

Park Rill Creek, Horn Creek and Kearns Creek Floodplain Regulations

Electoral Area Services Committee
Thursday September 24, 2026

Park Rill, Horn & Kearns Creek Flood Mapping

Statutory Authority

- Section 524 of the *Local Government Act* allows the Board to regulate development within a floodplain.
- This includes establishing the flood level and setbacks from a watercourse.
- Consideration must be given to provincial guidelines.



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Background:

- Major flooding in Osoyoos and Similkameen Valley (1972)
- First “flood control” regulations introduced in 1973 (Areas “A” & “H”).
- Comprehensive floodplain regulations introduced into the zoning bylaws in 1982.

FLOODING HITS AREA AS RIVERS OVERFLOW

1972

Flood Control Regulations Included In Zoning Bylaw

1973

Floodplain zoning bylaw okayed by RDOS directors

1982

Thursday, January 14, 1982

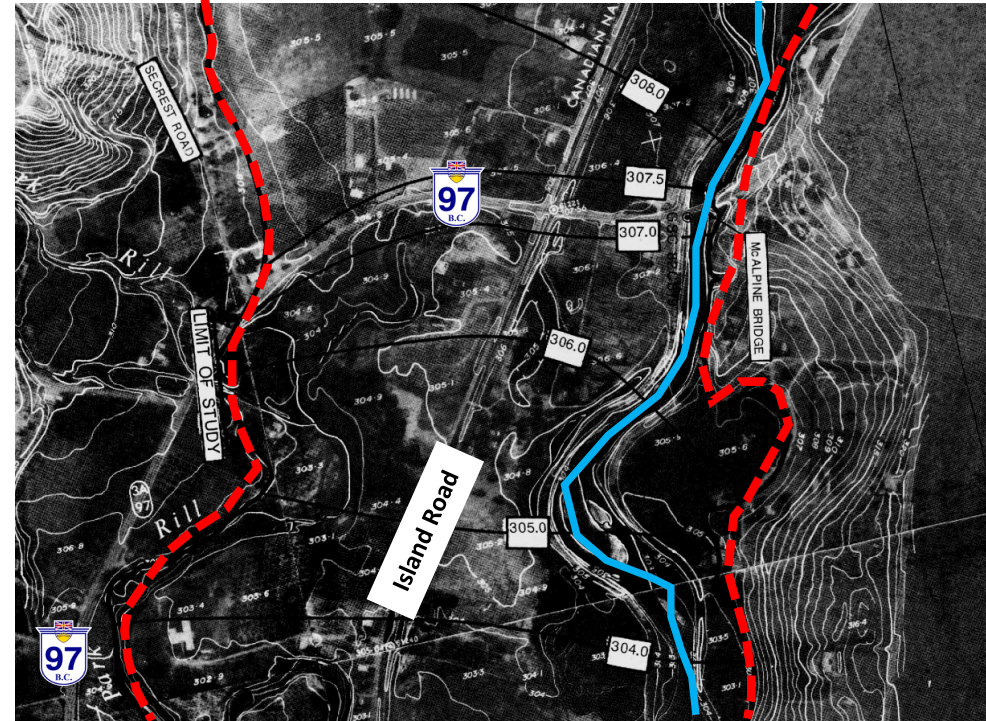
THE PENTICTON HERALD 3

A bylaw to update and consolidate zoning regulations to control the construction and location of building in floodplains in the area of the restrictions were not new. The first bylaw to control building in floodplains in the area of the restrictions were not new. This is simply intended that future development within the floodplains will be floodproof. It will be built to such a height that

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Background:

