



City of Richmond

Report to Committee

To: Public Works and Transportation Committee

Date: June 27, 2016

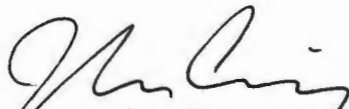
From: John Irving, P.Eng. MPA
Director, Engineering

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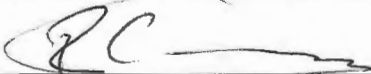
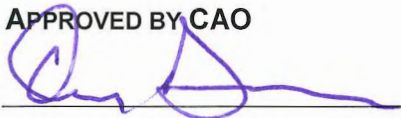
Re: Riparian Response Strategy Review

Staff Recommendation

That the stakeholder consultation program outlined in the report titled "Riparian Response Strategy Review" from the Director, Engineering, dated June 27, 2016, be endorsed.


John Irving, P.Eng. MPA
Director, Engineering
(604-276-4140)

Att. 1

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Parks Services	<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: DW	APPROVED BY CAO 

Staff Report

Origin

In response to the Riparian Area Regulation, a Provincial directive to local governments for the protection and enhancement of fish habitat, the City of Richmond established the Riparian Response Strategy in 2006. Following a recent Provincial review targeting increased compliance with the Riparian Area Regulation, the City is required to update the Riparian Response Strategy.

The purpose of this report is to provide recommendations on the required protection measures and regulatory tools that staff are reviewing, and seek endorsement of a stakeholder consultation program to support the development of new regulatory riparian protection tools.

This report supports the following of Council's 2014-2018 Term Goals:

#3 A Well-Planned Community:

3.1. *Growth and development that reflects the OCP, and related policies and bylaws.*

#4 Leadership in Sustainability:

4.1. *Continued implementation of the sustainability framework.*

4.2. *Innovative projects and initiatives to advance sustainability.*

#6 Quality Infrastructure Networks:

6.1. *Safe and sustainable infrastructure.*

Background

The Province enacted the Riparian Area Regulation in 2006 under the Riparian Areas Protection Act (formerly Fish Protection Act), for the protection and enhancement of fish habitat from residential, industrial, commercial and ancillary activities that are done in association with this type of development. Riparian habitat is the terrestrial land located adjacent to watercourses that provides a critical link between aquatic and terrestrial ecosystems, supporting a high level of biodiversity.

Being in a flood plain ecosystem, Richmond's riparian conditions differ from other municipalities in the region. Richmond is considered to be a single watershed, and all watercourses flow through flood control pump stations in the perimeter dyke before entering the Fraser River. Watercourses are fed with a significant source of groundwater that is low in oxygen, high in iron and water flows slowly across the relatively flat grade, and warms within the system. Richmond's watercourses are not generally hospitable to salmon and trout species, however, are considered fish habitat as they flow immediately into, and support an abundance of fish life in, the Fraser River Estuary.

To protect fish habitat from development, local governments are required to include riparian protection measures in zoning and land use bylaws, and have the choice to adopt a standardized approach to riparian protection or define their own approach that meets or exceeds the level of protection in the standardized approach. Given Richmond's unique flood plain ecology, the City established its own approach to riparian protection, known as the Riparian Response Strategy.

