



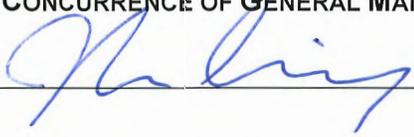
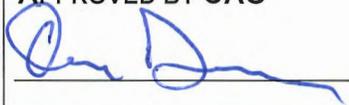
To: Public Works and Transportation Committee **Date:** May 30, 2018
From: Peter Russell
Senior Manager, Sustainability and District Energy **File:** 10-6160-08/2018-Vol 01
Re: **Riparian Response Strategy Phase One**

Staff Recommendation

1. That Richmond Zoning Bylaw No. 8500, Amendment Bylaw No. 9871, which adds Riparian Management Area setbacks as adopted by Council in 2006, be introduced and given first reading;
2. That Watercourse Protection and Crossing Bylaw No. 8441, Amendment Bylaw No. 9882, which establishes a riparian review fee for the single family building permit process, and inspection and ticketing authority, be introduced and given first, second, and third readings;
3. That Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9883, which quantifies the riparian permit review and inspection fees established in the Watercourse Protection and Crossing Bylaw No. 8441, be introduced and given first, second, and third readings;
4. That Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 9884, which defines fines for non-compliance with the Watercourse Protection and Crossing Bylaw, be introduced and given first, second, and third readings;
5. That Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9885, which defines fines for non-compliance with the Watercourse Protection and Crossing Bylaw, be introduced and given first, second, and third readings;
6. That Boulevard Maintenance Regulation Bylaw No. 7174, Amendment Bylaw No. 9881, which amends content to authorize enhancement of a riparian management area, be introduced and given first, second, and third readings;
7. That the 5 Year Financial Plan (2018-2022) be amended to include the costs for the new Environmental Coordinator position, which will be recovered through the collection of permit fees.



Peter Russell
Senior Manager, Sustainability and District Energy
(604-276-4130)

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Finance Department	<input checked="" type="checkbox"/>	
Law	<input checked="" type="checkbox"/>	
Building Approvals	<input checked="" type="checkbox"/>	
Development Applications	<input checked="" type="checkbox"/>	
Policy Planning	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO 

Staff Report

Origin

At the July 25, 2016 Council meeting staff presented a review of regulatory options to achieve compliance under the *Riparian Area Protection Act* (formally *Fish Protection Act*), and *Riparian Areas Regulation* (formally *Streamside Protection Regulation*). Council endorsed a stakeholder consultation program outcomes of which, were summarized in a report received at the September 25, 2017 Public Works and Transportation Committee. Additional stakeholder consultation was carried out in the spring of 2018. The purpose of this report is to summarize the outcomes of public consultation and seek Council endorsement for the first phase of proposed regulatory updates.

This report supports Council's 2014-2018 Term Goal #3 A Well-Planned Community:

Adhere to effective planning and growth management practices to maintain and enhance the livability, sustainability and desirability of our City and its neighbourhoods, and to ensure the results match the intentions of our policies and bylaws.

- 3.1. *Growth and development that reflects the OCP, and related policies and bylaws.*
- 3.2. *A strong emphasis on physical and urban design.*

This report supports Council's 2014-2018 Term Goal #6 Quality Infrastructure Networks:

Continue diligence towards the development of infrastructure networks that are safe, sustainable, and address the challenges associated with aging systems, population growth, and environmental impact.

- 6.1. *Safe and sustainable infrastructure*

Background

The City's Riparian Response Strategy, originally developed in consultation with the Province and the Department of Fisheries and Oceans (DFO), was adopted by Council in 2006. It is a modified *Riparian Area Regulation* (RAR) approach that protects fish habitat and meets the unique floodplain ecology within the City and is considered a grandfathered approach under the RAR. Riparian Management Area (RMA) setbacks were assigned on minor (5m) and major (15m) designated watercourses that are wetted the majority of the time, have a source of ground and surface water, and flow into and support fish life in the Fraser River Estuary (Attachment 1).

The Riparian Response Strategy outlined that industrial, residential and commercial development proposed:

- In riparian habitat on the Fraser River foreshore, should continue to be reviewed by the Fraser River Estuary Management Program;
- Adjacent to an RMA is permitted;
- Within an RMA would require further assessment in accordance with RAR.

Within RMA designated watercourses, there has been recorded presence of various fish species including pumpkin seed fish, three-spine stickleback, northern pike minnow, brassy minnow and prickly sculpin. These watercourses are nutrient providing fish habitat under the RAR that provide downstream nutrients to fish in the Fraser River Estuary, which supports all species of Pacific salmon, sturgeon, and an abundance of other game, forage and other fish species. Vegetated riparian setbacks shade and cool water for aquatic organisms, provide nutrients, stabilize banks, control stormwater runoff and can improve water quality. The City's RMA network is part of the City's open drainage network. This green infrastructure acts as a corridor connecting hubs and sites within the City's Ecological Network to allow for the passage of fish and wildlife across the island (Attachment 2).

The City did not enact regulatory triggers as a part of the original Riparian Response Strategy. In the past, development proposed in an RMA was approved by DFO through the City's Environmental Review Committee. Following changes to the *Federal Fisheries Act* in 2012, DFO no longer engaged with local governments through Environmental Review Committees. In addition, the Fraser River Estuary Management Program, who led an inter-agency development reviews in the Fraser River foreshore, ceased to exist following regulatory changes. In a 2015 Provincial review of local government approaches to RAR, the City's approach was identified as non-compliant as it lacked regulatory triggers, and was based on a historical DFO supported approach. Based on a review of potential regulatory frameworks and informed by stakeholder input, staff propose updating the Riparian Response Strategy in two phases to achieve compliance as outlined in the analysis section.

