



A Guide to the Relaxation of the Provisions of the Floodplain Management Bylaw (Bylaw No. 2782)

What is a Floodplain?

A floodplain is a lowland area, whether diked, floodproofed, or not, which by reasons of land elevation, is susceptible to flooding from an adjoining watercourse, ocean, lake or other body of water. Floodplain elevations and setbacks for habitable areas are established in Bylaw No. 2782 being the Floodplain Management Bylaw, 2005.

What is the Floodplain Management Bylaw for?

The Floodplain Management Bylaw is intended to ensure that buildings or structures, which contain goods, possessions or equipment that may be damaged by flooding are protected from floodwaters.

Is my property affected?

Your property may be affected by the Floodplain Management Bylaw if it contains, is adjacent to or within a specified distance of a lake, the ocean, a river, wetland, pond, stream, creek or any other body of water that meets the definition of a watercourse. Please refer to the Floodplain Management Bylaw or consult with planning staff for further information. Certain exemptions apply.

How do I seek relaxation from the floodplain management provisions?

Relief from floodplain management provisions in the Floodplain Management Bylaw is occasionally sought in relation to the construction of buildings or structure(s) on property that do not meet the provisions of the Floodplain Management Bylaw. Relief may be sought for the flood level or levels for the floodplain and the setback from a watercourse, body of water, dike, of any landfill or structural support required to elevate a floor system or pad above the flood level. Where the Building Inspector determines that the land is likely to be subject to flooding, the Building Inspector may require the owner of the land to provide a report certified by a qualified professional that the land may be used safely for the use intended. The property owner then makes an appeal to the Regional Board.

How do I apply?

An Application for Request for Relaxation of Floodplain Management Provisions can be obtained from Planning Services at the Strathcona Regional District office or from the website at www.strathconard.ca. You are encouraged to obtain further details and advice from planning staff when making an application.

For more information contact:

Planning Services
Strathcona Regional District
301 – 990 Cedar Street, Campbell River, BC V9W 7Z8
Tel: 250-830-6700 • Toll free: 1-877-830-2990 • Fax: 250-830-6710
www.strathconard.ca

Floodplain Relief Process

Property owner consults with staff & obtains application

Property owner provides a certified report by a qualified professional to determine that the land is safe for the use intended along with a completed application.

Planning Staff Review

Recommendation

Electoral Areas Services Committee

Recommendation

Regional Board decision

Denied ← → Approved

Allow approximately 2 to 3 months for processing



**REQUEST FOR RELAXATION OF
FLOODPLAIN MANAGEMENT PROVISIONS**

1. Application

An application shall be completed upon a form provided by the regional district which then shall be delivered to the regional district together with such additional plans and particulars as may be required.

2. Application Acceptance

The Strathcona Regional District may refuse to receive any applications that fail to include all required information as per section 6 "Application Requirements" below.

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3. Fees

The sum as specified in Schedule A-1 shall be paid to the regional district at the time of application. The official date of application shall be that when all required information for the application and the corresponding fee is received.

4. Refund

Where an application does not proceed or is withdrawn, a refund as outlined in Schedule A-1 will be provided to the applicant.

5. Cancellation

Applications one year old or older that are inactive for a period of 6 months are deemed to be abandoned and will be closed. Where appropriate and requested by the applicants, refunds will be provided pursuant to Schedule A-1.

An applicant has the right to apply for an extension of up to one-year. Any extension approved by the regional board, whether for the maximum one-year or a lesser time, is subject to a payment of 50% of the original application fee.

6. Application Requirements

The following information is provided to assist a Qualified Professional engaged in the preparation of Geotechnical Reports and Flood Assessment Reports. These requirements are intended to provide guidance and assistance only and are not to be taken as being limited or necessarily comprehensive. Not all items listed in the document may be required or expected in all cases. Consequently, reports will vary in size and complexity. However, the list should serve as a useful checklist for the proponent and report author.

