

Shared Responsibility: Application of Bill 27 to Achieve Water OUT = Water IN

The information provided in this session is for public education purposes only. If you have particular questions about a specific case, please make an appointment to speak to one of our lawyers.

Agenda

1. Shared responsibility
2. How it fits with what you're doing here
3. Responsibility Matrix
4. Considering the challenges and opportunities
5. Bill 27, 2008
6. Lively discussion



Shared responsibility

- We have different expertise and focus but we overlap (sometimes congruently, other times at cross-purposes) in:
 - our objectives
 - the impact of our actions
 - the way we work and the tools we employ to accomplish our goals
- We all have a part to play in sustainable dev't

Responsibility Matrix

Goal	Party	Tool
<ul style="list-style-type: none">•Objectives•Situations•Responsibilities	<ul style="list-style-type: none">•Regional staff and elected reps•Municipal staff and elected reps•Private actors (developers, builders, consultants, homeowners, stewardship groups, universities and colleges, etc.)	<ul style="list-style-type: none">•Law•Bylaw•Policy•Procedure•Incentive•Penalty•Security•Budget

Themes

- Challenge: figuring out which parties are the “pieces” of the water/land puzzle, and how to join them together in implementing goals
- Opportunity: the potential for positive synergies and collaboration on solutions
 - Think creatively about the law
 - How can you work together effectively?

CV Regional Water Supply Strategy

- CV Water Supply Commission (a select committee of the CVRD Board);
- CV Water Supply Advisory Board; and
- CV Water Supply Steering Committee
- All to “...enable the CVRD to develop plans, policies and actions related to regional water demand management and watershed protection.”

Land Use Development and Water

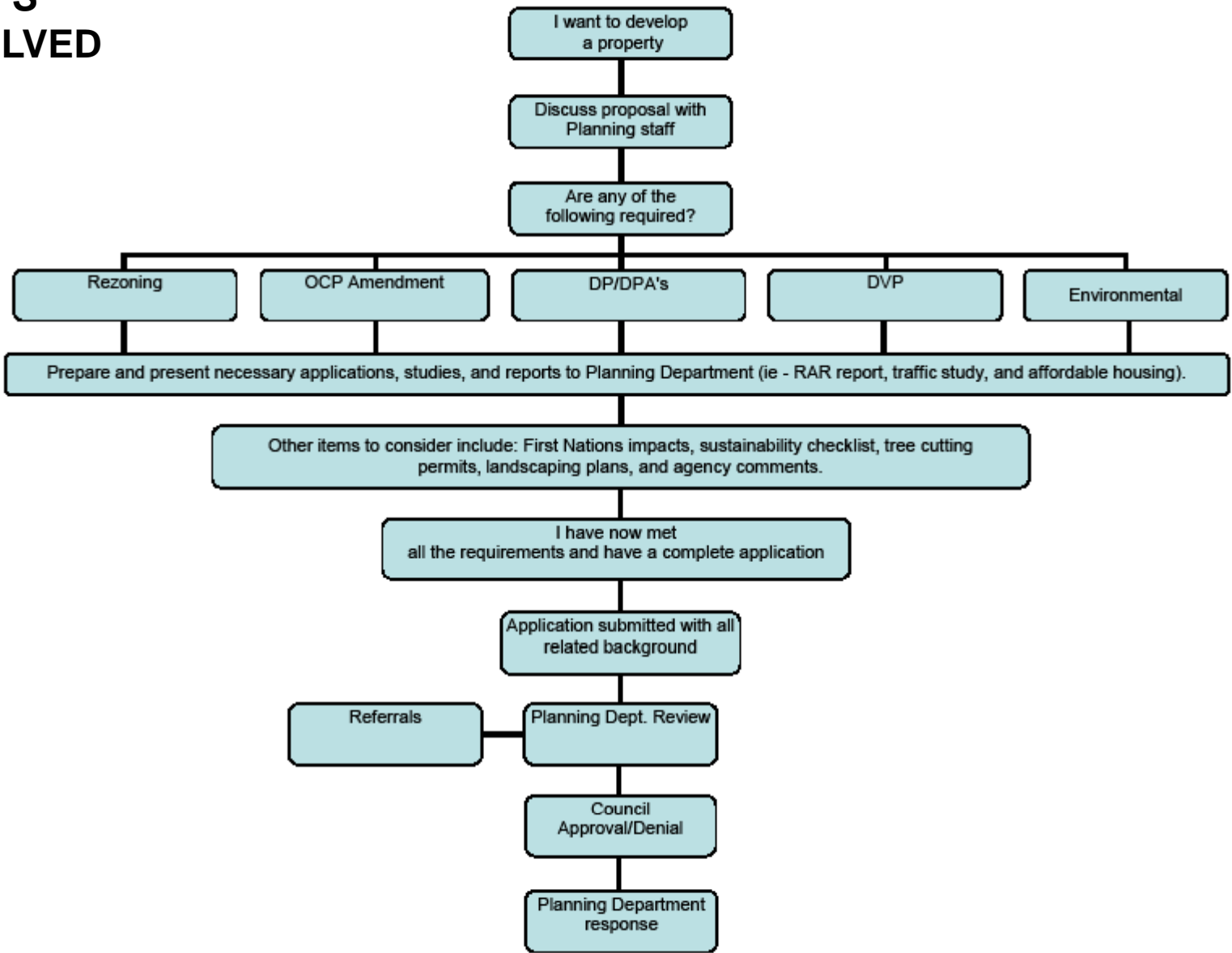
- Mapping and considering sensitive ecosystems
- Managing sediments
- Aiming for on-site storm/rainwater management
- Lot size & elevations
- Subdivision development standards
- Flood and other hazard management
- Planned regional growth