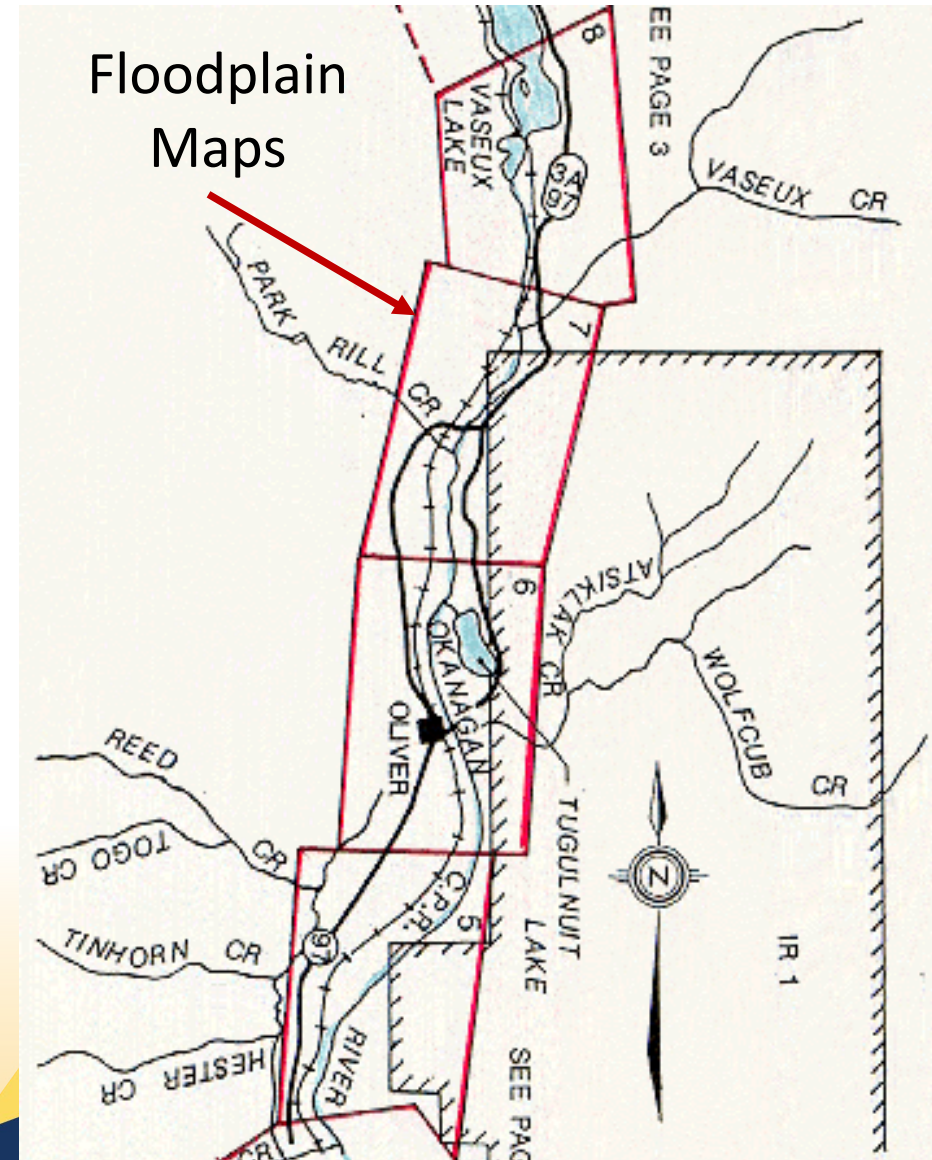
- For Okanagan River Channel, the “flood level” is the 200-year floodplain.
- Level is based on provincial mapping with the “current” mapping prepared in 1979-80 (e.g. “river survey”).
- Mapping has been used by the Regional District since approx. 1982.



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Background:

- Provincial Maps are focused on the River Channel and Basin Lakes.
- Outside of these areas the Regional District relies on bylaw “text” to establish floodplain:
 - *any land that is less than 1.5 metres above the natural boundary of any other watercourse.*



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- Floodplain is any land that is less than 1.5 metres above the natural boundary of Nipit Lake.
- Structures shall not be sited within 7.5 metres of the boundary of Nipit Lake.



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Background

- 2018 flooding impacted properties across the Regional District.
- Twin Lakes (Area “I”) and the Sportsman Bowl area (Area “C”) were significantly affected.



