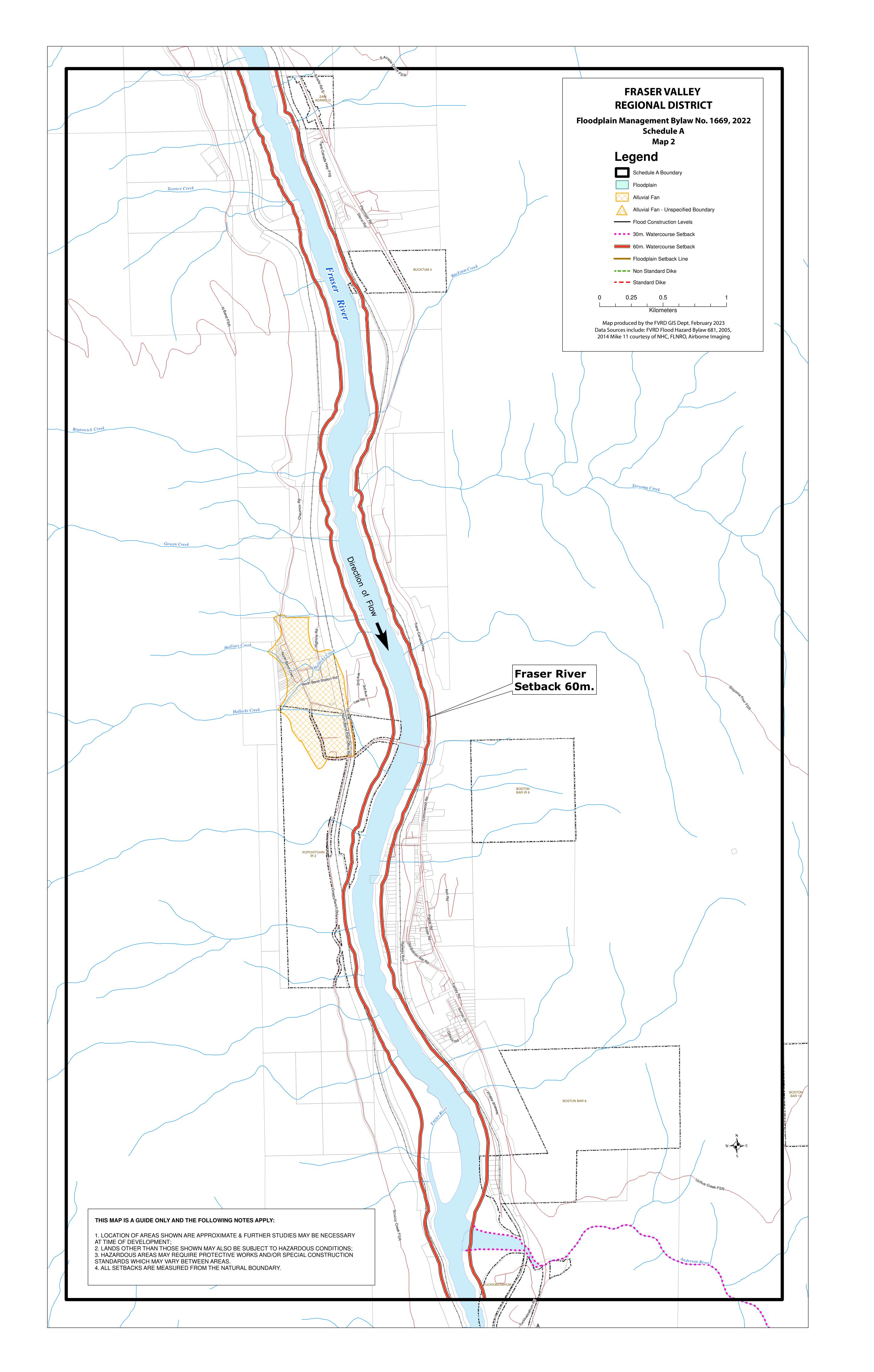
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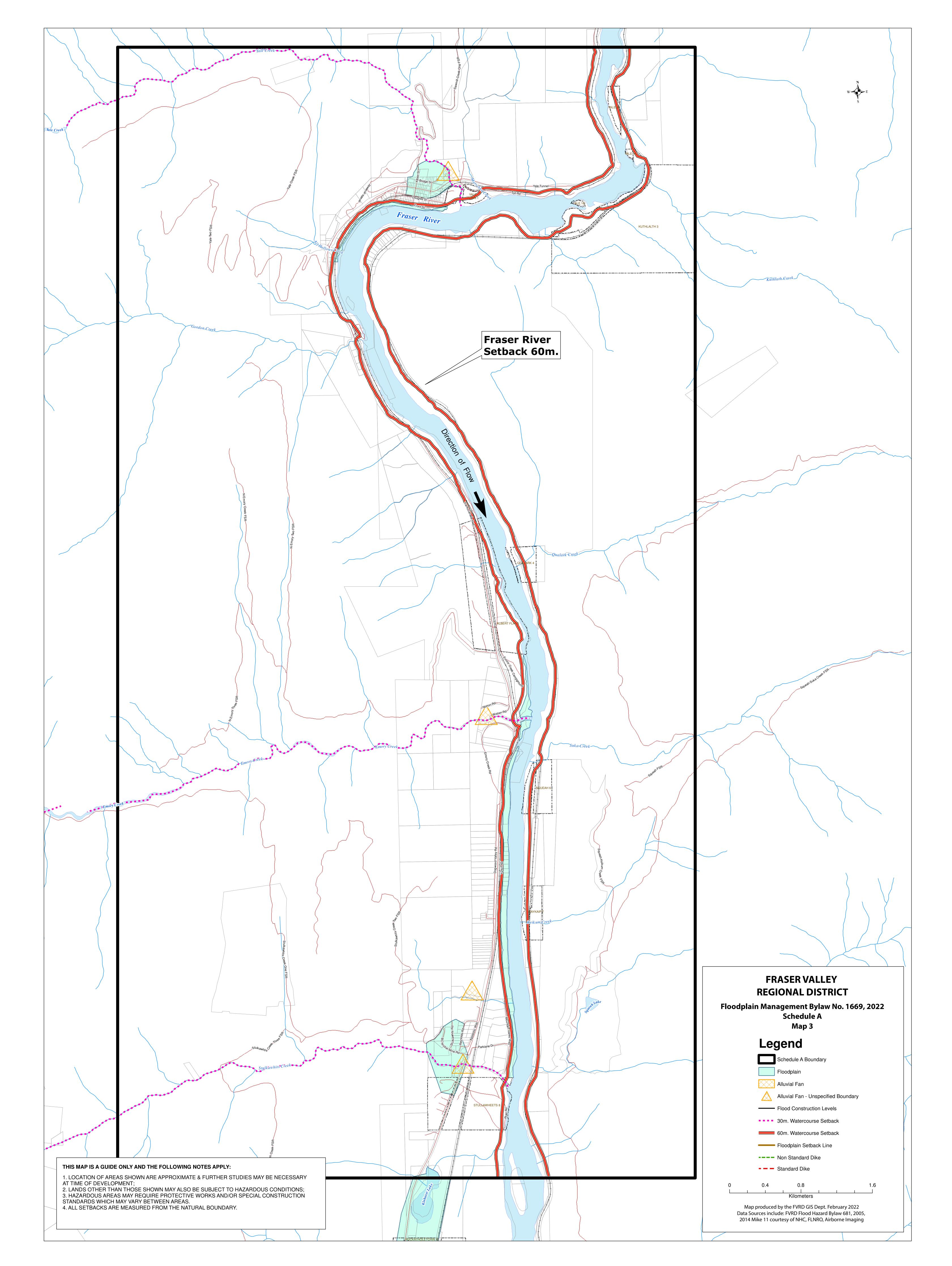
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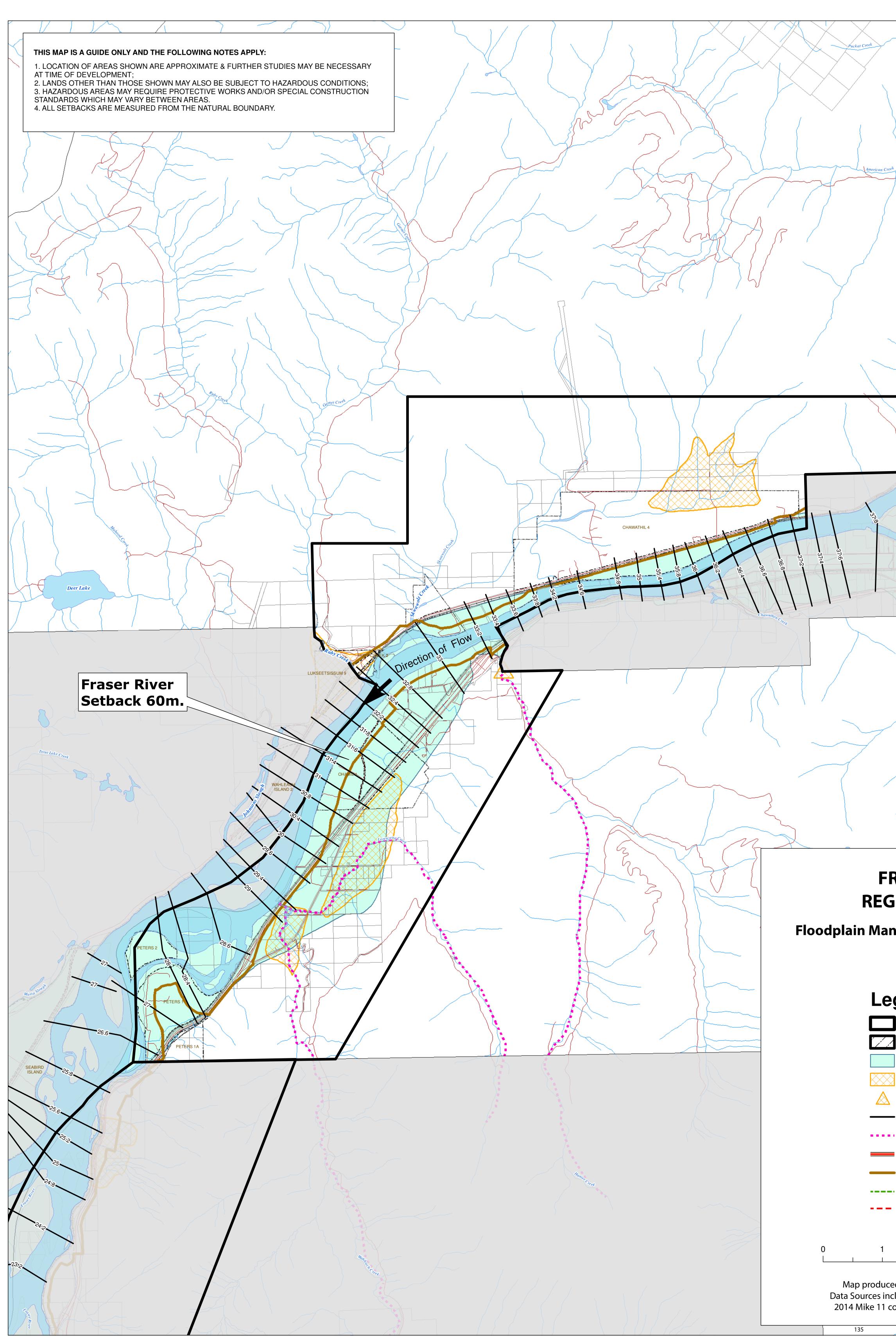