Analysis

Updating the City's Riparian Response Strategy is expected to be completed in two phases. Phase 1 focuses on achieving compliance with RAR, formalizing a review process for single family development proposals on lots with RMAs and introducing tools to better respond to non-compliant activity in RMAs. Phase 2 focuses on integrating RMA and Environmentally Sensitive Area designations for protection of the natural environment, and aligning this with the goals and objectives of the Ecological Network Management Strategy (2015). The first phase is the focus of this report, and phase 2 is summarized below.

Riparian Response Strategy Update – Phase 1

Information collected from the development community and landowners suggests that there is opportunity to improve customer service, and communication of the requirements for riparian protection and enhancement. In addition, a more rigorous monitoring program was identified as a solution to improve compliance with RAR requirements on single family development sites with RMAs, see Attachment 3 for examples of typical non-compliance on single family sites that a more rigorous monitoring program would look to address. Concerns are also noted on larger development sites with riparian habitat that require oversight of construction monitoring schedules, and environmental enhancements established as conditions of approval. Proposed bylaw amendments in this report, summarized in Table 1, include:

- Formally define RMA setbacks, and permitted activity established in the 2006 Riparian Response Strategy within City bylaw, thereby fulfilling requirements under the *Riparian Areas Protection Act*, and RAR;
- Streamline the building permit approval process for single family development proposals on sites with an RMA, and provide a lower cost, staff led stewardship approach to protect and enhance the City's RMAs;
- Promote enhancement of the City's RMAs to support pollinators, nesting birds and fish and frogs within the network, while maintaining drainage functionality and supporting agricultural needs on adjacent lands; and
- Introduce tools to address non-compliance on sites following an inspection based enforcement model which allows for ticketing should remediation orders not be met.

Currently, applicants proposing development of industrial, residential and commercial activity on properties with an RMA setback are required to retain a qualified environmental professional. The qualified environmental professional prepares a construction environmental management plan that outlines the necessary measures to protect the RMA during development (for review by staff). Stakeholder feedback has indicated that the cost to prepare a construction environmental management plan, and undertake construction monitoring on a single family development site with an RMA can be approximately \$5,000 per site, which can be cost prohibitive, and can discourage habitat enhancements that would further increase costs.

Staff propose to replace the construction environmental management plan requirement on single family development sites with an RMA, with a permit review fee to facilitate a streamlined, stewardship approach to riparian protection and enhancement that is supported by staff. Based on feedback from the small builder community and land owners, a staff supported stewardship based approach to RMA protection and enhancement on single family development sites is expected to improve customer service through a collaborative, hands on approach to RMA management. Consistent with current practices, development proposals on larger residential, commercial and industrial sites with RMAs will continue to require a construction environmental

management plan prepared by a qualified environmental professional – this practice will be assessed in phase 2 (outlined below).

Proposed permit review fees for single family development proposals on properties with RMAs account for staff time to review applications, and undertake site inspections to monitor and support the protection and enhancement of RMAs throughout construction. Should additional site inspections be required due to non-compliant activity within the RMA, additional inspection fees and enforcement fines are also part of proposed phase 1 bylaw amendments. To support stewardship efforts, planting guidelines that support riparian habitat with a focus on fish and frogs, pollinators and nesting bird habitats are being developed. The second phase of proposed updates are summarized in the next section and will be presented for Council’s consideration at a later date.

If endorsed, the changes are expected to reduce the number of non-compliant sites, and decrease the overall cost for single family building permit applicants on properties with an RMA, and enhance the City’s Ecological Network. Permit forms, info-bulletins and permit processing procedures will be updated to fully integrate RMA requirements into the City’s systems and public communication. Consistent with current practice, farming activities are not subject to requirements under the RAR however, residential, commercial and industrial activity on farm lots need to adhere to setback requirements. While RMA setbacks do not apply to farm activity, the Environmental Farm Plan program’s drainage maintenance guide recognizes the role that these buffer areas play in managing stormwater, stabilizing banks and limiting nutrients and sediments from impacting water quality in designated watercourses used for irrigation purposes.

Table 1: Summary of Proposed Bylaw Amendments

<p>Update Zoning Bylaw No. 8500 to fulfill regulatory obligations under the <i>Riparian Area Protection Act</i> to protect and enhance Riparian Management Areas</p>	<p>Amendment Bylaw No 9871 is procedural in nature and it formalizes the 2006 Riparian Response Strategy to more effectively communicate requirements to the development community.</p> <p>In keeping with current process, RMA setbacks are defined and industrial, residential and commercial development within a setback is not permitted unless authorized by City permit, or if for the purposes of environmental enhancement.</p> <p>The bylaw amendment also permits a variance to RMA setbacks, with City approval in accordance with the <i>Riparian Area Regulation</i>. This allows the proponent to accept the City’s grandfathered RAR approach, that considers Richmond’s unique flood plain ecology; or to follow a professional reliance model defined through the Provincial RAR process.</p>
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Update Watercourse Protection and Crossing Bylaw No. 8441 facilitate a stewardship based approach to RMA protection and enhancement for single family development, and introduce enforcement measures to address ongoing non-compliance

Amendment Bylaw No. 9882 formalizes application submission and review requirements for single family building, demolition and service permits for sites with an RMA.