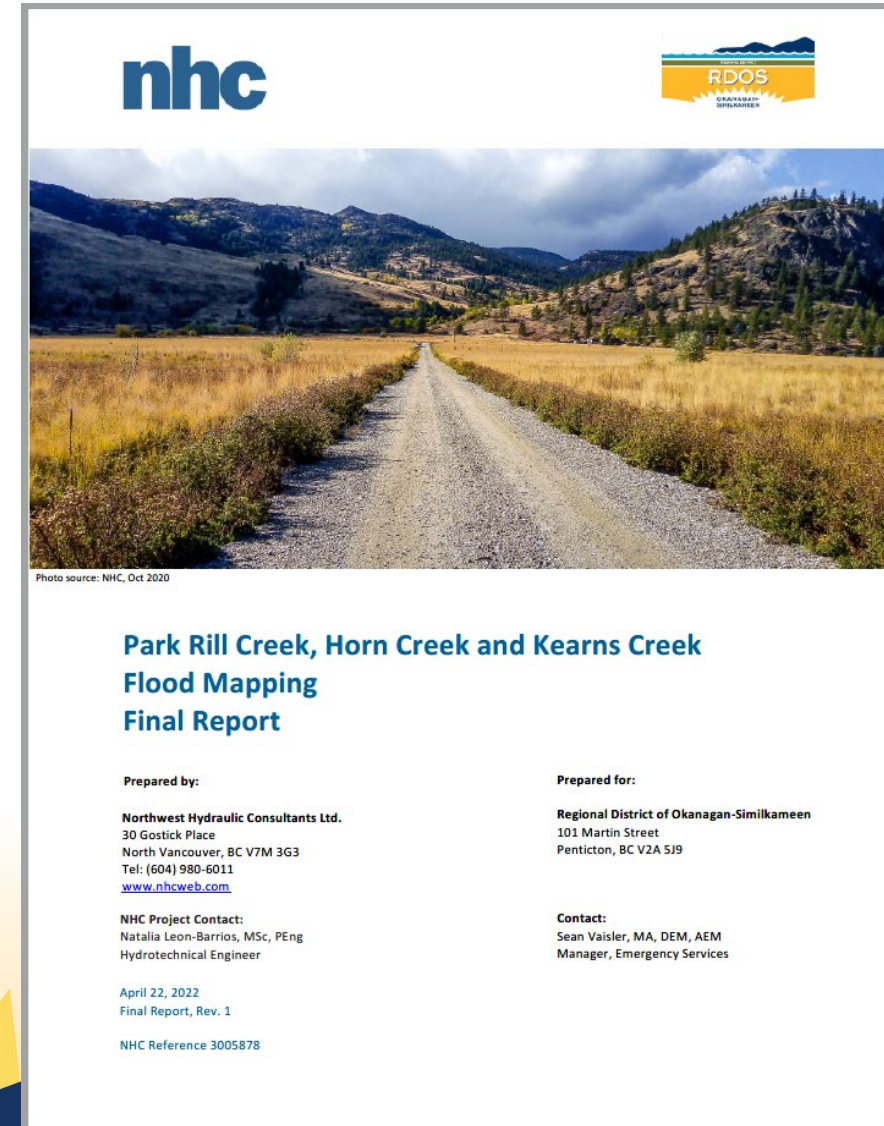
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Background

