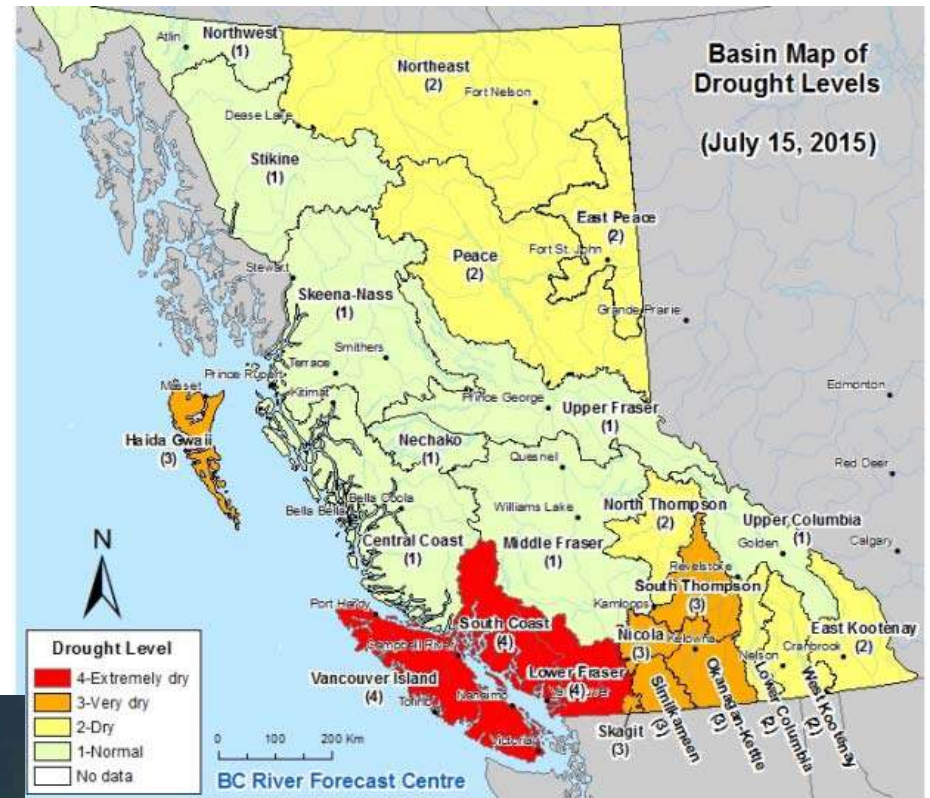




Tools for Conservation in the Kootenays – A Local Government Approach

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Environmental Law Centre
University of Victoria

Water Centric Planning



from Central OK Emergency Operations Centre

Nested approach to conservation
Not property rights but ecological health
Measurable performance-based targets
There is enough data and information
– start implementing



Regional Growth Strategies (RGS)	Local Government Act Part 25 (RGS)	Local Government Act Part 25 (RGS)
Official Community Plans (OCP) (including Local Area & Watershed Plans)	Local Government Act ss.875-879, 882, 884, 941 (OCP) Community Charter s.69 (drainage)	Local Government Act ss.875-879, 882, 884, 941 (OCP) Local Government Act ss.540-542 (drainage)
Zoning Density Bonus/Amenity Zoning Parking Runoff Control & Impermeable Surfaces	Local Government Act s.903 Local Government Act s.904 Local Government Act s.906 Local Government Act s.907	Local Government Act s.903 Local Government Act s.904 Local Government Act s.906 Local Government Act s.907
Development Permit Areas	Local Government Act ss.919.1-920	Local Government Act ss.919.1-920
Riparian Tax Exemption	Community Charter s.225	Local Government Act ss.811-811.1
Impact Assessment Development Approval Information Areas Development Process	Local Government Act ss.919-920.01 Local Government Act s.895	Local Government Act ss.919-920.01 Local Government Act s.895
Watercourse Protection Bylaw	Community Charter ss.8(3)(j) & 9(3)(a) Spheres of Concurrent Jurisdiction - Environment and Wildlife Regulation s.2(1)(a)	
Rainwater Management Bylaw	Local Government Act s.907 (impermeable surfaces) Community Charter s.69 (drainage)	Local Government Act s.907 (impermeable surfaces) Local Government Act ss.540-542 (drainage)
Landscaping Bylaw	Local Government Act s.909	Local Government Act s.909
Tree Protection Bylaw	Community Charter ss.8(3)(c) & 50	Local Government Act s.923
Soil Removal & Deposit Bylaw	Community Charter ss. 8(3)(m) & 9(1)(e)	Local Government Act s.723
Pesticide Use Bylaw	Community Charter ss.8(3)(j) & 9(3)(a) Spheres of Concurrent Jurisdiction - Environment and Wildlife Regulation s.2(1)(b)(ii)	
Invasive Species Bylaw	Community Charter ss.8(3)(j), 8(3)(k) & 9(3)(a) Spheres of Concurrent Jurisdiction - Environment and Wildlife Regulation s.2(1)(b)(iii) (control and eradication)	
Security	Community Charter ss.8(8)(c), 17 & 19 Local Government Act s.925	Local Government Act s.925
Subdivision Servicing Bylaw	Local Government Act s.938 Land Title Act ss.83, 86	Local Government Act s.938 Land Title Act ss. 83, 86
Development Cost Charges Bylaw	Local Government Act s.933	Local Government Act s.933

