

C4 - Winds Of Change – Challenges & Innovations In Regulation & Legislation

Presentation # 1 title: Winds of Change/Regulatory Responses

Presenter:

Raymond Young - Young, Anderson, Barristers and Solicitors

Abstract

This is not a presentation on wind energy: its merits, efficiencies or inefficiencies as an electrical generator. Wind energy has arrived despite its limitations. The focus of this presentation is practical. Every new 'green innovation' of any scale has community impacts. Commercial wind farms present a major regulatory challenge to planners. It is not enough simply to extol the virtues of wind energy. Planners and regulators have to be ready to cope with the negative impacts of large industrial/commercial power generation by wind. Wind farms present significant practical planning issues. Adaptation to change must include regulatory responses to new green technologies and the special community problems each presents. This presentation is for planners and regulators who wish insight into what it means when a wind farm moves into the community. It addresses the obvious community impacts, and presents solutions using the regulatory tools available to municipalities and regional districts in British Columbia.

Speaker Biography

Ray Young has practiced law full-time both as a litigator and as a solicitor for 30 years. He is a partner at Lidstone, Young, Anderson, Barristers and Solicitors. He is a member of the Canadian Institute of Planners and has a Masters Degree in Community and Regional Planning. Ray is also a member of the Planning Institute of British Columbia and the American Planning Association. He has taught either municipal law or land use law at the Faculty of Law UBC for eighteen years, and currently he is an adjunct professor teaching planning and land use law at the School of Community and Regional Planning at UBC. He has, by invitation, been Visiting Professor at the University of Florida on three occasions where he taught land use law, and twice at Georgia State University (Atlanta), where he taught Growth Management Law. He has also lectured at Georgia Tech School of Planning and in Southwestern Law School's summer program on planning and land use law issues. In 2003-2004, Ray was designated a Senior Fulbright Scholar by the Canada/U.S. Fulbright Foundation, and spent some of that time in Atlanta researching the impact of NAFTA on planning and growth management legislation and regulation in Canada and the United States. Ray's practice focuses on judicial review litigation, local government law and governance, growth management, planning and land-use, and real estate development. In 2006 Ray presented a paper on Canadian Takings Law at the Rocky Mountain Land Use Institute (Denver University), and also presented a paper on "Brownfields Development" at an international symposium in Atlanta sponsored by the Center for Comparative Study of Metropolitan Growth, Atlanta. This year Ray presented a paper on regulating wind farms at the Rocky Mountain Land Use Institute, Denver, and will in 2009 again be Visiting Professor of Law at Georgia State University (Atlanta), co-teaching a course in comparative growth management law.

Presentation # 2 title: Phased Development Agreements and Community Amenities - Recent Experience

Presenters:

Richard Cook - Jorden Cook Associates

Peter Kenward - Clark Wilson LLP

Abstract

Legislative changes in Spring 2007 have introduced the Phased Development Agreement option for BC municipalities. The legislation provides both the local government and the developer with zoning certainty to facilitate large-scale, multi-phased projects, as well as both flexibility and certainty regarding the nature

and timing of the amenities to be provided in connection with the project. The agreements are subject to public disclosure and review through a bylaw process, and can run as long as 20 years. The authors have directly involved in a variety of projects subject to Phased Development Agreement negotiations, some involving multiple owners on the private sector side. Very different agreements have resulted. The topics discussed in the presentation will include the events that lead to the PDA legislation, the benefits that have been achieved from the perspective of Council, staff and the developer, and considerations that can arise in linking PDAs to zoning and other land use tools.

Speaker Biography

Richard Cook, MCP, MCIP, ITE has been a professional planner since 1979, operating in Alberta and British Columbia. He is principal of Jordan Cook Associates, a Vancouver-based planning consulting practice with private and public sector clients. His practice encompasses strategic planning for multi-stakeholder land development projects including hillside residential, commercial and health care. Clients include Genstar Development Corporation, Madison Development Company, Imperial Oil, Vancouver Coastal Health, ARES.

Peter Kenward is a partner with Clark Wilson LLP where he practices in the Commercial Real Estate Group. Peter is well-known in British Columbia's real estate community for his skills and experience with complex matters involving land use and regulatory issues, including phased development, infrastructure financing, regional growth management, transit-oriented development, and affordable housing. He is a former national and provincial Chair of the Municipal Law Section of the Canadian Bar Association, and has served for a number of years on the Board of Directors of the Urban Development Institute (Pacific Region). Peter acted for a coalition of representative business organizations, including UDI, the Business Council of BC and the BC Chamber of Commerce in the development of the phased development agreement legislation.