

FEX-23-02

Floodplain Exemption

9651 Kilkenny Place

Regional Board Meeting
January 25, 2024

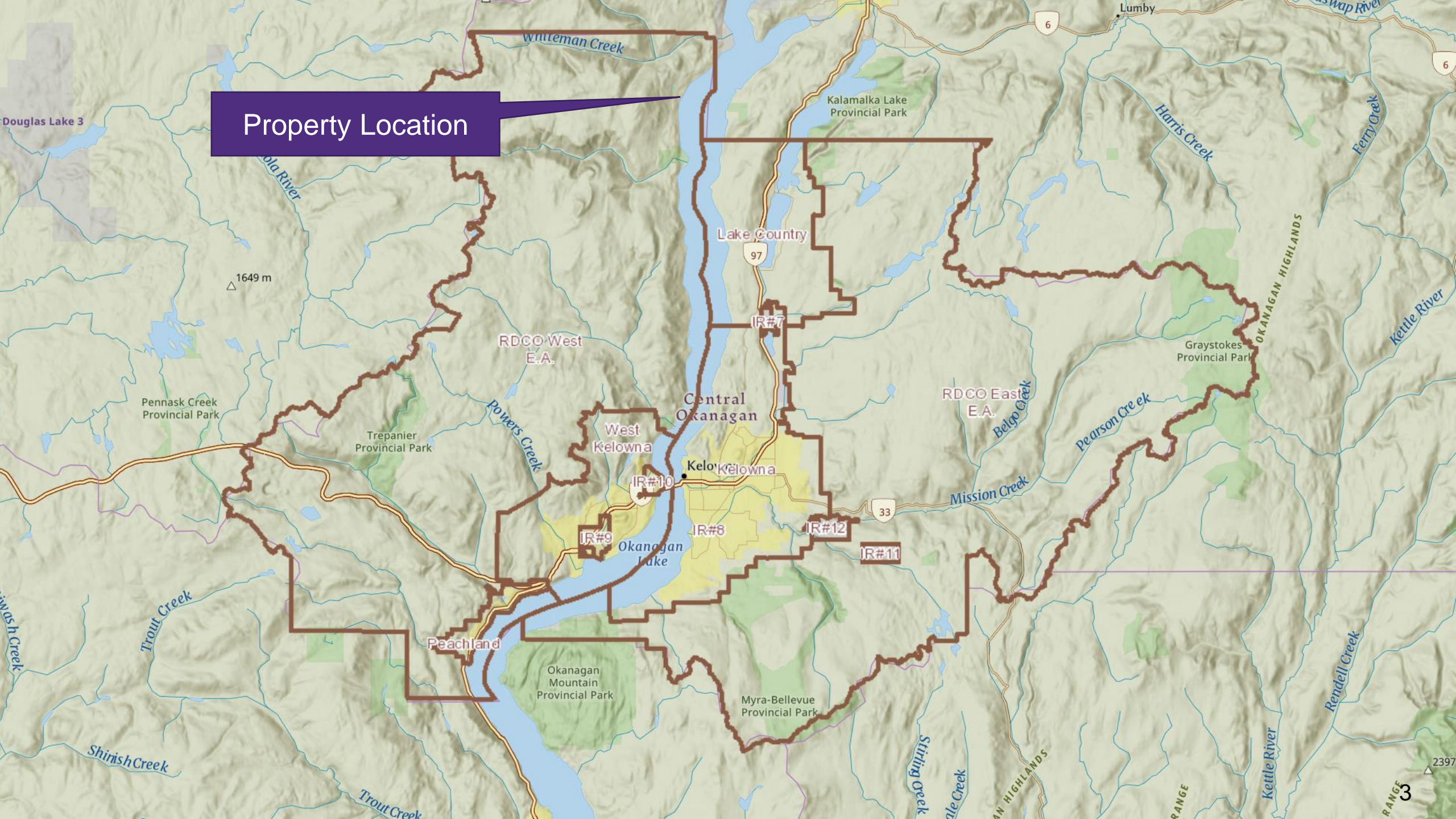
1450 K.L.O. Road
Kelowna, BC, V1W 3Z4
rdco.com



Purpose

- To refurbish an existing cabin, and
- To consider an exemption to the floodplain setback defined in RDCO Zoning Bylaw #871, to allow foundation improvements within 15m of Okanagan Lake.