Outline



1. Integrated Ecological Health Approach
2. The Saanich Effect
3. Additional Priorities: Not Just Bylaws

1. Integrated Approach

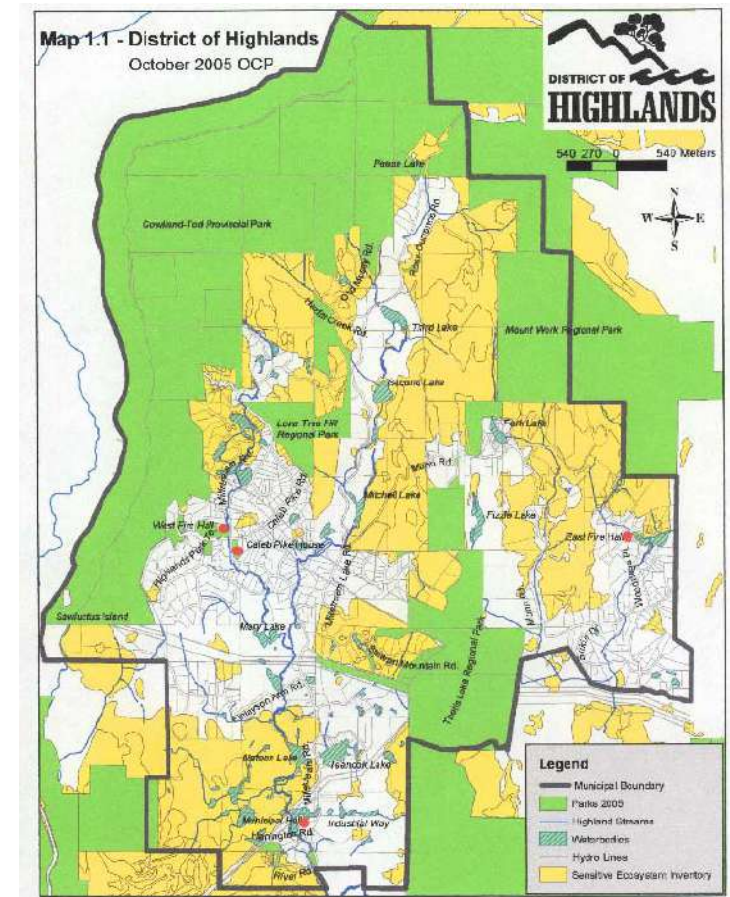
Designate Biodiversity Corridors

Contain the Urban Footprint
(growth boundaries)