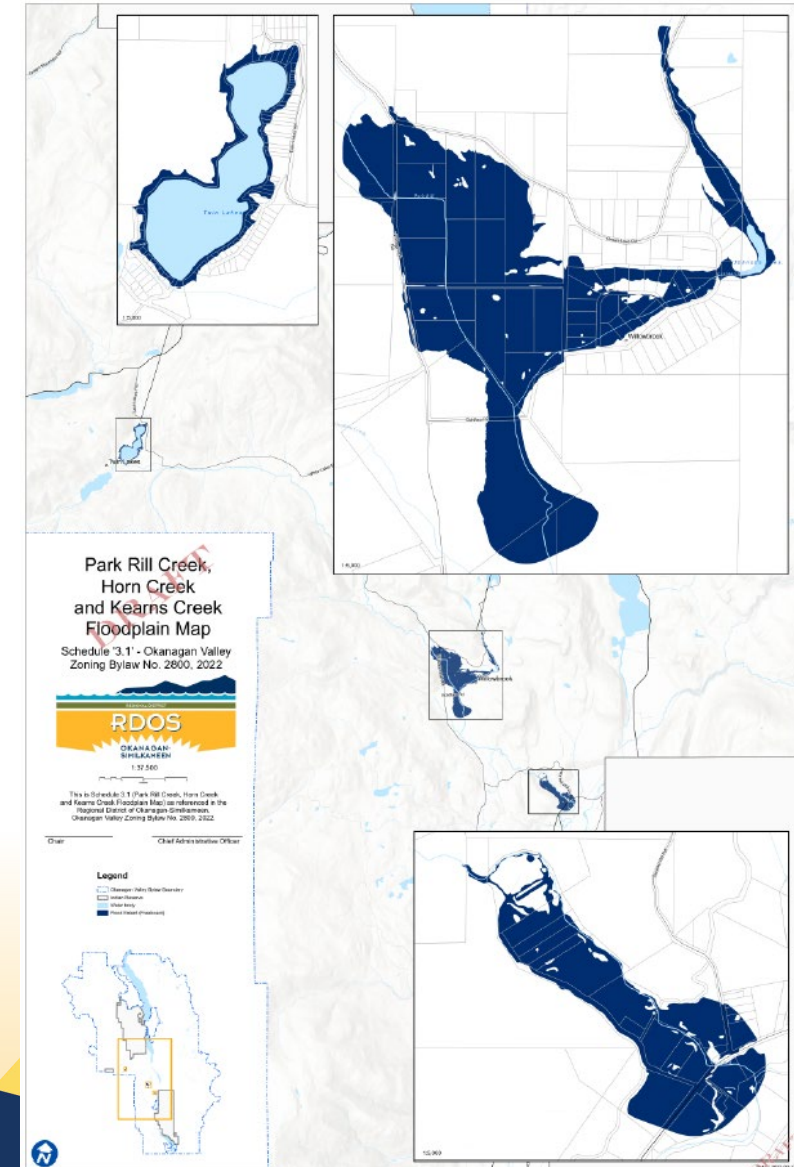
- In response, a *Flood Mapping Report* (2022), was completed by Northwest Hydraulic Consultants (NHC) and recommended (see Section 12.2):
 - *Implementing land use planning ... based on the floodplain maps to limit increased flood risk from unmitigated and/or unrestricted development of the floodplain.*



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Proposal

- That a new “Schedule ‘3.1’ - Park Rill Creek, Horn Creek and Kearns Creek Floodplain Maps” be added to the Zoning Bylaw 2800.
- That this mapping form the 200-year flood levels for Park Rill, Horn & Kearns Creeks.
- The new development be setback 15.0 metres from the natural boundary of Park Rill, Horn and Kearns Creeks.



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Considerations

- Relying on text descriptions to identify a floodplain is challenging.
- Maps provide a level of accuracy and consistency that will benefit the public and staff in applying the regulations in future.



Willowbrook – Electoral Area “C” (2018)

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Considerations

- New floodplain regulations will not apply to existing structures.
- Such structures will enjoy non-conforming siting rights (“grandfathering”) if they do not comply with the new regs.
- New development *will* be required to comply.



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Liability Considerations:

- While a local government can be liable for negligence, this is not the case if the alleged negligent act or omission is the result of a “policy decision”.
- The Board is not obligated to implement any of the recommendations in the *Flood Mapping Report* (2022) and, if it resolves to not do so for “policy” reasons (impacts, benefits, financial implications, etc.) it is unlikely to incur liability for negligence.

