



# ENVIRONMENTALLY SENSITIVE AREAS (ESA) MANAGEMENT STRATEGY UPDATE

## What We Heard Report General Information Session and Marine Shoreline Workshop

April 19, 2021

Prepared by:



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# ABOUT THIS REPORT

This 'What We Heard Report' was independently prepared by SFU's Morris J. Wosk Centre for Dialogue to provide an overview of participant input and discussions at the City of Port Moody's two 2021 information sessions on the Environmentally Sensitive Areas (ESA) Management Strategy Update. This report does not provide an overall representation of the general public opinion of City residents, nor that of a randomly selected population sample. Rather this report presents the personal views and ideas of individual session participants. This report does not necessarily reflect the opinions of the SFU Morris J. Wosk Centre for Dialogue or the City of Port Moody.

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Appendix A2 – List of Questions from the General Information Session (January 28, 2021)

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# 1. Introduction

## 1.1 Background

The City of Port Moody's Environmentally Sensitive Areas (ESA) Management Strategy aims to balance the pressures of urban development with the protection of the natural environment. ESAs are natural areas that:

- Have the potential to support healthy and diverse communities of native plants and wildlife;
- Provide habitat for species at risk; and/or
- Are unusual or unique within a regional context.

These areas are protected to ensure the continued healthy functioning of the valued ecosystems within and adjacent to Port Moody's municipal boundaries.

The ESA Management Strategy outlines recommendations for the protection and management of ESAs during the development process. Implementation is achieved primarily through the designation of a Development Permit Area (DPA 4: Environmentally Sensitive Areas) and Development Permit Area (DPA) Guidelines, which are a part of the Official Community Plan.

The Strategy is almost 20 years old and an update to the existing Strategy is needed to:

- Reflect the current landscape;
- Accurately map natural areas and features;
- Align with existing regulations; and
- Modernize DPA Guidelines.

The proposed update includes the following changes:

- Accurate mapping, including improved mapping of watercourses (including ditches), forest areas and marine high water;
- A revised development permit area, with a name change from "DPA 4: Environmentally Sensitive Areas" to "Environmental Development Permit Area" (EDPA);
- The addition of assessment areas, which are portions of land around ESAs (15 metres around forest ESAs and 30 metres upland from the marine high-water mark) where the potential impact of development activities on nearby natural areas would need to be considered and assessed (assessment areas are not setbacks; they are areas where you may need a permit if you are planning to develop); and
- Updated DPA guidelines that incorporate best practices for the protection and restoration of ESAs, reduce negative impacts related to nearby urban development, and ensure requirements of senior governments are met.

A public engagement process was initiated in the fall of 2020. In response to feedback received during this initial engagement and Council direction, this engagement period was extended and additional opportunities for input were developed.

## 1.2 Context and Purpose of this Report

The City solicited services from the SFU Morris J. Wosk Centre for Dialogue to assist with the development and delivery of two online input opportunities: a general information session on January 28, 2021 and a targeted workshop for marine shoreline residents on February 4, 2021. The goal of both sessions was to provide a platform for residents to learn more about the proposed update, ask questions, share concerns, and offer specific input.

This report provides a qualitative summary of what was heard during the information session and the workshop. Much of this report serves to document the discussion and input during the Marine Shoreline Workshop (see Section 3.2).

**This report does not summarize all of the feedback received on this project and only reflects what was heard during the general information session and the targeted workshop for marine shoreline residents. A final public engagement summary report that represents all feedback received during the public engagement process will be prepared by City staff and available to the public in Spring of 2021.**

## 1.3 Next Steps

All input received from residents and stakeholders will be included in a public engagement summary report to be prepared by City staff. This will include information presented herein as well as input received through the City's website, the Engage Port Moody project page, and comments received directly from residents. The public engagement summary report and options for moving forward with the ESA Management Strategy Update will be presented to Council for consideration in the Spring of 2021.

If the ESA Management Strategy Update is endorsed by Council, an Official Community Plan amendment would be required to implement the updated mapping, and changes to the DPA designation and guidelines recommended in the ESA Management Strategy Update. This would involve a public hearing which would be advertised in the local newspaper and on the City's website (<https://www.portmoody.ca>).

## 2. General Information Session

### 2.1 Format and Participants

The General Information Session was held via Zoom on Thursday, January 28, 2021 from 7:00 to 8:30 pm. The session was public and advertised through social media, the City's website, a media release, e-notifications to website news subscribers, and Engage Port Moody e-newsletter. Any and all interested residents were invited and encouraged to attend. The session was designed as a webinar and was attended by 47 participants.

At the beginning of the session, a series of poll questions were posed to get to know the participants in attendance. Based on the responses to the poll questions (32 respondents):

- 47% of the respondents indicated they were residents of loco/Pleasantside
- 25% were residents of Moody Centre
- 9% were residents of Inlet Centre/Coronation park
- 6% were residents of College Park/Harbour Heights
- 3% were residents of Heritage Woods/Heritage Mountain
- 3% were residents of Noons Creek/Mountain Meadows, and
- 6% of participants indicated they were not residents of Port Moody.

City staff provided an overview of the ESA Management Strategy Update (Appendix A1) which was followed by a Questions and Answers session. At the end of the session, participants were invited to schedule a meeting with City Staff if they had specific questions about development on their property and visit the ESA Management Strategy project page at [engage.portmoody.ca](https://engage.portmoody.ca), the City's online engagement hub, to:

- Learn more about the proposed changes and how they may affect some property owners;
- Take a look at resources, including maps and timelines;
- Read answers to frequently asked questions or ask a new question; and
- Share their thoughts with the City by completing a feedback form (until February 21, 2021).

### 2.2 Summary of Input

During the Question and Answer period, 75 questions were submitted and voted on through Slido and the Zoom chat function (Appendix A2). The top voted questions were answered by a panel of City staff and consultants during the session. Written answers to all submitted questions can be found in Appendix C. Several key themes emerged through the questions, including:

- Jurisdiction;
- Environmental values;
- Transparency, communication, and the engagement process;
- Concerns related to the proposed mapping; and
- Impacts to property values.

## 3. Marine Shoreline Workshop

### 3.1 Format and Participants

A targeted workshop for residents along the marine shoreline was held via Zoom on Thursday, February 4, 2021 from 6:30 to 8:30 pm. The workshop was attended by 47 participants. This session included an overview presentation by City staff (see Appendix B1). This was immediately followed by breakout discussion groups that included up to 10 residents, a facilitator and a notetaker from SFU Morris J. Wosk Centre for Dialogue and at least one City staff person. In these smaller groups, participants were invited to discuss three questions as well as identify the top 3 questions they would like staff or the consultants to answer (see Section 3.2):

- *Question 1. Opening Round: Participants introduce themselves and answer: What do you value most about being a resident of the marine shoreline?*
- *Question 2. In your opinion, what is the most important consideration for environmental protection along the marine shoreline?*
- *Question 3. Based on the presentation and your group discussions, as a group, what are the 3 most important questions for the City to answer?*

Following the breakout discussions, all participants returned to plenary and City staff answered some of the 'top 3 questions' raised in the breakout groups. Due to time constraints, most of these questions were not answered verbally during the workshop. As a result, all questions asked during the breakout discussions were compiled (Appendix B2) and answers to the questions are provided in Appendix C.

At the end of the workshop, participants were invited to visit the ESA Management Strategy project page at [engage.portmoody.ca](https://engage.portmoody.ca), the City's online engagement hub, to:

- Learn more about the proposed changes and how they may affect some property owners;
- Take a look at resources, including maps and timelines;
- Read answers to frequently asked questions or ask a new question;
- Share their thoughts with the City by completing a feedback form (until February 21, 2021).

### 3.2 Summary of Input

Drawing on the notes taken in each of the breakout groups, the following section summarizes the questions, comments and concerns that were discussed during the breakout sessions. Similar ideas have been grouped together and themed. Where possible, verbatim participant quotes are incorporated as examples to illustrate the nature of the discussions. These are indicated by italics and quotation marks.

#### 3.2.1 Values of marine shoreline residents

Most workshop participants were residents of the marine shoreline, many of whom were long-time property owners and proud members of their community. To begin the discussions, participants were asked what they value most about living on the marine shoreline and their personal motivations for attending the workshop.

**In terms of what they value most about being a resident of the marine shoreline,** participants expressed deep appreciation and privilege to live on the water. Specifically, they noted:

- The privacy and seclusion of the waterfront;
- The peace and tranquility of the environment;
- The *“cottage country feelings”*;
- The incredible views;
- Wildlife viewing: for example, Blue Herons and other birds, seals, otters;
- Access to the water for activities, namely hiking along the shoreline trails, kayaking, boating, paddle-boarding, swimming, fishing, crabbing;
- The historical significance of the area; and
- Watching the industrial activities happening around the area: trains, working harbour, ships, pacific coast terminals, etc.

**Regarding their personal motivations for attending the workshop,** participants emphasized their interest to:

- Listen and understand;
- Know what is going on and get involved;
- Understand what is motivating the Update;
- Understand what the City is doing;
- Learn more about how municipal and federal government policies affect their properties; and
- Express concern and opposition.

Overall, participants expressed their significant concerns regarding the proposed ESA Strategy Update process. They emphasized their deep appreciation for the environment. They identified as a *“strong community of residents who love nature”, “stewards of the inlet”, “caretakers of the shoreline”* who take great pride in their properties and are committed to protecting the environment. They believe the onus is being put on local residents to protect the environment - something which they feel they are already doing.

*“It’s a lovely place to live, I hope we keep it that way.”*

### 3.2.2 Concerns and comments around the ESA Management Strategy Update

The majority of the breakout group discussions centered around participants raising their concerns and asking questions. Based on notes taken from all breakout groups, the discussions and comments are summarized according to the following themes:

1. Confusion on why an ESA Management Strategy Update is needed when there are no perceived environmental issues
2. Concerns related to possible cost considerations
3. Concerns related to jurisdiction and added bureaucracy
4. Concerns related to permitting
5. Concerns about City intervention
6. A perceived lack of transparency
7. Comments on the engagement process

- 8. Feedback on the City's presentation
- 9. Other key issues

### 1. Confusion on why an ESA Management Strategy Update is needed when there are no perceived environmental issues:

- Participants stressed that they did not understand what problem the proposed ESA Management Strategy Update is attempting to address. *"If it isn't broke, don't fix it"*. They encouraged the City to leave it the way it is: *"We enjoy the waterfront but we don't enjoy the overreach."*
- Participants shared their perception that there is nothing to protect, as the shoreline has already been fully developed. *"100% of the properties on Alderside [Road] have been developed, the only thing that there is to protect now is the ocean and the waterfront, this is already protected by the Province and the Port."*
- Participants indicated that they had not witnessed any environmental issues on the north shore (e.g., spills). They do not understand why the City would *"put a bunch of unknowns into this picture when nothing is going wrong"*.

*"I don't think there are major issues in what we need to improve in our environment, we just need to maintain what we're doing."*

*"All legislative changes have to happen for a reason, and I can't see that [reason] on Alderside Road - the environment is still beautiful, so what is the problem the council is trying to fix?"*

*"Bureaucratic interference in our lives is really starting to bother us - wildlife is remarkable, so I'd like to know what created the demand for ESA, I'd like to hear if this is just a make-work project for the city?"*

### 2. Concerns related to possible cost considerations:

- Participants shared their concerns about the possible economic impact these changes could have on their homes. They indicated they were worried about the potential for delays and additional expenses which could impact future owners and buyers.
- Participants expressed that they were alarmed that the economic burden of the proposed ESA Strategy Update would fall on them, the people. They suggested that their taxes should be put to better use (for example, road maintenance). In particular, they indicated that they would like more clarity regarding how much it will cost them in terms of time and money to complete the necessary environmental studies and assessments.
- One participant called this a *"needless cost"* and wondered whether *"this is about revenue generation for the City"*. Another participant pointed to the Vancouver Port with the water lease rate.



*"Now we have to pay for an environmental assessment person to come and having to pay for that is a huge cost."*

*"We have 11 major trees on our property and we spend a lot of money maintaining these, and it would be required under this proposal to get permits to do work/maintain these trees. This is an added cost."*

*"Every time we turn around, someone is coming to us for more money."*

### **3. Concerns related to jurisdictions and added bureaucracy:**

- Participants indicated that they felt the proposed ESA Strategy Update was redundant since the marine shoreline environmental areas are already covered by other jurisdictions. Participants believed the City should meet existing regulations rather than adding more layers of jurisdiction.

*"Alderside is all on Port property, so there's not much that you can do."*

*"This extra burden of bureaucracy created by consultants and City staff who are unaccountable is punishing property owners who were able to generate the money to buy their homes."*

### **4. Concerns related to permitting:**

- Participants expressed a general opposition to the environmental permit process because, in their opinion: it has *"expanded the area of protection with no logical rationale"*, it will introduce delays in building permit processes and it is a *"redundant layer of bureaucracy that should not go ahead"*.
- Participants indicated that they were worried about the impact on the City. They feared the proposed ESA Strategy Update would limit development, adversely affect the value of their properties, reduce property taxes collected by the City and cause residents to believe they have made poor investments.
- Participants felt there was a lot of subjectivity in terms of what they may or may not have to do if they applied for an environmental development permit. They shared concerns related to the amount of money involved, the back and forth with the City and the lack of objective criteria.
- Participants expressed confusion over what kind of development/activity will require permits.
- Participants raised a very specific concern about the '30 metres'. In their opinion, the 30 metres does not make sense for most marine shoreline residents. They feel this is an arbitrary distance and expressed concern about the possibility of their entire properties being encompassed by the proposed new regulations.

*"Permits are a huge concern. The Port Authority is saying we will need a permit to wash our dock. What will need a permit?"*

*"Could I build on the same footprint if my house burned down tomorrow?"*

## 5. Concerns about City intervention:

- Participants shared that they were worried about the proposed Update and wanted to understand what these changes would mean for them and the value of their homes. They acknowledged that there needs to be a balance between environmental protection and development but felt the proposed ESA Strategy Update is too vague and *“what is being asked is going overboard”* with all these additional costs being *“thrown on the homeowner.”*
- One participant admitted feeling *“attacked by the City of Port Moody in terms of land regulations and permits and the Port of Vancouver for the water lease prices.”* One participant pointed to a culture of *“bullying by the City”*, specifically about the size of their home.
- Overall, participants admitted feeling stressed by this process and *“upset that the city is making [them] deal with this”*. They expressed resentment towards the City for *“intruding on [their] property”* and telling them how to manage it.
- Participants felt their neighbourhood was being unjustly targeted by the City, when they are the *“biggest taxpayers in this town”* and consider themselves as good caretakers of their land and water.

*“We have lived here and taken care of the property at great expense  
and I just believe this is not the right thing.”*

## 6. A perceived lack of transparency:

- Participants expressed that all residents should have been made aware of the proposed ESA Management Strategy Update.
- Those participants who requested information from the City said they experienced a lack of response or felt they have only been given high-level information. They would like to see concrete criteria, in writing, explaining what the City can and can't do.
- Participants requested the City abandon the proposed ESA Management Strategy Update *“because it seems like a complete waste of money and a complete waste of time.”*

*“We’re tired of the secrecy. The subjectivity on this issue doesn’t make any sense.”*

*“We just don’t know what’s happening, and it feels like we’re put in an immovable position.”*

*“There is no assurance that [the City] will only be denying things based on environmental impact. It feels like a carte blanche for the city to tell us what to do with our property.”*

*“We want this ESA process stopped, rethought, and re-introduced  
in a way that won’t affect our property value.”*

## 7. Comments on the engagement process:

- Participants felt that this process was taking place under the cover of COVID, to prevent more participation and in-person meetings.

*"Lots of older residents do not have the capacity to join over Zoom, and so they do not have a voice."*

## 8. Feedback on the City's presentation:

- Participants commented on the City's presentation *"skipping over the detailed information [they] were looking for"* and their concerns not being alleviated by the presentation.
- Participants did not relate to the graphics shown in the presentation.

*"The brush-over we heard tonight doesn't come close to answering the questions we're concerned about."*

*"None of the properties in Alderside look like the chart that you showed, there is no environmental space for us to preserve because it doesn't look like the picture."*

## 9. Other key issues flagged by participants as "better places to put government time/energy":

- Concern over authority exerted by the Port and CN Rail: *"the local government should be fighting for its citizens"*.
- Complaint about the City's alleged inaction regarding inlet pollution by an upland owner's commercial operation and when the Port Moody arm was dredged to deepen the basin, which participants felt had likely produced vast disruption to the marine environment.
- Concern about the railroad *"carrying crude oil just past the 30m"*.
- Concern about what to do if the seawalls break.
- Call to *"re-evaluate sewer lines"*.
- Attention brought to the *"poor quality of road driving down 1st avenue"*.
- Development opportunities: the Flavelle site and by extension the entire south side of Port Moody are seen as an incredible opportunity to create a *"world class place to live"*.

### 3.2.3 Most important questions

Each breakout group selected 'the top 3 questions' they wanted the City to answer in the Question and Answer segment at the end of the workshop. All the questions are compiled verbatim below. These questions

further emphasize many of the concerns raised during the breakout discussions and are highlighted in Section 3.2.2. As noted, most of these questions were not answered during the workshop. A compilation of all questions and answers is provided in Appendix C.