Enhance Green Infrastructure

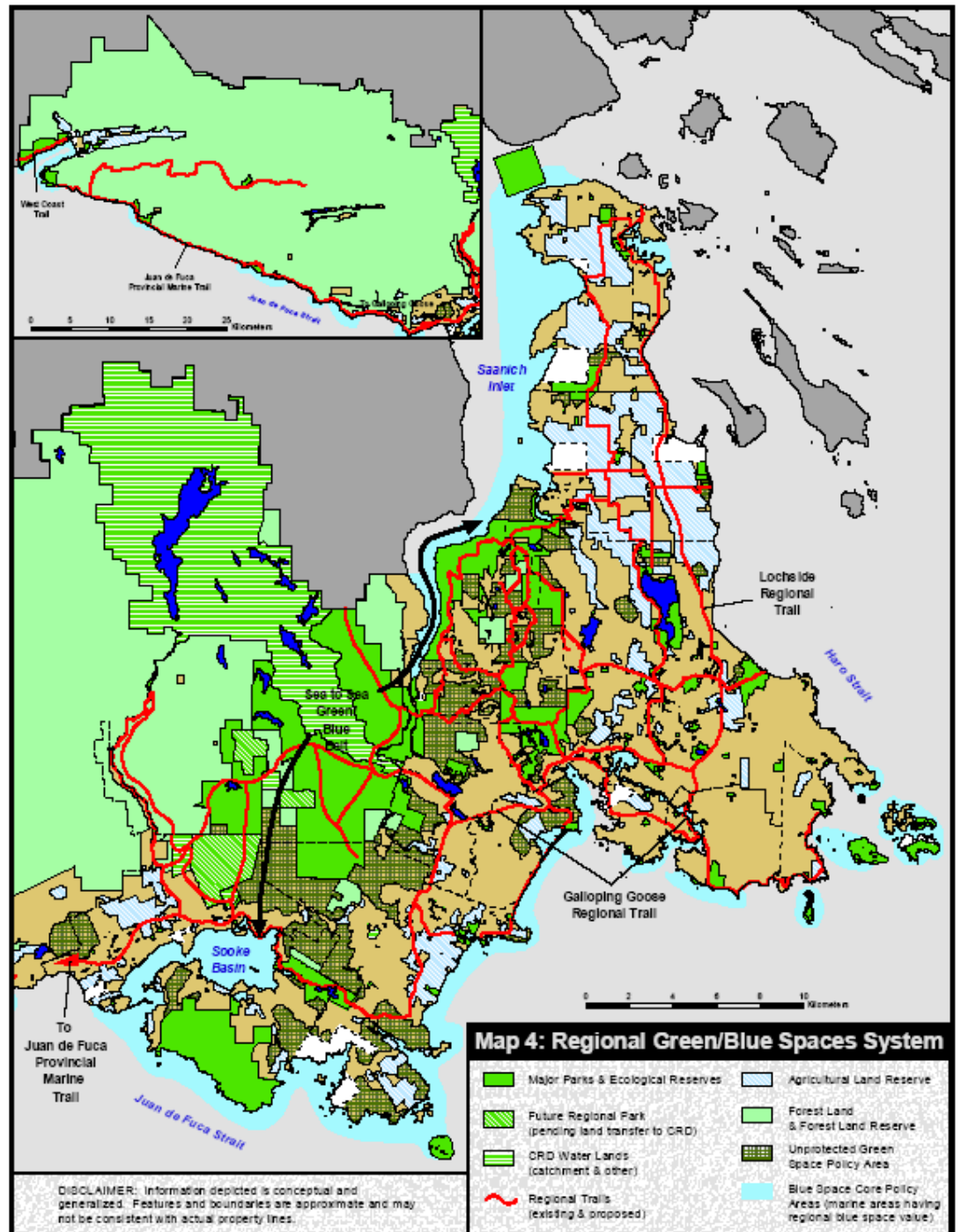
Cluster Development

Protect Important Areas



Designate Biodiversity Corridors

Conservation strategy
Metrics in RGS's &
OCP's
Ag Land Reserve



BIODIVERSITY CONSERVATION STRATEGY

PRODUCED BY DIAMOND HEAD CONSULTING - JANUARY 2014

NATURE Without Borders

Second Edition, 2013



Comox Valley Conservation Strategy

Produced in Collaboration with the CVCS Community Partnership
by Linda Fyfe, Juniper Environmental Services

