



## Report to Council

### From the Offices of Mayor Rob Vagramov and Councillor Steve Milani

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Date: February 11, 2021

Subject: Environmentally Sensitive Area Update Input

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#### Purpose

To recommend key elements be addressed in staff's next draft of the Environmentally Sensitive Area Update project.

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#### Recommendation

**WHEREAS** a significant amount of community concern has arisen from the lack of predictability related to environmental regulations in the draft Environmentally Sensitive Area (ESA) Update;

**AND WHEREAS** the lack of a coherent, easy to understand environmental vision is leading to a slew of theories regarding the purpose of the draft ESA update;

**BE IT RESOLVED THAT** staff be directed to include a high-level vision of any long-range goals that the City might have for future environmental enhancement or habitat restoration goals for the Alderside foreshore, as well as any specific concerns in foreshore conditions (or the assessment zone along the foreshore) that staff might already be monitoring for the purposes of restoration as recommended in the report dated February 11, 2021 from the Offices of Mayor Rob Vagramov and Councillor Steve Milani regarding Environmentally Sensitive Area Update Input;

**AND THAT** staff be directed to assist the public in anticipating and understanding whether (and if so, then how) their properties might present possible environmental concerns now or in the future, based on common or already known coastal ecological protection and restoration concerns;

**AND THAT** staff be directed to adjust proposed ESA regulations to allow for a static flowchart (printed and digital) to provide homeowners in affected areas easy access to the measures that will be required of them in various redevelopment scenarios to provide a better degree of predictability (e.g. *"Property contains map-identified riparian watercourse → If YES then..., if NO then..."*, or *"Foreshore contains marine dock → If YES then..."*, or *"...contains known recurrent nesting by any of the following protected waterfowl If YES then..."* etc).

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## Background

The City of Port Moody prides itself on environmental leadership. As a regulatory body, the city has been regulating environmentally sensitive areas for decades, and has had a formal, dedicated Environmentally Sensitive Areas (ESA) Management Strategy since 1997.

Recently, staff has been working on an update to the ESA regulations, which have largely been unchanged since 1997. This has included re-assessing how the city identifies areas, what such a designation means, and what goals the city aims to achieve. There has been a significant amount of feedback received from a variety of neighbourhoods, in particular residents along Alderside where the highly sensitive marine foreshore has sparked a number of concerns.

City Council has yet to formally review the work being done by staff, who are currently working on the next draft to be presented to City Council in the future.

## Discussion

There were some extremely concerning pieces of feedback sent to staff, and various individual members of Council. These are generally summarized by two significant categories: vision for the environment, and specific impacts to homeowners.

### Clear Vision for the Environment

Whether we are discussing the marine foreshore, or significant creeks, or something completely unrelated to environmental protection, it is understood that public buy-in is critical for regulations to be effective. In the feedback received to date, there have been concerns raised about proposed regulations that appear to be “subjective”, and for a goal or purpose that is vaguely described as “environmental protection”. This poses the following questions, “What is it that the city hopes to achieve with these regulations?” and, “What is the goal for marine foreshore restoration?”

These are the kinds of questions that this report recommends the city finds answers to. Some answers can be expressed in descriptions, some are best answered with visual representations of what these areas would look like post-development, and some may be best described with informational videos. These answers would form the backbone of an environmental vision which would help the public better understand what the city is working towards through this initiative.

Jurisdictions around the world containing sensitive ecosystems have detailed plans in place specifically for habitat restoration. Florida, a highly conservative jurisdiction, is also home to some of the most extensive nature preserves in North America, with the highly sensitive Everglades National Park, and an extensive coastline spanning two major bodies of water that has been previously ravaged by human encroachment and industrial activity. Since then, significant planning was put in place, including in dense residential areas, with visions for what the foreshore would look like, where native plants would be planted, and which species were expected to rebound. On the other side of the continent, the great state of California relies on

ecological restoration for protection against erosion and wildfires. Counties have specific plans in place, including the specific placement of plant species along creeks, areas for invasive removal, and stringent building codes. These restoration plans are often specific enough that they can be easily replicated following a wildfire that wipes out all traces of previous restoration.

So what *is* the vision for Port Moody's major creeks and marine foreshore? The current reality is that residents do not know. This report recommends an OCP-type approach where sensitive areas are described in their current state, environmental concerns and past impacts are explained, and where solutions are listed for future development to address. This paints (*perhaps literally, with artists renderings*) a vision for the future, where, over time, as properties redevelop one by one, the area is restored to either its original state, or one that will be resilient to the changing environment of the future.

### Clear Vision for Homeowners

The loudest issue raised by concerned residents has been about predictability, and cost. The current approach is based on a "one-off" basis, where homeowners are expected to hire environmental consultants who assess their property and proposed development and create a list of deliverables for the project in order to obtain their Development Permit. The concerns raised include a lack of clarity for homeowners, prospective homeowners, investors, and prospective investors, as well as costs associated with such one-off endeavours.

While pleasing prospective investors is not the objective of the city's ESA Program, nor the current update, it is imperative that existing homeowners understand what they are getting into when they build or rebuild something on their land. Having a tool, whether in a printed format, or an easy to use online tool, where residents could enter their address, the proposed scale of their build (replacing a roof, building a garage, re-building a home, attempted rezoning, extensive re-landscaping, etc.), and receive immediate and consistent information on the city's requirements, would provide the stability and clarity needed when it comes to developing their property.

Would this mean freezing building footprints in ESA areas for home re-builds, so that human encroachment can be permanently stalled? Would this mean requiring only certain kinds of vegetation to be planted for landscaping, so the space can evolve and restore over time? Approximately how much would it cost to do X, Y, or Z on a property?

Staff must answer these questions, and questions similar to these, so that Council can enact clear, predictable, strict regulations, rather than expecting folks to hire a consultant every time they want to expand a deck, or paint the exterior of their home. Such an approach would also limit resident-staff conflicts: By stating requirements, expectations, and costs upfront, city staff could not be accused of playing favourites, being subjective, or moving goal posts.

### Conclusion

City staff have confirmed in no uncertain terms that their Draft 1, which was sent for public consultation earlier this month, will not be what is presented to Council. Currently, staff are

considering the public feedback received thus far, while they work at modifying and fine-tuning the draft plan. As part of this significant work, it is important to address the two key areas identified in this report:

1. Creating a vision for the environmentally sensitive areas – what will they look like when restored? What is it that we are working towards?
2. Creating a stable regulatory regime for homeowners so the public knows what is expected of them, and how much it would cost, in cases of construction in ESA zones.

## Other Option

THAT the report dated February 11, 2021 from the offices of Mayor Rob Vagramov and Councillor Steve Milani regarding Environmentally Sensitive Area Update Input be received for information.

## Financial Implications

There are no financial implications associated with this report as staff are already working on the ESA update project.

## Communications and Civic Engagement Initiatives

Provide information on internal and external communication and civic engagement initiatives.

## Council Strategic Plan Objectives

The resolutions in this report are consistent with the following Strategic Plan points:

- Review and update existing environmental policies on a regular basis to find leadership opportunities
- Review customer processes on a regular basis to improve accuracy and efficiency, and encourage feedback
- Encourage public participation
- Broaden the City's sustainability programs
- Address global climate change with local actions