



Report to Council From the Office of Councillor Steve Milani

Date: June 10, 2021
Subject: Culvert Report

Purpose

To seek Council's support to find a solution so that existing residential properties with unmapped non-fish bearing watercourses are not effectively sterilized from substantial redevelopment.

Recommendations

THAT staff be directed to report back on using culverts to enable redevelopment of existing residential properties that contain non-fish bearing unmapped watercourses as recommended in the report dated June 10, 2021 from the Office of Councillor Steve Milani regarding Culvert Report;

AND THAT any future mapping of non-fish bearing Environmentally Sensitive Area watercourses exclude private residential properties.

Background

The current ESA update has made Council and the public aware that existing residential properties containing "unmapped watercourses" may no longer be eligible for substantial redevelopment.

Discussion

The newfound knowledge that some existing residential properties containing "unmapped watercourses" are no longer eligible to be redeveloped to the same level as their waterless counterparts, has brought about frustration and real or potential financial hardship to many Port Moody property owners.

The purchase of property is the largest investment most people will make in their lifetime. Many Port Moody residents rely on the value of their homestead as a way to finance their retirement. This must be taken into consideration when making decisions that could negatively affect the worth of these properties, especially when the sought-after changes would have no real benefit to the environment.

These “unmapped watercourses” are being treated as ESAs when they do not meet the City’s own definition as such.

The following excerpt was taken from the City’s website:

Environmentally sensitive areas (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.

Important definitions from Zoning Bylaw 2937:

“Daylighted Stream” means a previously culverted and/or buried watercourse channel that is opened up and restored as a part of a functioning Stream above ground.

“Ditch” means a watercourse that is a constructed drainage channel, carrying water that does not originate from a headwater or significant source of groundwater.

Fish Protection Act - Riparian Areas Regulation (B.C. Reg. 376/2004 O.C. 837/2004)

(https://www.bclaws.gov.bc.ca/civix/document/id/loo96/loo96/376_2004)

Definition: "stream" includes any of the following that provides fish habitat:

- (a) a watercourse, whether it usually contains water or not;
- (b) a pond, lake, river, creek or brook;
- (c) a ditch, spring or wetland that is connected by surface flow to something referred to in paragraph (a) or (b);

The Riparian Areas Regulation’s purpose according to section 2 (a) is as follows, “to establish directives to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.”

The problem is that these “unmapped watercourses” or ditches as they are commonly known, are not “natural areas”. They were created by people to carry water runoff through the property in a more cost-efficient way than culverting. Since they are not “natural areas”, they should not be considered ESA’s (Environmentally Sensitive Areas). These unmapped watercourses are not fish-bearing creeks which is most likely why they were not mapped in the first place. They are merely ditches running through small residential properties with no environmental value. By definition of the Province of BC, a stream provides a fish habitat. Most ditches clearly do not.

How is this affecting Port Moody property owners?

Currently, if there is an unmapped watercourse on a residential property, the house may be repaired but not replaced. In the case of a standard 66-foot x 132-foot city lot that meets the dimensional requirements for a subdivision for example, if an unmapped watercourse is

identified on the property, the subdivision is not permitted. An email received from City staff in regard to an affected residential lot states, “A rezoning and subdivision application was received in 2019 for this property. Due to the unmapped watercourse on the property the applications did not move forward.” In this particular case, the watercourse is a ditch running next to the existing house. The ditch ends at both the front and rear of the property where it then proceeds to go underground by way of a culvert. In this situation, the existence of the unmapped watercourse (ditch) on the land prevented the owner from subdividing the lot which would have allowed for a gentle increase in density to the neighbourhood, something that is both desired and needed in this area. The City seemed to have no issue culverting any water collected by way of this particular ditch through its own property but will not allow it through private property which does not seem fair and just. Allowing culverting in this type of situation would be more equitable.

Financial Implications

Staff time would be required to prepare a report back to Council with recommendations.

Communications and Civic Engagement Initiatives

No communication and civic engagement initiatives are required.

Council Strategic Plan Objectives

The recommendations in this report align with the Council Strategic Plan under the headings of: Priorities: Community Evolution - Look for creative ways to enable diverse housing forms and heritage revitalization and Healthy City - Ensure that available housing meets the community’s diverse and emerging needs. It also aligns with the Council’s values of RESPECT: We treat everyone with fairness, courtesy, and dignity, COMPASSION: We believe in kindness, caring, and helping others, and RESILIENCE: We respond to challenges, adapt to change, and help others.