FRASER VALLEY REGIONAL DISTRICT BYLAW NO. 1669, 2022

Schedule A – Maps 1-8b









FRASER VALLEY REGIONAL DISTRICT

Floodplain Management Bylaw No. 1669, 2022 Schedule A Map 4

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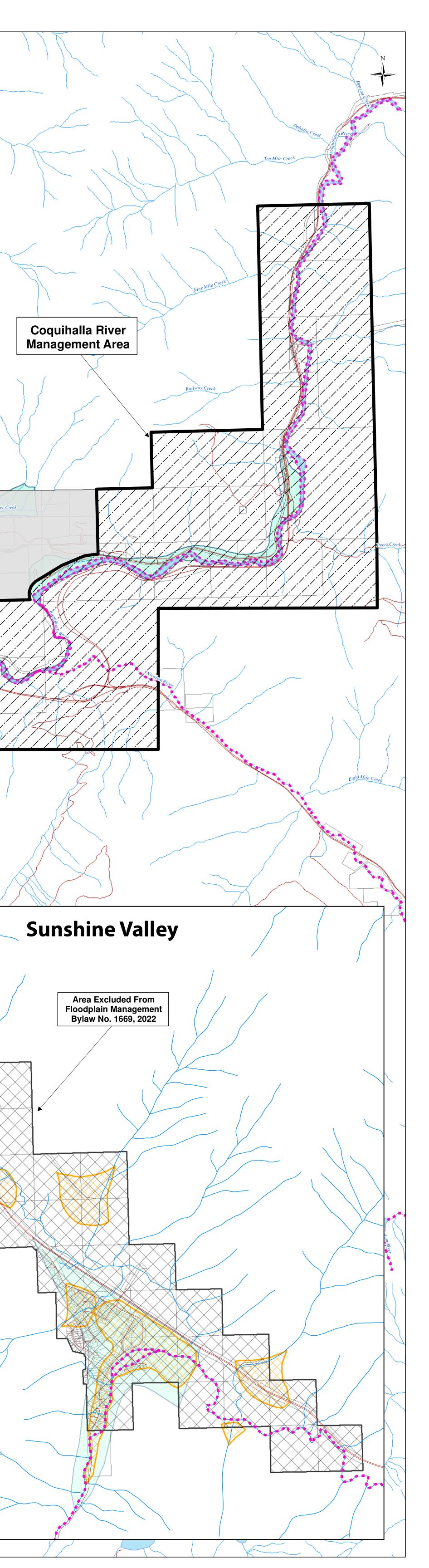
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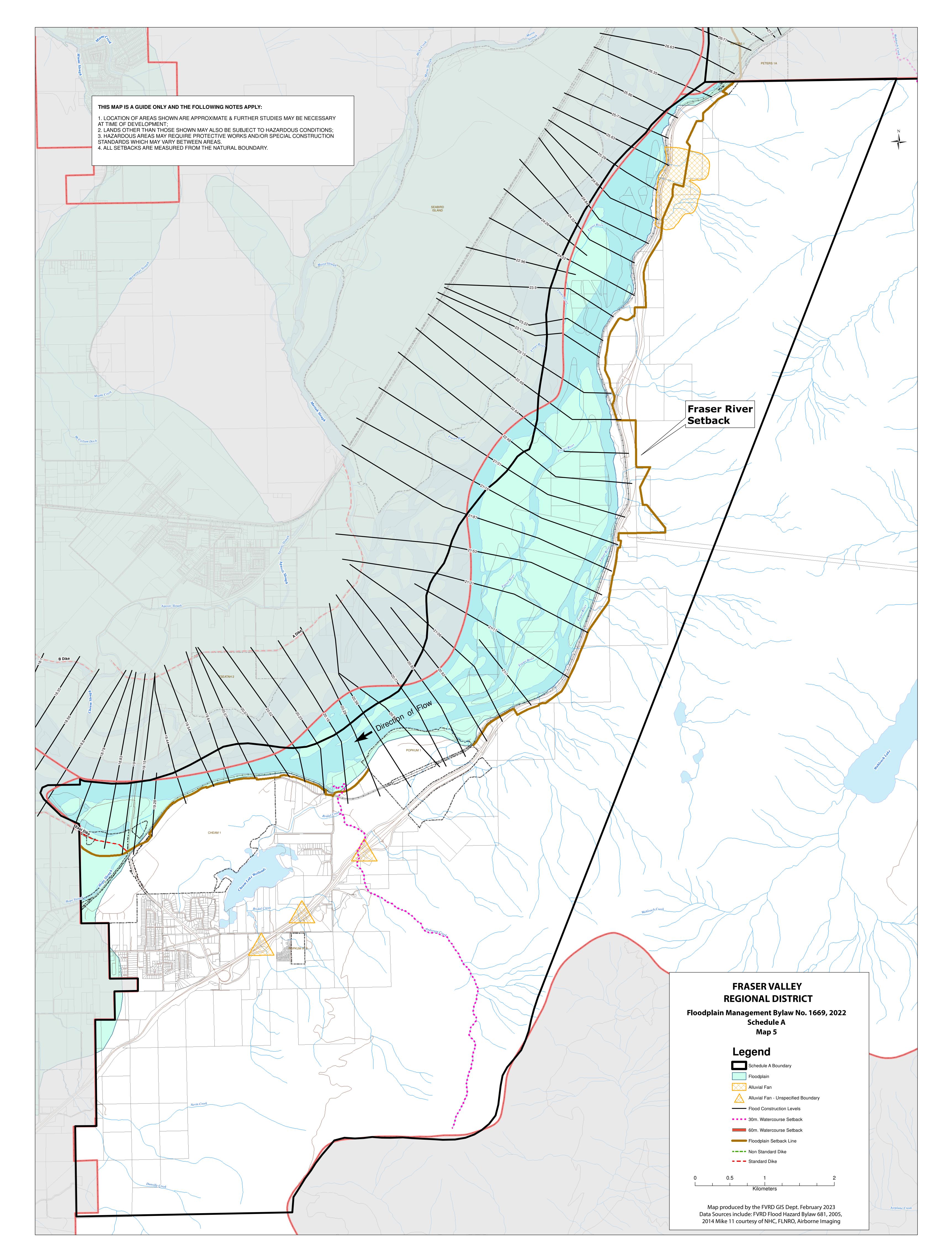
Schedule A Boundary