The current requirement for a construction environmental management plan is proposed to be replaced with a set application review fee on building permits to facilitate staff led support onsite to protect and enhance RMAs.

To address non-compliance on all active and non-active development sites, amendments will provide staff with authority to enforce RMA requirements, with the support of a qualified environmental professional, and/or defined inspection fees and fines to address remediation requirements

Update Consolidated Fees Bylaw No. 8636 to define the RMA application review fee and inspection fees to address non-compliance

Amendment Bylaw No. 9883 defines the RMA building permit review and inspection fees established in the Watercourse Protection and Crossing Bylaw No. 8441 as described above.

Update Municipal Ticket Information Authorization Bylaw No. 7321, and Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122 to define fine amounts for unauthorized development in an RMA, and failure to comply with a restoration order

Amendment Bylaw No. 9884 and No. 9885 define fine amounts for unpermitted development within an RMA, and fines for where, through inspection, it is determined that restoration orders for unauthorized impact to RMAs are not being adhered to.

**Update Boulevard
Maintenance Regulation
Bylaw No. 7141 to authorize
enhancement of a riparian
management area that
supports fish and wildlife life
processes, and limit plantings
in the boulevard that may not
support fish and wildlife life
processes**

Amendment Bylaw No. 9881 formalizes current practice to facilitate landowner stewardship of RMAs in accordance with riparian planting guidelines and best management practices.

Stakeholder Consultation

Staff engaged stakeholders and the public on the outcomes of the Riparian Response Strategy review in 2016, highlighting issues and opportunities for improvement. Presentations and discussions occurred with the Agricultural Advisory Committee, Advisory Committee on the Environment, Urban Development Institute, Richmond Home Building Group (formally Small Builders Group), and Ministry of Forest Lands Natural Resource Operations to generate preliminary feedback. As summarized in a 2017 report to Council, both the City's Agricultural Advisory Committee and Advisory Committee on the Environment supported the updates in principle. Members of the Urban Development Institute welcomed the development of guidelines to clearly define the riparian development approval process (as proposed in phase two updates) and all stakeholders acknowledged the need to achieve compliance with Provincial requirements.

Preliminary feedback informed the first phase of regulatory amendments presented herein, and staff have since re-engaged all of the stakeholders in 2018 to receive additional feedback in advance of this report. The Agricultural Advisory Committee endorsed the updates as presented and provided feedback on the RMA planting guidelines to support the needs of adjacent crops. The Advisory Committee on the Environment also endorsed the updates as presented, and demonstrated interest in the stewardship based approach to riparian enhancement. Feedback from the Richmond Home Builders Group and Urban Development Institute was also generally supportive. All stakeholders requested staff re-engage to provide feedback under phase 2 updates.

Staff hosted two public open houses in 2018 at City Center and East Richmond public facilities to share information, and responded to any public comments or concerns. The public open houses were advertised in the Richmond News and Sentinel newspapers, and promoted through the City's website, a news release, and social media. There was limited turnout to the public open houses, although feedback was supportive. Where there was concern, through conversation with attendees it was determined that measures to protect and enhance RMAs as proposed in this report would not limit landowners from undertaking required works in the area.

Development Permit Area Strategy – Phase 2

As noted in the 2016 Riparian Response Strategy Review report to Council, designation of development permit area in the Official Community Plan Bylaw No. 9000 is a useful tool to identify environmental areas and define development guidelines for protection of the natural environment. The City currently has an Environmentally Sensitive Area (ESA) development permit area. Rather than developing an additional environmental development permit area for RMAs, staff will review opportunities to integrate and streamline the existing environmental development permit area with RMA requirements and consider additional riparian protection and enhancement measures for the Fraser River foreshore in the absence of the Fraser River Estuary Management Plan review process in phase 2.

ESA types under the current designation include freshwater wetland, shoreline, intertidal, old field and shrub land, and upland forest. These ESA habitat types were assessed in 2012 following a network based approach to connect, protect and enhance semi-natural and natural areas within the City. ESA habitat types hold environmental value beyond RMA habitat value established for the protection of fish habitat. Prior to the implementation of phase 2, and consistent with current practice, properties with both RMA and ESA designations will continue to require an RMA review process and ESA development permit if development proposes to disturb the ESA.

While phase 1 updates propose a staff supported process for RMA protection and enhancement, the ESA development permit process will continue to require assessment by a qualified environmental professional on single family development sites with both RMA and ESA designations. If a qualified environmental professional assessment on single family properties with RMA and ESA determines that habitat values for the ESA is consistent with RMA values, an exemption from ESA development permit may be considered on a site by site basis. In the interim, the ESA development permit review process will remain unchanged, as will RMA review on larger residential, commercial and industrial proposals wherein protection and enhancement measures will be supported by qualified environmental professionals.

Implementation

The bylaw amendments attached to this report specify that applicable building, demolition and service permits for single family sites with RMAs filed on or after November 5, 2018, will need to follow the new RMA building permit review process. Staff will update forms, info-bulletins and permit review processes to reflect the proposed updates. All other aspects of proposed amendments under this phase are consistent with the existing RMA review process established in 2006 under the Riparian Response Strategy. The second phase of updates focused on designations for protection of the natural environment will be presented to Council at a later date for consideration.