CITY OF
SURREY



Keeping NATURE in Our Future



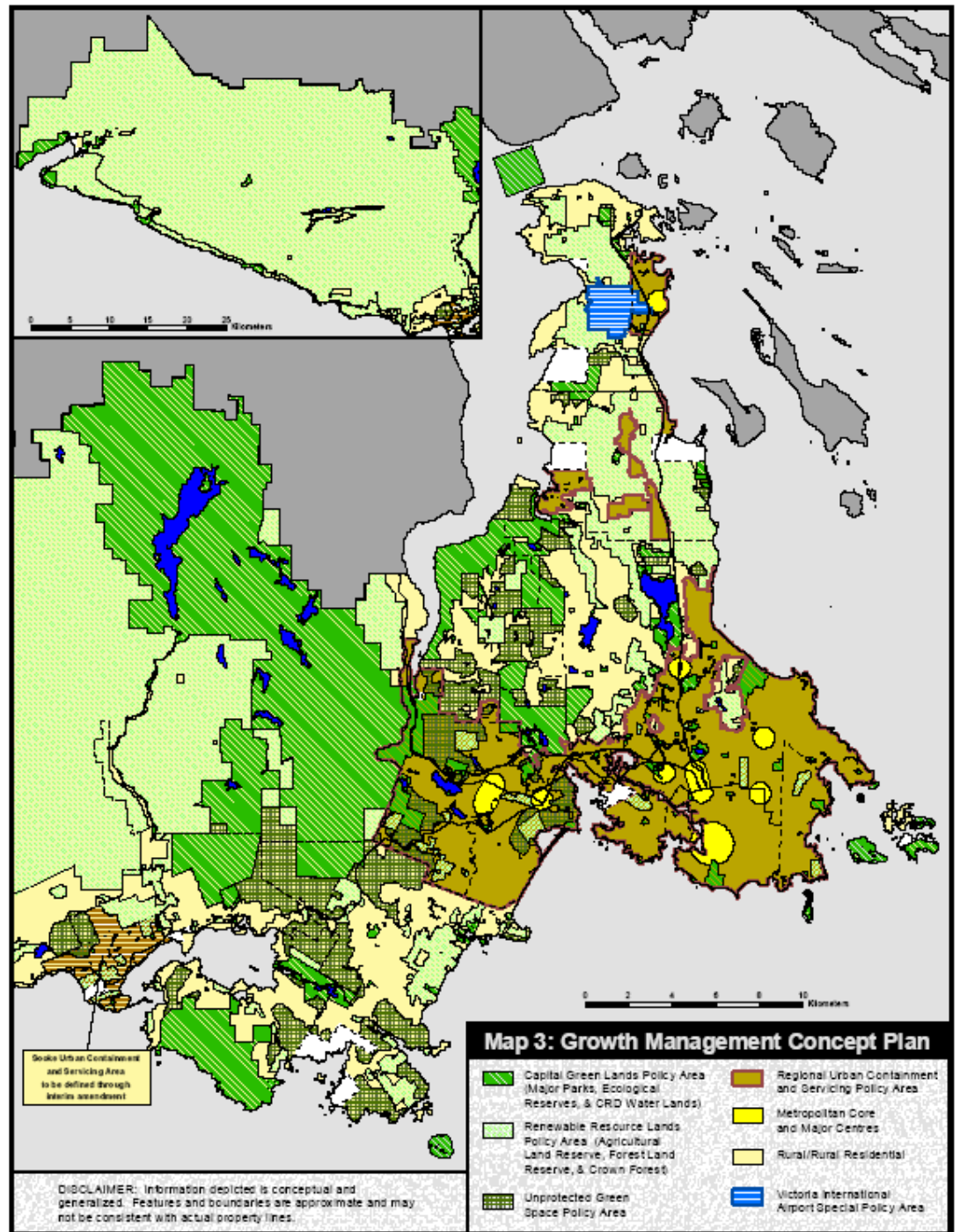
A Biodiversity Conservation Strategy for the Okanagan Region

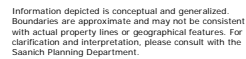
(including parts of the Shuswap,
North/Central/South Okanagan and
Similkameen Valleys)

Okanagan Collaborative Conservation Program
South Okanagan Similkameen Conservation Program

