

ADMINISTRATIVE REPORT



TO: Electoral Area Services Committee

FROM: J. Zaffino, Chief Administrative Officer

DATE: September 24, 2026

RE: Floodplain Mapping Update – Electoral Areas “C” & “I” (X2025.016-ZONE)

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*
 2. THAT the Okanagan Valley Zoning Amendment Bylaw No. 2800.61, 2026, be abandoned.
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Proposal:

The purpose of this report is to seek direction from the Board with respect to the proposed incorporation of new floodplain mapping and updating floodplain regulations in response to the recommendations under the *Park Rill Creek, Horn Creek and Kearns Creek Flood Mapping Report* (2022).

Strategic Priorities: 5.2 Optimize Development Approval Function

Background:

At its meeting of April 2, 2026, the Electoral Area Services Committee of the Regional District Board resolved to initiate Okanagan Valley Zoning Amendment Bylaw No. 2800.61, 2026, and directed that in-person consultation be conducted in Electoral Areas “C” and “I”.

Further to the resolution of April 2, 2026, and as part of the initiation of Amendment Bylaw No. 2800.61, the following public consultation was undertaken:

- Project webpage created and populated with information regarding the proposal;
 - Public Information Meetings were scheduled, notified via letter and VoyentAlert! and attended as follows:
 - July 6, 2026: in-person at the Oliver Parks & Recreation Centre, 6359 Park Drive, Oliver BC (4 attendees);
 - July 7, 2026: in-person at the Twin Lakes Golf Course Bistro, 79 Twin Lakes Road, Kaleden, BC (approximately 30 attendees);
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- July 8, 2026: online via video conference system (i.e., Webex) (10 attendees).

At the time of the drafting of this report, approximately 48 representations have been received, largely in opposition to the proposed amendments.

On July 28, 2026, the Regional District issued an Information Release advising that the project remains in the preliminary stages and is open for public consideration and feedback, and that, prior to any consideration of bylaw readings, staff would present all feedback received to the Electoral Area Services Committee for direction after the orientation of the new Regional District Board following the October 17, 2026, municipal election.

Analysis:

While public messaging from the Regional District in July of 2026 anticipated presenting public consultation feedback to the incoming Board following the local government election on October 17, 2026, Administration has reconsidered this position and believes that this project should be returned to the current Board for a strategic direction prior to the election.

This is due to the current Board possessing significant historical context regarding past flooding events at Twin Lakes (Electoral Area “I”) and Willowbrook (Electoral Area “C”) as well as an institutional knowledge of regional hazard management (as a result of past events) and the nature of public engagement processes.

Administration is also concerned that the new Board will be focused on statutory orientation, strategic planning, budget deliberations, and basic governance training during the post-election period, and a complicated project such as the introduction of new floodplain regulations and mapping may need to be deferred till this orientation is completed.

Finally, substantial public feedback that has been received in relation to this project (largely opposed to the amendments) and it *seems* unlikely that additional concerns that have not already been raised by residents will be submitted to the Regional District by the end of October of 2026.

In response, Administration considers that there a number of options available to the Board in relation to this project, each of which will be outlined below:

Option No. 1 – Proceed with Amendment Bylaw No. 2800.61

Under this option, the floodplain amendments to the Zoning Bylaw proceed as proposed in recognition that bodies of water such Twin Lakes and watercourses such as Kearns Creek are already within a designated floodplain area and are also prone to flood events.

Administration maintains its position that the flood maps prepared for the Lower Twin Lakes, Willowbrook and Sportsmens Bowl Road areas constitute a substantial improvement in the application of floodplain regulations in these communities by moving from a text based approach to one that relies on mapping.

The new maps provide a level of accuracy, consistency, and defensibility that cannot be achieved through written floodplain descriptions alone and will enhance clarity and consistency in the application of existing floodplain regulations in these communities for both staff and the public.