Staff Resources

Amendments to the single family building permit process for sites with RMAs will introduce a new stewardship approach whereby planting guidelines and construction inspections will be carried out by staff. Endorsement of the proposed amendments will result in additional workload for staff at both the plan review and inspection stages, which are currently carried out by a qualified environmental professional at a cost to the proponent.

As proposed, the permit review fees defined in the amendments to the Watercourse Protection and Crossing Bylaw No. 8441 and Consolidated Fees Bylaw No. 8636, are intended to replace qualified environmental professional fees for RMA protection and enhancement on single family sites. It is recommended with this revenue source that a new Environmental Coordinator position be created to support timely reviews, onsite inspections and stewardship support. A new Environmental Coordinator position will result in approximately \$100,000 in additional salary annually and any transitional deficits experienced to recover cost for a new Environmental Coordinator position through RMA permit review fees for single family sites will be funded through the Sanitation & Recycling Utility budget.

Next Steps

Pending Council's approval of the proposed amendments in this report, staff will finalize RMA planting guidelines, update info-bulletins, forms, and building permit review and application fee processes for single family development on properties with RMAs for implementation effective November 5, 2018. In addition, and consistent with current practice, staff will update the existing RMA info-bulletin to better guide larger residential, commercial and industrial development applications, and single family properties with both ESA and RMA designations. This info bulletin will provide clarity to proponents in the interim, while opportunities to integrate and streamline the existing environmental development permit area with RMA requirements in phase 2 are reviewed.

Financial Impact

The costs for the new Environmental Coordinator position will be approximately \$100,000 which will be funded through RMA permit review fees. The position and the associated costs and funding will be included in the amended 5 Year financial Plan (2018-2022).

Conclusion

RMA's support fish and wildlife, and act as corridors connecting hubs and sites within the City's Ecological Network. Designated watercourses flow into the Fraser River providing nutrients to the diverse abundance of fish and other organisms in the estuary. Healthy riparian setbacks support the form and function of the City's open drainage network, providing green infrastructure ecosystem services. Phase 1 of regulatory updates proposed in this report, fulfills City requirements under the *Riparian Areas Protection Act* and RAR. Building permit application requirements for single family building permits on properties with RMA's, and staff led stewardship based approach to RMA protection and enhancement are also defined in phase 1. Phase 1 proposes new tools to address non-compliant activities that impact RMA's following an inspection based enforcement model. Staff will report back with a strategy to align environmental protection and enhancement measures more fully with the Ecological Network goal to connect, protect and enhance natural and semi-natural areas throughout the City.

