

# **REPORT**

## ***Engineering Services and Climate Action Planning and Development***

**To:** Mayor Johnstone and Members of Council      **Date:** April 22, 2024

**From:** Lisa Leblanc  
Director of Engineering Services      **File:** 05.1035.10  
(Doc# 2330198)

Jackie Teed  
Director of Climate Action, Planning and Development      **Item #:** 2024-222

**Subject:** **Riparian Areas Protection Amendment Bylaw No. 8413, 2024**

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### **RECOMMENDATION**

**THAT** Council gives three readings to the Riparian Areas Protection Bylaw Amendment Bylaw No. 8413, 2024, as presented in Attachment 1 of this report.

**THAT** Council gives three readings to the Bylaw Notice Enforcement Bylaw Amendment Bylaw No. 8421, 2024, as presented in Attachment 2 of this report.

**THAT** Council gives three readings to the Municipal Ticket Information Bylaw Amendment Bylaw No. 8422, 2024, as presented in Attachment 3 of this report.

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### **PURPOSE**

To request that Council gives three readings to the following bylaws:

Riparian Areas Protection Amendment Bylaw No. 8413, 2024, as presented in Attachment 1 of this report;

Bylaw Notice Enforcement Amendment Bylaw No. 8421, 2024, as presented in Attachment 2 of this report; and

Municipal Ticket Information Amendment Bylaw No. 8422, 2024, as presented in

### Attachment 3 of this report

These amendments are intended to: align the City's current bylaws with the revised Provincial Riparian Areas Protection Regulation (RAPR) and add an enforcement provision for situations in which voluntary compliance is not obtained.

## **BACKGROUND**

### **Riparian Areas in New Westminster**

Riparian areas are natural buffer areas adjacent to watercourses such as streams, lakes, and wetlands that provide a link between aquatic and dry, upland habitats. Healthy riparian areas comprise various features, functions and conditions essential for ensuring healthy fish populations. For example, these areas provide shade and shelter to protect fish from predators, provide habitat and food for insects that are a food source for fish, supply organic debris that supports aquatic ecological processes, and provide channel stability, which reduces the risk of bank erosion. It is vital to protect these riparian areas while facilitating urban development.

New Westminster is home to waterway corridors that provide significant ecological, recreational, economic, and heritage value. These waterways range in size and impact from the mighty Fraser River to the small watercourses (ditches) of Queensborough. The City, Province, and Port of Vancouver each play a role in protecting watercourses and riparian areas, and preventing further degradation of these environments.

### **Provincial Regulation**

The Provincial *Riparian Areas Regulation* was enacted under the *Fish Protection Act* in July 2004 to support local governments in creating practical tools for fish habitat protection. The regulations provided directives to local governments on the protection of riparian areas during residential, commercial, institutional, and industrial development by ensuring proposed activities were subject to a science-based assessment conducted by a qualified environmental professional. The purpose was to protect the features, functions and conditions that support fish life processes.

Based on the Provincial regulations, the City quickly adopted Riparian Areas Protection Bylaw No. 7033, 2005 to regulate development activities in the municipality for the purpose of preserving, protecting, restoring and enhancing the natural environment near streams.

### **Regulation Changes**

In February 2016 the Provincial Act was renamed the *Riparian Areas Protection Act* and in November 2019, following substantial amendments, the Provincial regulations changed to become the *Riparian Areas Protection Regulation* (RAPR). These amendments provided:

- improved ministry oversight;
- mandatory training requirements for QEPs;
- additional detail and rigour in the application of regulatory standards; and
- clarification of existing language and definitions.

Additional minor amendments have occurred occasionally, the most recent one being in February 2023.

### **EXISTING POLICY/PRACTICE**

Riparian Areas Protection Bylaw No. 7033, 2005 serves to protect the natural environment near streams that support fish life processes during land development and construction activities. City staff use the bylaw to assess situations that may threaten the ecosystem within the municipality, but staff currently do not have authority in either of the City's ticketing bylaws to issue fines for non-compliance.