**So – for any issue - who’s involved,
what tools and how to collaborate?**

**DEVELOPMENT:
WHO'S
INVOLVED**

City of Courtenay
Land Use Planning
General Requirements



Tools: consider Bill 27, 2008 – A Sustainability Legislative Tune-Up

- Amended the LGA and Community Charter
- Focus on the creation of green communities
- But - very little is *mandatory*
- Focus is on increasing authority, *enabling* local governments to do more IF they wish, IN THE WAY they wish
-So ***largely the ONUS IS ON YOU*** to first shape, and then implement, solutions that work



BILL 27:

OPPORTUNITIES AND STRATEGIES FOR GREEN ACTION BY BC LOCAL GOVERNMENTS

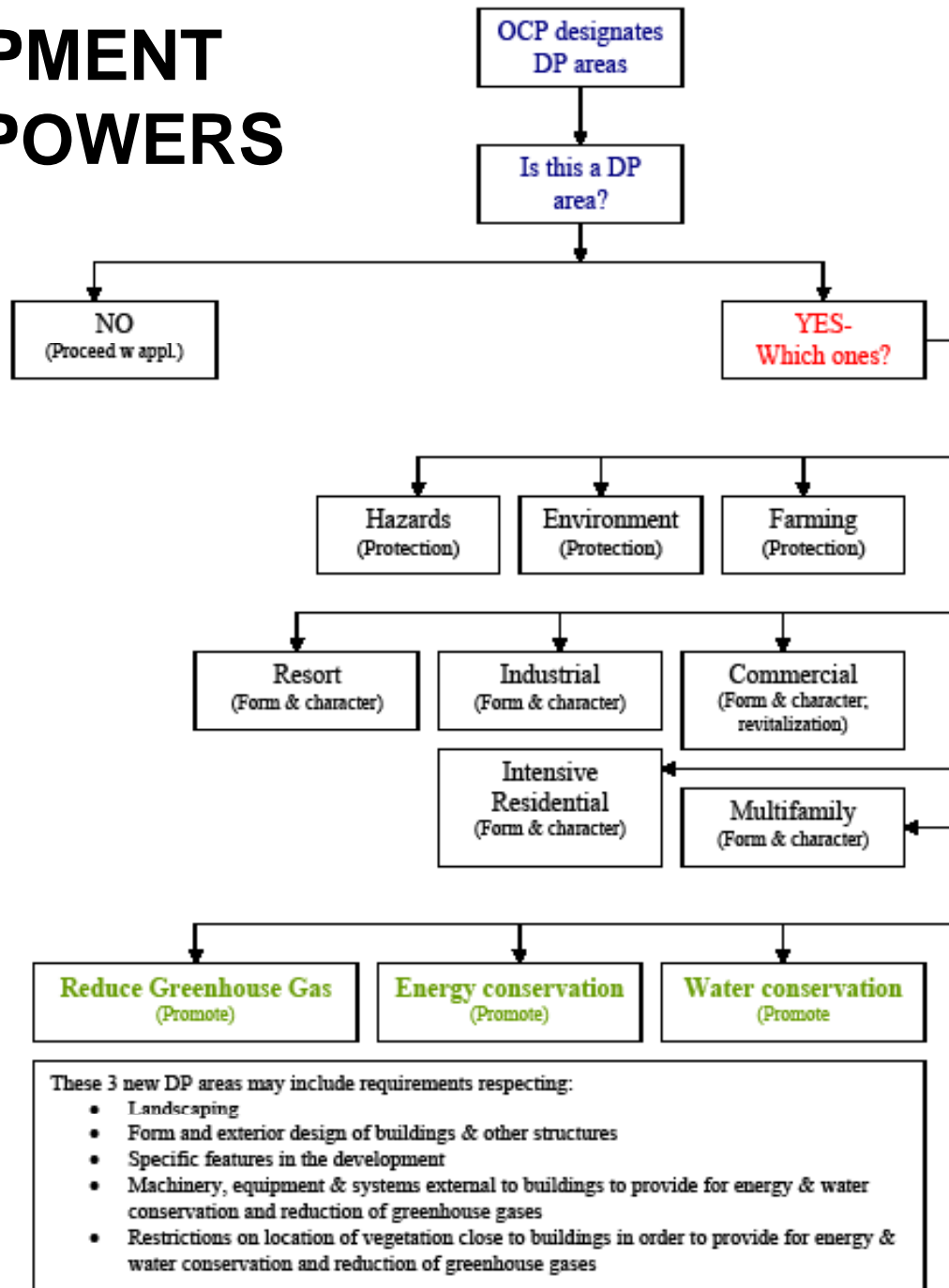
By Susan Rutherford, Staff Counsel
West Coast Environmental Law



