



Corporate *NO: R020*

Report *COUNCIL DATE: February 17, 2003*

REGULAR COUNCIL			
TO:	Mayor & Council	DATE:	February 11, 2003
FROM:	General Manager, Engineering General Manager, Planning and Development	FILE:	0250-20 5225-01
SUBJECT:	Flood Hazard Management		

RECOMMENDATIONS

1. That Council authorize the Mayor to forward a letter to the appropriate Provincial MLA's and officials, that expresses the City's strong concerns with respect:
 - to the proposed downloading of the Provincial responsibility for flood hazard management;
 - the associated withdrawal of Provincial funding in this area;
 - that insists that the Provincial government continue to provide flood hazard management services as has been their role to date.
2. That a copy of this report and Council's resolution be included with the letter.

INTENT

The purpose of this report is advise Council of a proposal by the Province:

- to download the responsibility for Flood Hazard Management to local governments;
- to discontinue the practice of providing financial assistance for dyking and other flood control measures; and
- to seek Council authorization to advise the appropriate Provincial authorities of the City's strong concerns with their intended course of action.

BACKGROUND

The Province currently plays a key role in coordinating inter-municipal flood control works, river/snowmelt forecasting and providing detailed analysis and floodplain mapping information on large river systems used for planning and emergency preparedness by local governments. The Province is also instrumental in providing a consistent strategy for municipalities in addressing flood mitigation for older developments built before floodplain requirements were applicable. Within the last year, these services have been divided between several provincial ministries, resulting in lower service levels and coordination difficulties between all parties.

With respect to the types of development applications administered by the Planning & Development Department, the Land Title Act requires that all subdivision applications that are proposed in floodplain areas be reviewed and approved by the Province. The Province provides comments and generally requires the registration of a restrictive covenant on each lot that specifies the flood construction level and any other flood hazard conditions applicable to building or other development of the land.

Where proposed development within a floodplain entails only a building permit application, the Province only reviews requests for relaxations to the Flood Construction Level established by the Province. Where the relaxation is granted, generally the applicant is required to register a save harmless restrictive covenant on the title of the property. Applications for building permits in the Crescent Beach area are an exception in that within this area, City Council deals with requests for relaxations of the Flood Construction Level (FCL) through the Development Variance Permit process.

In the case of structural works, such as dykes and pumps, local governments and dyking authorities have generally been responsible for minor maintenance, operation, repair and rehabilitation. The Province regulates these activities through the Dyke Maintenance Act. The Provincial and Federal Governments have traditionally been involved (including funding) in any major repairs or decisions to upgrade the dyking system on large rivers such as the Fraser River or along the ocean frontage.

The Ministry of Water, Land and Air Protection is now proposing a new model for flood hazard management including changes in Provincial funding for flood control works. Recently, UBCM sent a Member Notice requesting local governments to write their local MLA and appropriate ministers about the importance of continuing provincial funding for flood control works. In addition to voicing this concern we believe that concerns over the whole proposed change of approach, i.e. downloading, needs to be conveyed to the Provincial government.

DISCUSSION

Even though the Province has extensive authority under legislation to regulate construction within floodplains, they have historically been reluctant to exercise this authority. Instead they have sought the aforementioned “voluntary” compliance to the Provincial guidelines. The Province has declined to act on their authority and utilize the procedure set out in the legislation to make the “guidelines” requirements and make compliance with the FCLs a legal obligation of local governments and property owners.

The proposed Provincial delivery model will concentrate the Province's efforts to continue developing guidelines and regulations while removing themselves from review and inspections. Local government and dyking districts will be expected to engage professionals for sign-off and inspections. The Province is

proposing to continue to audit and monitor the dyking authorities; however, the level of resources within the Provincial ministries has not been adequate to meet the demands of auditing and monitoring the dykes throughout the Province. This can lead to inconsistencies throughout the Province and between the construction and maintenance of dykes by local governments on shared floodplains.

The new Provincial delivery model refers to floodplain designation but makes no clear commitment as to how the floodplain designations will be established. In the past, the Province developed and managed hydraulic models that were used to calculate flood levels. From these, floodplains could be delineated and the related local government would, in turn, regulate building elevations based on Provincially-established Flood Construction Levels. The plan as it is presented appears to make hydraulic modelling and floodplain designation a local responsibility. This could and probably will lead to numerous problems. For example, unless an overriding authority is in place, a local authority can allow encroachment into a floodplain that can lead to impacts on lands in neighbouring municipalities. On large watersheds, such as the Fraser River, it is beyond any local government to conduct adequate modelling or analysis of the watershed to establish reasonable flood hazard management and emergency preparedness requirements.

In 2002, the Provincial Government reorganized many Ministries, fragmenting flood hazard management responsibilities between several Ministries. This has resulted in flood hazard assessment, mapping, approvals, forecasting and emergency response all being located in different branches of several ministries, reducing effective communications. This was particularly noticeable in the 2002 freshet when forecasting was delayed and key staff was not identified to local governments, which resulted in confusion on roles and responsibilities. Although the new delivery model deals with local government's involvement with Provincial Emergency Program (PEP), the lack of commitment to flood forecasting will severely limit the effectiveness of Emergency Preparedness Plans. The consolidation of services relating to floodplain hazard management, forecasting, mapping, assessment and emergency response within a single ministry should be a paramount objective of the new plan.

The Province reports "Provincial Disaster Financial Assistance payouts for flooding have averaged some \$18 million per year over the last dozen years". Even aside from the very strong motive to download the responsibility for Flood Hazard Management to the local governments, it is foreseeable that in the future, this disaster assistance funding could be in jeopardy or, alternatively, would become the responsibility of local governments to pay.

The UBCM has examined the Provincial proposal and concluded that local governments cannot accept the proposed downloading of flood management responsibility without a corresponding re-allocation of provincial funding to the local government level to offset the costs of such responsibility. Even then, since flood management by nature crosses municipal boundaries, the management function would be difficult to administer effectively. It should be noted that the principles on which the proposed Community Charter is based include the principle that there will be no downloading of Provincial responsibilities on local governments in the Province without a corresponding transfer of resources to offset the costs of the downloaded responsibility.

The UBCM recommended that local governments write to the Minister of Water, Land & Air Protection to express their objection to this Provincial proposal.

CONCLUSION

Based on the above discussion, it is recommended that Council:

1. receive this report as information; and

2. authorize the Mayor to forward a letter to the appropriate Provincial officials, that expresses the City's strong concerns with respect to the proposed downloading of the Provincial responsibility for flood hazard management and the associated withdrawal of Provincial funding in this area and that insists that the Provincial government continue to provide flood hazard management services as has been their role to date and, further that a copy of this report and Council's resolution be included with the letter.

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