**Top 3 questions from Group 1:**

- Why is this necessary, given existing guidelines?
- Who has jurisdiction to claim what environments we're monitoring, whether or not they're natural, and if so, what happens to those environments?
- What will be the additional costs/burdens that these guidelines will place on marine shoreline residents? Who is responsible for paying for this?

**Top 3 questions from Group 2:**

- Which law changed and in what level of government did the law change? Was it a provincial or a federal regulation? What gives the city the ability to step into other jurisdictions?
- Can we see examples of areas that need to be restored: where are these perceived problems?
- What's the difference between what Port Moody has planned and other municipalities?

**Top 3 questions from Group 3:**

- Are you going to hire more staff to run this new ESA? Who is going to pay for it? Will the cost fall on all Port Moody residents or only the residents in the zone?
- Why focus on the Alderside area first when there is opportunity at Cedar and Flavelle to develop a space?
- At what scale will this have an impact on day to day permitting? If we want to plant a tree in our backyards, will we need a permit to plant a tree if it falls in that zone?

**Top 3 questions from Group 4:**

- Many of us are concerned with the economic impact these changes will have on our homes. We don't want any changes, so why is the city pushing this change?
- Are any of these proposals limiting our ability to maintain what we have in the future?
- What evidence does the city have that the redevelopment we're doing is causing negative effects?

**Top 3 questions from Group 5:**

- If part of the property that you want to develop is occurring within the port's boundary and also the city's boundary who would we deal with? I want clarification on jurisdiction, where is the line?
- What does the assessment line mean? What will and what won't be permitted within the 30 meters?
- Why is there no clear outline of the power that the city will have over us? We do not understand why there is nothing in writing that says what the city is allowed to deny us?



# APPENDICES

# APPENDIX A1

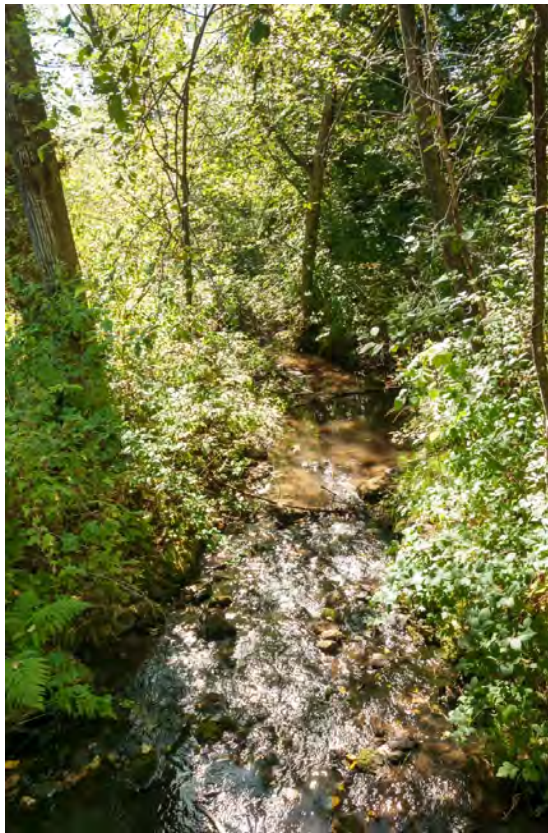


## ESA Management Strategy Update General Information Session

January 28, 2021



# Environmentally Sensitive Areas

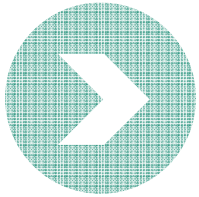


## Development Permits

- A **development permit area (DPA)** is an area where specific measures may be required to address special conditions or meet established objectives when development activity is proposed.
- **Development permit area guidelines** outline a range of measures that may address these special conditions or objectives.
- A **development permit (DP)** is a permit approved by the City that identifies specific measures that must be taken as a condition of development.

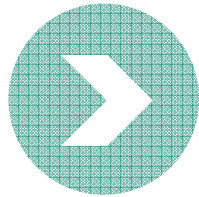


# Historical Timeline



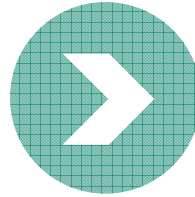
**1988**

Streamside setbacks established in Zoning Bylaw



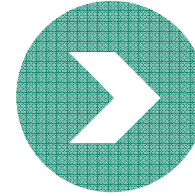
**2001**

Council adopts ESA Management Strategy Phase 1



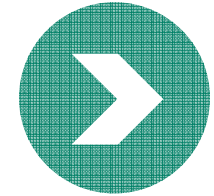
**2003**

Council adopts ESA Management Strategy Phase 2



**2006**

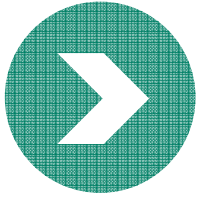
Streamside setbacks revised to enhance protection of riparian areas and address changes in senior government legislation



**2010**

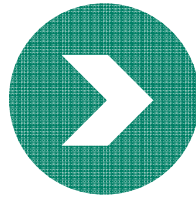
Official Community Plan updated to include new development permit area (DPA 4: Environmentally Sensitive Areas) and associated guidelines (Chapter 16 and Appendix 2) and policies (Chapter 6)

# Historical Timeline



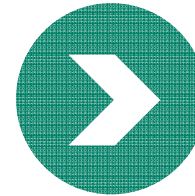
**2014**

Official Community Plan updated to include ESA policy #64 (Chapter 6):  
“...the City will explore alternative strategic planning processes for ensuring that upland use decisions protect and enhance the intertidal foreshore and marine environment of Burrard Inlet”



**2015**

2015-2018 Council Strategic Plan identifies need to review and update ESA Management Strategy:  
“The environment is higher priority through improvements to administration, planning and policy development”



**2018**

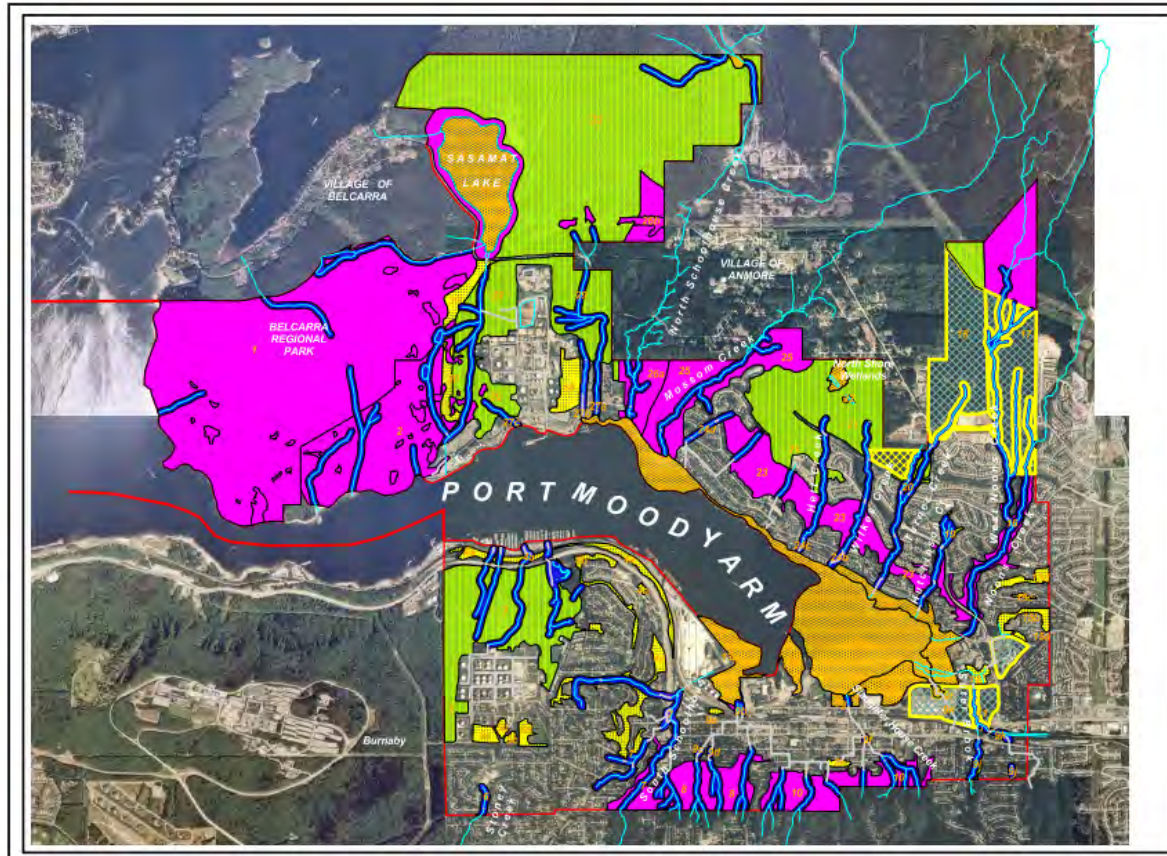
Streamside setbacks revised to enhance protection of riparian areas and meet senior government requirements for all watercourses



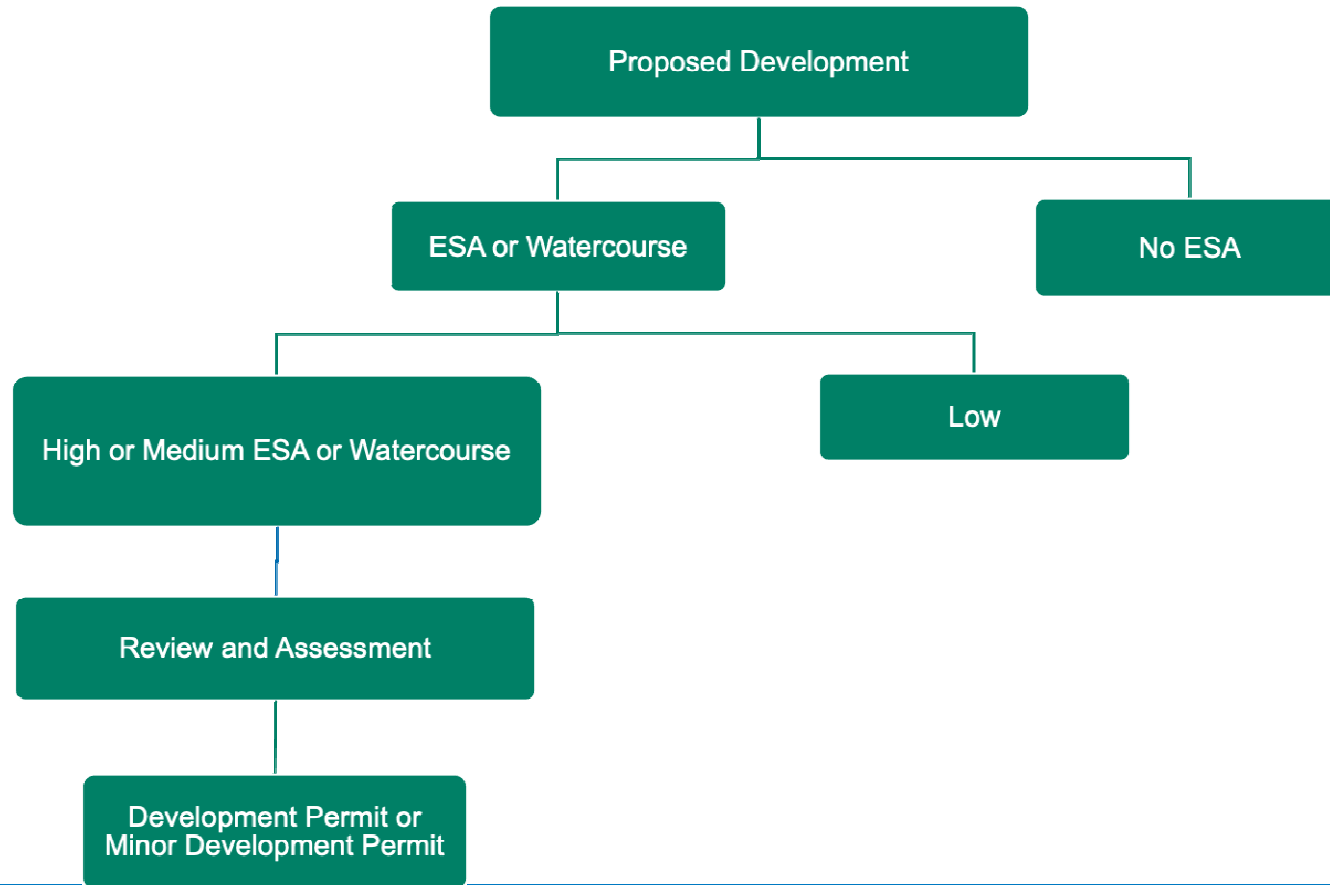
**2019-20**

Technical work begins for ESA Management Strategy update (e.g. more accurate mapping using LiDAR – Light Detection and Ranging, a method for measuring distances using laser light; data collection; field verification; review of best management practices and current approaches)

# Current ESA Map and Development Permit Area



# Current ESA Map and Development Permit Process

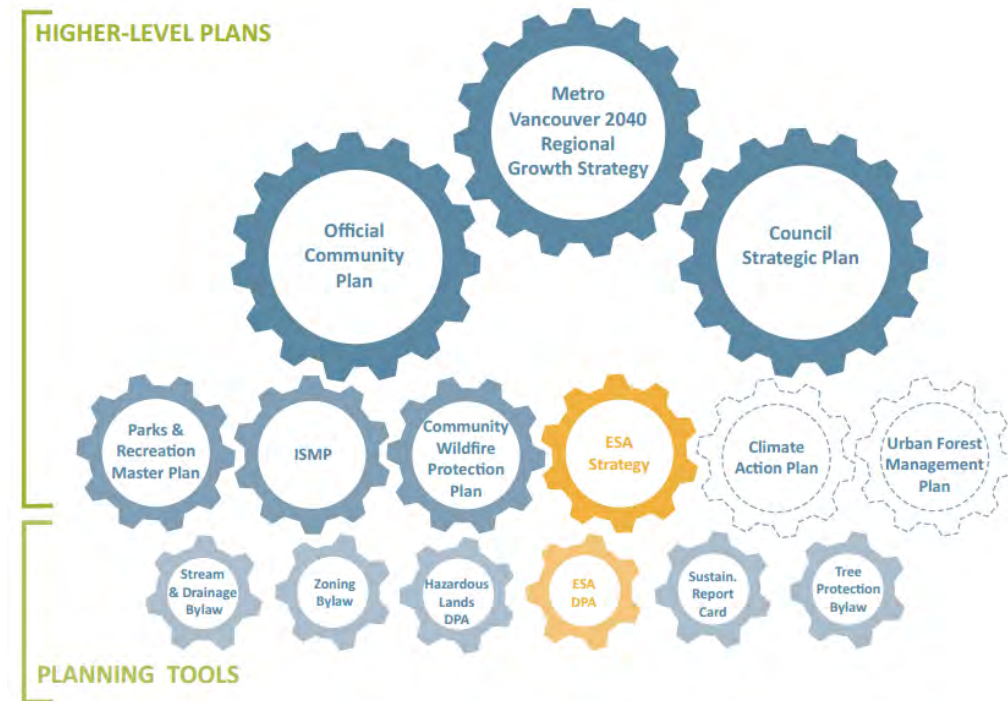
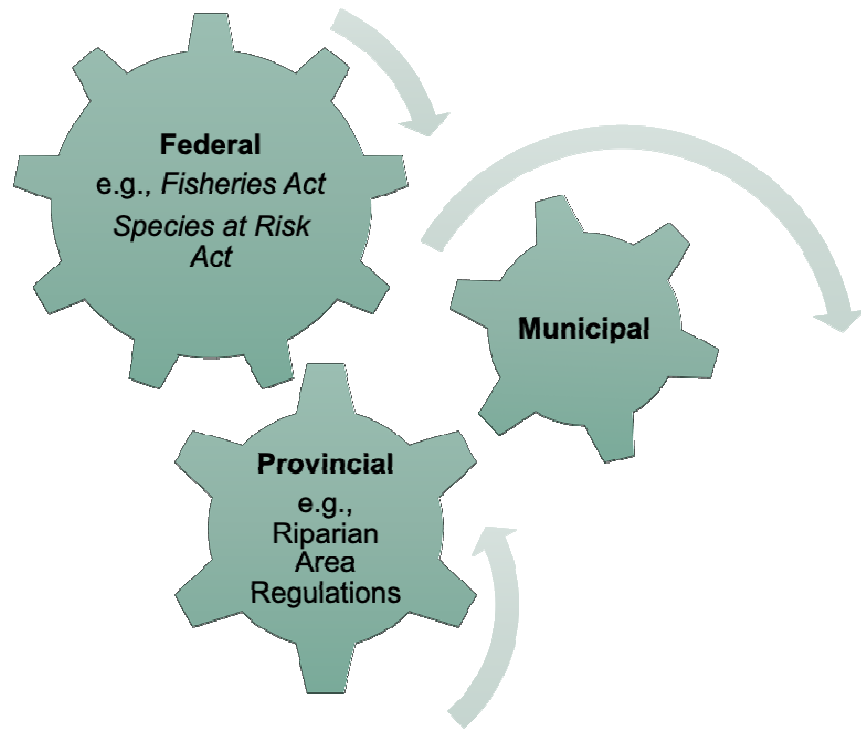




## Five Things To Know

1. Development must meet federal, provincial, and municipal legislation
2. Development Permit Areas do not expropriate land or change use
3. Development Permit Areas do not block development
4. Development Permits are flexible because every project is different
5. Not all activities require a Development Permit

# 1. Development must meet federal, provincial, municipal legislation



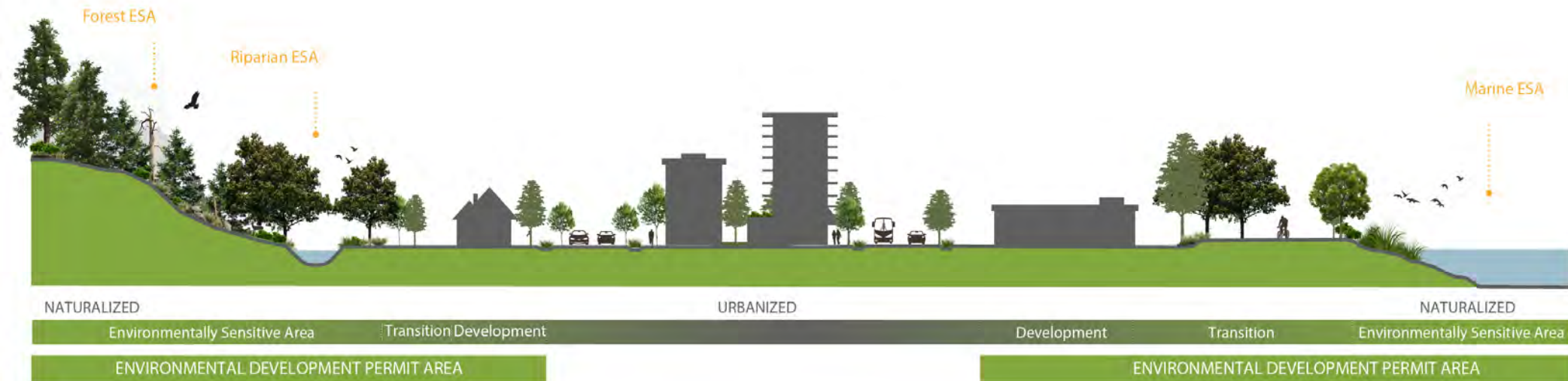


## 2. Development Permit Areas do not expropriate land or change use

- Development permit areas do not provide the authority to expropriate land.
- When ESAs become park land, this is the result of a negotiation and rezoning process for larger developments. This is guided by City policy.
- This type of dedication is not considered in single family home development.