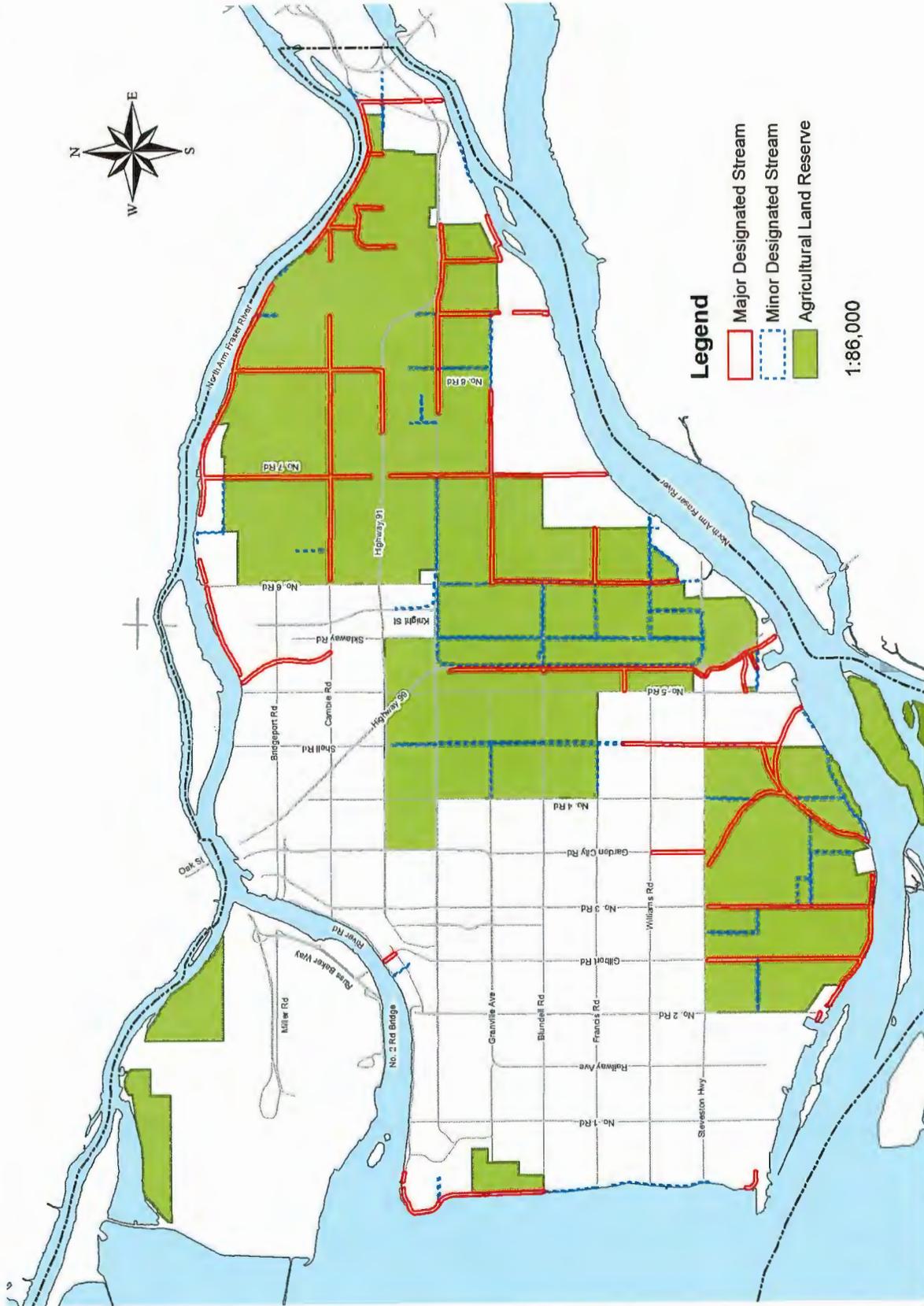


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- Att. 1 Riparian Management Area Map
- Att. 2 Illustrated example of an enhanced RMA
- Att. 3 Examples of non-compliance on single family development sites



Illustrative example of an enhanced RMA

RIPARIAN MANAGEMENT AREAS

Healthy riparian habitat

stabilizes banks and manages storm water runoff in the City's open drainage network, while providing habitat for fish, frogs, birds, pollinators and more!



Example of non-compliance on single family development sites

	<p>RMA with stored construction material</p>
	<p>RMA with retaining wall and compromised bank stabilized with cement grout</p>
	<p>Excavated RMA</p>
	<p>RMA with failed protection measures and stored materials</p>



**Richmond Zoning Bylaw No. 8500
Amendment Bylaw No. 9871
(Riparian Management Area Setbacks)**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning Bylaw No. 8500, as amended, is further amended at Section 3.4 by adding the following definitions in alphabetical order:

“ACTIVE FLOOD PLAIN

means an area of land that supports **floodplain plant species** and is:

- a) adjacent to a **watercourse** that may be subject to temporary, frequent or seasonal inundation by water; or
- b) within a boundary that is indicated by the visible **high water mark**.

ENHANCEMENT

means the establishing of natural native vegetation to help restore the natural features, functions and conditions that support fish and wildlife life processes in **riparian management areas** that have been recently or historically disturbed by human activity.

FLOODPLAIN PLANT SPECIES

means plant species that are typical of an area of inundated or saturated soil conditions and that are distinct from plant species on freely drained, adjacent upland areas.

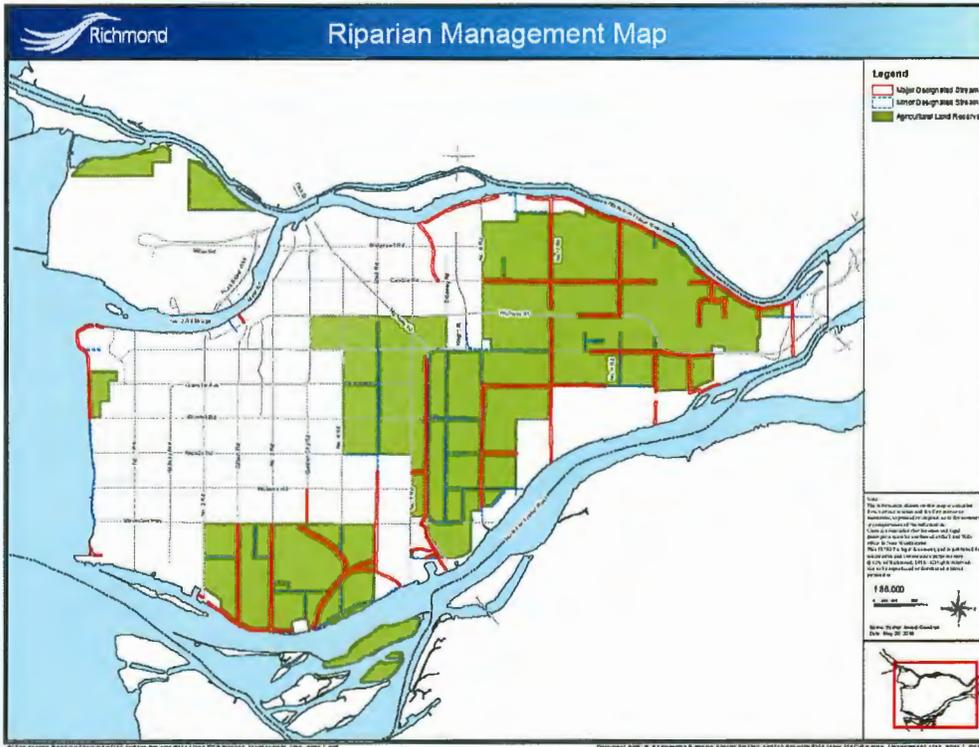
HIGH WATER MARK

means the visible high water mark of a **watercourse**, where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the **watercourse** a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself; and includes the **active floodplain**.

DESIGNATED STREAM

means a major or minor **watercourse**, that may or may not contain fish, as shown in the following map. Where this bylaw refers to a minor **designated stream** or a major **designated stream**, the

following map shall be used for reference purposes, and may be revised and updated from time to time by the Director of Engineering or his designate.



RIPARIAN MANAGEMENT AREA

means:

- a) the area on either side of a **designated stream** from **high water mark** to **top of bank**; and
- b) the area measured perpendicular 5 m from **top of bank** of a minor **designated stream** or 15 m from **top of bank** of a major **designated stream**.