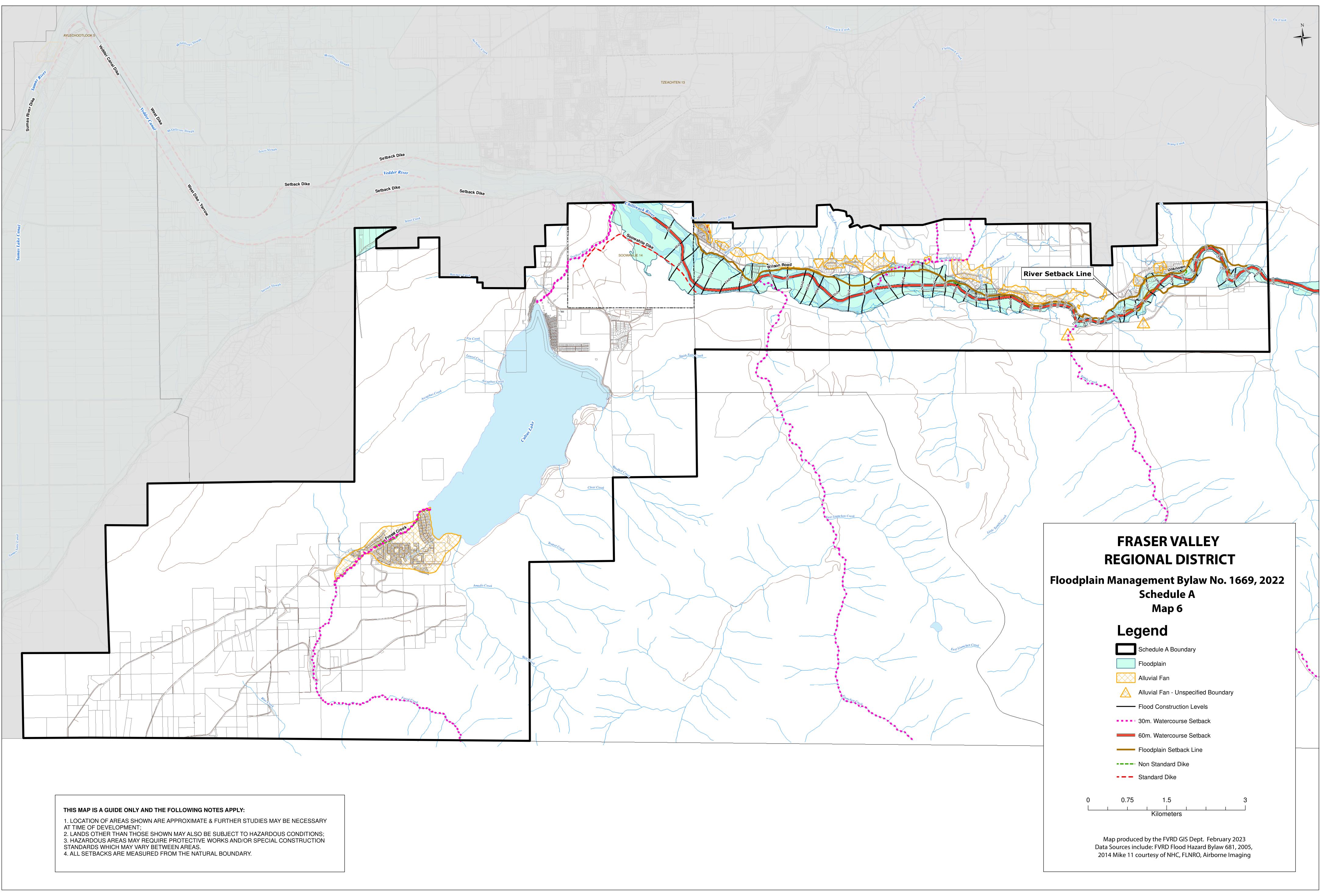
- Coquihalla River Management Area
- Floodplain
- Alluvial Fan
- Alluvial Fan Unspecified Boundary
- Flood Construction Level
- •••• 30m. Watercourse Setback
- 60m. Watercourse Setback