### 3. Development Permit Areas do not block development





## 4. Development Permits are flexible because every project is different



## 5. Not all activities require a Development Permit

### Minor DP (Approved by staff)

Typically, small, single-family home construction require a minor DP outlining measures for protecting natural areas

### DP (Approved by Council)

Larger-scale developments, such as multi-family projects, require more detailed assessment and specific measures as conditions of development

#### Exempt activities:

- Agreements with senior government agencies or covenant terms
- Property works (e.g. interior renovations, maintenance and repair of existing buildings and structures, gardening, maintenance within existing landscaped areas)
- Ecological restoration and enhancement works
- Emergency and hazard works
- Public utilities and operational works







# Why do we need to update the Strategy?

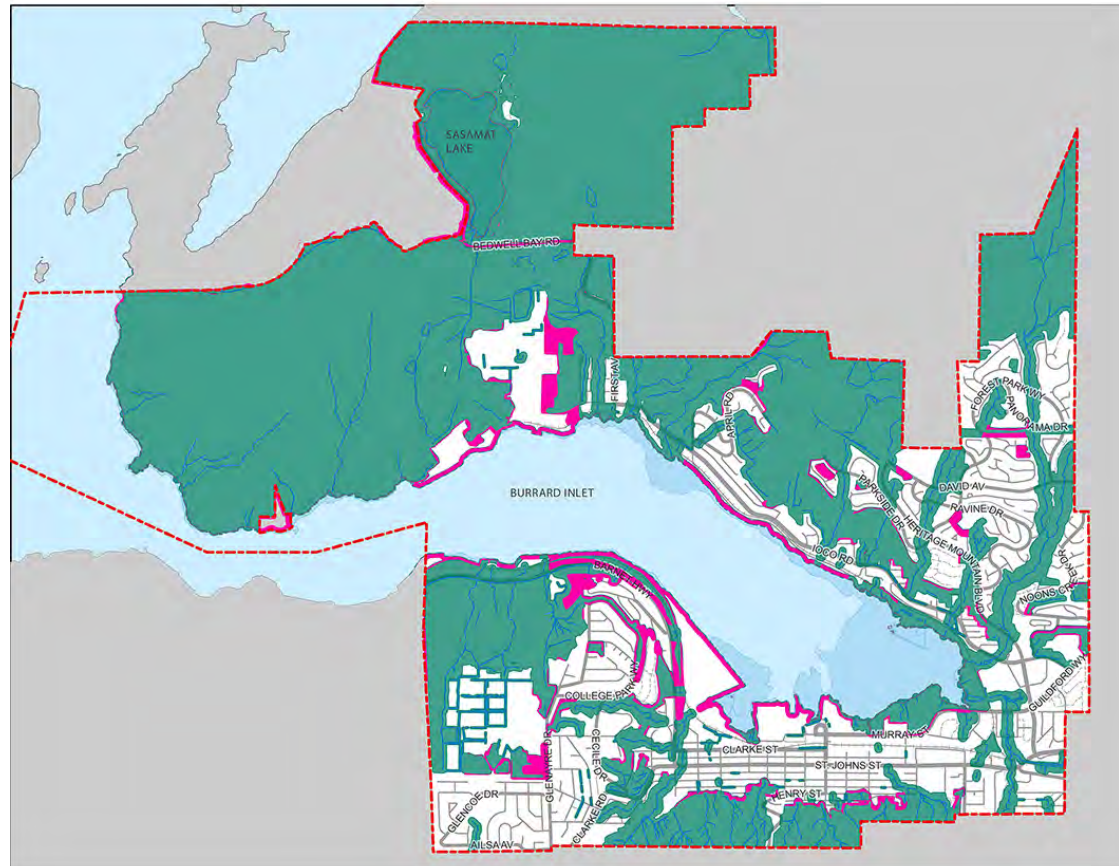
- Improved mapping technology
- Best practices
- Federal, provincial, municipal legislation and policy requirements
- Identified in Council 2015-18 Strategic Plan



# Proposed ESA Map



# Proposed Environmental Development Permit Area



# What's Changed - Forest

## Existing permit area (DPA4) boundaries include:

### Forest ESAs

- Includes areas identified as medium and high sensitivity
- Excludes low sensitivity areas

## Proposed permit area (EDPA) boundaries include:

### Forest ESAs

**NEW:** low sensitivity areas are no longer excluded

**NEW:** 15-meter assessment area (not a setback) around forest ESAs to consider potential impact to large trees and root systems



# What this looks like - Forests





# What's Changed - Riparian

## Existing permit area (DPA4) boundaries include:

### Riparian ESAs

- Includes land within 30 metres of riparian ESAs (provincial legal requirement)
- All watercourses subject to the setbacks in the Zoning Bylaw

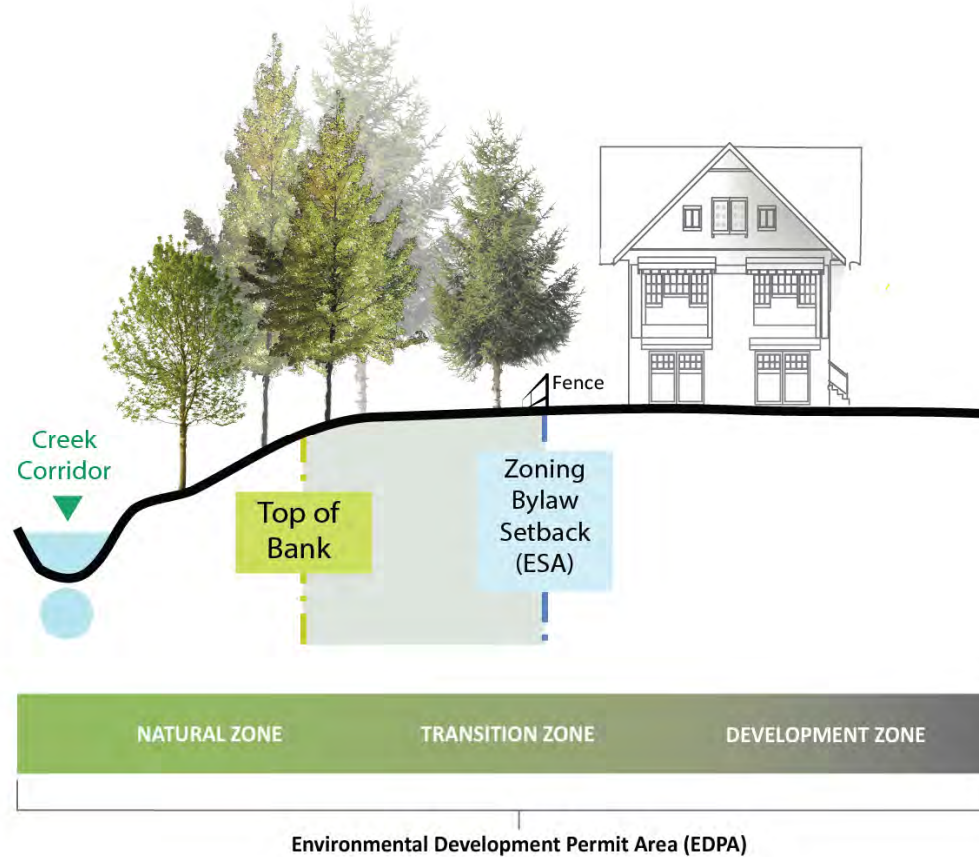
## Proposed permit area (EDPA) boundaries include:

### Riparian ESAs

- Includes land within 30 metres of riparian ESAs (provincial legal requirement)
- All watercourses subject to the setbacks in the Zoning Bylaw

**NEW:** no change to setbacks, but mapping has improved

# What this looks like - Riparian



# What's Changed - Marine

## Existing permit area (DPA4) boundaries include:

### Marine ESAs

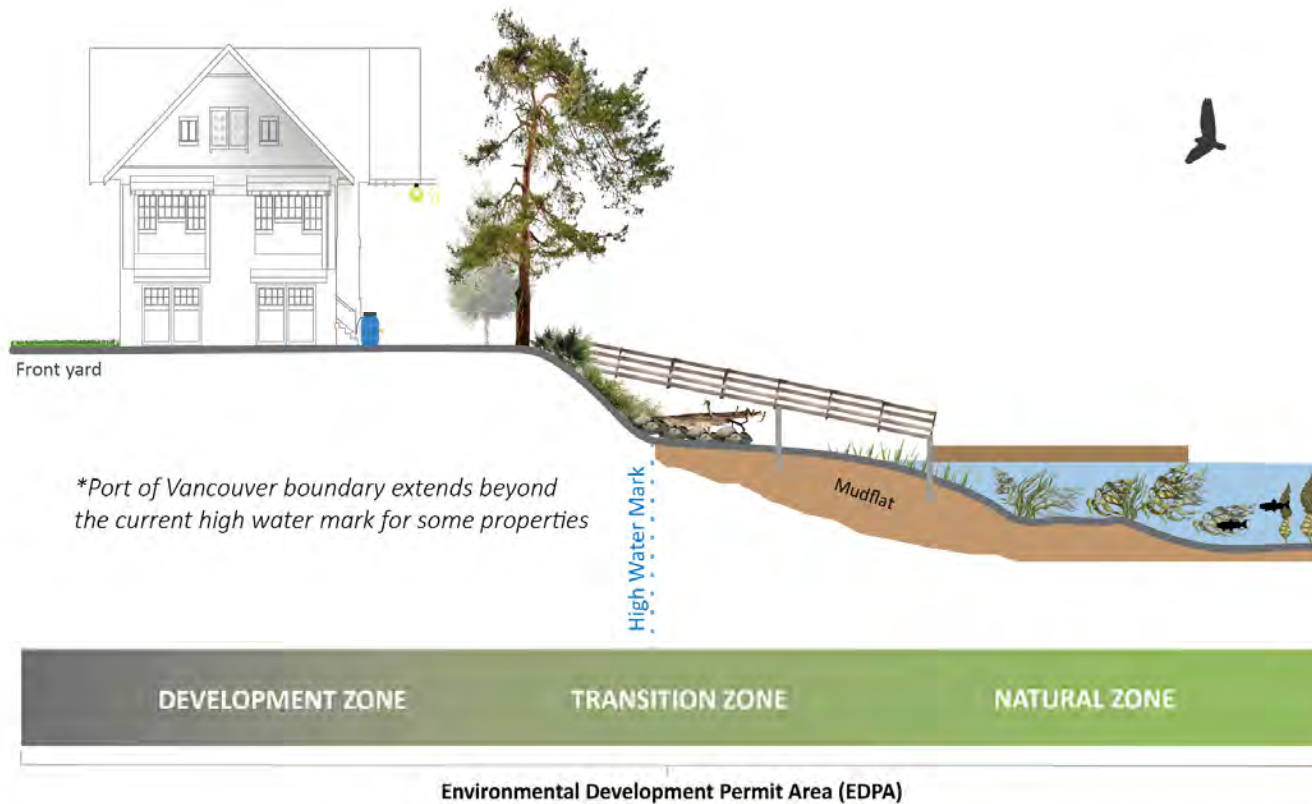
- Only includes marine waters (under federal jurisdiction)

## Proposed permit area (EDPA) boundaries include:

### Marine ESAs

**NEW:** 30-metre assessment area (not a setback) upland from the marine high water mark –any development below the high water mark or within the Port of Vancouver boundary is under federal jurisdiction and will be referred to the Vancouver Fraser Port Authority for review.

# What this looks like – Marine Shoreline



Activities below the high water mark or within the Port of Vancouver boundary are under federal jurisdiction

# Summary

- A Development Permit process has been in place since 2010
- The proposed mapping update provides more information upfront for residents and ensures consistency through the development review process
- The goal of the ESA Strategy is to ensure development meets all requirements, and balances environmental protection with other community goals





## Other Engagement and Next Steps

1. Targeted workshop for Marine Shoreline residents and property owners (February 4)
  - Email: [esa@portmoody.ca](mailto:esa@portmoody.ca)
2. Schedule a meeting with City staff
  - Email: [esa@portmoody.ca](mailto:esa@portmoody.ca)
3. Public feedback (until February 21)
  - At [engage.portmoody.ca/esa](https://engage.portmoody.ca/esa)
4. Reports to Council
  - ESA Update (spring 2021)
  - OCP Amendment and Public Hearing





Thank you

Questions?





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# Thank You

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## **Appendix A2. List of Questions from the General Information Session (January 28, 2021)**

The following questions were asked during the Questions and Answers period of the General Information Session.

### **Questions that were answered live: (23)**

- Can the city provide a map showing the existing permit area and proposed permit area together?  
There has been a table provided but no comparison map.
- What is NATURAL about the fully developed single family residences that are now captured in the proposed ESA update process
- Will there be any grandfathering policy for building permits for existing properties to develop? (i.e. subdivide, complete rebuild)
- How does the proposed ESA strategy work in conjunction with current BC legislation such as Riparian Area Regulations? Overlap? Is it more stringent? If yes why?
- Has a study been conducted to determine how many property owners will be impacted by these new changes? (i.e., require new process if they wish to modify?)
- By applying an ESA designation in the 2020 proposal are you not constructively expropriating our properties
- Only 35 people on the call? How is the city going to ensure the community members are REALLY informed of these changes and the impacts to them?
- What species or habitat are you trying to protect along Alderside Road, Beach and First Ave on fully developed unnatural habitats?
- Moderator. We are not here to listen to a generic answer. We want specifics to our question
- Who pays for all the additional development permit requirements if you are in an ESA area? Why am I asked to pay more than someone who is not in such an area?
- Who is behind this initiative to make Port Moody the most difficult community to work with on proposed new construction
- Please give us specific properties on Alderside you feel are natural areas you are trying to protect in your initiative
- Could the city use ESA as their reason to review all development plans and then limit development based on an agenda outside of the environmental one?
- Since all the lots along Alderside fall within the 30 ESA, this would eliminate the ability to redevelop any of these lots.
- If the setbacks reduce the available building area to a point where it is not practical to build, does that not reduce the property value or make it worthless?
- Will this session be recorded for others not on this call to hear the presentation later?
- Do I understand that if a current home is in the new ESA and for some reason needs to be rebuilt, the city could deny permit
- If the current house on our property is non-compliant (easements), will we be able to rebuild on a different location on our property?
- has the city notified ALL affected homeowners about the ESA
- What is the point of producing a map where the riparian and other designations go right over existing homes and drives
- Will the city pay for the environmental report if it's determined that it's needed?
- Communication is spotty going to city residents. At least 1000 residences are affected and many are unaware of this. How can you engage more residents?
- Please explain a simplified environmentally development permit process and what is different from an existing dev permit.

- What specific criteria is there for a DP vs a minor DP?

