
TO: CITY MANAGER **DATE:** 2006 May 2

FROM: DIRECTOR PLANNING AND BUILDING **FILE:** PL 31000-01
Ref: Stream Protection

SUBJECT: CITY OF COQUITLAM RIPARIAN AREA REGULATION

PURPOSE: To respond to the City of Coquitlam's consultation request regarding their Official Community Plan amendment to include the Riparian Area Regulation.

RECOMMENDATIONS:

1. **THAT** Council adopt this report as the City's formal comments to the City of Coquitlam Official Community Plan referral.
2. **THAT** a copy of this report be forwarded to the Stoney Creek Environment Committee.

REPORT**1.0 INTRODUCTION**

The City of Coquitlam is proposing to amend its Official Community Plan (OCP) and zoning bylaw, replacing previous streamside protection provisions with those outlined in the Riparian Area Regulation. In accordance with the Local Government Act, the City of Coquitlam is consulting with neighbouring jurisdictions where watercourses cross jurisdictional boundaries, and request that comments be provided by May 9, 2006. The following report outlines City of Burnaby staff response to these changes.

2.0 RIPARIAN AREA REGULATION

On July 27, 2004, the Province enacted the Riparian Area Regulation (RAR) to come into effect March 31, 2005, replacing the previously adopted Streamside Protection Regulation (SPR). As discussed in numerous Council reports, many local governments have had concerns about the RAR including issues of liability, protecting geotechnical stability, local government roles and responsibilities, monitoring and enforcement, and no open documentation of the science behind the regulation. As such, many local governments, including Burnaby, have adopted alternative streamside protection provisions based on the SPR, as allowed within the regulation.

3.0 CITY OF COQUITLAM'S PROPOSED APPROACH TO STREAMSIDE PROTECTION

The City of Coquitlam is proposing to amend their streamside protection measures to incorporate the RAR. This approach is a permissible strategy under the provincial Fish Protection Act. The federal Department of Fisheries and Oceans (DFO) is yet to sign-off that the RAR meets the Federal Fisheries Act fish protection requirements, but approval is expected in the future. UBCM is not yet satisfied that all local government interests have been met within the RAR, so has not signed off on a tripartite agreement on the regulation.

4.0 IMPLICATIONS TO THE CITY OF BURNABY

The City of Coquitlam contains upper reaches of two major Burnaby watercourses – Stoney Creek and the Brunette River. The Stoney Creek mainstem extends in an open channel for about 1 km above North Road in Coquitlam. It flows within a ravine on residential property and adjacent to Burquitlam Elementary School, before flowing into Burnaby. The *Stoney Creek Bioengineering Assessment Study* (2000) identified two points within the Coquitlam reaches with ravine stability issues.

Within Coquitlam, there are several small sections of open watercourse that eventually flow to the Brunette River. Open sections are within residential and highway lands. They enter the Brunette downstream of Burnaby.

The City of Coquitlam was a partner, along with Burnaby, in the preparation of the *Stoney Creek Integrated Stormwater Management Plan* (1999) and the *Brunette Basin Watershed Plan* (2001).

5.0 COMMENTS ON CITY OF COQUITLAM STRATEGY

The City of Burnaby is continuing to use the existing approach to streamside protection based on the SPR, due to the outstanding issues related to the RAR (see section 2). Should the City of Coquitlam pursue the RAR, the City of Burnaby requests that the following issues be considered:

1. **Ravine Protection.** The RAR measures required setbacks from high water mark, rather than top of bank or top of ravine bank. This potentially allows developers to build down into ravines, creating on-site hazard risks, risks of ravine erosion, and impacts to downstream areas. The RAR notes that such construction can only occur with a geotechnical sign-off, but staff believe that a more conservative and sensible approach is to set development back from ravines all together (as per the original SPR). As Coquitlam streams flowing into Burnaby originate in ravine areas, we request that Coquitlam examine this issue to ensure ravine and downstream protection.

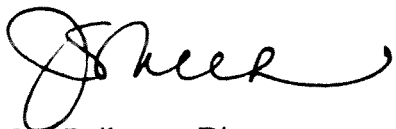
To: City Manager
From: Director Planning and Building
Re: City of Coquitlam Riparian Area Regulation
2006 May 2 Page 3

2. **Application of RAR to Building Permits.** Most of the Coquitlam streamside lands in question are on private residential lots, where development would be in the form of building permits. It is staff's understanding that Coquitlam may not apply the RAR to building permits, potentially allowing landowners to build up to the edge of the watercourse. Such construction would negatively affect the watercourse and downstream fish habitat. We request that Coquitlam consider how this issue be addressed to meet the vision of habitat protection in senior government regulations, and the Stoney Creek and Brunette Watershed Plans. The City of Burnaby is applying a streamside protection process to all forms of development, including rezoning, subdivision, building permit, and utility construction, to ensure comprehensive environmental protection.

3. **Streamside Protection be applied to all land uses and at all stages of development.** The City of Burnaby believes that streamside protection should be applied to all land uses, to provide comprehensive protection to watercourses. The Burnaby Zoning Bylaw therefore applies streamside protection to all land uses, including institutional developments. This approach was advocated by UBCM in the 2002 and 2004 conference resolutions on the RAR. The Province has only required the RAR to apply to commercial, residential, and industrial land uses. We request that Coquitlam examine this issue in light of protecting streamside areas on institutional lands adjacent to watercourses (e.g., Burquitlam School adjacent to Stoney Creek), and for future infrastructure works.

6.0 CONCLUSION

Most major municipalities in the GVRD, including Burnaby, are continuing to use an SPR-based means of streamside protection, due to unresolved issues related to the RAR. The City of Burnaby appreciates Coquitlam's consultation regarding the proposed changes to the OCP, and hopes that the issues identified in Section 5 can be addressed to ensure consistent, cross-jurisdictional environmental protection.



J.S. Belhouse, Director
PLANNING AND BUILDING

RW/jc

cc: City Solicitor
Director Engineering

