

DATE: February 12, 2014

FILE: 5225-06

TO: Chair and Directors
Electoral Area Services Committee

FROM: Debra Oakman, CMA
Chief Administrative Officer

RE: Rainwater management strategy

Purpose

The purpose of this report is to provide an update regarding the development of options for a rainwater management strategy for the electoral areas of the Comox Valley Regional District (CVRD) and to receive the report by Fernhill Consulting and West Coast Environmental Law (WCEL).

Policy analysis

The Ministry of Transportation and Infrastructure (MoTI) is responsible for managing rainwater and drainage outside of municipal boundaries through the construction and maintenance of the provincial road network. Much of the drainage and infrastructure related to rainwater is studied, designed and constructed through the subdivision process controlled by MoTI. The CVRD does play an advisory role as part of the subdivision referral process through the provincial approving officer.

The CVRD does have the responsibility to ensure proper rainwater and drainage management when land alteration occurs as a result of development that was enabled by the CVRD, typically through a rezoning or development permit process.

A rainwater strategy is identified as a NOW priority on the September 2013 strategic plan.

At the August 2011 board meeting, the following resolution was passed:

THAT a legal and technical review of current CVRD bylaws, policies and procedures be included in the 2012 work plan to ensure that the CVRD is exercising due diligence with respect to stormwater management within its existing jurisdiction;

AND FURTHER THAT \$20,000 be committed from Community Works Funds for each of electoral areas A, B, and C for a total of \$60,000 towards the legal and technical review.

At the March 2013 board meeting, the following resolutions were passed:

THAT rainwater management policy statements and development permit area guidelines are developed and include objectives to address climate change impacts, adaptive management and performance standards and are implemented as part of the current official community plan review.

THAT the Comox Valley Regional District enter into a memorandum of understanding with the Ministry of Transportation and Infrastructure to develop a more comprehensive approach to rainwater management.

THAT a report on the resource requirements and next steps for implementing a rainwater management strategy for the Comox Valley Regional District electoral areas be prepared.

THAT the Comox Valley Regional District pursue grant funding for a pilot project to test an integrated rainwater management approach.

Executive summary

In recent years the CVRD has been working to both better understand its roles and responsibilities with respect to rainwater management, as well as to develop options that will help ensure rainwater is well managed within the rural areas of the regional district for the protection of private property and the receiving environment. Fernhill Consulting has been hired as a rainwater coordinator to develop an integrated watershed development approach for rainwater management. In March 2013 a report from Fernhill Consulting and WCEL was received which identified gaps in rainwater management and provided some recommended options including the development of a rainwater management strategy.

Fernhill Consulting and WCEL provided further work later in 2013 by developing options for consideration towards the development of a rainwater management strategy for the electoral areas. The report outlines a rainwater management strategy and identifies short, medium and long term recommendations to help guide rainwater management in the electoral areas.

Fully implementing an interregional, collaborative rainwater management strategy within the electoral areas is a multi-year project that will evolve over time. At this time it is recommended to focus on the implementation of specific “short term” objectives as identified in the Fernhill report.

Recommendations from the chief administrative officer:

1. THAT the Comox Valley Regional District board receive the report from Fernhill Consulting and West Coast Environmental Law titled “The Rainwater Management Strategy for the Comox Valley Regional District Electoral Areas” and dated December 2013.
2. THAT draft Official Community Plan language be sent to Strategic and Long Range Planning department for incorporating into the Official Community Plan update.
3. THAT the 2014 work plan include the development of watershed-specific targets using the Water Balance Methodology and the development of performance standards and design criteria for rainwater management.
4. THAT a letter be sent to the Minister of the Ministry of Transportation and Infrastructure acknowledging staff participation and providing a copy of the staff report dated February 12, 2014 and the Fernhill Consulting report.
5. THAT a letter be sent to the City of Courtenay, Town of Comox and Village of Cumberland acknowledging staff participation and providing a copy of the staff report dated February 12, 2014 and the Fernhill Consulting report.

Respectfully:

D. Oakman

Debra Oakman, CMA
Chief Administrative Officer

History/background factors

In recent years there has been an increase in the number of rainwater and drainage related problems that have arisen in the electoral areas. This includes flooding, slope stability issues and erosion resulting in property damage, public safety concerns, road closures and water quality impacts. While the CVRD has no jurisdiction or responsibility to manage rainwater and drainage in many of these cases, affected residents are contacting the CVRD as the local government responsible for electoral areas. In the CVRD, and throughout the province, Mo'TI has the primary responsibility for managing rainwater and drainage outside of municipal boundaries. In certain cases, such as the rezoning or development permit process, the CVRD is authorized to require that a storm water management plan be prepared.

The development of a rainwater management strategy to address the above issues is included as a NOW priority on the CVRD's 2013 strategic plan. In order to facilitate this work Fernhill Consulting was hired as a rainwater coordinator to oversee and participate in a legal and technical review of the CVRD rainwater related bylaws, policies and procedures and to develop an integrated watershed development approach for rainwater management. Attached as Appendix A is the Fernhill report outlining a rainwater management strategy that includes the following objectives:

- Develop draft wording for rainwater management, for the official community plan (OCP) update.
- Assisting with collaboration between Mo'TI and the CVRD to address rainwater management issues.
- Law and policy recommendations from WCEL aimed at improving the way rainwater is managed in the electoral areas.
- Further development of a proposed rainwater management pilot project.
- Recommended next steps in the short, medium and long term including implications for staffing and budgets.

The updated OCP language developed as part of the report will be provided to the strategic and long range planning department for consideration in the current OCP update project. The remaining objectives will be implemented over time as part of short and medium term next steps which are detailed in the report. A summary of these short and medium term objectives is provided below.

