
TO: RDN Board **MEETING:** December 4, 2018
FROM: Jamai Schile **FILE:** 5285
Senior Planner
SUBJECT: Floodplain Bylaw No. 1469.02 and Bylaw 500.17 to Modernize Flood Mitigation Requirements - Third and Adoption

RECOMMENDATIONS

1. That “Regional District of Nanaimo Floodplain Management Amendment Bylaw No. 1469.02, 2018” be read a third time, as amended.
2. That “Regional District of Nanaimo Floodplain Management Amendment Bylaw No. 1469.02, 2018” be adopted.
3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.417, 2018” be read a third time.
4. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.417, 2018” be adopted.

SUMMARY

The proposed amendments are intended to provide clarity and remove inconsistencies between the Regional District of Nanaimo (RDN) building and land use bylaws and the Provincial Guidelines regarding the management of land adjacent to or influenced by the sea. If adopted, the changes will incorporate allowances for 1.0 meter of sea level rise by the year 2100 into the Floodplain Bylaw and the Land Use and Subdivision Bylaw.

BACKGROUND

Section 524 of the *Local Government Act* provides provisions that enable local governments to manage development in relation to lands prone to flooding. With respect to these provisions, the *Act* also states that local governments must give consideration to the Provincial Flood Hazard Area Land Use Management Guidelines (the Provincial Guidelines). The guidelines are intended to minimize injury and property damage resulting from flooding and are linked to the Provincial Compensation and Disaster Financial Assistance Regulation. Together, the Provincial Regulation and Guidelines, are used to determine if property has been adequately protected and whether a local government is eligible for financial assistance following a flood event.

In accordance with the *Act*, the RDN adopted the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” in 2006, and has been implemented through the RDN’s building inspection services for new construction in those areas where the bylaw applies.

As of January 01, 2018, amendments to the Provincial Guidelines came into effect that incorporate a new approach for assessing coastal flood hazards that includes allowances for sea level rise. In response to these changes, the RDN has initiated steps to acquire coastal floodplain mapping information and begin the process of updating the applicable RDN building regulations and land use regulations and policy. The update is anticipated to be phased in over the course of the next two years as funding becomes available. This initial or interim update¹ is to be followed by further updates to incorporate the coastal floodplain mapping for the northern communities in the spring of 2019. The southern communities are anticipated to be completed in the fall of 2019 or 2020, dependent on the availability of funding.

Equally important to the success of the [Sea Level Rise Adaptation Program](#) is early and ongoing engagement. Before proceeding with future bylaw amendments, broad public consultation will be undertaken including unique learning opportunities for applicable RDN staff and elected officials.

With respect to the interim bylaw updates, at the October 16, 2018 meeting, the RDN Board gave two readings to the Amendment Bylaws, waived the public hearing and initiated notification to the the Ministry of Transportation and Infrastructure, District of Lantzville and Gabriola Island Local Trust Area (Area B) through the following motions:

- It was moved and seconded that the Board introduce and give first and second reading to “Regional District of Nanaimo Floodplain Management Amendment Bylaw No. 1469.02, 2018”.
- It was moved and seconded that the Board introduce and give first and second reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.417, 2018”.
- It was moved and seconded that the Board approve revisions to “Regional District of Nanaimo Board Policy No. B1.5 Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation”.
- It was moved and seconded that the public hearing for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.417, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.
- It was moved and seconded that the District of Lantzville and Gabriola Island Local Trust Area be notified of “Regional District of Nanaimo Floodplain Management Amendment Bylaw No. 1469.02, 2018”.

Draft Bylaw No.1469.02 to amend the Floodplain Bylaw and draft Bylaw No.500.417 to amend the Land Use and Subdivision Bylaw is included as Attachment 1 and Attachment 2.

¹The previous [staff report \(dated October 2, 2018\)](#) provides full details of the interim update and future amendments needed.

Responses to Notification

Following Board direction, a letter of notification outlining the proposed bylaw changes and applicable documents was communicated to staff at the District of Lantzville, Islands Trust (Gabriola Island Local Trust Area) as well as the Ministry of Transportation and Infrastructure. The District of Lantzville confirmed by email that they received the information, while the Islands Trust provided a letter in response. (See Attachment 3). The letter from the Trust clarifies the authority given to the Trust under the *Local Government Act*, whereby, the Trust can adopt a flood management bylaw. As such, the Trust requested that Area B (Gabriola Island) be excluded from the RDN's Floodplain Bylaw.

To address this request and to ensure consistency with the "Regional District of Nanaimo Buildings Regulations Bylaw No.1250, 2010", Floodplain Bylaw 1469.02 has been amended to clearly list the areas in which the bylaw applies, those being Electoral Areas A,C,F, G and H.

The proposed change does not effect or alter building services that the RDN currently provides to the District of Lantzville and Electoral Area B. While these areas are not subject to the RDN's Floodplain Bylaw, the RDN's Chief Building Inspector has the authority, under Section 56 of the *Community Charter*, to request a qualified professional to certify that the land is safe for the intended use in accordance with the conditions specified in the professional's report, prior to a building permit being issued. As with the Floodplain Bylaw, the flood hazard assessment report is to be prepared to the same standards established by the Engineers and Geoscientists of BC².

Notice of Public Hearing Waiver

The Notice of Public Hearing Waiver appeared in the Nanaimo Bulletin and Parksville Qualicum Beach News newspapers on November 20 and 22, 2018.

ALTERNATIVE

1. Consider third reading of the bylaws.
2. Provide staff with alternative direction.

FINANCIAL IMPLICATIONS

Proceeding with the recommendations has no implications related to the Board 2018-2022 Financial Plan. Should the Board proceed, it should be noted that as this work is included within the Sea Level Rise Adaptation Program work plan, no additional staff resources are required.

STRATEGIC PLAN IMPLICATIONS

² Professional Practice Guidelines – Legislated Flood Assessment in a Changing Climate BC, Engineers and Geoscientists of BC (2018)

The Amendment Bylaws, align with the 2016-2020 Board Strategic Plan priorities of:
Focus On Service And Organizational Excellence - We Will Ensure Our Processes Are As Easy
To Work With As Possible



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November 9, 2018

Reviewed by:

- P. Thompson, Acting Manager, Current Planning
- Geoff Garbutt, General Manager, Strategic and Community Development
- P. Carlyle, Chief Administrative Officer

Attachments

1. Draft Bylaw No. 1649.02
2. Draft Bylaw No. 500.417
3. Response to Notification