- Floodplain Setback Line
- ---- Non Standard Dike
- --- Standard Dike

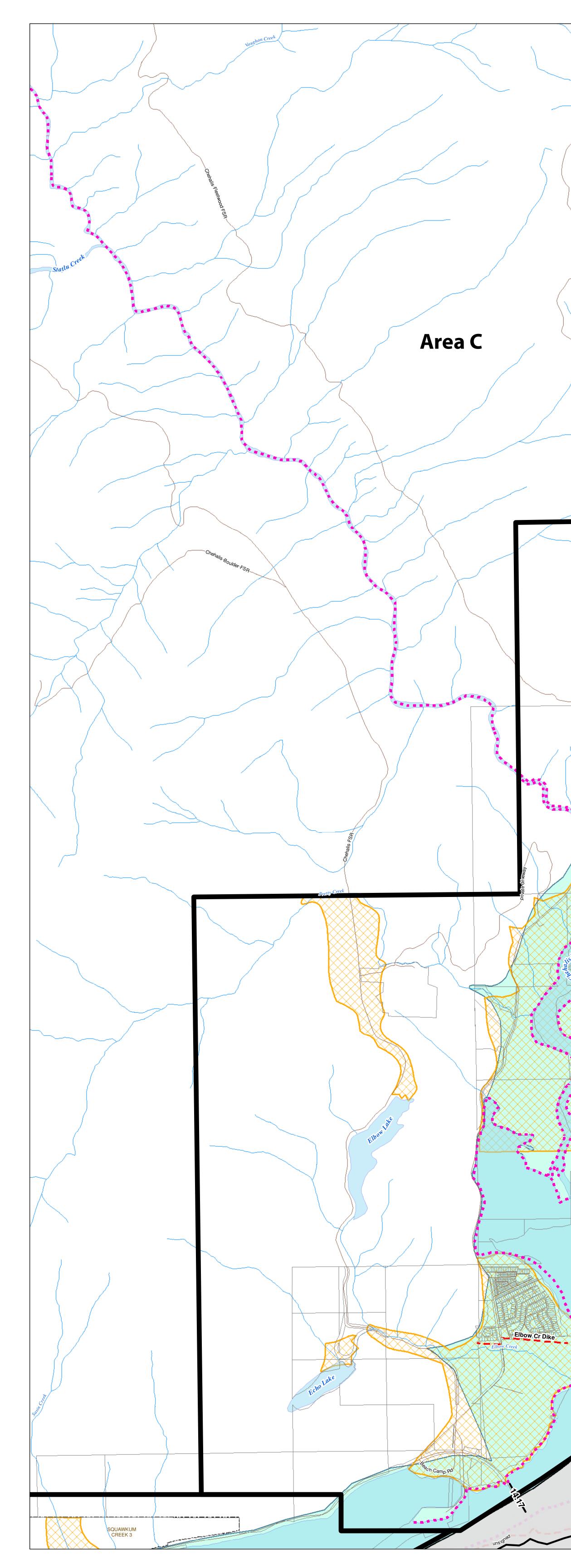
2 2 Kilometers

Map produced by the FVRD GIS Dept. February 2023 Data Sources include: FVRD Flood Hazard Bylaw 681, 2005, 2014 Mike 11 courtesy of NHC, FLNRO, Airborne Imaging









THIS MAP IS A GUIDE ONLY AND THE FOLLOWING NOTES APPLY:

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