The proposed floodplain mapping will also capture geomorphic changes that resulted from the 2018 freshet, including channel incision, erosion, sediment deposition, and altered flow paths. This is

beneficial as, in multiple areas, the physical channel *may* no longer resemble its pre-2018 form and that these types of hydrologic changes can create significant uncertainty when attempting to define a “natural boundary” or a fixed setback through bylaw text alone.

Administration is aware of the concerns raised by residents, which include:

- property rights, property values and rebuilding restrictions;
- preference for flood mitigation and water management over land use regulation;
- concerns regarding the technical basis and mapping assumptions;
- existing development, septic systems and future use of properties;
- fairness and consistency; and
- consultation and process concerns.

In response, Administration notes affected properties are likely already within the floodplain associated with Twin Lakes and Park Rill, Kearns and Horn Creeks, that rebuilding restrictions likely already apply and that there are statutory provisions under the *Local Government Act* that allow property owners to petition the Board for a “Floodplain Exemption” when supported by a report from a Professional Engineer.

Administration is not aware of any peer reviews of the report prepared by Northwest Hydraulic Consultants Limited that suggest its technical analysis is incorrect, while existing development and uses impacted by any regulations and mapping will enjoying non-confirming siting rights (e.g. “grandfathering”) under the *Local Government Act*.

Option No. 2 – Modify Amendment Bylaw No. 2800.61

Under this option, the proposed floodplain amendments to the Zoning Bylaw are modified in order to respond to Board concerns.

For instance, if there are concerns in relation to how the proposed regulations and mapping are to be applied to properties fronting Twin Lakes, consideration could be given to retaining the existing floodplain regulations and introducing mapping that reflects these regulations (which are understood to have been introduced in 1982).

This would address one of the biggest challenges with applying the current floodplain regulations; the absence of mapping for areas beyond the Okanagan River Channel, such as Twin Lakes.

Conversely, there are any number of other ways in which the amendment bylaw could be modified based on Board direction.

Option No. 3 – Abandon Amendment Bylaw No. 2800.61

Under this option, the proposed floodplain amendments to the Zoning Bylaw would be abandoned, and the application of floodplain regulations in the study area would continue to be done by text within the zoning bylaw.

With regard to any potential liability regarding this option, 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”. As a matter of policy, any decision(s) would likely, therefore, be immune from liability for negligence.

For instance, if the Board resolves not to implement any of the recommendations contained within the *Park Rill Creek, Horn Creek and Kearns Creek Flood Mapping Report (2022)* after weighing of competing interests, value judgments, and budget considerations with potential broad impacts and applicability to the community generally rather than targeting any particular individual or group, this would be a matter of “policy”.

Summary

Administration maintains its position that the introduction of mapped floodplains provides a clearer, more accurate, and more defensible framework for regulating development in flood-prone areas.

Mapping translates complex hydrology, hydraulic modelling, and climate projections into a form that can be consistently applied by staff and easily understood by the public.

Continued reliance on bylaw text alone would not reflect current flood hazard knowledge, nor would it align with provincial and national standards.

Implementation of the new floodplain mapping is therefore recommended to ensure modern, science-based flood regulation and to support the long-term resilience of affected communities.

Financial Implications:

Financial implications have been considered and none were found.

Communication Strategy:

Should the Board wish to proceed with the amendment bylaw as proposed, staff would refer the proposed bylaw to any government bodies, agencies or organizations which may have their interests affected by the proposed changes, continue to collect public feedback, and return to a future Electoral Area Services Committee to present public and external agency feedback for consideration.

Will a PowerPoint presentation be presented at the meeting? Yes

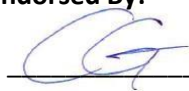
Some material in this report was generated using Microsoft Copilot and was reviewed for accuracy by members of the Development and Infrastructure Department before publication.

Respectfully submitted:

Shannon Duong

Shannon Duong
Planner II

Endorsed By:



C. Garrish
Senior Manager of Planning

Endorsed By:

Allen Fillion

A. Fillion
Managing Director, Dev. & Infrastructure