## **Additional questions that were not answered live**

### **Property Value/Taxes**

- Does the city understand that by putting very restrictive measures on existing properties outside of owners control you are effectively devaluing properties?
- Is City staff aware that the property values of affected homeowners are about to plummet and that loss of tax base will now be spread over remaining residents?
- Property size on Alderside will make it impossible to build outside of the ESA. Does this not make the property values worthless?
- If one cannot rebuild due to the ESA setbacks then the property would be deemed devalued
- the mapping along Alderside shows 30m ESA from high water mark so can we still build within that zone, if not, the properties are rendered zero value?
- Can we sue the City of Port Moody for the adverse impacts on our property?
- City of Port Moody average property taxes for average households is already the highest across the Lower Mainland. This will make it worse, please comment.
- Do you have any reason to believe that the taxpayers of Port Moody want to spend their tax \$\$\$ on this project?
- Can this impact property insurance coverage?
- Is the City and staff at all aware that property sales have already been lost due to this map?

### **Mapping**

- It sounds like the mapping is done by a robot that does not differentiate between the forest and pavement?
- Will the City GIS mapping system be updated soon?
- How many homes are in the ESA? How many homes are now in ESA that were not before?
- Mapping should not be confusing. The blind use of buffer distances is not logical. Taking the built environment into account is the intelligent thing to do.
- The proposed map is not more accurate. A 40 ft long culvert is shown as a stream.
- I reported a section of stream on the new map that is actually in a pipe. Are you modifying the map when someone reports an error?
- Could the maps show areas up to a property line, and not right over the property and driveways?

### **Environmental Value**

- What is the purpose of protecting an un-named ditch with no nutrient value?
- What is the point of protecting a stream and having a 15M setback on each side that later runs under the Barnet Highway? It does not make a lot of sense
- What is the environmental value of a building or parkade? Why cover these areas with the proposed buffer zone?
- What if your property is part of ESA but has no environmental value? Our parking pad is now part of the ESA, it's on the other side of road so not contiguous habitat.
- Why are low quality forest areas on my property now prohibited from development?
- I noticed a question disappeared early on in the discussion, and it ranked 8 votes. It asked why structures were also blanketed; what is the purpose of this?
- Why are buildings now labeled ESA? Doesn't the blind use of distance from an environmental feature undermine the importance of protecting that natural feature?

## Definitions

- How is the proposed process for an assessment area Different from an ESA area?
- During the presentation it was called an "assessment area" but during the Q&A it is being call "Riparian Setback". What is the difference?
- Why are we talking about stuff in the water, below the high water mark?
- What is the intent of the City website statement that dedication of the ESA IS THE PREFERRED MECHANISM for Conveyance of the ESA?

## Impacts of proposed changes

- What change will happen if a person was previously holding private land that had a 'low' value applied? Will there be different requirements now?
- What is the criteria in the 15m setback area? What does a homeowner have to do other than a standard BP application?
- Is the forest ESA mapping area a new addition to the regulation?
- My property is totally within the ESA including building and grounds. How is the new strategy going to impact me?
- Will DP's received today will be subjected to this strategy?
- I live at the north side of Chineside Park. At the moment the draft proposed ESA revision includes half of my property. How does that affect me?
- Proposed changes have a significant impact on residents post 2014 designations.
- Does the City not have a responsibility to the affected residents which is over 1000 properties?
- There are over 1000 homes affected by this update that is misleading information just shared
- Again over a 1000 properties are impacted it's a dereliction of duty by the City NOT to inform residents directly that their properties are about to be neutered.
- What if our property RIGHT on the bank in an RSA zone and easement from the back is virtually impossible because of the position of our property?
- Once you apply for a DP, will you be required to fence off the ESA zone?
- Is a DP required before renovations can be made to an existing home in your new proposed Marine ESA? I've heard that the cost for a DP could add \$30k to the project.
- What costs could be associated with a DP permit in a riparian area?
- How much do these permits cost for the homeowner if we want to redevelop? Is this really about environment or just a way for the City to get more money?
- A minor DP is not free. A minor DP still requires reports and assessments.
- All this extra information required by the city should not have to be paid for by an owner. If city wants the extra info, the city should pay for it.
- If Alderside is going to be ESA is the development permit going to prevent putting in a pool or garden or size of house that would now be allowed?

## Jurisdiction

- The foreshore is not the City's jurisdiction, it's the ports. Is the city telling the port what to do at PCT, CPR railway and Reed point?
- Why are the answers given relative to Port of Vancouver jurisdiction rather than addressing PM Authority areas down to the high water mark?
- Do senior levels of Government have the ability to override the City's ESA's guidelines? Would this include Metro Vancouver designated lands or buildings?
- Is land owned by the Port Authority covered by this policy?

- Will the city adopt provincial guidelines to measure waterway easements from the actual waterway instead of the current city guidelines measured from the banks?

### **Marine Shoreline**

- Why is Alderside Road included in the mapping when the federal regulations on the foreshore apply to us?
- Why not just exempt Alderside. Those properties are already developed and these ESAs are protected by the port and provincial rules.
- on the upland property of Alderside what are you trying to protect in unnatural environments
- Question to Mike. Are you familiar to the foreshore along Alderside. Your answer did not address this in your answer.
- Specifically on Alderside what is NATURAL?

### **Outreach and Public Engagement**

- Can the city PLEASE ensure there is adequate engagement of the members NOT just us few who are aware of this and the impact?
- Is this webinar available to watch later for residents that were never notified?
- Is this session being recorded for factual source of information?
- When does the City send this to Council?

### **Other**

- EDPA guidelines currently state that the City will place a restrictive covenant on your property which is a mechanism to constructively expropriate for parks.
- The current Port Moody policy is to fence residents out of ESA zones. Will residents continue to be excluded from interacting with nature?
- When are you proposing to remove the board walk in the picture on the inlet trail by declaring it within the ESA designation?
- Does the City have any plans to change/divert waste water which currently drains into storm drains which directly lead to creeks?
- Please remember that the City of Port Moody is a City inhabited by people... not a PROVINCIAL PARK
- Would the Mossom Creek hatchery be an example of building re-built in an ESA and the City permitted that building? The footprint of the new was larger than old
- Many City streets are inside the proposed ESA. Will the City follow its own DP application process and get a QEP involved each time they do work on our roads?

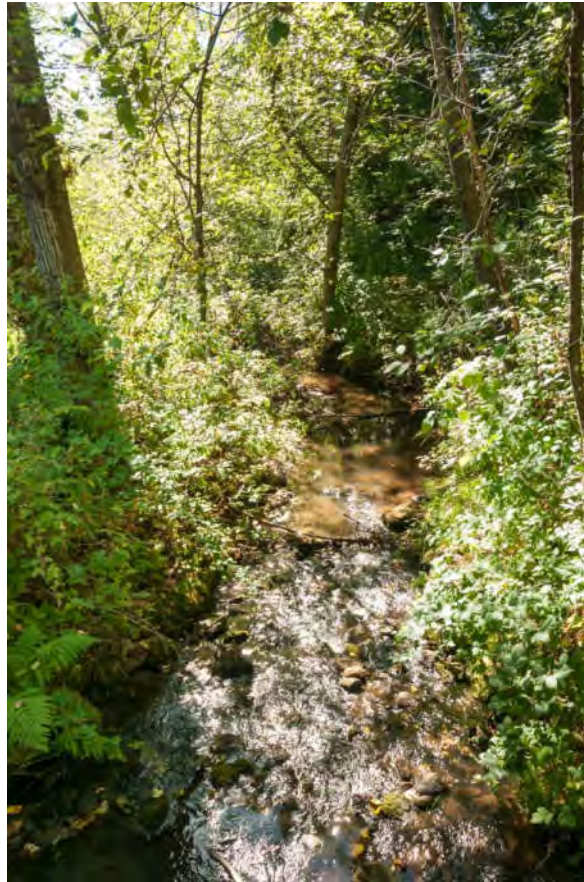


## ESA Management Strategy Update Marine Shoreline Workshop

February 4, 2021



# Environmentally Sensitive Areas



## Development Permits

- A **development permit area (DPA)** is an area where specific measures may be required to address special conditions or meet established objectives when development activity is proposed.
- **Development permit area guidelines** outline a range of measures that may address these special conditions or objectives.
- A **development permit (DP)** is a permit approved by the City that identifies specific measures that must be taken as a condition of development.



## Development Permit Areas:

- X Do not expropriate land or change use
- X Do not prevent re-construction or development activity in general
- ✓ Are flexible and not prescriptive
- ✓ Are only needed for City-permitted activities
- ✓ Help ensure federal, provincial, and municipal legislation is met

# Relevant Senior Environmental Legislation

Legislation	Agency	Purpose of regulation
<b>Federal</b>		
<a href="#"><i>Fisheries Act</i></a>	Fisheries and Oceans Canada	Prohibits the death of fish, or harmful alteration, disruption or destruction of fish habitat
<a href="#"><i>Migratory Birds Convention Act</i></a>	Environment and Climate Change Canada	Prohibits injury, molestation, and destruction of migratory birds and their nests
<a href="#"><i>Species at Risk Act</i></a>	Environment and Climate Change Canada	Protects listed Schedule 1 species and their critical habitat
<b>Provincial</b>		
<a href="#"><i>Wildlife Act</i></a>	Ministry of Forests, Lands, Natural Resource Operations and Rural Development	Protects most vertebrates from direct harm, harassment and disturbance, including bird eggs and nests

# Historical Timeline



**1988**

Streamside setbacks established in Zoning Bylaw



**2001**

Council adopts ESA Management Strategy Phase 1



**2003**

Council adopts ESA Management Strategy Phase 2



**2006**

Streamside setbacks revised to enhance protection of riparian areas and address changes in senior government legislation



**2010**

Official Community Plan updated to include new development permit area (DPA 4: Environmentally Sensitive Areas) and associated guidelines (Chapter 16 and Appendix 2) and policies (Chapter 6)



# Historical Timeline



**2014**

Official Community Plan updated to include ESA policy #64 (Chapter 6):  
“...the City will explore alternative strategic planning processes for ensuring that upland use decisions protect and enhance the intertidal foreshore and marine environment of Burrard Inlet”



**2015**

2015-2018 Council Strategic Plan identifies need to review and update ESA Management Strategy:  
“The environment is higher priority through improvements to administration, planning and policy development”



**2018**

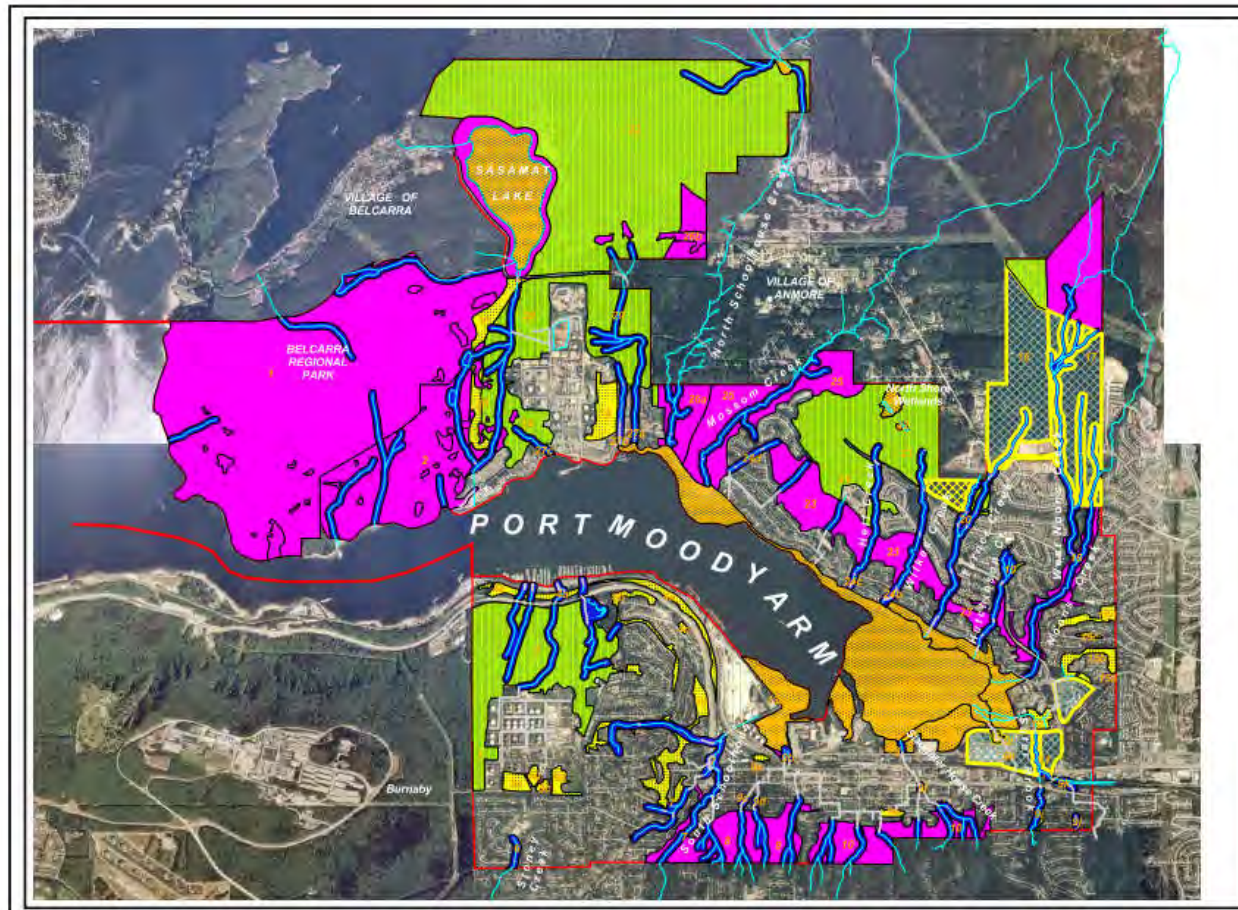
Streamside setbacks revised to enhance protection of riparian areas and meet senior government requirements for all watercourses



**2019-20**

Technical work begins for ESA Management Strategy update (e.g. more accurate mapping using LiDAR – Light Detection and Ranging, a method for measuring distances using laser light; data collection; field verification; review of best management practices and current approaches)

# Current ESA Map and Development Permit Area



# Why do we need to update the Strategy?

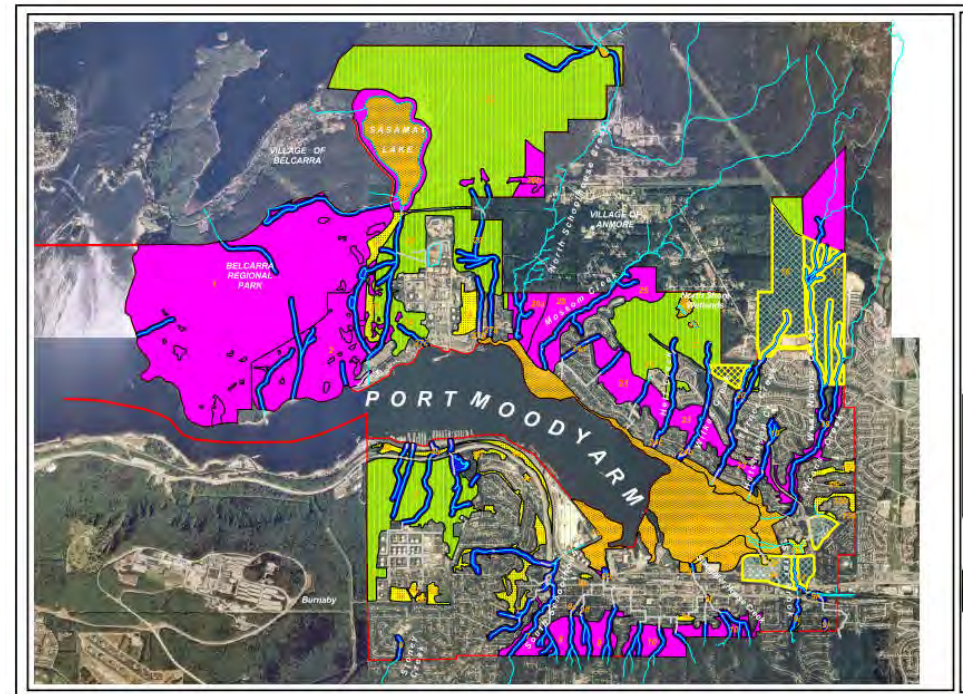
- Improve outdated mapping using better technology
- Update environmental policy, as identified in Council Strategic Plans and capital plans
- Reflect changing best practices
- Meet all federal, provincial, municipal legislation and policy requirements





# Why include marine areas in the Strategy update?

- Marine areas are in the 2003 Strategy
- Senior agencies reviewed marine shoreline development until 2012
- 2014 Official Community Plan policy to look at land use decisions adjacent to marine areas
- Port of Vancouver only reviews activities within their boundary
- Activities within City jurisdiction may impact the marine environment