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Board Consideration:

- At its meeting of April 2, 2026, the EASC resolved the following:
 - *THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.61 be initiated; and*
 - *THAT there will be in person consultation conducted in Electoral Areas “C” and “I”.*

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Community Engagement:

Feedback opportunities comprised the following:

- Project web-page;
- Online Public Information Meetings:
 - July 6th (Oliver), July 7th (Twin Lakes) & July 8th (online)
- Voyent Alert notice; and
- Social Media post.

NOTE: Agency Referrals have not occurred yet



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Community Engagement:

- approximately 48 representations have been received in relation to the proposed amendments;
- the concerns raised in the representations include:
 - property rights and values & rebuilding restrictions;
 - preference for flood mitigation and water management;
 - technical basis or report and mapping assumptions;
 - existing development, septic systems & future use of parcels;
 - fairness and consistency; and
 - consultation and process concerns.

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Community Engagement:

- It is unlikely that additional concerns that have not already been raised by residents will be submitted to the Regional District if additional consultation is undertaken.
- Consequently Administration is seeking direction on the project prior to the local government elections on October 17th.

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Options:

1. Proceed with proposed Floodplain Regulations and Mapping unchanged.
2. Amend the proposed Floodplain Regulations and Mapping.
3. Abandon the proposed Floodplain Regulations and Mapping.



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Option No. 1 - Proceed with Amendments

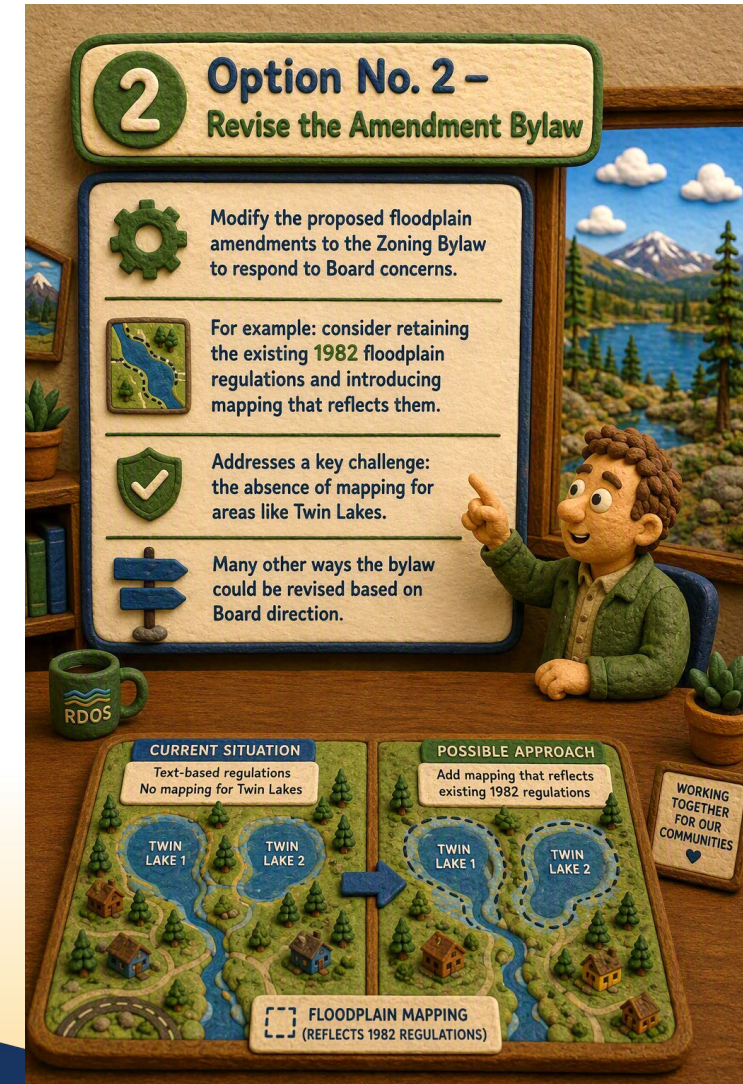
- Would introduce new floodplain regs and mapping for the Twin Lakes & Willowbrook area based on recommendations in NHC Report.
- Moving from a text-based approach to one that relies on mapping is a substantial improvement.
- Area is already in a designated floodplain.