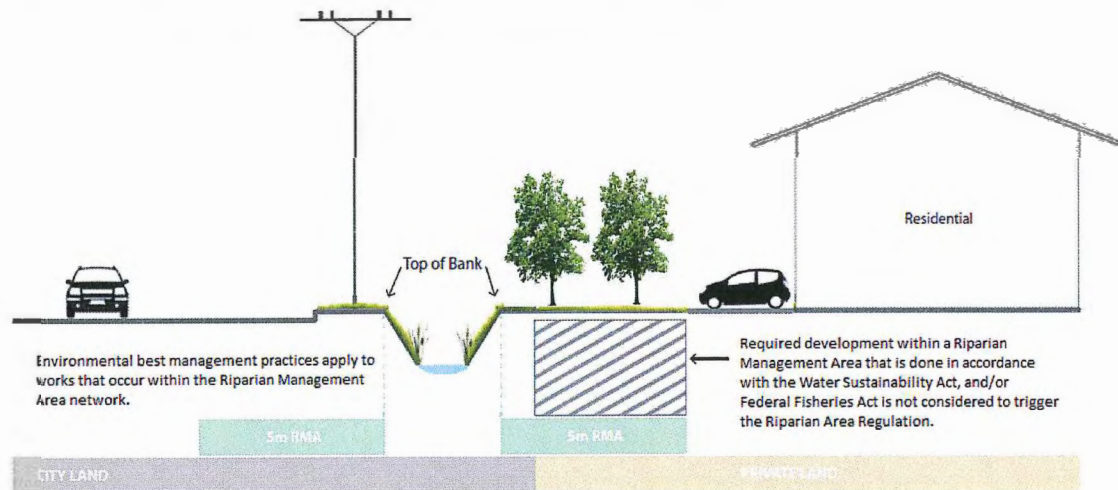
Under the Riparian Response Strategy, Riparian Management Area setbacks of 5m and 15m on minor and major watercourses were pre-designated in consultation with the Department of Fisheries and Oceans (Attachment 1). Riparian Management Areas were to remain free from development, however, if development within an Riparian Management Area was required, it was considered in consultation with the Department of Fisheries and Oceans to ensure compliance with the Riparian Area Regulation and the Fisheries Act. While the City's approach did not include riparian protection measures in City bylaws, the Riparian Response Strategy was intended to meet the level of protection required under the Riparian Area Regulation through direct consultation with the Department of Fisheries and Oceans.

Recently, the Ministry of Forests, Lands and Natural Resource Operations conducted a review of Riparian Area Regulation implementation approaches, at the recommendation of the Provincial Ombudsperson. Following the review, local governments who are not considered compliant are required to update their approach. Following recent changes to their operating procedures, the Department of Fisheries and Oceans no longer engage with local governments directly on Riparian Area Regulation decisions. As a result, in order to be fully compliant with the Riparian Area Regulation, updates to the City's approach would include the following:

- Include riparian protection measures in City bylaws and development approval processes;
- Protect 5m and 15m Riparian Management Area setbacks from residential, commercial, industrial and ancillary development activities proposed within 30 m of a designated watercourse; and
- Assess opportunities to enhance riparian setbacks.

Under the Riparian Area Regulation, development, defined as works that disturb soil or vegetation, is not permitted within a Riparian Management Area. However, unlike in traditional watersheds where properties commonly back onto protected watercourses, Richmond's Riparian Management Areas have been historically realigned within road right-of-ways and Riparian Management Area setbacks span into property frontages. As a result, development activity such as site services and watercourse crossings within a setback is often required (Figure 1), and unauthorized encroachment into setbacks is also common. If the installation of watercourse crossings, site services and other required development complies with established best management practices and approvals under the Provincial Water Sustainability Act and Federal Fisheries Act, they are not considered to trigger the Riparian Area Regulation. In order to address unauthorized encroachments into Riparian Management Areas, the updated compliance package will include provisions to enforce protection measures.

Figure 1: Example of a 5m Riparian Management Area



Analysis

Riparian Management Area Protection Measures

Measures to manage Richmond's Riparian Management Areas will enhance the water quality, temperature and level of nutrients flowing into the Fraser River Estuary. Associated benefits to Riparian Management Area management include enhancement of ecosystem services such as bank stabilization and erosion sediment control. Riparian Management Areas also act as linear wildlife corridors, connecting natural hubs and sites within Richmond's ecological network. Regulatory tools to protect Richmond's Riparian Management Areas must facilitate required development, limit unauthorized encroachment, and incorporate measures to protect and enhance Riparian Management Areas. Measures may include:

- sediment and erosion control;
- stormwater management;
- bank stabilization;
- flood control;
- invasive species removal and management;
- vegetation management and enhancement;
- fish and wildlife protection;
- encroachment protection (i.e. fencing);
- Environmental protection and mitigation to facilitate the installation and maintenance of services within an Riparian Management Area (e.g. design and material specifications, seasonal timing windows, measures to isolate aquatic work areas, mitigation and spill response measures);
- Construction monitoring performed by a Qualified Environmental Professional.