Property Location



A satellite map of a coastal region. The map shows a large body of water on the right side, with a coastline that is irregular and jagged. The land is covered in dense green vegetation, with some areas of brown and grey, possibly indicating cleared land or urban areas. A prominent orange line runs along the coastline, likely representing a boundary or a specific area of interest. A purple callout box with the text "Property Location" points to a small cyan square marker on the coastline. The terrain is rugged and hilly, with many small valleys and ridges. The overall color palette is dominated by greens and browns, with the blue of the water providing a strong contrast.

Property Location



Subject Property



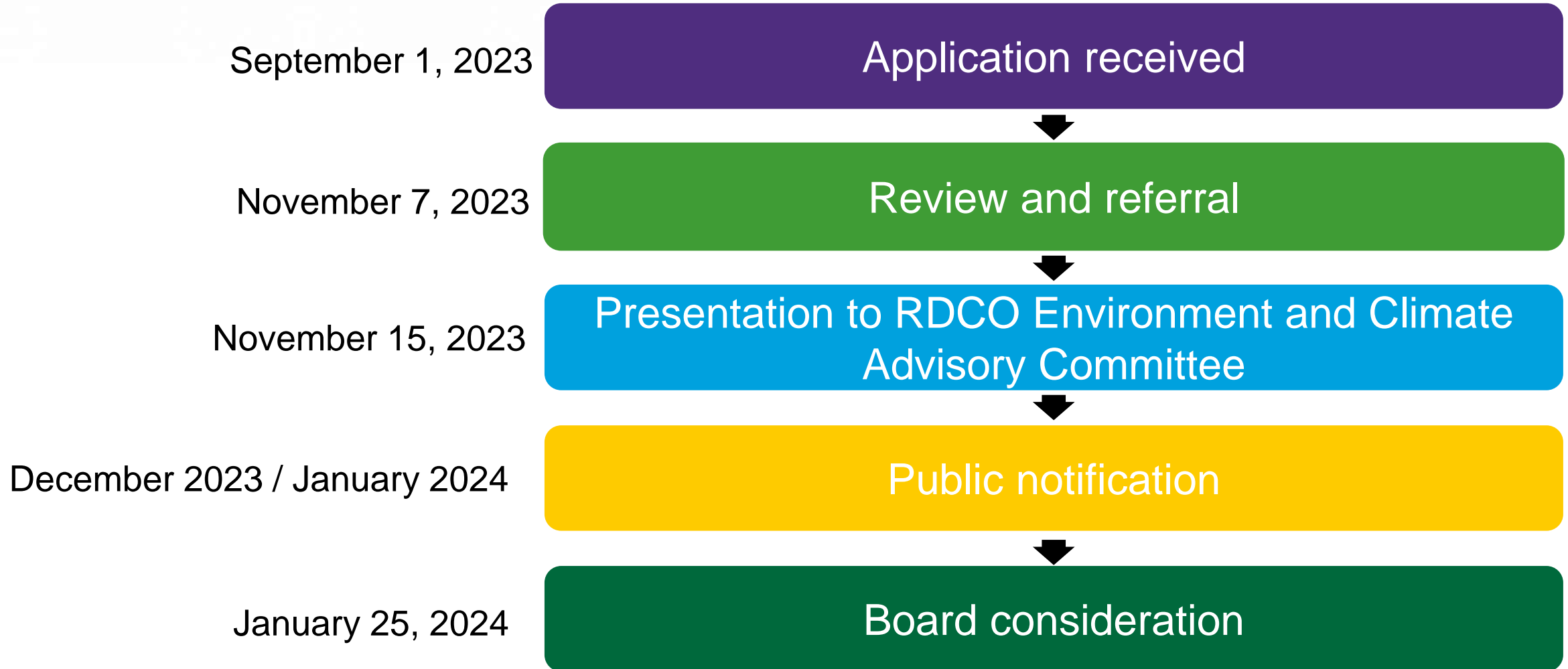
09.

