

## Columbia Shuswap Regional District

**FLOOD PLAIN SETBACKS AND EXEMPTIONS****Purpose**

The purpose of this policy is to clarify flood plain regulations, exemptions from flood plain regulations and conditions that may be required prior to approval of an exemption.

**Preamble**

The Columbia Shuswap Regional District (CSRD) Board has, in its zoning bylaws, designated certain land as flood plain and has established flood construction levels and flood plain setback requirements in relation to those areas. Adhering to flood plain setbacks and flood plain construction levels helps to reduce the threat of flood damage to a property.

Flood construction levels and flood plain setbacks are not eligible for exemption by way of a DVP, as set out in s. 922(2)(b) of the *Local Government Act*. Landowners, however, may make applications for an exemption from the CSRD flood plain requirements for a particular area. For example, a landowner may wish to vary the vertical flood construction level so that a building or structure can be constructed at a lower elevation, or, a landowner may wish to apply to vary the horizontal flood plain setback requirement for a building or structure that is being constructed.

Subject to the provincial regulations, the Board may grant an exemption from the flood plain requirements if the Board considers it advisable and if (a) the proposed exemption is consistent with Provincial Guidelines or (b) the Board has received a report from a qualified professional advising that the land, buildings or structures may be used safely for the use intended. The exemption may be granted subject to terms and conditions the Board considers advisable, including a requirement that the landowner enter into a s. 219 covenant.

**Policy**

Applications for exemptions from flood plain requirements must be accompanied by a report from a professional engineer or geoscientist who is experienced in geotechnical engineering. The report must contain all of the following information:

1. The qualified professional must comply with flood plain regulations that apply to the area in question, as enacted by the Province or by the CSRD in its bylaws. The qualified professional must acknowledge that all buildings, structures, landfill, floor system or pads are subject to these regulations and must have considered these regulations in relation to the application for a flood plain exemption;
2. The conclusions and recommendations of the report must expressly address whether the land may be used safely for the use intended and must identify any limitations of the report, including the risk factors applied in reaching the conclusions;

3. The author must sign and seal the report as a professional engineer or geoscientist who is experienced in geotechnical engineering and who has knowledge, training and experience in relation to the matters addressed in the report. The author must also provide a Quality Assurance Statement that the author has given due consideration to applicable provincial regulations, CSRD bylaws and this Policy;
4. The report must identify whether there would be an increased risk of flooding if the exemption were granted for the development proposed in the application;
5. The report must analyze, discuss and make mitigative recommendations when/if appropriate concerning pre- and post-development regarding:
  - a) the potential for/impact from wave action;
  - b) the potential for/impact from erosion; and
  - c) the potential for/impact from slope instability;
6. Where mitigative works are a part of the report, the report must identify the role the works play in making the land and improvements safe for the use intended and provide details about location and construction;
7. Whether there would be increased risk to other properties resulting from the exemption and mitigative works proposed; and
8. Recommendations and wording for a s. 219 covenant that may be necessary and advisable as part of the flood plain exemption or setback approval process.

Note that any s. 219 covenants that are required as part of the approval process for flood plain exemptions must be registered prior to the Board granting an exemption. The Board may authorize the exemption subject to registration of the appropriate covenant(s).

If an exemption is granted, development on the property must still conform to all other CSRD bylaw requirements except for the changes to the flood plain regulations specifically set out in the exemption.

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