Short term (2014-2016):

1. Develop watershed-specific targets using the water balance methodology, working in cooperation with the CVRD municipalities and MOTI.
2. Create language, performance standards and a process for a subdivision and development servicing bylaw for the core settlement areas, and relevant updates to the CVRD building bylaw.
3. Include language in the 2014 OCP update requiring developers to prepare detailed watershed or hydrologic studies that can inform rainwater management approaches in new subdivisions.
4. Continue to work with the CVRD municipalities under the CAVI umbrella.
5. Develop a regionally-specific version of the water balance model express and use it as a tool for public education and as part of a checklist in the building permit process.
6. Create a development permit area for water courses that includes all riparian areas and all parcels of land that include riparian areas.

7. Review existing CVRD floodplain regulations in light of climate change projections related to sea level rise and increased risk of extreme precipitation events, and update floodplain mapping and floodplain construction requirements.

Medium-term (2016-2018):

8. Enact the subdivision and development servicing bylaw and associated service area(s) for monitoring and maintenance of works.
9. Together with other local governments and stakeholders, developers and landowners, create a watershed management plan for a high priority watershed(s) as the first step of a region-wide watershed management strategy.
10. Gather information on the current condition of CVRD watersheds, through studies and by working with local groups and municipalities.
11. Identify areas within the CVRD that may be subject to erosion and landslip hazards, and establish tree cutting permit areas and natural hazard development permit areas.
12. Establish topsoil requirements that will apply to all development and re-developments within the CVRD and which specify both the depth and quality of soil to be used.

Long-term (2018+):

13. Maintain current minimum parcel sizes in rural areas.
14. Consider processes to regulate and require onsite rainwater management for lands within the rural areas.
15. Explore the creation of a region-wide service areas for water stewardship.
16. Working with the CVRD municipalities, K'ómoks First Nation, local non-governmental groups, community members, developers and landowners, develop a region-wide integrated watershed management strategy.
17. Develop a region-wide design and policy manual for rainwater management.

As can be seen above the full implementation of a rainwater management strategy is a multi-year, inter regional and collaborative process involving many stakeholders. The pursuit of “medium term” objectives will likely require additional resource and consulting time in order to fully implement. However, in the short term, many of the recommended next steps provided in the Fernhill report can be pursued within the existing staff resource. Beginning in 2014 it is recommend to move forward with the development of specific watershed targets using the water balance methodology, as well as determining performance standards and design criteria for rainwater management. In addition, the draft OCP language can be sent to the strategic and long range planning department for incorporating into the OCP update.

Options

The CVRD has the following options with respect to rainwater management:

1. Continue with the status quo.
2. Begin implementation of a rainwater management strategy for the electoral areas.

In recent years there has been an increase in the number of rainwater and drainage related problems that have arisen in the electoral areas. Rainwater management is listed as a NOW priority on the CVRD's strategic plan. The CVRD is currently undergoing an OCP update and it is timely to include updated policy statements regarding rainwater management. The implementation of a full rainwater management strategy is a multi-year process that can be started now with the

implementation of several short term objectives aimed at further improving rainwater management in the electoral areas. As such, only option two above is recommended

Financial factors

To date, the contract to Fernhill Consulting and WCEL to complete the development of a rainwater management strategy (2012 and 2013) has cost approximately \$47,000. Further funding has been allocated in the proposed 2014-2018 liquid waste management service (340) financial plan to continue work on rainwater management. Funding is provided from the community works funds (CWF) gas tax program.

Legal factors

A legal review of options was completed by WCEL and is contained in the Fernhill Consulting report dated February 2013. Jurisdiction and risk were reviewed and it is the opinion of WCEL that the CVRD would likely not expose itself to additional liability by taking a more active role in rainwater management, provided that it ensures that any program or service is offered with reasonable care to those likely to be impacted by the program or service. The CVRD may decrease its liability in some cases by properly addressing rainwater management.

Sustainability implications

The Comox Valley sustainability strategy contains several targets applicable to addressing stormwater management within the electoral areas and support an integrated watershed approach.

Intergovernmental factors

In order to manage rainwater and drainage according to best practices, an integrated, basin-wide approach is needed. This will involve close collaboration between the CVRD and member municipalities as well as MoTI, and large private land owners such as forestry companies and representation from the stewardship industry. The CAVI-Comox Valley leadership team includes these members and has been meeting regularly over the past five years to discuss these issues.

At the March 2013 board meeting, the following resolution was passed:

THAT the Comox Valley Regional District enter into a memorandum of understanding with the Ministry of Transportation and Infrastructure to develop a more comprehensive approach to rainwater management.

In support of the above resolution the CVRD and MoTI have formed a joint steering committee to further collaborate on intergovernmental rainwater issues. This committee has now met twice to review issues and to better understand how the CVRD and MoTI can work together to resolve rural rainwater issues. This steering committee will continue to work together throughout 2014.

Interdepartmental involvement

The engineering services and planning services departments as well as the strategic and long range planning department are all involved in dealing with issues around rainwater and drainage management. Coordination amongst these and other departments will be critical to improving the way in which CVRD handles rainwater and drainage issues in the electoral areas.

Citizen/public relations

Proper management of rainwater runoff and drainage is an important issue to many residents in the electoral areas as it can and has significantly impacted their properties, primarily as a result of flooding. These residents are often in contact with the CVRD as the local government in their area.

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Attachment: Appendix A: report titled “A Rainwater Management Strategy for the Comox Valley Regional District Electoral Areas”, December 2013