# Proposed Environmentally Sensitive Areas Map Update

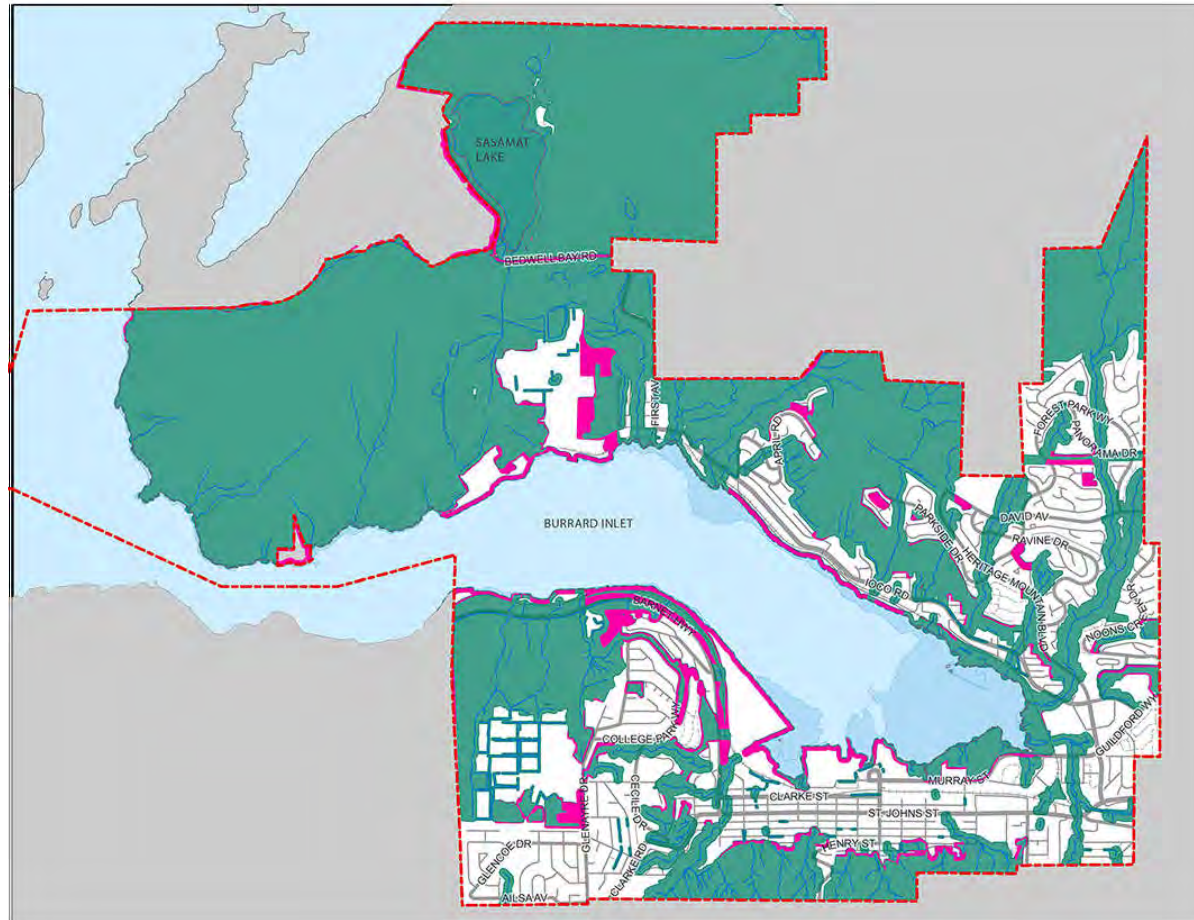




# Proposed Assessment Areas – Marine Shoreline



# Proposed Environmental Development Permit Area





# What's Changed – Proposed Marine Shoreline DPA

## Existing permit area (DPA4) boundaries include:

### Marine ESAs

- Only includes marine waters (under federal jurisdiction)

## Proposed permit area (EDPA) boundaries include:

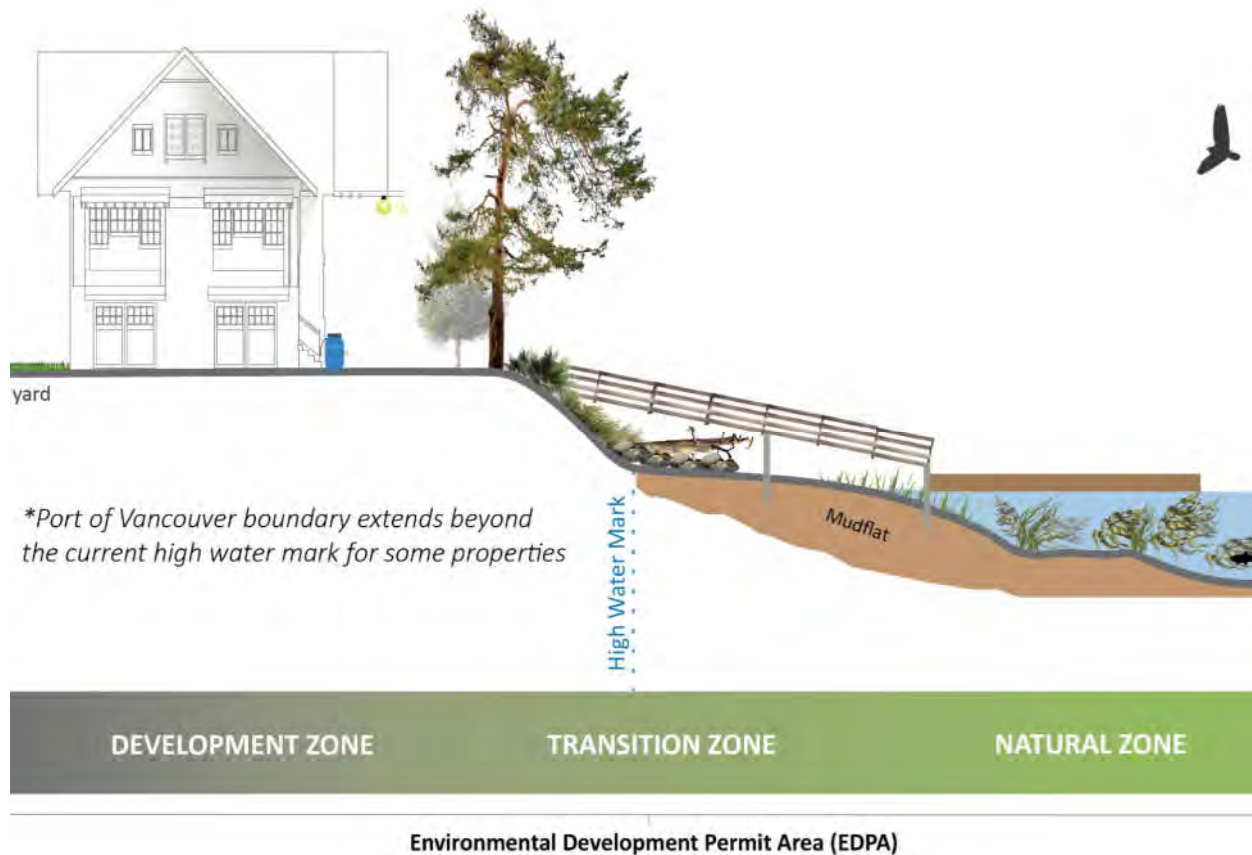
### Marine ESAs

**NEW:** 30-metre assessment area (not a setback) upland from the marine high water mark –any development below the high water mark or within the Port of Vancouver boundary is under federal jurisdiction and will be referred to the Vancouver Fraser Port Authority for review.

# What this looks like – Marine Shoreline

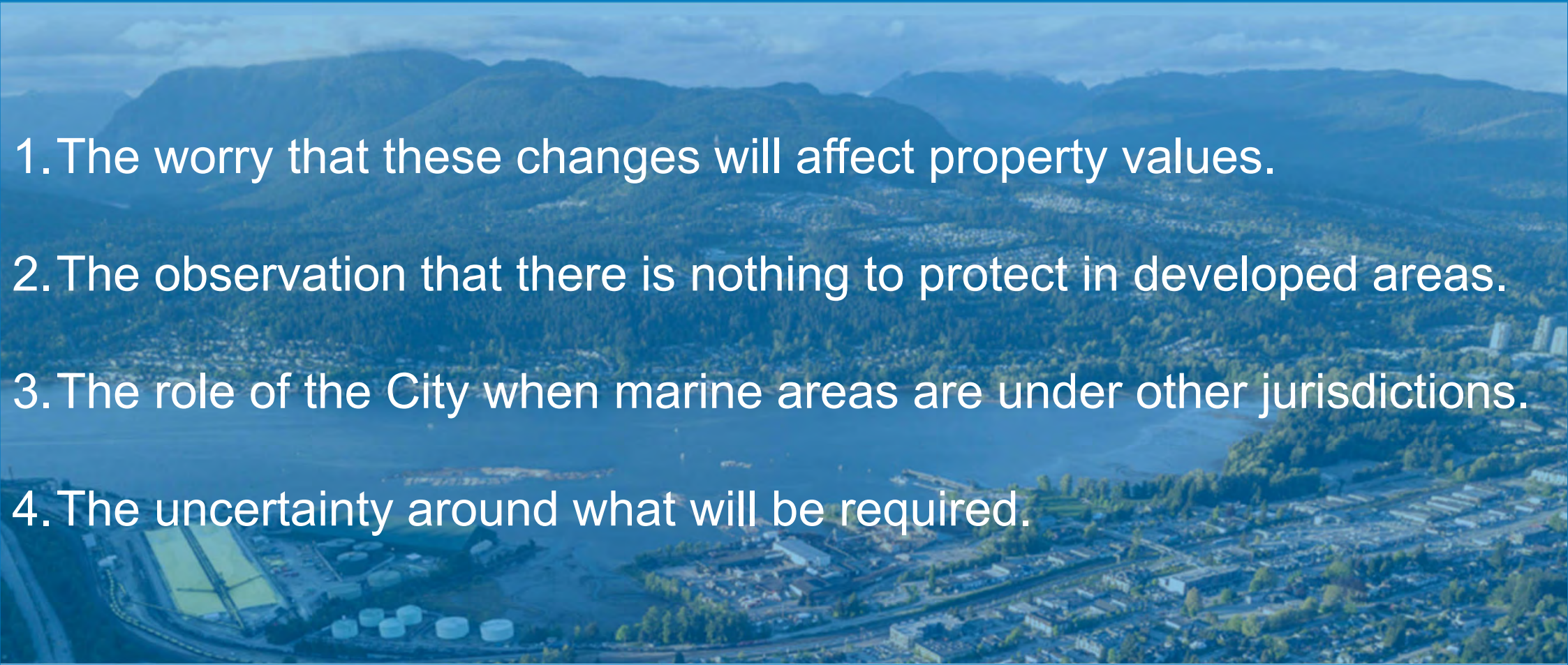


# What this looks like – Marine Shoreline



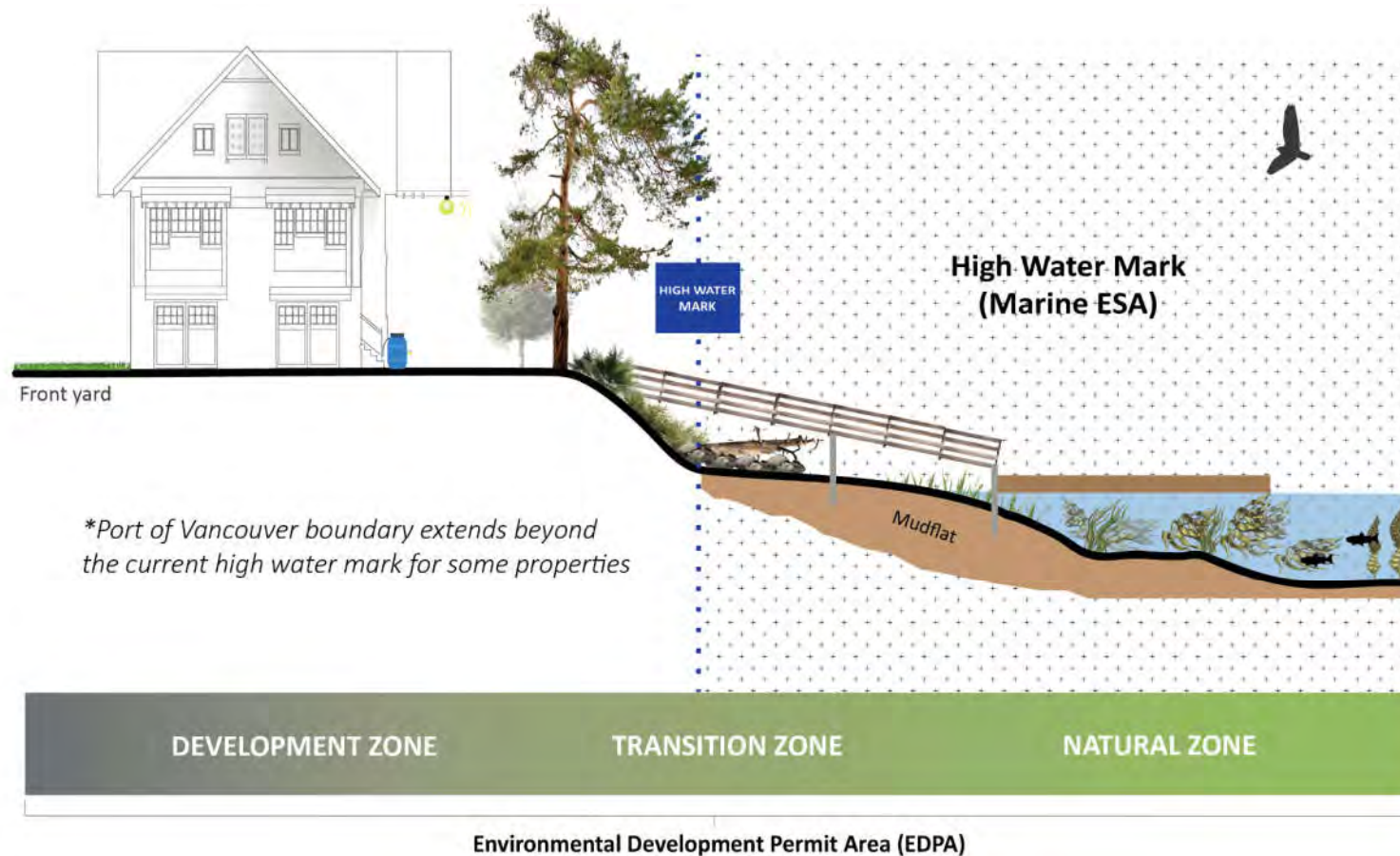
- Shift development away
- Minimize hard surfaces
- Retain and plant native vegetation
- Prevent erosion and pollution
- Use natural approaches for shore protection, where possible

## Key Concerns To Date

- 
1. The worry that these changes will affect property values.
  2. The observation that there is nothing to protect in developed areas.
  3. The role of the City when marine areas are under other jurisdictions.
  4. The uncertainty around what will be required.