**Contain the
Urban Footprint
(growth
boundaries)**

RGS & OCP
Servicing policies
Zoning





Enhance Green Infrastructure



Exceed RAR
Env Dev't Permit Areas
- best practices (in
five minutes)



491 (1) For land within a development permit area designated under section 488 (1) (a) [*protection of natural environment*], a **development permit may do** one or more of the following:

- (a) specify areas of **land that must remain free of development**, except in accordance with any conditions contained in the permit;
- (b) require specified natural features or areas to be **preserved**, protected, **restored** or enhanced in accordance with the permit;
- (c) **require natural water courses to be dedicated**;
- (d) require **works to be constructed** to preserve, protect, **restore** or enhance **natural water courses** or other specified natural features of the environment;
- (e) require protection measures, including that vegetation or trees be **planted or retained** in order to
 - (i) **preserve, protect, restore or enhance fish habitat or riparian areas**,
 - (ii) **control drainage**, or
 - (iii) control erosion or protect banks.

EDPA Best Practices

Designation – broad “zone of risk”

Guidelines – directing principles

Ecosystem connectivity

ESAs – prohibitions and buffers

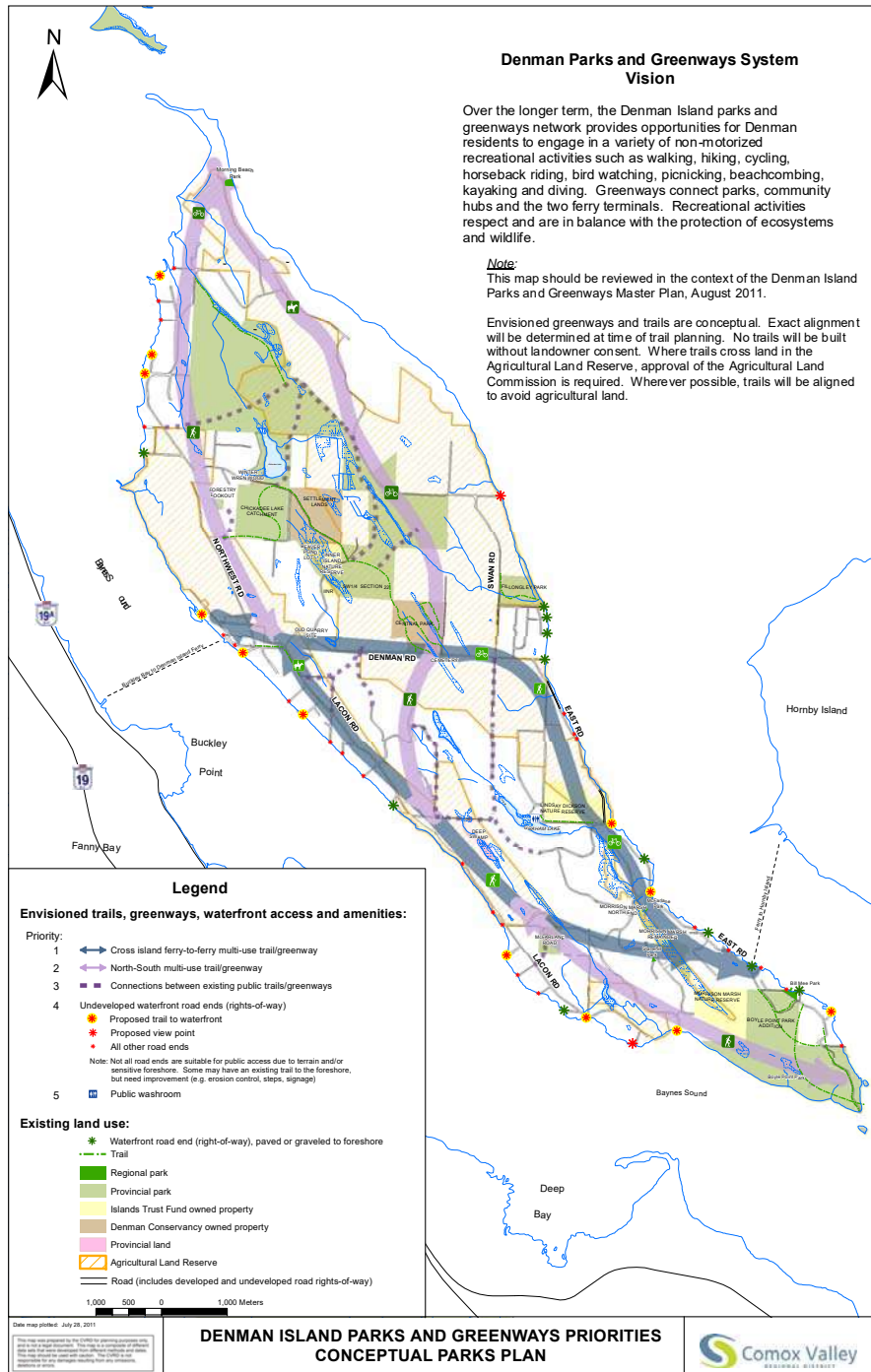
Restoration/mitigation as DP condition

Site assessment by QEP's

Incorporate best practices standards

Development Approval Info Areas

Lawyers - are a problem

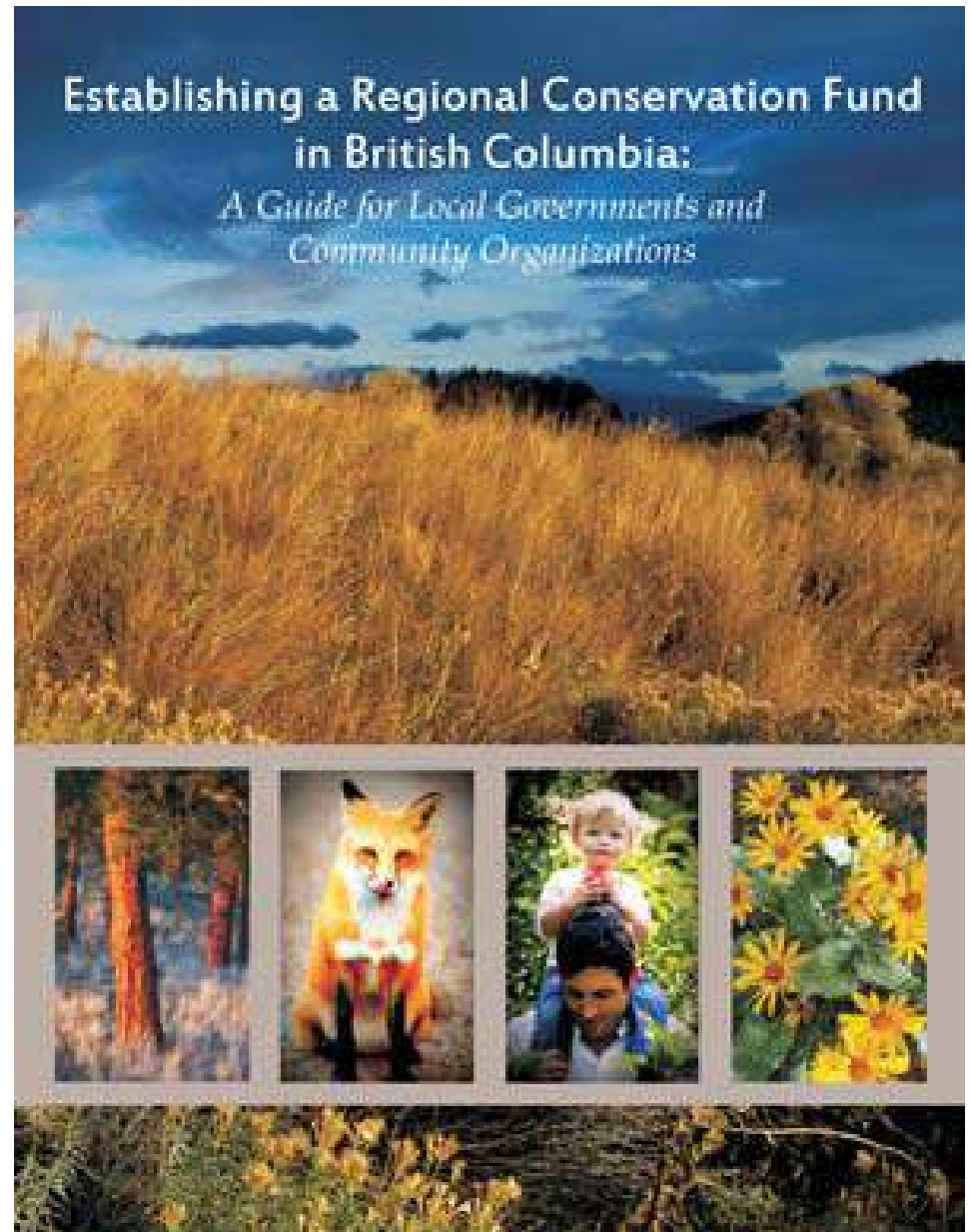


Cluster Development

RGS & OCP
subdivision policies
Regulatory Bylaws
Security
Tax Exemptions
Covenants

Protect Important Areas Forever

Priorities ID'd in
regional strategy



2. The Saanich Effect



In 5-4 vote, Saanich tosses environmental permit bylaw