Background

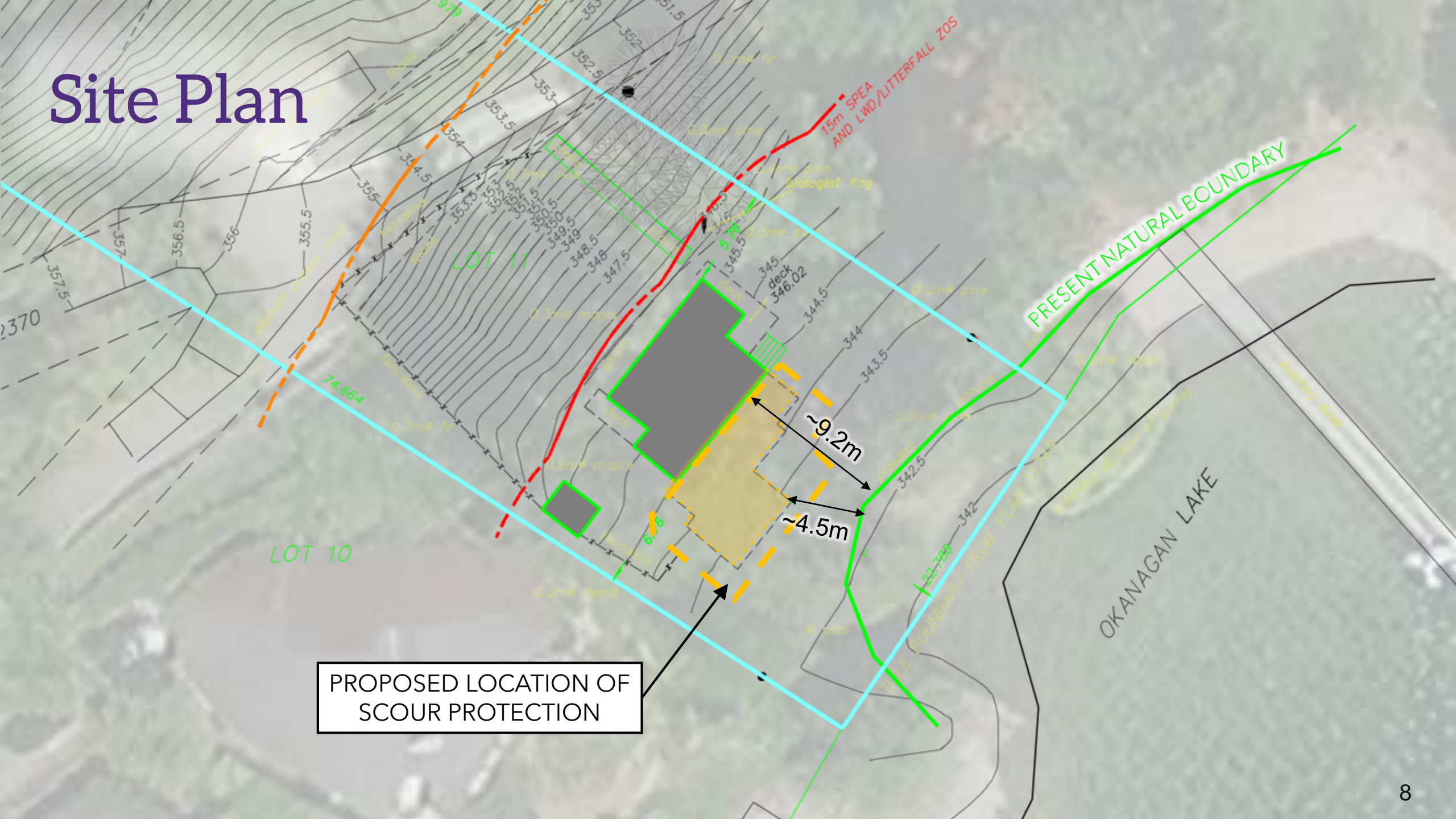
- Cabin built in 1967
(BC Assessment)
- Legal non-conforming
use and siting
(LGA Pt.14 Div.14)