# 1. Property Value Concerns

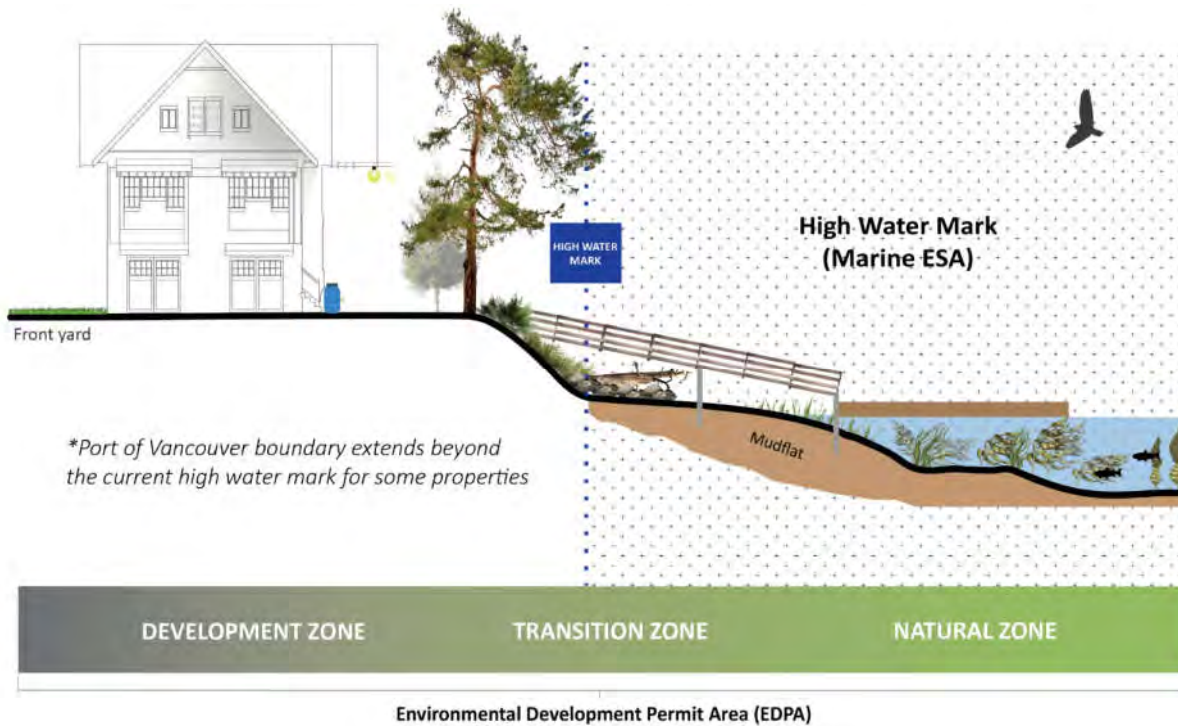


## 2. Environmental Values to Protect





# Environmental Values to Protect at the Marine Shoreline



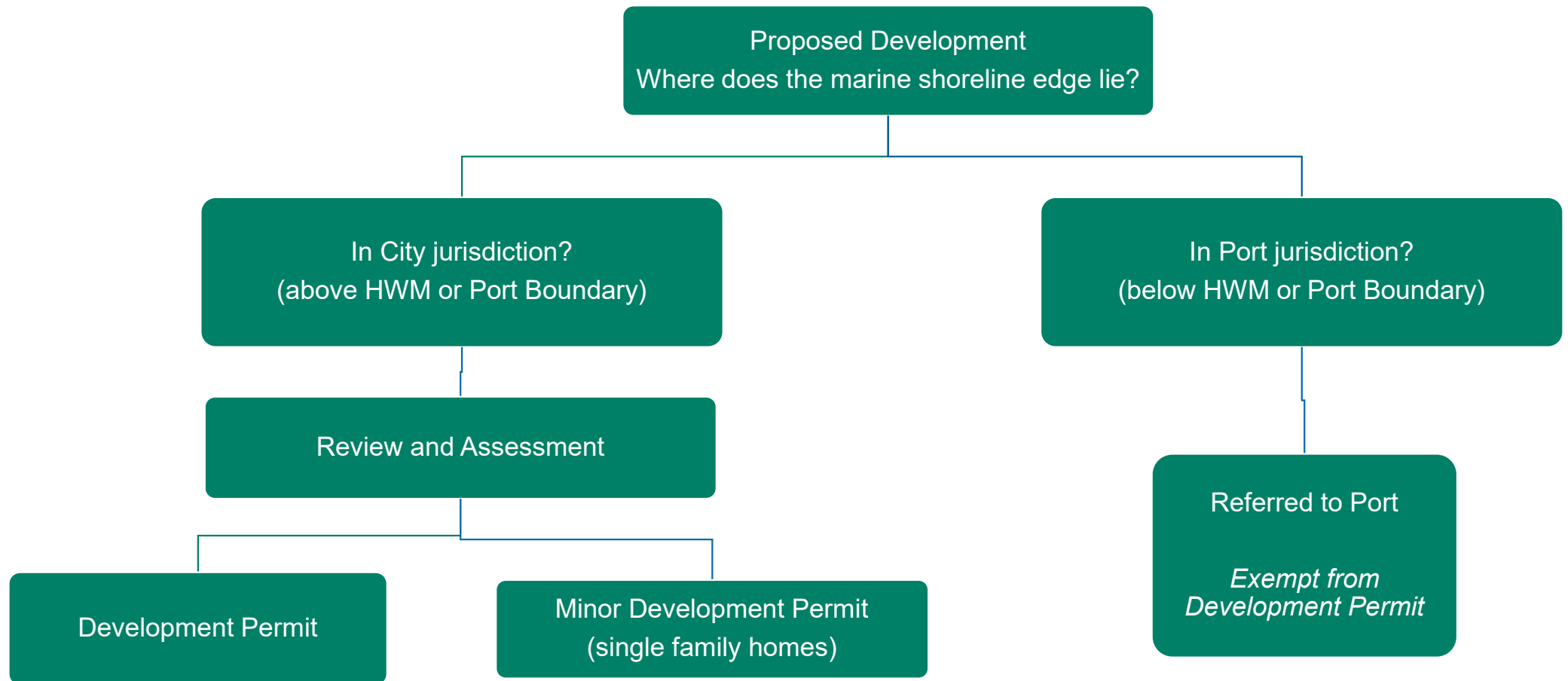
- Shift development away
- Minimize hard surfaces
- Retain and plant native vegetation
- Prevent erosion and pollution
- Use natural approaches for shore protection, where possible



### 3. Jurisdiction and Role of the City



# Jurisdiction and the Review Process – Marine Shoreline



## 4. UNCERTAINTY

### Minor DP (Approved by staff)

Typically, small, single-family home construction require a minor DP outlining measures for protecting natural areas

### DP (Approved by Council)

Larger-scale developments, such as multi-family projects, require more detailed assessment and specific measures as conditions of development

#### Exempt activities:

- Agreements with senior government agencies or covenant terms
- Property works (e.g. interior renovations, maintenance and repair of existing buildings and structures, gardening, maintenance within existing landscaped areas)
- Ecological restoration and enhancement works
- Emergency and hazard works
- Public utilities and operational works



# Summary

- Marine environmentally sensitive areas are important.
- Development along the shoreline can impact these areas, but is not part of our current development permit process.
- Inclusion of the marine shoreline in the assessment area would ensure compliance and improve shoreline transition areas
- Small changes and adaptations can contribute to significant positive improvements.



# Other Engagement and Next Steps

1. Schedule a meeting with City staff to discuss how the proposed update might affect your property
  - Email: [esa@portmoody.ca](mailto:esa@portmoody.ca)
2. Public feedback (until February 21)
  - At [engage.portmoody.ca/esa](https://engage.portmoody.ca/esa)
4. Reports to Council
  - ESA Update (spring 2021)
  - OCP Amendment and Public Hearing





Thank you

Questions?



## **Appendix B2. List of Questions from the Marine Shoreline Workshop (February 4, 2021)**

In addition to the top 3 questions from each group, many other questions were posed: here is the compilation of all the questions that came up during the workshop breakout group discussions. All the questions are compiled verbatim below.

### **WHY IS THIS UPDATE NECESSARY GIVEN THE EXISTING STRATEGY?**

- Why is this necessary, given existing guidelines?
- Confusion about the fact that there seem to already be guidelines in place to protect foreshore that people have had to deal with for a long time. So why does the city feel this is so necessary now?
- There are already provisions for people in Single-Family Homes - that they have to be 30ft back from foreshore - so why does the city think this is necessary?
- What is the problem?
- Why was this brought up now?
- Why is the city doing this?
- We don't want any changes, so why is the city pushing this change?

### **WHAT ARE WE TRYING TO PROTECT?**

- Why do we need more protections?
- The environment in Port Moody has only improved in the past 60 years; we used to get more sulphur and coal in the inlet, now it's improved. The question is why is this necessary?
- Along Alderside Road/Beach Avenue/First Avenue, on the upland side from the high-water mark, what is natural about that environment? What are we trying to protect in that so-called 'natural' environment? There is nothing natural about our properties, so what are we trying to protect?
- Who has jurisdiction to claim what environments we're monitoring, whether or not they're natural, and if so, what happens to those environments?
- I want examples of areas that need to be restored: where are these perceived problems?
- If you're going to say there's an environmental development process - what are the rules? what are the biological standards you're suiting for?
- Hard shore is a target for this environmental remediation - so what's wrong with it now? on Alderside Road and north shore? Is there something that's not environmental about our homes?
- What evidence does the city have that the redevelopment we're doing is causing negative effects?
- Where on our property would be the high-water mark? Is having a retaining wall an environmental problem? What are we trying to do in front line?
- Are any of these proposals limiting our ability to maintain what we have in the future?

### **WHO IS IMPACTED?**

- We've been told that this is about multi-family properties, but the buffer zone consists of Single-Family Properties. So why does this require a Development Permit for existing properties within the buffer zone?
- Why the difference in requirements for areas such as Alderside versus the loco side?
- If part of the property that you want to develop is occurring within the port's boundary and also the city's boundary who would we deal with? I want clarification on jurisdiction, where is the line?
- Who monitors the area? It is the residents, if something bad happens on the property we will say something about it.
- Will city lands be subject to these same requirements?

- City-directed approach is setting up a narrative where they're trying to protect natural lands, but their guidelines would nullify the shoreline trail. Nobody would be allowed to connect from Rocky Point to Orchard Park because the EDPA guidelines would prevent that, so what gives?
- What is being imposed on the industrial properties? Is the same thing being imposed on them?

### **HOW MUCH WILL IT COST?**

- What's the average cost of an environmental assessment by a qualified environmental professional if they're going to do a new build?
- How much will it cost me to remediate property?
- What will be the additional costs/burdens that these guidelines will place on marine shoreline residents?
- Who is responsible for paying for this?
- Who's going to pay for it?
- Will the cost fall on all Port Moody residents or only the residents in the zone?
- Are we going to get compensated if our property value goes down?

### **WHAT ARE THE CHANGES? (30 metres, development, permitting, jurisdiction)**

- Why is it 30 metres? Is that because it's the max allowed?
- How do you justify going from 0 to 30 metres? Why the change now? Why do the standards have to be changed?
- With respect to riparian areas, they said proposed change is not much, I beg to differ: going from a few metres to 30 is a huge change – why do we need it?
- Where did the 30m come from? (\*clarification from government official: 30m is not a setback, but an assessment area; development is still allowed there\*)
- 30m: If it's not a setback, what is it? And if it's nothing, then why do we have it?
- What does the assessment line mean? What will and what won't be permitted within the 30 meters?
- Now are you saying that you can control our property for 30 meters? My lot is only 27 meters deep so now you will be controlling my whole property?
- If we want to plant a tree in our backyard, will we need a permit to plant a tree if it falls in that zone? On anybody's property. In what way will those permits apply?
- At what scale will this have an impact on permitting day-to-day?
- What can be developed if the city doesn't let them? (the city is saying we'll agree to government-type of development but not the landowner's development)
- Most of these properties are sloping, and a lot of people have retaining walls, so what is the city going to do if these people need to replace these walls because they're necessary to keep the ocean out?
- Recent development application with city council – setback was reduced from 15 to 12 metres: what's the criteria that would cause/allow the setback to be reduced?
- If people already have stuff within the 15 meters there is no change for them, but people who are now developing there will be changes potentially to what they're able to do?
- Do we deal with two parties if we want to develop?
- Is this going to impose a new size restriction on properties in Alderside? What constitutes a 'small' house? What does that mean, objectively?
- Which law changed and in what level of government did the law change? Was it a provincial or a federal regulation? What gives the city the ability to step into other jurisdictions?
- What has changed at senior level of government that gives port moody the notion that they need to step in?
- What jurisdiction allows them to do that? Why add another layer of bureaucracy?
- How do you propose to put a restrictive covenant on my properties?

## PROCESS

- When will this come into effect? Is there a timeline as to when it will happen?
- Is this a foregone conclusion? Has the city already made up their minds? What is the point of this?
- What's the difference between what Port Moody has planned and other municipalities?
- Who's the lead at the city of this project?
- Are you going to hire more staff to run this new ESA?
- What are the specifics of where are we trying to move towards? the lack of specificity is causing stress
- Why is there no clear outline of the power that the city will have over us? Why is there nothing in writing that says what the city is allowed to deny us?
- Directed at member of Council: do you feel you're open to discussion with community?
- This impacts far more than waterfront properties - it applies to people near unknown ditches, riparian areas, wetlands, etc. How are you notifying those people, who fall within a "buffer zone" but are not waterfront, of these new guidelines? Alderside residents were notified with a letter. Why haven't the other residents of Port Moody been addressed in this way as well? There isn't enough transparency, to the extent that those people (who haven't received letters) would have to dig deep to find out about this very consequential change.
- Why focus on the Alderside area first when there is opportunity at Cedar and Flavelle to develop a space?
- Could Alderside Road and the 130 properties, and Beach Avenue be exempted from the ESA?
- Why not exempt Alderside, it is already developed and anything that needs protected is already protected by the government and the port, not asking if we can be exempted by other development policy but do we really need this redundancy?



# APPENDIX C



## ESA Questions and Comments

### Questions and Comments Received from Participants in our General Information Session (January 28, 2021) and Marine Shoreline Workshop (February 4, 2021)

Thank you to everyone who participated in the information session or workshop. We received a large number of questions and comments from property owners during the online sessions. We have grouped similar questions and comments together by theme and provided a response for each theme.

We hope you find this information helpful. If you have questions that aren't covered here or in our FAQs posted to the project page, please email [esa@portmoody.ca](mailto:esa@portmoody.ca).

#### 1. Theme: number of affected properties

##### Questions/comments:

Has a study been conducted to determine how many property owners will be impacted by these new changes? (i.e., require new process if they wish to modify?)

There are over 1000 homes affected by this update that is misleading information just shared.

How many homes are now in ESA that were not before?

##### Response:

- As part of the next stage of this project, we will be doing an analysis to determine the number of properties affected by the proposed changes. We will include the results of this analysis in any report to council so that this information is as clear as possible and available to

all residents.

- While we won't have an exact number until the analysis is complete, we estimate the number of properties affected by the update is between 250 and 350.
- The update includes improved mapping of Port Moody's Zoning Bylaw setbacks, wetlands, and watercourses – in some cases, these were previously unmapped. However, it's important to remember that while they were not always known to be present, any unmapped setbacks or watercourses have always been protected by Zoning Bylaw streamside setbacks and are part of the existing development permit area.

## 2. Theme: impact on Alderside properties

### Questions/comments:

If Alderside is going to be ESA is the development permit going to prevent putting in a pool or garden or size of house that would now be allowed?

Is this going to impose a new size restriction on properties in Alderside?  
What constitutes a 'small' house? What does that mean, objectively?

What will and what won't be permitted within the 30 metres along the marine shoreline?

Property size on Alderside will make it impossible to build outside of the ESA. Does this not make the property values worthless?

The mapping along Alderside shows 30m ESA from high water mark so can we still build within that zone? If not, the properties are rendered zero value.

Since all the lots along Alderside fall within the 30 ESA, this would eliminate the ability to redevelop any of these lots.

### Response:

- The proposed marine assessment area, which extends 30 metres upland from the high water mark, is **not a setback, ESA, or protected area**. It is a portion of land next to an ESA, where the impact of development activity would need to be considered.
- The purpose of the marine assessment area is to flag planned development activity for additional review, not to prevent development. The purpose of a review is to ensure the potential impact of development on nearby natural areas is considered, and to determine if a permit is

required.

- The goal is improve the transition between the developed area and the marine habitat; for example, by reducing the amount of impermeable area or including native vegetation along the edge of the shoreline. This may mean that a pool, concrete deck, or other structure is not placed immediately adjacent to the full length of the shoreline edge.
- Staff would work with applicants to balance the environmental requirements with the development needs and desires.
- Development would be allowed within the 30-metre assessment area. All lots within the 30-metre area would still be able to re-develop.

### 3. Theme: expropriation

#### Questions/comments:

By applying an ESA designation in the 2020 proposal are you not constructively expropriating our properties?

What is the intent of the City website statement that dedication of the ESA IS THE PREFERRED MECHANISM for Conveyance of the ESA?

EDPA guidelines currently state that the city will place a restrictive covenant on your property which is a mechanism to constructively expropriate for parks.

#### Response:

- There is no ESA designation being proposed in this update. We are proposing a revised development permit area with the addition of assessment areas – these are areas where the potential impact of development activities on nearby ESAs would need to be considered and assessed.
- Development permit areas do not expropriate land. They are used to flag properties that may require additional review to determine if an environmental development permit is required.
- The City has had development permit areas in place for forests and watercourses for 10 years – they have not prevented development.
- The second and third questions above reference the proposed Environmental Development Permit Area guidelines, which state: “Dedication of the ESA is the preferred mechanism for conveyance of the ESA to the City, however, this is at the discretion of the City and is reviewed on a site by site basis.” This statement is included as a measure for the following guideline: “Dedicate all ESAs to the City for park acquisition or protect via covenant.”

- The City does not consider dedication of ESAs as parkland when single-family home re-development is proposed. This guideline and the related measure are intended to protect ESAs when large-scale development is proposed. Dedication of ESAs as City parkland is, as per Official Community Plan policies, negotiated as part of large, multi-family development projects.
- Development permit areas **are not used to expropriate land**. They are used to flag properties that may require additional review to determine if an environmental development permit is required.
- Many properties affected by the ESA Management Strategy update are not located within ESAs. Rather, they are located within proposed assessment areas, where the potential impact of development activities on nearby natural areas would need to be considered and assessed if development activity is proposed. The guideline and related measure noted above do not apply to assessment areas.

#### 4. Theme: City lands

##### Questions/comments:

Many City streets are inside the proposed ESA. Will the City follow its own DP application process and get a QEP involved each time they do work on our roads?

Will city lands be subject to these same requirements?

City-directed approach is setting up a narrative where they're trying to protect natural lands, but their guidelines would nullify the shoreline trail. Nobody would be allowed to connect from Rocky Point to Orchard Park because the EDPA guidelines would prevent that, so what gives?

Will City lands be subject to these same requirements?

When are you proposing to remove the board walk in the picture on the inlet trail by declaring it within the ESA designation?

##### Response:

- All projects on City lands are required to meet environmental best management practices and provincial and federal legislation. The City has several Qualified Environmental Professionals (QEPs) on staff and also contracts QEPs to assist with projects when required.
- The Shoreline Trail is already within an existing ESA. The current and proposed environmental development permit areas do not prohibit the addition of trails, public amenities, or access to the shoreline.



- Our trail system, which includes wooden boardwalks that wrap the head of the inlet, is designed so visitors can experience and enjoy our local wildlife while staying off the mudflats. The City has no plans to remove the boardwalks.
- Any works within these sensitive areas must comply with environmental regulations and City policy. For example, environmental studies and measures are part of the current Shoreline Trail North improvement project and the Shoreline Trail boardwalk replacement project.