For the purposes of this section, a qualified professional is a professional engineer or geoscientist and experienced in geotechnical engineering.

i) General Requirements:

- a) Acknowledgement that the report is prepared for the regional district as a pre-condition to the issuance of:
 - 1) A building permit and any conditions in this report will be included in a Restrictive Covenant under Section 56 of the *Community Charter* and filed against the title of the subject property; or
 - 2) A Site Specific Exemption under Section 910 of the *Local Government Act*, and any conditions in this report will be included in a Restrictive

Covenant under Section 219 of the *Land Title Act* and filed against the title of the subject property.

- b) Acknowledgement that the report has been prepared for and at the expense of the owner of the subject property and that the engineer has not acted for or as agent of the regional district in the preparation of this report.
 - c) Where applicable, accompanying the report, a detailed site plan showing the location of the proposed structure relative to the property boundaries.
 - d) A topographic and geomorphological description of the site and a statement as to the type and location of natural hazards that may affect the site.
 - e) A reference to any previous geotechnical studies that have been completed on the site and surrounding area or scientifically relevant sites elsewhere.
 - f) An assessment of the nature, extent, magnitude, frequency (probability) and potential effect of all flood hazards that may affect the property, including a description of the scientific methodology used to define the parameters. The methodology should be described in sufficient detail to facilitate a professional review of the study by, or on behalf of, the regional district when necessary.
 - g) Recommendations and assessment stating what mitigative works, construction and maintenance is required in terms of the works' ability to reduce the potential impact of the hazard. Particular consideration should be given to Section 5.7 of the provincial Flood Hazard Area Land Use Management Guidelines. Where mitigation works and/or actions are proposed, an assessment of the effects that the proposed works and/or actions may have on other properties including public infrastructure must be included in the report. Where mitigative works and/or actions designed to reduce hazards are contemplated, prior to completing the report and expending time and money on detailed design, the proponent should confirm that the works and/or actions proposed will be accepted by the regional district and that they would meet regulatory requirements.
 - h) For issuance of a Building Permit: Letters of Assurance B1 and B2, as required per Section 2.6 of the BC Building Code, are to be submitted relative to the structure and applicable drawings ensuring that the subject property is safe for the intended use. Further, a Schedule C, as per Section 2.6 of the BC Building Code shall be submitted to the SRD Building Department by the Qualified Professional prior to occupancy of the subject structure.
 - i) Additional information should be included on any other matters that, in the Qualified Professional's opinion, should be known to the regional district and brought to the attention of the Building and Planning departments.
 - j) Any recommendations that the Qualified Professional believes appropriate. Note that the explanation provided in answer to the points above should be in sufficient detail and clarity to permit inclusion in a Section 219 covenant under the *Land Title Act*. Recommendations should be accompanied with advice on how they can be practically implemented by the property owner and/or land use decision maker.
 - k) The report submitted must include the signature and seal of the Qualified Professional and must verify that the land may be safely used for the use intended.
- ii) **Additional Elements to be given consideration:**

- a) Regional and/or a site map and/or air photograph overlay depicting: the existing property boundaries; all watercourses, alluvial fans, and areas exposed to debris flow hazards; hydraulic structures, existing and proposed flood protection works; proposed safe building sites; and any other relevant regional or site specific information.
 - b) Review of all relevant restrictive covenants registered on title for the subject property and any relevant nearby properties (copies of covenants should be attached to the report).
 - c) Review of all relevant regional district land use policies, guidelines and regulations including; floodplain and other relevant bylaws, Official Community Plans, Development Permit Area requirements and policy statements.
 - d) Description of site visits and/or overview flights complete with documentation of observations.
 - e) Review of current and historical aerial photographs.
 - f) Review of historical flood information including: Water Survey of Canada hydrometric data (discharges, flow depths and velocities), Environment Canada climate data, regional district and provincial ministry reports, local newspapers' archives, and interviews with local residents.
 - g) Location of all proposed safe building sites by specifying building setback distance(s) from the natural boundary of watercourse(s) and/or map notation [areas depicted on maps must be delineated with sufficient accuracy and detail to allow the preparation of legal reference plan(s) for attachment to a restrictive covenant.]
 - h) Where applicable; Flood Construction Levels (FCL) by prescribing an elevation above the natural boundary of a watercourse or natural ground elevation at the building site, or by specifying a geodetic elevation, or by a combination of the above (Geodetic elevations should be referenced to Geodetic Survey of Canada datum or some other datum acceptable to the land use decision maker. Benchmarks should be located on site and/or location plans).
- iii) **Hazard Specific Requirements**
- a) **For Lakes, Ponds, Marsh Areas and Reservoirs**
 - 1) Where an existing FCL is deemed inappropriate provide details of the calculation and confirmation that the Provincial Flood Hazard Area Land Use Management Guidelines were considered in the process.
 - 2) Where applicable provide shoreline profile(s) starting from below low water level to a point some distance above the safe building area(s), depicting the FCL, maximum wave run-up, existing and/or proposed mitigation works, natural boundary, safelines (if any) and other relevant shoreline features.
 - b) **For Watercourses**
 - 1) Where an existing FCL shown on a floodplain map is deemed inappropriate provide details of the calculation and confirmation that the Guidelines were considered in the process.