Process Overview



Site Plan



PROPOSED LOCATION OF SCOUR PROTECTION

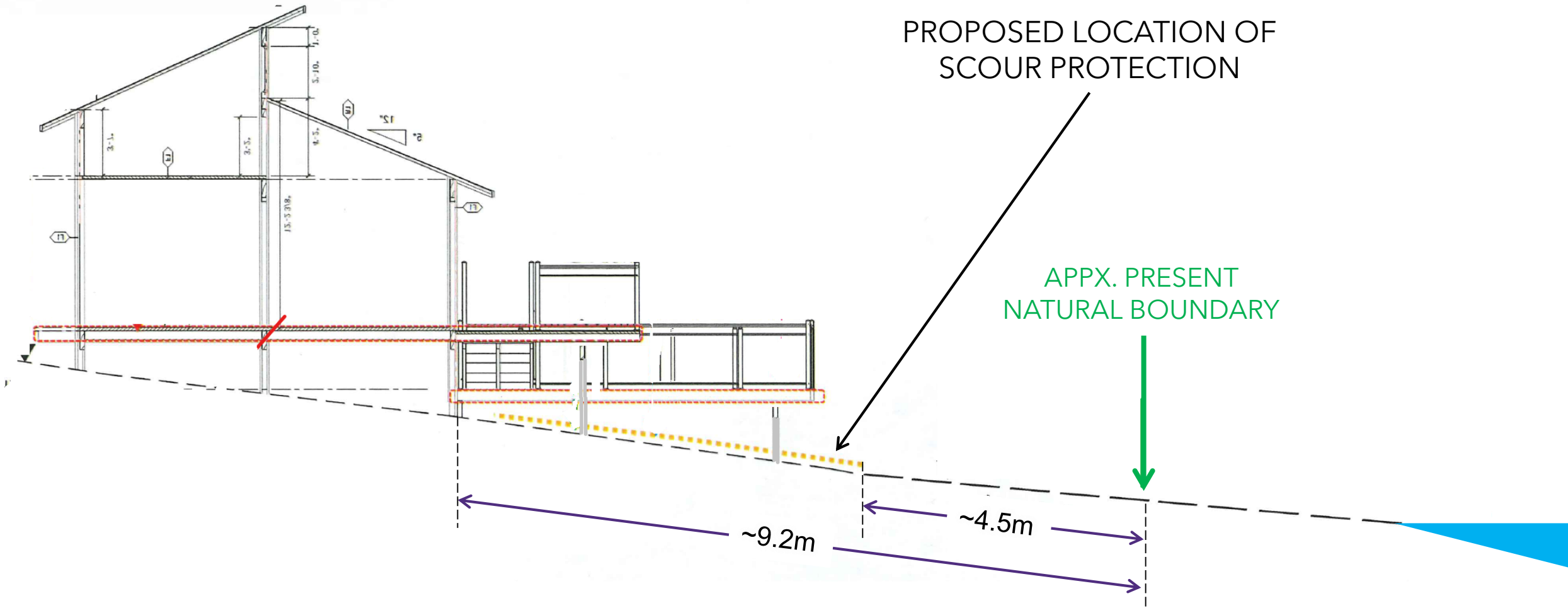
~9.2m

~4.5m

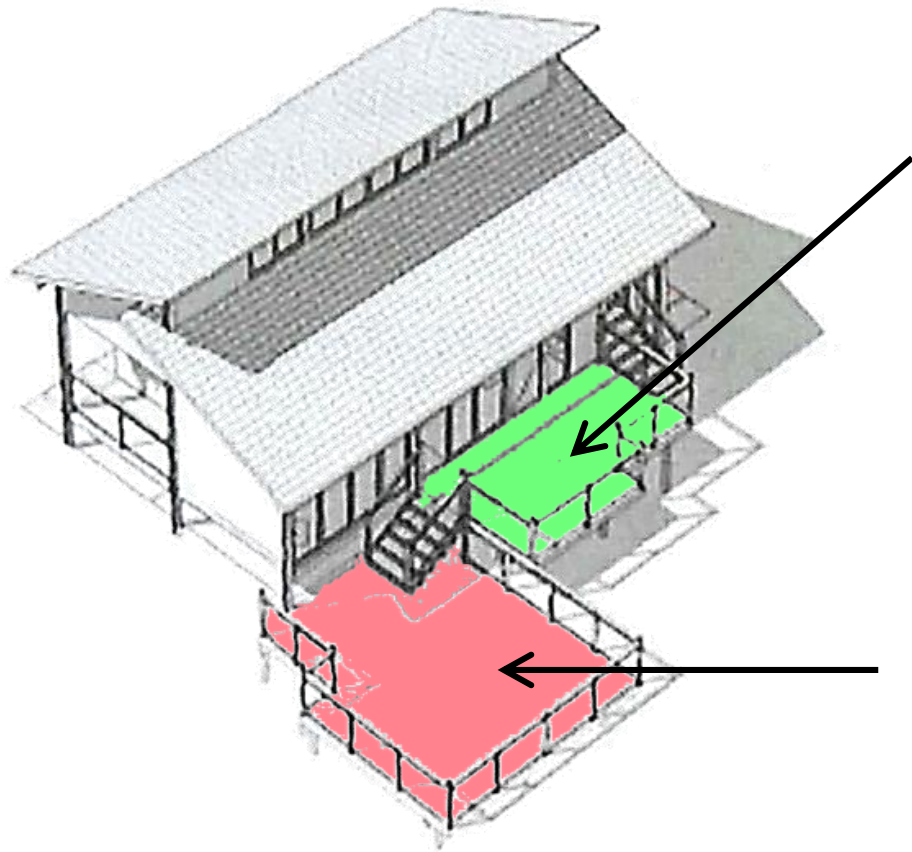
PRESENT NATURAL BOUNDARY

OKANAGAN LAKE

Site Profile



Development proposal – RDCO Staff review



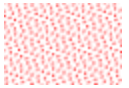

UPPER DECK
Consistent
with cabin

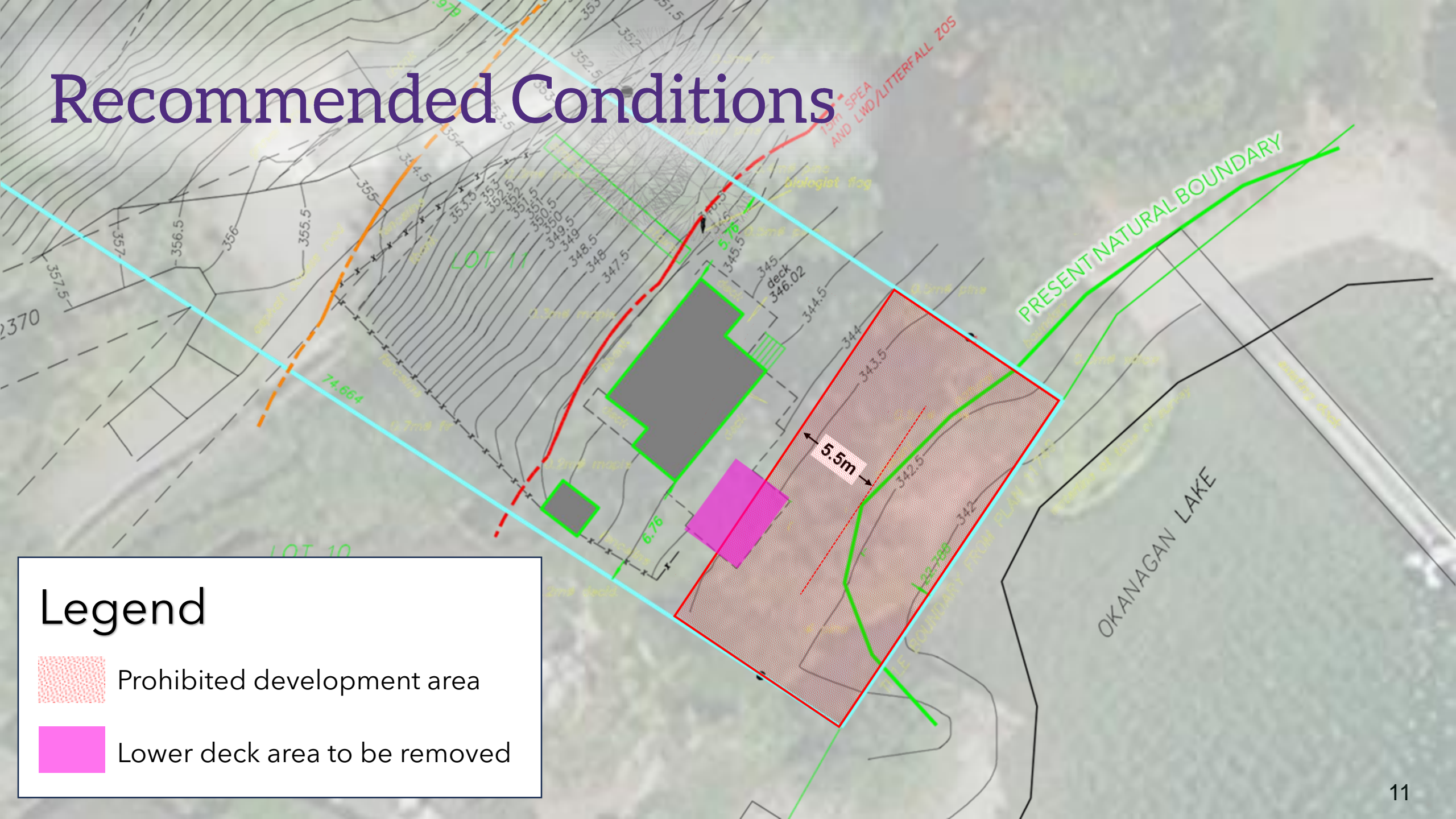
LOWER DECK
More recent
construction



Recommended Conditions

Legend

-  Prohibited development area
-  Lower deck area to be removed



Referral Responses

RDCO Inspection Services

- Portions of the existing decks are not legally constructed
 - No permits on file
 - Not properly built
- Upper deck will need to be removed and rebuilt
- Lower Deck should be removed



Referral Responses

Ministry of Water, Land and Resource Stewardship

- Works below the Present Natural Boundary of Lake Okanagan are subject to authorizations under the Water Sustainability Act.
- The shoreline of Okanagan Lake shall not be altered.
- Any potential fill or structure on the foreshore could be considered trespass upon Crown Land.

