Site Specific Floodplain Exemption
Application Procedures

What is a site specific floodplain exemption?

A site specific floodplain exemption allows the RDEK to vary the floodplain requirements of a zoning, land use or floodplain management bylaw for zoned areas and the Board policy pertaining to floodplain requirements in unzoned areas. Application may be made to vary either the required setback from or elevation above a watercourse or body of water. The level of flood protection may not be altered and alternative options should be considered prior to application. A Professional Engineer's Report / Flood Hazard Assessment Report certifying that the land may be used safely for the intended purpose must be submitted as part of the application package. A restrictive covenant under Section 219 of the *Land Title Act* will be required as a condition of approval if your exemption is granted.

Points to consider:

- A decision to approve a site specific exemption is at the discretion of the RDEK Board.
- The Board must be satisfied that an exemption to the bylaw or policy is justified.
- Approval is based on the site specific conditions and supporting professional documentation.
- All expenses related to the Professional Engineer's Report / Flood Hazard Assessment Report and the preparation of the restrictive covenant are the responsibility of the applicant.

How and where to apply:

Complete a site specific floodplain exemption application. These are available from the RDEK offices at:

- **19 - 24th Avenue South, Cranbrook, BC**
- **1164 Windermere Loop Road, Invermere, BC**

The application form is also available online at www.rdek.bc.ca.

Include the following:

1. Non-refundable fee payable to the Regional District of East Kootenay.
    - Site Specific Exemption (Flood Construction Level &/or Setback) - $400
    - Site Specific Exemption and Variance to Bylaw - $500
2. A detailed sketch of your property showing all buildings, wells, septic system, access, and physical features. All adjacent watercourses and bodies of water must be clearly shown.
3. A Title Search Print dated no more than 30 days before you file your application. These are available from the Land Title Office at www.ltsa.ca. If requested, a Title Search can be obtained by the RDEK for a document fee of $17.50.
4. An explanation of your requested exemption and any other information, such as photographs in support of your application.

5. A Professional Engineer's Report / Floodplain Hazard Assessment Report certifying that the land may be used safely for the intended purpose. The report must be prepared in accordance with the document entitled *Guidance for Selection of Qualified Professionals and Preparation of Flood Hazard Assessment Reports*. Applications will not be processed until a report acceptable to the RDEK has been received. For further details, contact Planning & Development Services staff.

We recommend that you discuss your proposals with Development Services staff. An appointment to meet with staff is recommended.

Cranbrook Office hours: 8:30 am to 4:30 pm Monday through Friday, excluding holidays

Phone: 250-489-2791

Fax: 250-489-3498

Toll Free: 1-888-478-7335

What happens to your application?

Your application and supporting documentation will be reviewed to ensure that it meets the requirements of other RDEK bylaws, plans and policies. Staff will then prepare a report with recommendations for consideration by the RDEK Board.

If the Board needs more information, or if there are major concerns with your requested exemption, your application may be approved with modifications, deferred or turned down. If your application is approved, the following steps will take place:

1. A letter will be mailed advising you of any conditions of approval, such as the preparation and registration of the restrictive covenant. A draft of the restrictive covenant is to be provided to RDEK staff for review and for the appropriate signatures upon confirmation that the covenant is acceptable.

2. The restrictive covenant will be registered on the title(s) of the property by the applicant.

3. Upon confirmation of registration of the covenant on title and completion of any additional conditions of approval you will be eligible to apply for the required building permits.

If the application is turned down:

If your application is turned down, you may reapply to the RDEK for the same proposal after six months has passed. You may apply for a different proposal at any time if the Board has turned down your application. You may also make a request for reconsideration of the application provided the request is based on new relevant information not available prior to the Board's decision. Reconsideration applications must be accompanied by the appropriate fee and application form and be received in writing no more than 30 days after the date of decision.

Questions:

Call Development Services at **250-489-2791** or toll free at **1-888-478-7335.**

Regional District of East Kootenay

Site Specific Floodplain Exemption
Application

SECTION 1 – APPLICANT INFORMATION

Registered Owner(s): _____	Agent: _____
Address: _____	Address: _____
Phone:_____ Email: _____	Phone:_____ Email: _____

SECTION 2 – DECLARATION AND AUTHORIZATION

I / we declare that the information in this application is, to the best of my / our knowledge, true and correct.

Signature of Applicant(s): _____ Date: _____

_____

If the application is submitted by an Agent, the owner(s) must sign the following statement or provide separate written authorization:

I / we consent to this application filed by the person or company whose name appears as the agent on page 1.

Signature of Owner(s): _____ Date: _____

_____

Personal Information requested on this form is collected under the authority of section 26 of the Freedom of Information and Protection of Privacy Act (FOIPPA) and will be used by the RDEK for the purpose of processing the application. Disclosure of personal information by the RDEK is subject to the requirements of FOIPPA. For questions about the collection, use or disclosure of your personal information in the RDEK, contact the Corporate Officer of the RDEK at 19 – 24th Ave S., Cranbrook BC, V1C 3H8 or 250-489-2791.

SECTION 3 – LAND UNDER APPLICATION

Legal description of all land proposed for development:

Lot _____ Block_____ Plan _____ District Lot_____

Extended legal description:_____

_____

Street Address: _____

Parcel Identifier Number (PID):_____ Size of property: _____

SECTION 4 – PURPOSE OF APPLICATION *[√ check appropriate box(es)]*

☐ Zoned Area

Name of applicable Zoning Bylaw / Land Use Bylaw / Floodplain Management Bylaw:

_____

Section to be relaxed:_____

Requested site specific exemption:

☐ Relaxation of required setback from _____ metres to _____ metres.

☐ Relaxation of required flood construction elevation from _____ metres to _____ metres.

Name of adjacent watercourse or body of water: _____

☐ Unzoned Area

Requested site specific exemption:

☐ Relaxation of required setback from _____ metres to _____ metres.

☐ Relaxation of required flood construction elevation from _____ metres to _____ metres.

Name of adjacent watercourse or body of water: _____

☐ Variance to Bylaw (complete Section 6)

SECTION 5 – DEVELOPMENT & LAND USE INFORMATION

- **Describe the existing use of the land:** _____

_____

_____

_____

_____

- **Describe the reason for the floodplain exemption requested:** _____

_____

_____

_____

SECTION 5 – continued

Attach a map or sketch showing:

- North arrow & scale
- Lot lines with dimensions
- All buildings & structures (existing & proposed)
- All adjacent watercourses and bodies of water (creeks, ponds, rivers, etc.)
- Physical features (hills, gullies, etc.)
- Access (roads, driveways)
- Well or water intake
- Septic tank & field
- Proposed setbacks
- Photographs *optional*

SECTION 6 – VARIANCE TO BYLAW

Bylaw to be varied: _____

Section No. _____

Vary from _____ to _____

SECTION 7 – ENSURE THE FOLLOWING ARE ENCLOSED WITH YOUR APPLICATION:

☐ Application fee of $300.00 payable to the Regional District of East Kootenay.

☐ Application fee of $500.00 payable to the Regional District of East Kootenay where section 6 applies.

☐ Copy of a Professional Engineer's Report / Flood Hazard Assessment Report certifying that the land may be used safely for the intended purpose.

☐ A Title Search Print dated no more than 30 days before you file your application; **OR**

☐ Consent to the RDEK to conduct a Land Title Search on your behalf for a fee of $17.50.