Regulatory Tools to Achieve Compliance

Using the regulatory tools available under Part 14 of the Local Government Act, the City is required to embed the Riparian Management Area protection measures listed above into City bylaws, and staff have reviewed various regulatory tools and bylaw options to achieve compliance. Inclusion of riparian protection measures in Zoning Bylaw No. 8500, and designation of a riparian development permit area under the Official Community Plan Bylaw No. 9000 have been identified as primary tools to achieve compliance with the Riparian Area Regulation.

Zoning Bylaw No. 8500 is the most effective tool to address setbacks and riparian protection measures. Zoning bylaw provisions can establish minimum Riparian Management Area setbacks, minimum landscape vegetation standards, address non-conforming structures within Riparian Management Areas, and regulate unauthorized development within a setback. Development permit areas can be designated in the Official Community Plan Bylaw No. 9000 for the protection of the natural environment. Land within a development permit area must not be altered until a development permit is issued by Council. Development permit areas are accompanied by guidelines that outline how Riparian Management Area protection measures could be assessed on a site specific basis at the time of development.

Other local governments in the region with riparian development permit areas have delegated authority to staff to streamline the approval process, and a request for delegated authority may form part of the updated Riparian Response Strategy for Council's consideration. While Zoning Bylaw No. 8500 and designation of a Riparian Management Area development permit area under the Official Community Plan Bylaw No. 9000 have been identified as the primary tools to achieve compliance with the Riparian Area Regulation, it is anticipated that amendments to additional bylaws will be required to achieve a consistent compliant approach to riparian protection and enhancement.

Stakeholder Consultation Program

In order to implement the regulatory tools required for Riparian Area Regulation compliance and embed required riparian protection measures into City capital, operational, and private development works, staff are seeking Council endorsement to engage in a stakeholder consultation process over the summer months. Through stakeholder consultation, staff will assess the impacts of the proposed tools on development timing, costs, and approvals, and refine guidelines to streamline permitting processes where possible. Staff are proposing stakeholder engagement with the following groups:

- Agricultural Advisory Committee;
- Advisory Committee on the Environment;
- Urban Development Institute;
- Small Builders Group;
- Ministry of Forest Lands Natural Resource Operations; and
- Fisheries and Oceans Canada.

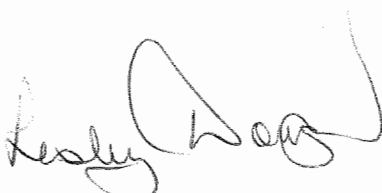
Staff will report back to Council in Fall 2016 with the proposed bylaw package to achieve full Riparian Area Regulation compliance, and will seek authorization to proceed to broader public consultation at that time. Public consultation recommendations for an Official Community Plan amendment to create a new development permit area will be in accordance with City Policy 5043: Official Community Plan Bylaw Preparation Consultation Policy. Public consultation for a Zoning bylaw amendment will be in accordance with Part A, Section 2: Bylaw Amendments, from the City's Zoning bylaw 8500. Following completion of the public consultation program, a recommended update to the Riparian Response Strategy will be brought forward in late 2016 for endorsement.

Financial Impacts

None. Potential costs associated with the implementation of the updated Riparian Response Strategy will be assessed and included in the recommended regulatory tools that will be presented to Council in Fall 2016 for consideration.

Conclusion

The City must develop regulatory tools to protect Riparian Management Areas in accordance with the Riparian Area Regulation. Following stakeholder consultation, staff will bring forward an updated Riparian Response Strategy including draft development permit area guidelines and zoning bylaw provisions in early Fall 2016 that will include a public consultation program for Council endorsement. Following public consultation, staff will bring the package with required Official Community Plan Bylaw No. 9000 and Zoning Bylaw No. 8500 amendments back to Council in late Fall 2016 to endorse for the purpose of implementation.



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Att. 1: City of Richmond Riparian Management Area Network

Riparian Management Area Map