Environment & Climate Advisory Committee

Recommends that the Floodplain Exemption is approved for erosion and scour protection works that are necessary to protect legal non-conforming structures.

Public Notification



Onsite signage - December 6th



17 notices mailed to nearby residents

Summary

- Erosion and wave scour protection is needed to safeguard structural foundations that are within the floodplain setback.
- Staff and the ECAC recommend that these works are only permitted in association with legally built structures.
- Granting FEX-23-02 with associated conditions will;
 - Allow for the safe and environmentally sensitive redevelopment of the cabin
 - Require the removal of the lower deck and the restoration of the natural area.

Recommendation

Custom Vote - Electoral Area West Unfringed Area - Electoral Area Directors Only - 1 Director, 1 Vote

THAT the Regional Board approves application FEX-23-02 for Lot 11, District Lot 3330, ODYD, Plan 11749, reducing the floodplain setback defined under Section 3.28.2.1.1 of Zoning Bylaw No. 871 from 15m to 5.5m to allow the placement of fill necessary to reinforce and protect structural foundations, subject to the following conditions:

- The applicant must apply for a Development Permit for works associated with the removal of all existing structures within the prohibited development area depicted in Attachment 5 of Regional Board Report FEX-23-02 and the restoration of the affected area.

Recommendation (cont.)

- The applicant must apply for a Demolition Permit to remove all existing structures within the prohibited development area depicted in Attachment 5 of Regional Board Report FEX-23-02.
- Aside from the reinforcement and protection of structural foundations, no increase to the existing building footprint or change to the siting of the structure within the floodplain setback is permitted.
- The applicant shall register a restrictive covenant under Section 219 of the Land Title Act identifying that there may be flood concern relating to the development of the lands.
- Shoreline modification and works in and around a water course is subject to Provincial regulations and requirements (Water Sustainability Act).