## 5. Theme: staff resources

### Questions/comments:

Are you going to hire more staff to run this new ESA? Who is going to pay for it? Will the cost fall on all Port Moody residents or only the residents in the zone.

### Response:

- No additional staff resources are anticipated. The majority of properties are already included in the current development permit area.
- New information materials and a tiered review process is anticipated to help streamline the development permit process for single-family development projects.

## 6. Theme: next steps

### Questions/comments:

When will this come into effect?

What are the next steps?

When does the City send this to Council?

### Response:

- Staff will present a public engagement summary and options for next steps at a Regular Meeting of Council in spring 2021.

## 7. Theme: property values and tax dollars

### Questions/comments:

Does the city understand that by putting very restrictive measures on existing properties outside of owners control you are effectively devaluing properties?

Is City staff aware that the property values of affected homeowners are about to plummet and that loss of tax base will now be spread over remaining residents?

City of Port Moody average property taxes for average households is already the highest across the Lower Mainland. This will make it worse, please comment.

If one cannot rebuild due to the ESA setbacks then the property would be deemed devalued.

If the setbacks reduce the available building area to a point where it is not practical to build, does that not reduce the property value or make it worthless?

Is the City and staff at all aware that property sales have already been lost due to this map?

### Response:

- Property valuation is a complex calculation done by BC Assessment. There are many components to this calculation and City policies are just one of them. To be clear, property assessment in BC is not a matter that is undertaken by local government. BCA is an independent entity and has its own processes where owners wish to dispute their assessments.
- Property tax rates are established by City Council each year based on the City's financial plan and budget requirements. City Council will always seek to minimize tax increases where possible and this process is undertaken in an open and transparent manner, where there is an opportunity for public input.
- No setback is in place for properties beside marine or forested areas.
- The only setbacks in ESAs are for watercourses. The federal *Fisheries Act* and the provincial *Riparian Areas Protection Regulation* require local governments to protect streamside areas for fish habitat during the development process.
- Streamside setbacks have been protected through Port Moody's Zoning Bylaw since 1988. Updates to these setbacks were made in 2006 and 2018 to ensure the City continues to meet or exceed senior government requirements.

- In areas that are already developed, some buildings or structures are within streamside setbacks. In these scenarios, staff work closely with the property owner to vary the setback, where appropriate, while still improving environmental conditions.

## 8. Theme: compensation

### Questions/comments:

Can we sue the City of Port Moody for the adverse impacts on our property?

Are we going to get compensated if our property value goes down?

### Response:

- The City has had development permit areas in place for forests and watercourses for 10 years – they have not prevented development from occurring. Development permit areas are a flexible tool that allows the City to evaluate specific conditions and activities, and work with property owners to meet the community objectives outlined in the Official Community Plan.
- Section [458](#) of the Local Government Act indicates that compensation is not payable to any person for any reduction in the value of that person's interest in land, or for any loss or damages that result from the adoption of an official community plan; adoption of bylaws (e.g. Zoning Bylaw); issue of land permit, etc.

## 9. Theme: project support

### Questions/comments:

Do you have any reason to believe that the taxpayers of Port Moody want to spend their tax \$\$\$ on this project?

Many of us are concerned with the economic impact these changes will have on our homes. We don't want any changes, so why is the city pushing this change?

### Response:

- Protecting Environmentally Sensitive Areas benefits all residents of Port Moody, and the majority of residents value the protection of the natural environment. This has been demonstrated through recent feedback from the community collected via the 2018 Citizen Satisfaction

Survey and other public engagement projects such as Port Moody's Climate Action Plan.

- The budget for the ESA Management Strategy update was approved by City Council in 2018.
- Council has declared a climate emergency and asked staff to include the following in Port Moody's Climate Action Plan: targets for enhancement, including opportunities for creek daylighting/ enhancement, foreshore protection and enhancement, establishing connectivity between Environmentally Sensitive Areas (ESAs) and enhancing forest health in the City's ESA Management Strategy, and developing an urban forestry strategy that will move towards achieving the [Intergovernmental Panel on Climate Change](#) (IPCC) goals.

## 10. Theme: insurance

### Questions/comments:

Can this impact property insurance coverage?

### Response:

- We are not aware of any impacts to property insurance associated with considerations for environmental protection and regulation compliance during development. However, residents should review such matters with their insurance advisors if they have any questions.

## 11. Theme: GIS maps

### Questions/comments:

Will the City GIS mapping system be updated soon?

### Response:

- The City's GIS maps cannot be updated with the proposed mapping until the ESA Management Strategy update has been considered by City Council. If Council approves the update and amends the Official Community Plan, the City's GIS maps will be updated.



## 12. Theme: map of proposed permit area

### Questions/comments:

Mapping should not be confusing. The blind use of buffer distances is not logical. Taking the built environment into account is the intelligent thing to do.

The map is easy to understand. The lack of logic of where the lines are drawn is what is not understood.

Could the maps show areas up to a property line, and not right over the property and driveways?

What is the point of producing a map where the riparian and other designations go right over existing homes and drives?

What is the environmental value of a building or parkade? Why cover these areas with the proposed buffer zone??

What if your property is part of ESA but has no environmental value. Our parking pad is now part of the ESA, it's on the other side of road so not contiguous habitat?

Why are buildings now labeled ESA? Doesn't the blind use of distance from an environmental feature undermine the importance of protecting that natural feature?

It sounds like the mapping is done by a robot that does not differentiate between the forest and pavement.

Why is it 30m and 15 m?

How does the city come up with 30 metres, why is it that particular number, why not 50 metres so that there isn't any part of my lot that is not covered by the lot? This would make for fewer hoops to jump through. I really don't understand the 30 metres.

What does the assessment line mean?

Are you saying you have that you can control our property for 30 meters? My lot is only 27 meters deep so now you will be controlling my whole property?

The proposed map is not more accurate. A 40 ft long culvert is shown as a stream.

I reported a section of stream on the new map that is actually in a pipe. Are you modifying the map when someone reports an error?

### Response:

- A standard 30-metre assessment area around watercourses already exists under the current process, and is required under provincial regulation.
- Following this provincial framework and other standard assessment tools, the proposed update includes a standard 15-metre assessment area around forests and a 30-metre assessment area around the marine shoreline.
- The distance of the assessment areas was based on (1) typical provincial and federal review standards, (2) consideration of protection requirements for larger trees, and (3) consistent assessment of all adjacent properties.
- The assessment areas would flag properties adjacent to ESAs for review. If no part of the property is actually adjacent to a natural area, this initial review would determine no further action.
- Even if buildings or structures are within the assessment area, the transition area immediately adjacent to the ESA might still require review and measures to protect that natural area.
- Staff will address mapping errors as they are identified. The mapping is still in draft form and any mapping errors encountered can be reported to [esa@portmoody.ca](mailto:esa@portmoody.ca).
- Staff are aware that culverted sections of watercourses are included in the mapping. Though setbacks do not apply to culverts, there are provincial and federal requirements and considerations when working around culverts. Staff will investigate how culverts can be more clearly represented in the mapping of utilities.
- The ESA Update also recommends that the map be regularly updated as new information becomes available.

### 13. Theme: impact on property owners

#### Questions/comments:

My property is totally within the ESA including building and grounds. How is the new strategy going to impact me?

I live at the north side of Chineside Park. At the moment the draft proposed ESA revision includes half of my property. How does that affect me?

Why is there no clear outline of the power that the City will have over us? We do not understand why there is nothing in writing that says what the City is allowed to deny us?

Could the City use ESA as their reason to review all development plans and then limit development based on an agenda outside of the environmental one?

**Response:**

- If your property is included in the updated ESA mapping and is located within the proposed Environmental Development Permit Area, you may need a development permit if you plan to conduct development activities on your property. It's likely that a permit is already required under the existing development permit area and it is not anticipated that the proposed Strategy update will significantly change what would already apply for your property.
- Staff are available to discuss individual sites in more detail. Email [esa@portmoody.ca](mailto:esa@portmoody.ca) to set up an appointment.
- Development permit areas do not create blanket restrictions. The proposed Environmental Development Permit Area would not prohibit development.
- A development permit area designation is a flexible tool that allows the City to evaluate specific conditions and activities, and work with property owners to reduce the impact of development on ESAs and restore habitat where possible.
- The purpose of the development permit process is to gather more information about the site (landscape and environment), identify where approvals or notifications may be required (federal, provincial, local), and to modify development plans if necessary to protect our natural areas.
- The purpose of the current and proposed environmental development permit area is to ensure development needs are balanced with environmental protection and that development activities are compliant with environmental regulations.

#### 14. Theme: difference between assessment area and setback

**Questions/comments:**

During the presentation it was called an "assessment area" but during the Q&A it is being call "Riparian Setback". What is the difference?

**Response:**

- A setback is the required minimum distance between a building, structure, or other use of land and an established boundary, such as a lot (land registered as a separate parcel in the Land Title Office) boundary or a stream (measured from top of bank). Streamside setbacks

(sometimes called riparian setbacks) are specified in the Zoning Bylaw (Section 5.4 Streamside Protection).

- An assessment area is a portion of land around an environmentally sensitive area (15 metres around forest ESAs and 30 metres upland from the marine high water mark) where the potential impact of development activities on nearby natural areas would need to be considered and assessed. Assessment areas are included within the boundaries of the proposed permit area; a permit may be required if development activity is planned within the designated area.
- A 30-metre assessment area around watercourses already exists under the current process, and is required under provincial regulation. Watercourses are now more accurately mapped. Streamside setbacks are located within the 30-metre watercourse assessment area.

## 15. Theme: low sensitivity areas

### Questions/comments:

What change will happen if a person was previously holding private land that had a 'low' value applied? Will there be different requirements now?

Why are low quality forest areas on my property now prohibited from development?

### Response:

- The proposed Strategy update recommends removing 'low', 'medium', and 'high' designations because many of the forests classified as 'low' over 20 years ago are now mature forest stands or include unmapped features like watercourses. In addition, these classifications are no longer considered best practice for managing sensitive habitat in urban environments.
- Currently, development activity near a watercourse, mapped or unmapped, requires a development permit. Unmapped watercourses in 'low' ESA areas are currently identified when an application is submitted and staff conduct a site visit.
- There are some areas that were designated as 'low' and did not contain any watercourses. These areas are included in the proposed Environmental Development Permit Area so they can be reviewed by staff to ensure the urban forest is considered during the development process.
- Staff do not anticipate that a development permit will be required if there is no ESA and the property is within the assessment area. The assessment area flags these properties for review by staff to ensure they meet existing requirements. This is consistent with how development activities adjacent to ESAs are currently reviewed.



- The proposed Environmental Development Permit Area would not prohibit development. If your property is located within the boundaries of the proposed permit area and you plan to develop or redevelop your land, you would need to arrange a review by City staff to determine if your planned activities require a development permit.

## 16. Theme: forest ESA mapping

### Questions/comments:

Is the forest ESA mapping area a new addition to the regulation?

### Response:

- No, forest ESAs were mapped as part of the initial ESA Management Strategy completed nearly 20 years ago.
- While the mapping of these areas is not new, the proposed Strategy update recommends removing 'low', 'medium', and 'high' sensitivity designations for forested areas – this recommendation is being made because many of the forests classified as 'low' over 20 years ago are now mature forest stands or include unmapped features like watercourses. In addition, these classifications are no longer considered best practice for managing sensitive habitat in urban environments.
- The proposed Strategy update also includes a 15-metre assessment area around forest ESAs to ensure appropriate protection measures, like tree protection fencing, are implemented to protect trees from development activities.

## 17. Theme: comparison of existing and proposed permit areas

### Questions/comments:

Can the city provide a map showing the existing permit area and proposed permit area together? There has been a table provided but no comparison map.

### Response:

- The map (Map 1 – Proposed Environmental Development Permit Area) that is available at [engage.portmoody.ca/esa](https://engage.portmoody.ca/esa) shows the existing boundaries of Port Moody's ESAs in green and the new proposed assessment areas in pink.

- Together, the green areas (existing) and the pink areas (new) show the boundaries of the proposed Environmental Development Permit Area.

## 18. Theme: ditches and streams

### Questions/comments:

What is the purpose of protecting an un-named ditch with no nutrient value?

What is the point of protecting a stream and having a 15m setback on each side that later runs under the Barnet Highway? It does not make a lot of sense

### Response:

- Ditches can provide or contribute to fish habitat, and also require protection under senior government legislation. If the City were to approve development that negatively affected fish and fish habitat, it would be contravening senior government legislation (e.g. *Fisheries Act*, *Riparian Areas Protection Act*). To address this, ditches have Zoning Bylaw streamside setbacks and are mapped and included as ESAs.
- Ditches also provide important stormwater services by allowing water to filter into the soil and improving water quality. Many municipalities are looking for opportunities to re-create ditches or add similar features into their stormwater management networks. There are various types of ditches in Port Moody. By including ditches as ESAs and in the proposed development permit area, more information is gathered through the development process to determine appropriate action.
- The City is required to protect watercourses and aquatic habitat during the development process.
- The setbacks around watercourses have been in place since 1988 and contribute to fish and wildlife habitat, improve water quality, and protect property from floods and steep slopes.
- Areas upstream of culverted sections of stream can still provide or contribute to fish habitat.

## 19. Theme: purpose of marine assessment area

### Questions/comments:

What species or habitat are you trying to protect along Alderside Rd., Beach and First Ave on fully developed unnatural habitats?

On the upland property of Alderside what are you trying to protect in unnatural environments?

Why do we need more protections?

What along the Alderside Road/Beach Avenue/First Avenue residents, on the upland side from the high-water mark, what is natural about that environment? What are we trying to protect in that so-called 'natural' environment?

I want examples of areas that need to be restored: where are these perceived problems?

Please give us specific properties on Alderside you feel are natural areas you are trying to protect in your initiative.

What evidence does the city have that the redevelopment we're doing is causing negative effects?

We are the best stewards of our land, so why do we need more environmental protection?

Why focus on the Alderside area first when there is opportunity at Cedar and Flavelle to develop a space?

What are the specifics of where are we trying to move towards? The lack of specificity is causing stress.

What is natural about the fully developed single family residences that are now included in the proposed ESA Update process?

What are the rules? What are the biological standards you're suiting for?

Can't the City just exempt Alderside Road and Beach Avenue?

Why not just exempt Alderside. Those properties are already developed and these ESAs are protected by the Port and provincial rules.

### Response:

- The health of the marine ecosystem depends on many factors – one of these factors is the health of its adjacent shoreline.

- In already developed residential areas, there are still natural areas, trees, and vegetation that remain along the marine shoreline. In other areas, a re-development project may present an opportunity to restore vegetation along part of the shoreline.
- Some development activities, such as putting in hardscape concrete, developing right up to or beyond the natural shoreline, or removing or failing to add vegetation, do not support a healthy and resilient marine ecosystem. The proposed marine assessment area would flag a re-development project for review so that potential impacts can be considered and development plans can be modified if necessary to protect nearby natural areas.
- The discharge of materials within shoreline and foreshore areas, or the removal of vegetation and alteration of land along the marine foreshore, may contravene the *Fisheries Act*.
- The proposed Environmental Development Permit Area includes ESAs and assessment areas.
- Development activity adjacent to an ESA in already-developed areas, like along some parts of the marine shoreline, may impact the ESA. The assessment areas are intended to flag properties adjacent to environmentally sensitive areas for review, to ensure that development activities do not impact these natural areas.
- Developed areas might be included in the proposed ESA if they are within a Zoning Bylaw streamside setback. Many houses were built prior to adoption of municipal and provincial setback requirements when building near streams.
- Developed residential areas adjacent to riparian and forest ESAs are already reviewed under the current development permit area.
- Upland development activities that are under City jurisdiction and adjacent to marine ESAs are not currently reviewed for environmental impact.

## 20. Theme: retaining walls

### Questions/comments:

What's wrong with our retaining wall now? On Alderside road and north shore? Is there something that's not environmental about our homes?

Most of these properties are sloping, and a lot of people have retaining walls, so what is the city going to do if these people need to replace these walls because they're necessary to keep the ocean out?

Is that an environmental problem? Having a retaining wall? Because Vancouver has a sea wall.



**Response:**

- Many jurisdictions (local, regional, and international) now realize that sea walls can cause a number of negative impacts and have policies or projects in place to look at other options, where opportunities exist.
- Changes to sea walls would only be considered if the proposed development required a change in sea wall and a suitable option that achieved protection could be found. In most cases, sea walls are within the Port's jurisdiction.

**21. Theme: marine shoreline development review in other municipalities****Questions/comments:**

What do other municipalities do to protect the marine shoreline?

What's the difference between what Port Moody has planned and other municipalities?

**Response:**

- Some municipalities have development permit areas in place to review marine shoreline development, with similar measures (e.g., [Richmond](#), [Surrey](#), [Sechelt](#), [Gibsons](#), [Nanaimo](#), [Campbell River](#)). Other municipalities do not have any additional requirements.

**22. Theme: stormwater management****Questions/comments:**

Does the City have any plans to change/divert waste water which currently drains into storm drains which directly lead to creeks?

**Response:**

- Yes, the City monitors and manages stormwater through several different programs and is always looking for areas of improvement, primarily through the use of stormwater management plans.

