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**REPORT TO CAPITAL REGIONAL DISTRICT BOARD
MEETING OF WEDNESDAY, OCTOBER 8, 2014**

**SUBJECT FLOOD HAZARD AREA LAND USE MANAGEMENT GUIDELINES
AMENDMENTS – UPDATE**

ISSUE

To update Capital Regional District (CRD) Board on proposed amendments to the 2004 Province of BC *Flood Hazard Area Land Use Management Guidelines*.

BACKGROUND

Sea levels are anticipated to rise as a result of climate change. The Province of BC estimates sea levels will rise by approximately 1 metre by 2100. Legislative changes to the *Land Title Act* and the *Local Government Act* in 2003 and 2004 removed the role of the Minister of Environment for flood plain designation and approval, shifting this authority entirely to local governments. In 2004, the *Flood Hazard Area Land Use Management Guidelines* were published to assist local governments in identifying and designating flood hazard areas. The Province has proposed amendments to the guidelines to incorporate considerations for sea level rise and has invited local governments to consult on the amendments until October 31, 2014.

Prior to 2004, the Province established Flood Construction Levels and setbacks and oversaw a specific exemption process to deal with non-conforming construction, additions to buildings and variances. Many local governments, including the CRD with respect to Juan de Fuca Electoral Area, have designated Development Permit areas for protection of development from hazardous conditions, which may include flooding. These areas require that land owners retain a qualified professional to review technical factors and determine the site is safe for the intended use. This process is complemented by Section 56 (2) of the *Community Charter* which gives building officials the authority to require a report certified by a qualified professional determining whether land that may be subject to hazards is safe for the use intended. This system of land use and development approvals has demonstrated that a high degree of site-specific analysis is required in consideration of many variables that relate to hazards.

Under Section 910 of the *Local Government Act*, the CRD is enabled to designate flood hazard areas within the Juan de Fuca Electoral Area as the local governance authority with responsibility for the management of development. Once the Province finalizes and approves the proposed guideline amendments to the Flood Hazard Guidelines, the CRD Board will need to consider policy implications. However, establishing a specific flood construction level or setback in consideration of the proposed guidelines would have significant implications for land owners whose property is within the designated flood plain. These implications will affect new development as well as owners of existing buildings that will have "non-conforming" status with significant legal and administrative implications related to the management of development.

At its June 25, 2014 meeting, the Environmental Services Committee:

- (a) Directed staff to further review and report back on implications of the proposed amendments to the Provincial *Flood Hazard Area Land Use Management Guidelines*; and
- (b) Recommended to the CRD Board that the Board Chair issue a letter to the Province recommending the consultation process be broadened.

Staff have responded to this direction in the following ways:

- A letter has been sent from the CRD Board Chair to the BC Minister of Environment regarding the consultation process.
- An internal working group comprised of staff from Regional & Strategic Planning, Protective Services, Juan de Fuca Electoral Area Planning, Building Inspection, Infrastructure Engineering & Operations, and Environmental Protection has been established to review the guidelines.

This report includes the full text of the proposed guideline amendments (Appendix A) and provides an overview of some of the key considerations identified by the staff working group (Appendix B).

ALTERNATIVES

That the CRD Board:

1. (a) Direct staff to submit comments through the provincial consultation process; and
(b) Recommend that the Board Chair issue a letter to the Province of British Columbia incorporating comments based on issues raised in Appendix B.
2. Direct staff to submit comments through the provincial consultation process.

INTER-GOVERNMENTAL IMPLICATIONS

The *Flood Hazard Area Land Use Management Guidelines* amendment represents a significant policy change that will impact land use and development decisions made by BC local governments in coastal areas. When the guidelines come into effect, the CRD, through the Juan de Fuca Land Use Committee, will then determine how best to address flood hazard policy as it relates to the regulation of land use and development within the Juan de Fuca Electoral Area. Concurrently, the CRD may also want to consider if a coordinated regional approach to sea level rise is appropriate.

SOCIAL IMPLICATIONS

Within the region, considerable infrastructure and development are currently situated within areas that could be designated as sea level rise flood hazard areas within the future.

ECONOMIC IMPLICATIONS

Once the guidelines come into effect, further study and analysis will be required to derive accurate flood construction levels, and identify policy options and responses to the potential for flooding due to sea level rise within the region.

CONCLUSIONS

The provincial consultation on the *Flood Hazard Area Land Use Management Guidelines* has triggered an important conversation with respect to sea level rise that will need to be addressed once the guidelines are passed. In the meantime, staff identified several considerations and questions that should be addressed through the provincial consultation process. This amendment represents a significant policy change that will impact land use and development decisions made by local governments in coastal areas.

RECOMMENDATIONS

That the Capital Regional District Board:

1. Direct staff to submit comments through the provincial consultation process; and
2. Recommend that the Board Chair issue a letter to the Province of British Columbia incorporating comments based on issues raised in Appendix B.



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Attachments: 2