



## Exemption from Floodplain Regulations

### Are there Regulations for Floodplains in the Regional District?

The Province of BC has established floodplain elevation setbacks from streams and lakes. The Regional District Zoning Bylaw and Joe Rich Rural Land Use Bylaw reflect these floodplain regulations which are in the form of setbacks and/or required minimum construction elevations specific to the type of development proposed.

### Floodplain Regulations Flood Construction Levels:

- 343.66 metres (1,127.49 ft.) Geodetic Survey of Canada datum for land adjacent to Okanagan Lake
- 3.0 metres (9.8 ft.) above the natural boundary of Mission Creek
- 1.5 metres (4.9 ft.) above the natural boundary of any other watercourse

### Floodplain setbacks:

- 15.0 metres (49.2 ft.) from the natural boundary of Okanagan Lake

- 30.0 metres (98.4 ft.) from the natural boundary of Mission Creek
- 15.0 metres (49.2 ft.) from the natural boundary of any other nearby watercourse

### Application for Exemption

Occasionally there are circumstances where a property owner determines that a building cannot be sited on a property in conformance with the floodplain regulations.

Under the *Local Government Act*, an exemption application allows for the consideration of granting an exemption to the regulations.

An exemption will state a specific change in regulations for a particular property. The exemption can contain text, drawings and professional reports that indicate the change in regulations along with any conditions for the exemption.

If an exemption is granted, a covenant stating the conditions for exemption is placed on the title of the affected property.

### Are Professional Reports Required for an Application?

Floodplain regulations have been established for the safety of people and property; therefore, a professional report prepared by an engineer or geoscientist experienced in geotechnical engineering is usually required as a part of the application. The professional must review the proposed changes in floodplain regulations and indicate that the land may be safely used for its intended purpose. The qualified professional may also indicate hazard mitigation measures that are required in order to ensure future safety. The application must also conform with Provincial regulations.

### Application Costs

- Application fee
- Documents/plans necessary to complete application requirements
- Sign Requirements

Other costs may include:

- Professional Reports
- Legal Fees
- Surveying Fees

## Public Notification

- Notice of Application Sign(s) to be posted on subject property (Applicant)
- Written notices are mailed to surrounding owners (Regional District)

## Public Input

- Advisory Commissions
- Public Notice

Applications are referred to various Regional District Advisory Commissions for review and comment. These comments are considered by the Regional Board when making a decision.

## How is an Application Made?

Staff has application packages that outline required information, drawings and fees. It is important to make an appointment with staff before submitting a formal application to review submission requirements.

It is important to remember that submitting an application does not guarantee approval.

## How Long Does the Application Process Take?

Floodplain Exemption applications typically take 3 to 4 months to proceed through the evaluation and approval process. Please note, additional information may be requested during the process, which may increase the application processing time.

## The Floodplain Exemption Process

**Discuss the Proposal with Staff**

**Submit a Complete Application**

### Application Reviewed

Staff, relevant government agencies, and applicable public advisory commissions are asked to provide comments. Staff then prepares a report to the Regional Board. Additional information may be requested.

### Public Notification

The applicant is required to place a notification sign(s) on the property. Prior to the Regional Board meeting written notices are mailed to surrounding owners.

### Consideration of the Floodplain Exemption by the Regional Board

At this point the Regional Board may:

- Approve the application
- Not approve the application
- Defer a decision pending more information or clarification

### If Approved the Floodplain Exemption is Officially Granted

The regulations for the subject property are changed in accordance with the wording specifically approved by the Regional Board