Bill 27, 2008 Additions

- GHG emissions reduction targets in OCP and RGS, and policies and actions for achieving them – mandatory 2010, 2011 deadlines
- Enforce the (new, green) Building Code provisions (Bill 10)
- DCC exemption small unit housing (≤ 29 m²)
- Development cost charge reductions for eligible low environmental impact development

DEVELOPMENT PERMIT POWERS v. 2.0



Development permit ideas – promoting water conservation

- Establish a water conservation target to compare to “business as usual” water use - leaving it up to the proponent to determine how to meet the target using proven technologies or strategies;
- Requirement to landscape using native, water conserving, drought-tolerant plant cover;
- Requirement to landscape with trees, to retain moisture (and provide shade);

Development permit ideas – promoting water conservation.../2

- Mandatory disconnection of roof leaders and use of rainwater collection systems to capture rain and reuse it for outside watering or irrigation
- Installation of equipment and infrastructure for reuse of treated water (“purple pipe”) on a neighbourhood scale (a few places in the Okanagan do this);

Development permit ideas – promoting water conservation.../3

- Grey water reuse encouraged (e.g. re: toilets);
- Green infrastructure features
 - Reduce impermeable surfaces & increase infiltration capability
 - Reduce flow into pipes with onsite management

And a reminder of some relevant pre-Bill 27 legal authorities

- Zoning controls and re-zoning approvals
- Run-off control, drainage and sewerage
- Building and occupancy permits, inspections
- Erosion and sediment control
- Other broad powers – e.g. metering, licensing
- Tax incentives, density bonus power, education, outreach, partnering
- Inspections, bonding, fines, stop work

Strategies

Factors to plan for:

- Clarity of objective(s)
- Ease of implementation of the tools you choose
- “Fit”: does it fit with your government and the development community’s ways of doing things?
- Overcoming obstacles



Example: Topsoil Law and Policy and Technical Primer Set

➤ All about how to obtain/retrofit a performing topsoil layer, for onsite source control and to conserve water

1) Topsoil Law and Policy Primer provides information about the need to consider:

- Regional context
- “Internal to gov’t” collaborations – process, education, regulations and policy
- “External to gov’t” collaborations – process, education and communication

Topsoil Primer Set



BCWWA



Green Infrastructure Partnership

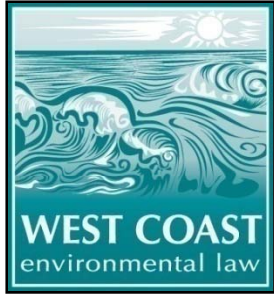
- 2) Topsoil Technical Primer provides information about the need to consider:
- Application and suitability
 - Sizing and design
 - Materials and placement
 - Inspection and quality control
- ✓ BOTH consider shared responsibility and green legal powers
- ✓ Primer set coming in January 2010

Responsibility Matrix

Goal – Objective or Responsibility	Responsible Party	Tools
Getting topsoil laid (to ensure effective infiltration)	<ol style="list-style-type: none"> 1. Regional government 2. Municipal government 3. Developer 4. Builder 5. Building inspector 	<ol style="list-style-type: none"> 1. Policy direction re: watershed – watershed plan or drainage plan 2. Incorporate plan into bylaw; bylaw re: security for topsoil provision; reporting by developer’s QP; communicate 3. Post security; communicate with builder 4. Protect soil as building 5. Inspect; communicate re: release of security

Lively Discussion Segment

- Which of the Bill 27 or pre-existing powers is of greatest interest to your objective?
- How do you see the work that YOU do, on water or on land use/development being connected to the work of others – and what opportunities for improvement?
- Think about how your idea will emphasize the **VALUE OF GREEN DEVELOPMENT**, and the goal of **WATER OUT = WATER IN**



THANKS

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