- Streams and drainage systems are also protected through the Stream and Drainage System Protection Bylaw, which states that no person shall foul, obstruct or impede a drainage system, or permit any prohibited material or water containing any prohibited material to be discharged, dumped, deposited, spilled or washed directly or indirectly into a drainage system.
- As part of the Climate Action Plan, the City will be developing a Green Infrastructure Policy and Program to help the community adapt to the impacts of climate change and improve the water quality that enters our storm system.

### 23. Theme: affect on current applications

#### Questions/comments:

Will there be any grandfathering policy for building permits for existing properties to develop? (i.e. subdivide, complete rebuild)

Will Development permit applications received today be subjected to this strategy?

#### Response:

- Like any other policy update, the submission of any application for a permit from the City must meet the requirements in place at the time of application.
- No development permit received today would be rejected because the ESA Management Strategy Update has not been taken to Council, and the proposed changes to the development permit area have not been adopted.

### 24. Theme: ability to rebuild

#### Questions/comments:

Do I understand that if a current home is in the new ESA and for some reason needs to be rebuilt, the City could deny permit?

If the current house on our property is non-compliant (easements), will we be able to re-build on a different location on our property?

If people already have built within the 15 meters there is no change for them, but people who are now developing there will be changes potentially to what they're able to do?

**Response:**

- A development permit area would not stop a home from being rebuilt, but a permit may include conditions that address environmental protection as part of re-development.
- Any time a home is rebuilt, non-conforming conditions need to be assessed and often modified, even if there is no development permit area in place.
- A development permit area would not stop a home from being rebuilt if extensively damaged by fire or flood.

**25. Theme: development process in riparian area****Questions/comments:**

What if our property is right on the bank in a riparian area zone and easement from the back is virtually impossible because of the position of our property?

**Response:**

- There are some cases where roads and buildings may be within the mapped riparian ESA. This is because these areas were developed before streamside setbacks were in place, or under different streamside setbacks within the Zoning Bylaw.
- In these cases, especially if the re-building of a single family home is proposed, staff would work with the applicant to vary to the Zoning Bylaw setbacks in a manner that improves the existing conditions while still meeting provincial and federal requirements.

**26. Theme: development process in assessment area****Questions/comments:**

How is the proposed process for an assessment area different from an ESA area?

What is the criteria in the 15m setback area? What does a homeowner have to do other than a standard BP application?

**Response:**

- The process for forest and riparian areas remains largely unchanged. The mapping has been improved to ensure more information is available to development applicants to inform their application early on in the process. The City will continue to process these applications in the same way they are processed now.
- The addition of a marine assessment area will bring this area in line with other parts of the city where development activities are already reviewed to determine if environmental permits are required. With this change, property owners may need a permit if they planning development activities in this area.
- For reconstruction of single-family homes in these areas, an environmental report is typically required to ensure compliance with all relevant legislation and development permit area guidelines. This is in addition to the standard building permit application.
- Some of the measures required in the development permit include: tree protection, invasive removal, erosion and sediment control, and planting native vegetation in the setback area.
- The only setbacks associated with the ESAs are for riparian areas. These setback are in the Zoning Bylaw and the proposed update does not include any changes to the Zoning Bylaw setbacks.
- If the question about a “15m setback area” refers to the forest assessment area (15 metres around forest ESAs), this is an area where the potential impact of development activities on nearby natural areas would need to be considered and assessed to determine if an environmental development permit is required.
- We are proposing assessment areas in recognition of the ecological value and sensitivity of our forests and the marine shoreline.

**27. Theme: development permit costs****Questions/comments:**

Who pays for all the additional development permit requirements if you are in an ESA area? Why am I asked to pay more than someone who is not in such an area?

Will the City pay for the environmental report if it's determined that it's needed?

All this extra information required by the City should not have to be paid for by an owner. If City wants the extra info, the City should pay for it.

What costs could be associated with a DP permit in a riparian area? (edited)



How much do these permits cost for the homeowner if we want to redevelop? Is this really about environment or just a way for the City to get more money?

A minor DP is not free. A minor DP still requires reports and assessments.

What will be the additional costs/burdens that these guidelines will place on marine shoreline residents?

**Response:**

- The costs associated with a development permit are paid for by the applicant.
- The costs associated with a development permit depend on the scope, scale, and location of the site where development activities are planned.
- For example, for single-family home developments near a watercourse, a minor development permit accompanied by an environmental assessment report is typically required.
  - Minor development permits cost \$547.
  - Assessment reports for single family homes can range from \$1500 - \$3000 depending on the complexity of the property.
- The additional information required through environmental reports helps ensure the application aligns with relevant regulations.

## 28. Theme: simplified development permit process

**Questions/comments:**

Please explain a simplified environmentally development permit process and what is different from an existing development permit.

**Response:**

- The ESA Management Strategy update recommends a tiered approach when reviewing developments in the proposed Environmental Development Permit Area. This would involve reviewing each site to determine the level of review and permits required, depending on the scope, scale and location of development. Staff are still reviewing all options for how this should be implemented.

- For single-family home re-development adjacent to ESAs, development projects may require a minor development permit as well as a building permit.

## 29. Theme: difference between DP and minor DP

### Questions/comments:

What specific criteria is there for a DP vs a minor DP?

### Response:

- Minor development permits are typically required for single-family home redevelopment. These are approved by the General Manager of Community Development and a staff committee.
- A regular development permit is used to process larger projects (e.g. multifamily, industrial, commercial) and must be approved by City Council.

## 30. Theme: fencing requirements

### Questions/comments:

Once you apply for a DP, will you be required to fence off the ESA zone?

The current Port Moody policy is to fence residents out of ESA zones. Will residents continue to be excluded from interacting with nature?

### Response:

- Like all development guidelines, the requirement for fencing is one option that is determined on a case by case basis. For example, we would not require a fence along the shoreline for single family homes in most cases.
- Fencing will likely be required next to a watercourse to ensure compliance with senior regulation.

### 31. Theme: renovations, repairs, and landscaping

#### Questions/comments:

Is a DP required before renos can be made to an existing home in your new proposed Marine ESA?

Are any of these proposals limiting our ability to maintain what we have in the future?

At what scale will this have an impact on day to day permitting? If we want to plant a tree in our backyards, will we need a permit to plant a tree if it falls in that zone?

#### Response:

- Development permits are not required for interior renovations to an existing home.
- Development permits are not required for maintaining or repairing an existing structure.
- Development permits are not required for landscaping in an existing area or for ecological restoration.
- A development permit may be required prior to any renovations that require a demolition or building permit.

### 32. Theme: single-family properties

#### Questions/comments:

We've been told that this is about multi-family properties, but the buffer zone consists of Single-Family Properties. So why does this require a DP for existing properties within the buffer zone?

#### Response:

- Single-family properties can cause incremental environmental impacts where development and natural areas meet, and should not be ignored. Re-development of single-family properties may provide opportunities for better protection or enhancement of natural areas.
- Larger, multi-family properties or developments typically provide more opportunities and would require more assessment, and more protection and restoration measures.

### 33. Theme: industrial properties

#### Questions/comments:

What is being imposed on the industrial properties? Is the same thing being imposed on them?

#### Response:

- Any property within City jurisdiction and within the current (and proposed) development permit area is reviewed when an application is submitted for City development approval. The scale, scope and location of the proposed development would be considered in all cases.
- Industrial properties proposed for re-development provide more opportunities and require more assessment, and more protection and restoration measures.

### 34. Theme: new construction

#### Questions/comments:

Who is behind this initiative to make Port Moody the most difficult community to work with on proposed new construction?

#### Response:

- The development permit process is not intended to make construction difficult. The process provides an opportunity to identify specific measures that may be required to address special conditions or meet established objectives when development activity is proposed.
- An environmental DPA is a flexible tool that allows the City to evaluate specific conditions and activities, and work with property owners to reduce the impact of development on our natural areas and restore habitat where possible.



### 35. Theme: building within an ESA

#### Questions/comments:

Would the Mossom Creek hatchery be an example of a building re-built in an ESA and the city permitted that building? The footprint of the new was larger than old.

#### Response:

- Yes. Other examples include the communities of Klahanie, Suter Brook Village, and the George.
- Development permit areas are a flexible tool that allows the City to evaluate specific conditions and activities, and work with property owners to ensure development needs are balanced with environmental protection.

### 36. Theme: jurisdiction in riparian areas

#### Questions/comments:

How does the proposed ESA strategy work in conjunction with current BC legislation such as Riparian Area Regulations? Overlap? Is it more stringent? If yes why?

In fact Riparian setbacks in other municipalities range, and can be as little as 10m, "top of bank" is rarely used now, and high water mark is more accurate.

Will the City adopt provincial guidelines to measure waterway easements from the actual waterway instead of the current city guidelines measured from the banks?

#### Response:

- Please note, the proposed update does not propose any changes to the setbacks that are already in the Zoning Bylaw.
- The Province directs local governments to protect fish and fish habitat from development by meeting or exceeding minimum requirements under the Riparian Areas Protection Regulations.

- The City has had Zoning Bylaw setbacks in place since 1988. The City's setbacks have always strived to exceed minimum requirements for a number of reasons, for example:
  - The riparian and fish habitat in Port Moody's riparian areas are regionally significant.
  - The City has recognized the importance of riparian areas not only for fish but also for flood and steep slope protection.
  - The community recognizes the high value of riparian habitat.
  - All levels of government, First Nations, and the community have invested significant resources into supporting riparian and fish habitat (e.g. Port Moody has two salmon hatcheries that are supported by federal funding).
- The provincial minimum requirements for any stream must be determined by a Qualified Environmental Professional (QEP) who has received training in the Riparian Areas Protection Regulations methodology. The minimum setback is determined by a number of factors including the channel width and where the active floodplain ends. When a minimum setback is recommended by a QEP, additional measures are required such as geotechnical setbacks, tree protection, or restoration.
- The City's setbacks are designed to ensure that the minimum setbacks are met, and additional measures are incorporated so that these areas remain intact to protect the services they provide to the community (e.g. storm water manager, flood protection, etc.). They are designed to ensure long-term protection of local watersheds, which provide habitat for native species and act as a natural drainage system for storm water.
- There are many examples of cases where minimum setbacks measured from the high water mark (instead of top of bank) have been proven to provide inadequate protection for watercourses and the services they provide.

### 37. Theme: jurisdiction over marine shoreline

#### Questions/comments:

Why is the addition of the marine shoreline as part of the Development Permit Area necessary, given existing guidelines?

What changed along the marine shoreline? Was it a provincial regulation?

In what level of government did the law change? Which law changed and where did it change?

What gives the city the ability to step into federal jurisdiction?

Why are the answers given relative to Port of Vancouver jurisdiction rather than addressing PM Authority areas down to the high water mark?

Why are we talking about stuff in the water, below the high water mark?

Why is Alderside Road included in the mapping when the federal regulations on the foreshore apply to us?

Who has jurisdiction to claim what environments we're monitoring, whether or not they're natural, and if so what happens to those environments?

**Response:**

- No law or regulation has changed, but a gap would be filled with the proposed marine assessment area.
- Any development above the high water mark could have a negative impact on the environment. The City is committed to protecting the environment, and the marine assessment area would help us do that.
- Typically, areas above the high water mark are under City jurisdiction and areas below the high water mark are under provincial/federal jurisdiction. In Port Moody, the Port has jurisdiction below the high water mark but, in some cases, their boundary extends further upland than the high water mark. The City does not always have authority down to the high water mark. This distinction between local and senior government jurisdiction is a complex legal area.
- The environmental development permit process is about working with property owners to gather more information about the site (landscape and environment), identify where approvals or notifications may be required (federal, provincial, local), and modify development plans if necessary to protect our natural areas.
- Historically, senior government agencies reviewed marine shoreline development projects along Burrard Inlet as part of a referral process. In 2014, these processes were discontinued. Because of this change, policy was added to our Official Community Plan in 2014 that directed the City to look at how land use decisions can better protect and enhance the intertidal foreshore and marine environment of Burrard Inlet. Including the marine shoreline into the existing development permit area has been proposed as one option to achieve this policy goal.
- Any development activities within the Port's jurisdiction would be referred to the Port.
- Federal legislation governs our shared marine resource and does apply to the foreshore (below high water mark), but activities happening upland of the high water mark can also impact fish and fish habitat. The City regulates development, and has jurisdiction in ensuring such impacts from upland activities are avoided when approving new development.

### 38. Theme: multi-jurisdictional areas

#### Questions/comments:

If part of the property that you want to develop is occurring within the Port's boundary and also the City's boundary who would we deal with? I want clarification on jurisdiction, where is the line?

Do we deal with two parties if we want to develop?

#### Response:

- For some residential properties on the marine shoreline, portions of yard or even some structures actually fall within the Port's jurisdiction, while other properties are entirely within the City's jurisdiction.
- If your development proposal crosses into both jurisdictions, you will need to work with both the City and the Port – this is already true under the current process for marine properties.
- Jurisdiction lines are very complicated in parts of the north shore. Staff are available to discuss individual sites in more detail. Email [esa@portmoody.ca](mailto:esa@portmoody.ca) to set up an appointment.

### 39. Theme: Port-owned lands

#### Questions/comments:

Is land owned by the Port Authority covered by this policy?

The foreshore is not the City's jurisdiction, it's the Port's. Is the City telling the Port what to do at PCT, CPR railway and Reed Point?

#### Response:

- Any development activity in Port Lease areas or below the high water mark would be exempt from the process and referred to the Port.
- PCT and Reed Point Marina are within the Port's jurisdiction. Development activity on these types of properties would be reviewed by the Port, who would refer to the City for input.



- The City seeks to work with senior governments and related bodies like the Port to find solutions to issues that will reflect our shared interests.

#### 40. Theme: senior levels of government

##### Questions/comments:

Do senior levels of government have the ability to override the City's ESA's guidelines? Would this include Metro Vancouver designated lands or buildings?

##### Response:

- Municipal governments regulate land development and senior levels of government would not override municipal guidelines, but their input informs guidelines.
- The City works closely with senior government to ensure our standards align and that we are not duplicating any existing processes.

#### 41. Theme: public engagement process

##### Questions/comments:

How is the City going to ensure the community members are REALLY informed of these changes and the impacts to them?

Only 35 people on the call? How is the city going to ensure the community members are REALLY informed of these changes and the impacts to them?

Has the City notified ALL affected homeowners about the ESA?

Can the City PLEASE ensure there is adequate engagement of the members NOT just us few who are aware of this and the impact?

There isn't enough transparency, to the extent that those people (who haven't received letters) would have to dig deep to find out about this very consequential change.

Alderside residents were notified with a letter. Why haven't the other residents of Port Moody been addressed in this way as well?

Does the City not have a responsibility to the affected residents which is over 1000 properties?

This impacts far more than waterfront properties - it applies to people near unknown ditches, riparian areas, wetlands, etc. How are you notifying those people, who fall within a “buffer zone” but are not waterfront, of these new guidelines?

Again over a 1000 properties are impacted, it’s a dereliction of duty by the city NOT to inform residents directly that their properties are about to be neutered.

Letters to individual homes of people impacted by the Marine DP is insulting to those people and to all others who didn't receive a letter.

Proposed changes have a significant impact on residents post 2014 designations.

**Response:**

- Initially, in 2020, our public engagement was focused on First Nations, active developers, and owners of property along the marine shoreline.
- When looking at properties within Port Moody, we believed those along the marine shoreline would be most affected by the proposed changes, so we sent notification letters to owners in this area.
- We have since realized that many more people are interested in the proposed ESA Management Strategy update – not just property owners in other areas of the city who may be affected by the proposed changes, but also owners whose property has been within or near an ESA since 2010. (The current development permit area was designated in the 2010 Official Community Plan. No additional designation was done when the Official Community Plan was updated in 2014.)
- We heard from a number of residents who were not aware of our existing environmental development permit requirements and wanted more information.
- This new awareness led us to broaden our public engagement in January 2021, when we launched a comprehensive project page on Engage Port Moody, our new public engagement hub.
- The project page included information about ESAs, development permits, and the proposed ESA Management Strategy update, as well as a feedback form and registration details for an online general information session (January 28, 2021) and a marine shoreline workshop (February 4, 2021).
- We wanted to make sure all property owners had a chance to learn about the proposed update and share their thoughts with us, so we notified the community as a whole about the engagement opportunities through a variety of communication channels, including social

media, the City's website (featured on the home page), emails to community associations, e-notifications to our website news subscribers, e-notifications to Engage Port Moody subscribers, and a news release issued to local media.

- Now that the latest phase of engagement has concluded, staff will present a public engagement summary and options for next steps at a Regular Meeting of Council in spring 2021.

## 42. Theme: information session/workshop

### Questions/comments:

Is this webinar available to watch later for residents that were never notified?

Is this session being recorded for factual source of information?

### Response:

- No, the workshop was not recorded because this may have been a barrier to participation for some people. Our goal was to create a welcoming, inclusive environment where people could participate fully and speak freely. If we had planned to record the workshop, some interested residents may have decided against participating, or some participants may not have felt comfortable asking questions or offering comments.
- The information that was provided during the workshop – the presentations, a summary of what we heard at each session, and these Q&As – is available at [engage.portmoody.ca](https://engage.portmoody.ca).