The City has two ticketing systems by which to issue fines:

- the Bylaw Offence Notice (BON) system with maximum fine amounts of \$500, that permits service by mail, and in which disputes occur in informal adjudication hearings at City Hall. This system's offences and fine amounts are listed in the City's Bylaw Notice Enforcement Bylaw No. 7318, 2009; OR
- the Municipal Ticket Informations (MTI) system with maximum fine amounts of \$1000, that must be personally served, and in which disputes occur in Provincial Court. This system's offences and fine amounts are listed in the City's Municipal Ticket Information Bylaw No. 8077. 2019.

The City's Riparian Areas Protection Bylaw has not been amended since being adopted in 2005. The proposed amendments reflect current requirements under the RAPR and include enforcement provisions for situations where voluntary compliance is not obtained.

### **DISCUSSION**

The proposed amendments to the City's Riparian Areas Protection Bylaw incorporate the various amendments that have occurred to provincial legislation throughout the past 19 years and brings the bylaw into alignment with the current RAPR in protecting riparian areas during residential, commercial, institutional, and industrial development and construction works. This update would support goals and actions in the Official Community Plan to protect and enhance the ecological function of waterways and associated riparian and foreshore areas, and continue to apply best practice for environmentally sensitive development.

To ensure staff have the opportunity to issue tickets should enforcement action be required, the proposed amendments to the Riparian Areas Protection Bylaw must be accompanied by corresponding changes to the City's ticketing bylaws. The associated

amendments to Bylaw Notice Enforcement Bylaw No. 7318, 2009 and Municipal Ticket Information Bylaw No. 8077, 2019 are provided in Attachments 2 and 3 respectively.

### **SUSTAINABILITY IMPLICATIONS**

The proposed amendments intend to reduce the potential impacts of land development and construction activities on the natural environment near streams that support fish life processes. Updating the Riparian Areas Protection Bylaw supports the City's Environmental Strategy and Action Plan and Biodiversity and Natural Areas Strategy, both of which outline the need to strengthen protection requirements for riparian areas in the City.

### **FINANCIAL IMPLICATIONS**

Financial implications related to the implementation of the new sections in the proposed Riparian Areas Protection Bylaw No. 8413, 2024 are anticipated to be nominal. If more proactive enforcement is required, staffing resource implications may need to be reassessed. Inclusion of the Riparian Areas Protection Bylaw in the BON and MTI bylaws will enable the City to levy fines for violations of the Bylaw.

### **INTERDEPARTMENTAL LIAISON**

Staff in Engineering Services and Planning and Development collaborated on this report.

### **OPTIONS**

The following options are presented for Council's Consideration:

1. THAT Council give three readings to the Riparian Areas Protection Bylaw Amendment Bylaw No. 8413, 2024, as presented in Attachment 1 of this report.
2. THAT Council give three readings to the Bylaw Notice Enforcement Bylaw Amendment Bylaw No. 8421, 2024, as presented in Attachment 2 of this report.
3. THAT Council give three readings to the Municipal Ticket Information Bylaw Amendment Bylaw No. 8422, 2024, as presented in Attachment 3 of this report.
4. THAT Council provides other direction.

Staff recommend options 1, 2 and 3.

### **CONCLUSION**

The proposed amendments will align the City's current bylaw with requirements under the Provincial RAPR and allow the City to issue fines as a penalty for bylaw contraventions

thereby providing improved protection to the natural environment near streams that support fish life processes during land development and construction activities.

### **ATTACHMENTS**

Attachment 1 – Riparian Areas Protection Bylaw Amendment Bylaw No. 8413, 2024

Attachment 2 – Bylaw Notice Enforcement Bylaw Amendment Bylaw No. 8421, 2024

Attachment 3 – Municipal Ticket Information Bylaw Amendment Bylaw No. 8422, 2024

### **APPROVALS**

This report was prepared by:

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This report was reviewed by:

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Kim Deighton, Manager of Integrated Services

This report was approved by:

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Jackie Teed, Director of Climate Action Planning and Development

Lisa Leblanc, Acting Chief Administrative Officer