Katie DeRosa / Times Colonist

OCTOBER 28, 2017 07:17 PM

Like 216     



Mapping: less is more
Guidelines: goal posts
i.e. metrics

Link to env program
Focus on restoration
Continuing public ed

3. Additional Priorities



Commitment to connectivity at all levels of gov't

Link growth management with risk
(flood/drought), green infrastructure (asset
management), and environment

Culture of conservation

Bylaws tied to performance metrics - no loss

No compensation: s.458 *Local Gov't Act*

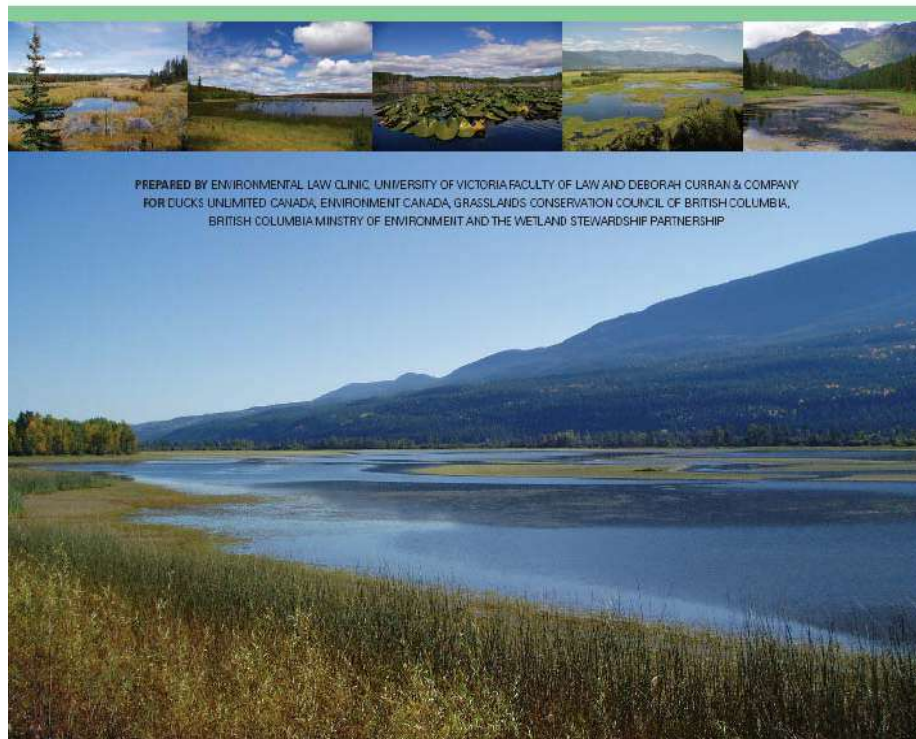
s.458 Local Gov't Act

Compensation is not payable for any reduction in land value, or for any loss or damages that result from the adoption of an OCP, zoning bylaw or issuance of a development permit under a DPA

Unless the bylaw restricts the use of land to a public use

Green Bylaws Toolkit

for Conserving Sensitive
Ecosystems and
Green Infrastructures



greenbylaws.ca

dlc@uvic.ca