



District of Clearwater

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Development Services Guide

FLOODPLAIN EXEMPTION PROCEDURES

What is a Floodplain Exemption?

Section 910(5) of the British Columbia *Local Government Act* stipulates that if a local government considers that flooding may occur on land, the local government may, by bylaw, designate the land as a floodplain. Subject to the provincial regulations the local government may exempt a person from the application of floodplain regulations in relation to a specific parcel of land or a use, building or other structure on the parcel of land, if the local government considers it advisable.

An application to amend floodplain elevation and/or setback requirements must include a report by a professional engineer or geoscientist experienced in geotechnical engineering, certifying that the land may be used safely for the use intended. The report should include assurance that the assessment was prepared with due consideration of the provincial "*Flood Hazard Area Land Use Management Guidelines*," and any applicable legislation.

If the proposed development is located within 30 metres of a waterbody, an Assessment Report must be completed and filed by a Qualified Environmental Professional (QEP) in accordance with the Riparian Areas Regulation (RAR).

Additional information to support your application such as a certificate of location prepared by a BC Land Surveyor (BCLS), building elevations, topographical or other necessary information may be requested upon review of your application.

Who Can Apply For a Floodplain Exemption?

A property owner or agent having written authorization from the property owner may submit an application.

Where is an Application Obtained & Submitted?

An application package can be obtained from the District of Clearwater office or from the District's website www.districtofclearwater.com and must be submitted to the District office along with all applicable fees and additional information for processing and referral.

How Much will an Application Cost?

The application fee for a floodplain exemption is \$500.00. Additional information including professional reports may be required to support your application; all costs related to the application are the responsibility of the applicant.

How Long will an Application Take?

An application will take approximately 3 months to complete; however, processing times may vary. Approval time may be affected by application completeness, accuracy and compliance with other referral agency or regulatory requirements.

Who Approves a Floodplain Exemption?

District of Clearwater Council may approve a floodplain exemption application by resolution.

What Happens to your Application?

Thompson-Nicola Regional District (TNRD) Planning Services is under contract to manage the floodplain exemption application process for the District of Clearwater (DOC); however, final approval rests with DOC Council.

The process described below will involve more detailed procedures, correspondence and/or requirements. Please contact TNRD Planning Services before you submit a floodplain exemption application. Planning staff are available to discuss the nature of your proposal, the process involved, possible alternatives and to answer any questions you may have.

TNRD Planning Services

Phone: 250-377-8673
Toll Free (in BC): 1-877-377-8673
Fax: 250-372-5048
Email: planning@tnrd.bc.ca

Application Process:

1. Pre-Application Meeting:

You are encouraged to contact Planning Services staff in advance of submitting your application to discuss the feasibility of your proposal and to review what applications may be required.

2. Submit Application:

Complete and submit the Development Application Form including the required professional engineer or geoscientist report along with a RAR Assessment Report (if required), and any other necessary documents, plans and all applicable fees to the District of Clearwater office.

3. Planning Review:

Your application will be forwarded to TNRD Planning Services in Kamloops for processing after it is submitted to the District office. Planning Services will perform an initial review of your application and request additional information if required.

4. Council Resolution:

Your application will be considered by Council at a regularly scheduled Council meeting. Council may by resolution:

- approve your application subject to the registration of a Section 219 restrictive covenant implementing the floodplain elevation and/or setback identified in the professional engineer or geoscientist's report;

- require additional information or specify conditions which must be met prior to approving your application; or
- refuse your application and/or invite you to appear as a delegation at the next regularly scheduled Council meeting.

5. Section 219 Covenant Approval and Registration:

This is the final step in the application process; if your application is approved a Section 219 covenant will be required to be registered against the title of the parcel(s) with priority over all financial charges. The covenant document must be prepared and reviewed, including possible review by the District's legal counsel, at the applicant's cost. The District must approve a draft of the required covenant prior to registration. A copy of the State of Title Certificate and the registered covenant document must be provided to the District before the proposed development can proceed.

Please Note:

Any professional reports required to support your application must be submitted both electronically and in hard copy.

** An application is a process of evaluation and does not automatically ensure approval of your proposal.*