



New Green Legislation

The Minister of Community Services, the Honourable Ida Chong introduced Bill 27 on April 15.

This legislation implements the provincial government's initiatives contained in various previous announcements including the Premier's Annual Address to the UBCM Convention, the Throne Speech and the Budget Address.

The major themes were previously announced and UBCM was consulted during the development of the legislation. The resulting legislation was modified by the government as a result of those consultations.

The main themes in this Bill are:

OCPs and RGSs must contain greenhouse gas reduction targets

The provincial government earlier announced that OCPs and RGSs should contain greenhouse gas emission reduction strategies and targets. The legislation requires even more precision with a requirement of targets for reduction of greenhouse gas emissions and policies and actions of the local government with respect to achieving those targets.

Transition and relationships between OCP and RGS is an important consideration. For RGSs the targets relate to the extent these are regional matters, which indicates an intention to have more localized targets, policies and actions set out in municipal or regional district OCPs. Targets, policies and actions must be included in OCPs by May 21, 2010, and in RGS by May 31, 2011, unless these dates are changed to a later date by a Minister's order.

Development Cost Charge mandatory Exemption

Bill 27 provides a mandatory DCC exemption for small housing units, where these units are to be used only

for residential purposes. The exemption applies at the time of the building permit (and doesn't apply at the time of subdivision), to any self-contained residential use unit of no more than 29m² (about 312 sq. ft.) but the legislation provides for this size to be changed by a Minister's regulation or increased by a local government bylaw, subject to restrictions set out in a Minister's regulation. The regulation could either vary the 29m² set out in the legislation by setting another specific area, or could set a maximum area that a local government bylaw could exempt.

Development Cost Change Discretionary Waivers or Exemptions

The Bill also contains discretionary powers to waive or reduce DCCs for "green" developments which include:

- for profit affordable rental housing;
- subdivisions of small lots designed to result in low greenhouse gas emissions; and
- developments designed to result in a low environmental impact.

Local governments wishing to waive or reduce DCCs for some or all of these developments must adopt a bylaw establishing what eligible developments, or classes of developments, within these categories will be eligible for reduction or waiver and the amount or rates of reduction. The bylaw may also set terms and conditions for waivers or reductions. These bylaws are subject to a Minister's regulation that further defines what constitutes an eligible development.

If a council or board delegates powers to waive or reduce DCCs, owners have the right to appeal a designate's decision.

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Other DCC changes

In setting DCCs, local governments must consider how low environmental impact developments may affect the capital cost of the infrastructure for which the DCC is imposed and whether the charges will discourage development designed to result in low environmental impact.

Local governments must annually report on each DCC reserve fund, including certain financial information and the amount of DCCs waived or reduced. The first required report is for 2008 and is due by June 30, 2009.

DCC reductions tied to School Sites

UBCM has been pushing that the provincial government should match any DCC reductions at the school site level. Bill 27 does this by requiring a school site acquisition charge exemption for small housing units that mirrors the DCC exemption provided by local governments and by requiring a reduction or waiver of school site acquisition charges to the same extent as DCCs are waived or reduced for not-for profit rental housing, for profit affordable rental housing, small lot subdivisions designed to result in low greenhouse gas emissions and developments designed to result in low environmental impact.

New Development Permit Powers

Bill 27 introduces new powers for local governments to establish Development Permit Areas for green developments. Three new conditions are introduced where the local government can establish a DP area where it has established objectives to promote:

- energy conservation;
- water conservation; and/or
- reduction of greenhouse gas emissions.

In these DP areas a local government may require one or more of the following as a condition of development:

- landscaping;
- siting of buildings or other structures;

- form and exterior design of buildings and other structures;
- specific features in the development
- machinery, equipment and systems external to buildings and other structures in order to provide for energy conservation, water conservation or reduction of greenhouse gas emissions.

A Development Permit may also establish restrictions on the type and placement of trees and other vegetation near to buildings or other structures to meet these same objectives.

Off Street Parking Cash-in-lieu expands to Alternative Transportation

The current legislation allows owners/occupiers to elect to provide cash in lieu of providing off-street parking. That cash can now be used not only for their off street parking, but under the new legislation for walk ways, bicycle paths public transit and other alternative transportation infrastructure. Separate reserve funds must be established for each of off-street parking and alternative transportation if the local government receives money for each, and money currently in an off-street parking reserve fund may be transferred to an alternative transportation reserve fund.

Additional off-street parking variation authority is also provided, so that a bylaw setting out the off-street parking requirements can take circumstances related to transportation needs of a use, building or structure or class of building or structure into consideration. So, for example, proximity to public transit may now be considered in establishing the number of off-street parking spaces that are required for a particular class of building. However, consideration of transportation needs cannot be used to increase the off-street parking requirement over what would have otherwise been required.

Local governments must annually report on each of the off-street parking and alternative transportation reserve funds, including certain financial information and the anticipated timeline for projects that will be funded. The first required report is for 2008 and is due by June 30, 2009.

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Other Amendments

Also included in this Bill are three sets of changes to Regional Growth Strategy (RGS) provisions:

- replacing the mandated public hearing requirement with a requirement that the Board consider, as part of its consultation plan, whether a public hearing should be held;
- providing authority for regional districts to establish a process for adoption of minor amendments to its RGS within the RGS and, where this is not done, a default alternative adoption process for minor RGS amendments is set out; and
- providing that a facilitator can be engaged to assist in early resolution of any conflicts associated with the

acceptance of a regional context statement.

The Bill also provides the Greater Vancouver Water District the authority to generate and sell electrical power - this was the subject of a UBCM resolutions request. It also makes amendments to the Greater Vancouver Sewerage and Drainage District Act with respect to the mandatory small residential unit DCC exemption and the types of developments for which discretionary DCCs can be made.

Off-street parking, development cost levies, and official development plan provisions under the Vancouver Charter are also amended to parallel the off-street parking, development cost charge and OCP changes noted above.

Transition and Commencement

Most of the Bill comes into force on Royal Assent, although the provisions requiring a DCC (or DCL for City of Vancouver) exemption for small residential units will come into force October 1, 2008.

Transitional provisions are:

- Greenhouse gas reduction targets, policies and activities do not need to be included in OCPs (and ODPs for Vancouver) until May 31, 2010, or in RGSs until May 31, 2011; and the Minister may establish a later date generally, for a class of local governments or for a specific local government.
- Regional districts may proceed on the basis of an existing consultation plan and the formerly required public hearing in relation to RGSs in circumstances where the consultation plan was adopted prior to the amendments in the Bill coming into force.
- Money in an off-street parking reserve fund at the time the off-street parking amendments come into force may be transferred to an alternative transportation reserve fund.
- New reports required for off-street parking, DCCs (and DCLs, for City of Vancouver) are not required for the 2007 year.
- DCC (and DCL for City of Vancouver) considerations with respect to developments with low environmental impact do not apply to a DCC/DCL bylaw that received first reading before the changes came into force.