However, where a **designated stream** is adjacent to a **road**, on the **road** side of the **designated stream** the **riparian management area** shall only extend to the crown of **road**.

RIPARIAN AREA REGULATION TOP OF BANK

means *Riparian Area Regulation*, B.C. Reg. 376/2004, as may be amended or replaced.

means:

- a) for a **designated stream** with an **active flood plain** contained in a ravine, the point closest to the boundary of the **active flood plain** of the **designated stream** where a break in the slope

of the land occurs such that the grade beyond the break is flatter than 3:1 at any point for a minimum distance of 15 m measured perpendicularly from the break; and

- b) for a **designated stream** with an **active flood plain** not contained in a ravine, the edge of the **active flood plain** of the **designated stream** where the slope of the land beyond the edge is flatter than 3:1 at any point for a minimum distance of 15 m measured perpendicularly from the edge.”.

- 2. Richmond Zoning Bylaw No. 8500, as amended, is further at Section 4.1 by adding the following to the end of section 4.1.2:

“For **sites** containing **riparian management areas**, variance to the related to **the riparian management area setbacks** may be permitted in accordance with the **Riparian Area Regulation** and by a City issued permit.”

- 3. Richmond Zoning Bylaw No. 8500, as amended, is further at Part 4 [General Development Regulations] by adding the following as a new section 4.20:

“4.20 Riparian Management Area Protection

4.20.1 All lands, **lots** and **sites** containing all or a portion of a **riparian management area**, are subject to the regulations set out in this Section 4.20, except for:

- a) those lands and uses permitted in the **Agricultural Land Reserve** that are exempt from the **Riparian Area Regulation**;
- b) those lands within **City rights-of-way** and unopened **roads** used for the construction, maintenance or operation of municipal works and services that are not ancillary to commercial, industrial or residential **development** activity.

4.20.2 For the purposes of this Section 4.20, “**development**” is defined to mean any of the following activities associated with or resulting from residential, commercial or industrial activities or ancillary activities:

- a) removal, alteration, disruption or destruction of vegetation;
- b) disturbance of soils;
- c) construction, erection, modification, conversion, enlargement, reconstruction, **alteration**, placement, or addition of **buildings** and **structures**;
- d) creation of non-structural impervious or semi-impervious surfaces, including **hardsurfacing**;
- e) flood protection works;

- f) construction of **roads**, trails, docks, wharves and bridges;
- g) provision and maintenance of sewer and water services;
- h) development of drainage systems;
- i) development of utility corridors (including **urban services, major utilities, and minor utilities**); and/or
- j) **subdivision.**

4.20.3 No **development** is permitted within a **riparian management area**, unless:

- a) it is for the purposes of **enhancement**; or
- b) is authorized by a **City** permit and is in accordance with the **Riparian Area Regulation**, and any other applicable Federal or Provincial legislation and **City** bylaw, and

is in accordance with any applicable best management practices.

4.20.4 Notwithstanding the **setbacks** specified elsewhere in this bylaw, including any **zone**:

- a) for a **lot** containing or adjacent to a minor **designated stream**, the **setback** is 5.0 m measured perpendicular from the **top of bank**;
- b) for a **lot** containing or adjacent to a major **designated stream**, the **setback** is 15.0 m measured perpendicular from the **top of bank**; and
- c) for a **lot abutting** a **road** where a minor or major **designated stream** is adjacent to the far side of the **abutting road**, the **setback** is measured perpendicular from the crown of the **road** rather than the **top of bank**,

unless the **setbacks** applicable to that **lot** from any **lot line** would result in a larger **setback**, in which case the **zone's lot line setbacks** would apply.

4. This Bylaw is cited as "**Richmond Zoning Bylaw No. 8500, Amendment Bylaw No. 9871**" and is effective November 5, 2018.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER



Watercourse Protection and Crossing Bylaw No. 8441, Amendment Bylaw No. 9882

The Council of the City of Richmond enacts as follows:

- 1. Watercourse Protection and Crossing Bylaw No. 8441, as amended, is further amended by:
a) deleting the definition of RIPARIAN MANAGEMENT AREA from Section 1.1 and replacing it with the following:

“RIPARIAN MANAGEMENT AREA means “riparian management area” as defined in the Zoning Bylaw.”

- b) adding the following definitions to section 1.1 in alphabetical order:

“DEVELOPMENT means “development” as defined in section 4.20 of the Zoning Bylaw.

ENHANCEMENT means “enhancement” as defined in the Zoning Bylaw.

QUALIFIED ENVIRONMENTAL PROFESSIONAL means a registered professional biologist, geoscientist, engineer, forester and/or agrologist registered in British Columbia, with demonstrated education, expertise, accreditation, and knowledge relevant to sensitive environments, ecosystems and/or riparian management.

RIPARIAN AREA REGULATION means Riparian Area Regulation, B.C. Reg. 376/2004, as may be amended or replaced.

RIPARIAN VEGETATION GUIDELINES means the Riparian Area Regulation re-vegetation guidelines, as amended and replaced from time to time.

ZONING BYLAW means Richmond Zoning Bylaw 8900, as may be amended or replaced.”

- c) deleting subsection 4.1(f) and replacing it with the following:

“(f) only after receiving all other regulatory permits and approvals required to undertake the work, including wildlife salvage for aquatic species performed by a **Qualified Environmental Professional**.”

