

## CAPITAL REGIONAL DISTRICT REVIEW

**STAFF COMMENTS ON PROPOSED AMENDMENTS TO  
PROVINCE OF BC FLOOD HAZARD AREA LAND USE MANAGEMENT GUIDELINES**

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A CRD staff working group reviewed the guidelines and identified some initial areas that require further consideration. These include:

**1. Appropriate use of Flood Hazard Guidelines**

The *Flood Hazard Area Land Use Management Guidelines* were designed to address periodic flooding events, and not static sea level rise. Mechanisms used within the guidelines (e.g., flood protection through raising elevation of flooring system, FCL, setback, etc.) appear to be most appropriate for buildings impacted by periodic flooding events. The guidelines don't address other infrastructure such as utility pipes, roads, etc. Additionally, the use of elevated floor systems may not be the most appropriate mechanism to address static (permanent) inundation.

**2. Sec. 910 of *Local Government Act* versus Sec. 56 of *Community Charter***

Flooding is addressed within both the *Local Government Act* (the Act) and the *Community Charter* (the Charter). The Act designates flood authority through the board/council, whereas the Charter designates flood authority through the building inspector. The CRD internal working group questions what would happen in cases where these two bodies wanted to approach flooding in conflicting ways. The working group suggests that Sec. 56 of the Charter should be amended to remove the provision for flooding, and flood protection should live solely within the Act.

**3. Disincentive to regulate (disaster financial assistance regulation)**

Sec. 15 of the Disaster Financial Assistance Compensation Regulation states there will be no compensation for new construction built within a flood plain after flood plain is designated unless structure is properly flood protected. As the designation of a flood plain by a local government triggers potential ineligibility for disaster assistance both for new construction, and for extensions or additions to existing buildings, local governments that wish to protect the eligibility of post disaster compensation for property owners may be concerned about the effect of designating flood plains. Further, a guidance document defining "proper flood protection" needs to be developed and made accessible along with the other guidance documents.

**4. Piecemeal approach to planning, zoning and regulation**

Under Sec. 910 of the Act, each local government is enabled, but not required, to address sea level rise through designating flood hazard areas. It is possible (probable) that each local government across the province will choose to address sea level rise differently, resulting in a context where the building requirements, zoning, etc. is different in each jurisdiction. Several have questioned if a standardized requirement rather than a piecemeal approach through LGA 910 would be more appropriate.

**5. Impact on property owners/residents**

Once these guidelines are approved, residents and property owners will likely have a number of questions, and to date, the Province has not indicated if or how they will address them. Without a provincial strategy to address these considerations or concerns, it is likely that property owners will come to the local government for answers. From the perspective of individual property owners, these questions include, for example, how the proposed amendments will impact ability to expand existing homes, put in secondary suites, get insurance and impact property values, etc.

**6. Implications for Local Governments**

Once the guidelines are approved, municipal and regional governments will also have a variety of questions for the province to address. These include, for example: if and how the province will continue to invest money within flood hazard areas; if local governments will be required to continue to maintain infrastructure that could be subject to future flooding; what impacts abandoned properties could have on the tax base; and who will cover the costs of inundation mapping, etc.