- 2) For property adjacent to or within a meandering and/or braided river floodplain, use air photographs, maps and other information to describe and assess relevant ongoing river processes (including debris jamming) that may pose a hazard to the property.
 - 3) When making recommendations relative to creeks provide a map of the stream watershed area used to determine the drainage area.
- c) **Areas Protect by Standard Dikes**
- 1) Map(s) depicting: existing and proposed dikes, dike right-of-ways, dike access routes and easements, areas protected by the dikes, and property boundaries.
 - 2) A summary of all comments and concerns raised through consultation with the dike owner or diking authority and the Inspector of Dikes office complete with statements on how each comment or concern is addressed in the report.

7. Processing

The following procedure will apply:

- a) Prior to application, one meeting with regional district staff may be arranged to discuss the relaxation request process, requirements, etc.
- b) A staff report and summary of the requested relaxation request is prepared.
- c) The regional district will circulate the proposal to other departments of the regional district and agencies where necessary. Staff will contact the applicant to discuss any issues that arise during the review process.
- d) The staff report and other information deemed relevant will be submitted to the appropriate committee of the regional district. Applicants will be provided an opportunity to make a presentation this committee.
- e) The regional board will, upon receipt, consider the committee's recommendation and may grant the requested relaxation application, or may refer, table, or deny the application.
- f) After the regional board has dealt with the application, the applicant will be notified in writing of the outcome.
- g) If granted, the applicant will be required to have the Qualified Professional's report registered on the Title of the subject property.



Request for Relaxation of
Floodplain Management
Provisions

| | |
|---|-----------------|
| Legal Description (see your Tax Assessment Notice or Certificate of Indefeasible Title) | |
| | |
| | |
| Street Number if known): | Name of Street: |

OWNER

| | | | |
|------------------|---------------|--------------|--|
| Name: | | | |
| Mailing Address: | | | |
| City: | Prov: | Postal Code: | |
| Tel: | Business Tel: | Fax: | |
| Cell: | Email: | | |

AGENT (note: a letter of agency is required if the agent is acting on behalf of the property owner)

| | | | |
|------------------|---------------|--------------|--|
| Name: | | | |
| Mailing Address: | | | |
| City: | Prov: | Postal Code: | |
| Tel: | Business Tel: | Fax: | |
| Cell: | Email: | | |

| | |
|--|--|
| Name of adjacent watercourse / body of water: | |
|--|--|

Proposed Development or Use: (describe the proposed use of the property, include a site plan showing buildings, natural features and access etc. If space is insufficient, please attach separate sheet)

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REQUESTED RELIEF:

| | | | |
|---|--|----|--|
| Relaxation of required floodplain setback from | _____metres | to | _____metres |
| Relaxation of required flood construction elevation level from | _____metres | to | _____metres |
| | <input type="checkbox"/> Natural boundary? <input type="checkbox"/> GSC? | | <input type="checkbox"/> Natural boundary? <input type="checkbox"/> GSC? |

| | | | |
|--|--|---|---|
| | | | |
| Signature of Owner or Authorized Agent | Date | | |
| Date Received: | Rec'd by: | File No.: | |
| PID: | Folio: | | |
| Site Declaration: <input type="checkbox"/> | Site Profile: <input type="checkbox"/> | Sent to Site Registry? <input type="checkbox"/> | Sent to MoE Regional Branch Manager? <input type="checkbox"/> |