- d) inserting the following as a new Part 8 and renumbering subsequent sections accordingly:

“PART 8: PROTECTION OF RIPARIAN MANAGEMENT AREAS

8.0 Riparian Management Areas

- 8.1 No person shall commence or conduct, or cause to be commenced or conducted, any **development** on land situated in a **riparian management area**, unless:

- (a) it is for the purposes of **enhancement**, satisfactory to the **City representative**; or
- (b) is authorized by a **City** permit and is in accordance with the **Riparian Area Regulation**, and any other applicable Federal or Provincial legislation and **City** bylaw.

- 8.2 A person who applies, under the **City’s Building Regulation Bylaw No. 7230**, for a permit to authorize the construction of, demolition of, or addition to a single or two family dwelling, accessory building and/or structure, and/or any ancillary **development** (such as services permitted by the City) on property that contains all or a portion of a **riparian management area**, must include in, or submit with, the application:

- (a) a survey of the property and delineation of the **riparian management area** on all site plans and site surveys;
- (b) a description of how fill will be contained outside of the **riparian management area**, including but not limited to, showing the location of a retaining wall on the building site plan, and/or providing a site level grading plan showing proposed and existing elevations;
- (c) inclusion of the following **riparian management area** site note on all site plans and site surveys:

“City of Richmond Riparian Management Area (RMA)

- *The RMA must not be altered except in accordance with a City approved permit, or authorized enhancement. No tree, shrub or ground cover removal; no storage of materials; no building, structure or surface construction including retaining walls can occur in an RMA.*

- *A brightly coloured, temporary fence of a minimum height of 1.2 m must be erected at least 2 m outside of the RMA. An erosion and sediment control fence must be installed on the property side of the brightly coloured fence. All additional RMA protection measures, as defined by the City must also be installed/completed.*
- *All protective fencing and erosion and sediment control measures must be in place before development begins, and remain in place until development is complete and final approval received.*
- *The landowner is responsible to restore to the satisfaction of the City any unauthorized development within the RMA.”;*

- (d) a **riparian management area** building permit application review fee above in the amount set out from time to time in the *Consolidated Fees Bylaw No. 8636*.

8.3 The **City representative** is authorized to enter on property at any time to:

- (a) determine whether or requirements of this or any applicable **City** bylaw, or Federal and Provincial statutes or regulations, are being met and
- (b) undertake an inspection to determine the work and measures required to restore the **riparian management area** affected by such contravention, in accordance with **riparian vegetation guidelines** and all applicable best management practices;

8.4 If **development** occurs in a **riparian management area** in contravention of Section 8.1 above, the **City representative**:

- (a) may order in writing the owner and/or occupant of the property to, at their sole expense, restore any portion of **riparian management area** on or adjacent to the property affected by such contravention, and may require such restoration work and measures to be overseen by a **Qualified Environmental Professional**, and may require such restoration work and measures to be completed within a specified period of time. Upon receipt, the owner and/or occupant shall take whatever action is specified in the order within the time period specified therein; and
- (b) may require additional inspections to confirm the undertaking and completion of restoration work and measures ordered pursuant to subsection (a) above, and compliance with **City** bylaws, and Federal and Provincial statutes and regulations.

8.5 The owner of the property must pay the non-refundable **riparian management area** inspection fees for the inspections referred to in sections 8.3 and 8.4 above in the amount set out from time to time in the *Consolidated Fees Bylaw No. 8636*.

2. This Bylaw is cited as **“Watercourse Protection and Crossing Bylaw No. 8441, Amendment Bylaw No. 9882”**, and is effective November 5, 2018.

FIRST READING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER



**CONSOLIDATED FEES BYLAW NO. 8636,
AMENDMENT BYLAW NO. 9883**

The Council of the City of Richmond enacts as follows:

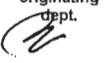
1. The **Consolidated Fees Bylaw No. 8636**, as amended, is further amended by deleting “SCHEDULE – WATERCOURSE PROTECTION AND CROSSING” and replacing it with Schedule A attached to and forming part of this bylaw as a schedule to Consolidated Fees Bylaw No. 8636, in alphabetical order.
2. This Bylaw is cited as “**Consolidated Fees Bylaw No. 8636, Amendment Bylaw No. 9883**”, and is effective November 5, 2018.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. 
APPROVED for legality by Solicitor 

MAYOR

CORPORATE OFFICER

SCHEDULE – WATERCOURSE PROTECTION AND CROSSING

Watercourse Protection and Crossing Bylaw No. 8441

Application

Sections 1.1 and 3.2

Fees

Description	Fee
<u>Culvert</u>	
Application Fee	\$350.00
City Design Option	\$1,154.00
Inspection Fee	\$23.50
*Per linear metre of culvert	
<u>Bridge</u>	
Application Fee	\$119.00
Inspection Fee	\$233.00

Note: There is no City Design Option for bridges.