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Option No. 2 – Revise Amendment Bylaw

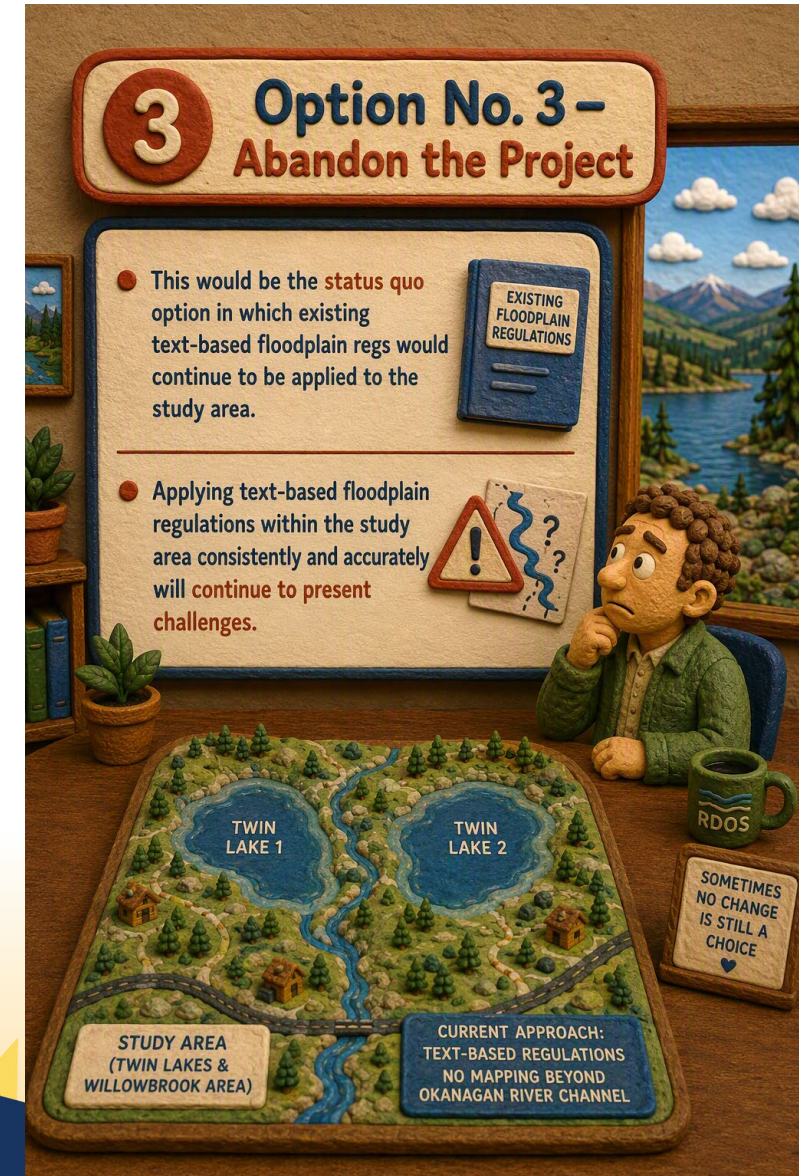
- Proposed floodplain and regs are amended based on Board direction.
- For example, retaining the existing regulations for Twin Lakes supported by new mapping that reflected these regs could be enacted.
- Various options are available.



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Option No. 3 – Abandon the Project

- This would be the status quo option in which existing text-based floodplain regs would continue to be applied to study area.
- Applying text-based floodplain regulations within the study consistently and accurately will continue to present challenges.



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Administrative Recommendation

THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.61, proceed as presented, without amendment.

Alternatives:

1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.61, 2026, be amended as follows:
 - i) *TBD*
1. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.61, 2026, be abandoned.

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Questions?