

26.1 Flood Hazard Development Permit

Goals

1. To minimize the risk to people and property from flood hazards and mitigate and/or avoid increasing the impacts of flooding within areas already developed;
2. To encourage safety in the construction, location and manner of development;
3. To avoid increasing the hazard to or vulnerability of others on the floodplain; and
4. To promote a natural floodplain regime.

Guiding Principles Met

Foster prosperity for people, business and government
Protect and preserve green spaces and sensitive areas
Create a culture of sustainability

Special Conditions or Objectives that Justify Designation

The creeks and lakes that are key features of the physical environment, combined with occasional extreme weather activity, make some areas of Vernon susceptible to potential hazards from flooding.

Pursuant to sections 488 through 490 of the *Local Government Act*, the City of Vernon seeks to protect development from natural hazards in these areas by designating them as Development Permit Areas. This allows for taking appropriate precautionary measures through professional studies and assessments in order to guide safe development, building design, construction and long-term maintenance and monitoring.

The City of Vernon has created the Flood Hazard Development Permit Map Schedule FH1, for the purpose of identifying areas susceptible to potential hazards from flooding.

These Development Permit Area guidelines work with the City of Vernon's Floodplain Management Bylaw 5896, which provides the detailed requirements on development activities within floodplain areas.

Scope of Application

The Flood Hazard Development Permit Map Schedule FH1 denotes areas susceptible to potential hazards from flooding. Parcels located wholly or partially within areas identified on the Flood Hazard Development Permit Map are subject to a requirement for a Development Permit, unless they meet one or more of the exemption criteria in listed in Section 26.1. of this bylaw.

Exemptions

The following are exempt from the requirement to obtain a Floodplain Development Permit:

1. Development outside of the Floodway or Floodplain Setback area, that meets the Flood Protection Requirements or General Exemption criteria in Sections 7 and 8 of Floodplain Management Bylaw 5896;
2. Public works and services and maintenance activities carried out by, or on behalf of the City;
3. Minor alterations or repairs to existing roads, paths or driveways, provided that there is no further disturbance of land or vegetation; and
4. Planting of vegetation, habitat creation, restoration or enhancement works or removal of trees or vegetation in accordance with City and provincial enactments.

Guidelines

The following guidelines apply to all development applications for parcels wholly or in part in areas susceptible to potential hazards from flooding as designated in the Flood Hazard Development Permit Map Schedule FH1:

1. A new building or part of a building with sheltering as a use may not be located within the Floodplain Setback area or where the development may impede a floodway. Despite this, if development must be considered in this area, due to the parcel being primarily in the hazard area, a site specific exemption, in accordance with the Floodplain Management Bylaw 5896 is required. In addition, the owner **is to** register a restrictive covenant under section 219 of the LTA in favour of the City of Vernon specifying conditions that will certify that the land is safe for the intended use; acknowledging that no municipal disaster financial assistance funding is

available for the building or its contents; and releasing and indemnifying the City from liability in the event of damage caused by flood or erosion.

2. For all parcels outside of the Floodplain Setback, but within the Flood Hazard DPA, that do not meet the flood protection requirements or the exemption criteria as set out in the City of Vernon's Floodplain Management Bylaw 5896, a site specific exemption, in accordance with the Floodplain Management Bylaw 5896 is required.

3. Every new building or part of a building and related structure must:

- a) be constructed in a location and manner that will maximize the safety of residents and property;
- b) not increase the risk or hazard to, or vulnerability of, other properties or structures;
- c) be located in the least hazardous part of the subject parcel;
- d) in connection with renovations to any existing permanent Structure, where reasonable,
 - i. reduce flood hazard to the existing permanent structure by raising the habitable area to Flood Construction Levels;
 - ii. reduce or eliminate the potential for flood damage by using construction methods that allow for occasional wetting and drying;
- e) consider additional structural and/or non-structural flood protection measures to mitigate the impacts of flooding within areas already developed;
- f) maintain and/or restore vegetation along all creek banks and Floodplain Setback areas to minimize erosion and protect slope stability; and
- g) preserve natural floodplain regimes. Development should be sited so as to allow normal creek processes (erosion and channel migration) and anticipated flooding to occur. Where appropriate, this should include actions, such as grading of the site, to deflect flood water and to allow for floodways or pooling of floodwater.

Flood Hazard Development Permit Map Schedule FH1