Watercourse Protection and Crossing Bylaw No. 8441

Riparian Management Area Building Permit – Application Review Fees

Section 8.2

Description	Fee
<u>Application Review Fees</u>	
(a) Single or two family dwelling construction	\$750.00
(b) Single or two family dwelling demolition	\$350.00
(c) Addition to and/or accessory building over 10 m ² (for single or two family dwellings) construction	\$350.00
(d) Addition to and/or accessory building over 10 m ² (for single or two family dwellings) demolition	\$350.00
(e) Retaining wall over 1.2 m in height, for single or two family dwelling	\$350.00
(f) Site services for single or two family dwelling	\$350.00
(g) Combination of three (3) or more of the following: single or two family dwelling construction and/or demolition, addition to and/or accessory building over 10m ² for single or two family dwellings construction and/or demolition, retaining wall over 1.2m in height, for single or two family dwelling, and/or site services for single or two family dwelling.	\$1,500.00

Note: Other than as set out above there are no Building Permit application review fees for activities in or adjacent to riparian management areas

Watercourse Protection and Crossing Bylaw No. 8441
Development in Riparian Management Area Inspection Fees
 Section 8.5

Description	Fee
<u>Initial Inspection Fee</u>	\$75.00
<u>Re-inspection Fees</u>	
(a) first additional inspection	\$75.00
(b) second additional inspection	\$150.00
(c) third additional inspection	\$300.00
<i>Note: the fee for each additional inspection after the third additional inspection, required as a result of prior inspection showing deficiencies, will be at double the cost of each immediately previous inspection</i>	



**Municipal Ticket Information Authorization Bylaw No. 7321,
Amendment Bylaw No. 9884**

The Council of the City of Richmond enacts as follows:

1. **Municipal Ticket Information Authorization Bylaw No. 7321**, as amended, is further amended by:

(a) inserting the following as new section 15A to Schedule A in numerical order:

“15A. Watercourse Protection and Crossing Bylaw No. 8441 - **Bylaw Enforcement Officer**”

(b) inserting Schedule A attached hereto as new Schedule B 15A.

2. This Bylaw is cited as “**Municipal Ticket Information Authorization Bylaw No. 7321, Amendment Bylaw No. 9884**”, and is effective November 5, 2018.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept. <i>[Signature]</i>
APPROVED for legality by Solicitor <i>[Signature]</i>

MAYOR

CORPORATE OFFICER

SCHEDULE B 15A**WATERCOURSE PROTECTION AND CROSSING BYLAW NO. 8441**

Column 1	Column 2	Column 3
Offence	Bylaw Section	Fine
Failure to obtain permit	2.1(d)	\$500
Failure to maintain watercourse crossing		
First Offence	6.1	\$500
Subsequent Offences	6.1	\$1000
Failure to construct as approved	4.1	\$500
Failure to restore City Land	4.2	\$500
Unauthorized development in a riparian management area	8.1	\$500
Failure to comply with restoration order	8.4(a)	\$500



Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9885

The Council of the City of Richmond enacts as follows:

- 1. Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, as amended, is further amended by deleting the Schedule – Watercourse Protection and Crossing Bylaw No. 8441 and replacing it with the table in Schedule A attached to and forming part of this Bylaw.
2. This Bylaw is cited as "Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122, Amendment Bylaw No. 9885", and is effective November 5, 2018.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

Four horizontal lines for signatures and dates.

Approval stamp: CITY OF RICHMOND APPROVED for content by originating dept. (with signature) APPROVED for legality by Solicitor (with signature)

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 9885

Schedule - Watercourse Protection and Crossing Bylaw No. 8441 Designated Bylaw Contraventions and Corresponding Penalties								
A1 Bylaw	A2 Description of Contravention	A3 Section	A4 Compliance Agreement Available	A5 Penalty	A6 Early Payment Option	A7 Late Payment Amount	A8 Compliance Agreement Discount	
Watercourse Protection and Crossing Bylaw No. 8441	Period of Time from Receipt (inclusive)		n/a	29 to 60 days	1 to 28 days	61 days or more	n/a	
	Failure to obtain permit	2.1(d)	No	\$ 500.00	\$ 450.00	\$ 525.00	n/a	
	Failure to maintain watercourse crossing	First Offence	6.1	No	\$ 250.00	\$ 200.00	\$ 300.00	n/a
		Subsequent Offences	6.1		\$500.00	\$450.00	\$525.00	
	Failure to construct as approved	4.1	No	\$ 500.00	\$ 450.00	\$ 525.00	n/a	
	Failure to restore City land	4.2	No	\$ 500.00	\$ 450.00	\$ 525.00	n/a	
	Unauthorized development in a riparian management area	8.1	No	\$ 500.00	\$ 450.00	\$ 525.00	n/a	
	Failure to comply with restoration order	8.4(a)	No	\$ 500.00	\$ 450.00	\$ 525.00	n/a	



**Boulevard Maintenance Regulation Bylaw No.7174,
Amendment Bylaw No. 9881**

The Council of the City of Richmond enacts as follows:

- 1. Boulevard Maintenance Bylaw No.7174, as amended, is further amended by:
 - a) adding the following definitions to Section 3.1 in alphabetical order:

“ENHANCEMENT means “enhancement” as defined in the Richmond Zoning Bylaw 8900, as may be amended or replaced.

**RIPARIAN
MANAGEMENT
AREA** means “riparian management area” as defined in the Richmond Zoning Bylaw 8900, as may be amended or replaced.”

- b) adding the following as a new Section 1.3.2:

“1.3.2 Notwithstanding Section 1.2.1 above, if a **boulevard** is situated in a **riparian management area**, a property owner may not add flower beds, plant shrubbery, and ground cover in a **boulevard** unless such work is for the purposes of **enhancement** satisfactory to the **General Manager of Engineering & Public Works** or his designate.”

- 2. This Bylaw is cited as “**Boulevard Maintenance Regulation Bylaw 7174, Amendment Bylaw 9881**”, and is effective November 5, 2018.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

[Handwritten signature]

MAYOR

CORPORATE OFFICER