



City of Richmond

Report to Committee

To: Public Works and Transportation Committee
From: John Irving, P.Eng. MPA
Director, Engineering
Re: **Water Use Restriction Bylaw Amendment**

Date: March 10, 2016
File: 10-6650-01/2016-Vol
01

Staff Recommendation

1. That the Metro Vancouver Water Shortage Response Plan amendments, as outlined in the "Water Use Restriction Bylaw Amendment" report, dated March 10, 2016 from the Director, Engineering, be endorsed; and
2. That Water Use Restriction Bylaw No. 7784, Amendment Bylaw No. 9530 be introduced and given first, second and third readings.

for John Irving, P.Eng. MPA
Director, Engineering
(604-276-4140)

Att. 2

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Water Services Community Bylaws Parks	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: DW	APPROVED BY CAO

Staff Report

Origin

The Metro Vancouver Water Shortage Response Plan (WSRP) was prepared by Metro Vancouver and adopted by the City of Richmond in July 2011 as Water Use Restriction Bylaw No. 7784. The bylaw restricts water use during the summer months and in the event of a water shortage any time of the year. The WSRP is intended to manage discretionary uses of water while minimizing the impact on residents and avoiding unnecessary economic hardships on businesses.

In November 2015, the Greater Vancouver Water District (GVWD) Board approved a process to review and update the 2011 WSRP. The WSRP review and update process includes two phases. The first phase amends specific elements within the WSRP to address key implementation concerns raised by local governments, businesses and the public during the 2015 drought. The second phase includes a comprehensive technical review and stakeholder consultation program to produce an updated WSRP in time for the 2017 summer season.

This staff report presents the GVWD Board endorsed first phase amendments and the associated City of Richmond amendment bylaw (Attachment 1) to Council for endorsement.

Analysis

The first phase amendments of the WSRP review and update process (Attachment 2) were endorsed by the GVWD Board at its meeting on February 26, 2016 and are outlined as follows:

- (a) Revise the activation period for Stage 1 of the WSRP from June 1 – September 30 to May 15 – October 15;
- (b) At Stage 2, allow water to be used by commercial cleaning services for aesthetic cleaning; and
- (c) At Stage 3, allow previously issued local government exemption permits to water new lawns or for treatment to control the European Chafer Beetle to remain valid.

The Stage 2 amendment endorsed by the GVWD Board allows commercial cleaning businesses (including pressure washing and window cleaning) to use water for aesthetic cleaning, but does not allow private cleaning for aesthetic purposes. This change effectively allows residents to hire contractors to perform cleaning services for their homes, while prohibiting residents who cannot afford contractors from performing the work on their own. This causes the issue of financial disparity and presents unfair treatment to low-income residents.

In addition, enforcement would become more challenging as enforcement officers would be required to determine if the cleaning service was performed commercially or privately prior to issuing a ticket.

Staff have been in contact with Metro Vancouver regarding the possibility for the City to allow both commercial and private cleaning for aesthetic purposes. Although it is Metro Vancouver's

preference for the City's bylaw to correspond with the WSRP, Metro Vancouver is not able to issue fines or penalties to municipalities applying discretion. Staff recommend allowing water to be used for aesthetic cleaning by both commercial and private entities at Stage 2 of the WSRP.

The proposed Water Use Restriction Bylaw No. 7784, Amendment Bylaw No. 9530, implements changes to correspond with the revised WSRP (with the exception of allowing both commercial and private water use for aesthetic cleaning in Stage 2) and further defines the restricted use of ornamental fountains in Stage 2 to provide more clarity.

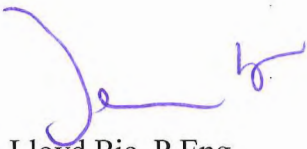
Financial Impact

None.

Conclusion

The WSRP has been an important and effective tool for managing water demand during times of shortages or emergencies. The proposed amendments to the WSRP further improve water demand management and promote water conservation while minimizing the impact on residents and avoiding unnecessary economic hardships on businesses

Staff recommend that the Metro Vancouver amendments to the WSRP (with the exception of allowing both commercial and private water use for aesthetic cleaning in Stage 2) be endorsed, and Water Use Restriction Bylaw No. 7784 be amended accordingly and to provide clarity by further defining the restricted use of ornamental fountains in Stage 2.


For Lloyd Bie, P.Eng.
Manager, Engineering Planning
(4075)


Corrine Haer, EIT
Project Engineer
(4026)

LB:ch

Att. 1: Water Use Restrictions Bylaw No. 7784, Amendment Bylaw No. 9530

Att. 2: Metro Vancouver report to Utilities Committee titled "Consultation Results and Proposed Amendments to the Water Shortage Response Plan" dated February 2, 2016



City of Richmond

Bylaw 9530

Water Use Restrictions Bylaw No. 7784, Amendment Bylaw No. 9530

The Council of the City of Richmond enacts as follows:

1. The Water Use Restrictions Bylaw No. 7784, as amended, is further amended by:

(a) Deleting Section 1.1.4 in its entirety and substituting the following:

“1.1.4 If no **restriction stage** is in force on May 15th of any year, **Stage 1 Restrictions** come into force on that date without prior declaration of the **Commissioner** or announcement under section 1.1.2.”

(b) Deleting Section 2.2.1 (b) and 2.2.1 (c) in their entirety and substituting the following:

“(b) use a hose providing **water** to wash sidewalks, driveways, walls, roofs or other outdoor surfaces, unless the hose is equipped with an **automatic shut-off device** and the purpose of washing is:

- (i) to prepare a surface for painting, sealing, or similar treatment;
- (ii) to prevent or control fires;
- (iii) for health or safety of any **person**; or
- (iv) for **aesthetic cleaning**; or

(c) use **water** to fill, re-fill or operate ornamental fountains; or”

(c) Deleting Section 2.3.1 (d) in its entirety and substituting the following:

“(d) use **water** to fill or re-fill garden ponds, hot-tubs, or swimming pools.”

(c) Deleting Section 2.7 in its entirety and substituting the following:

“2.7 Exceptions to Water Use Restrictions – Stage 3

2.7.1 The **Stage 3 Restrictions** specified in subsection 2.3.1 do not apply to **watering**:

- (a) as permitted in clauses (b)(i) through (iv) and (c) of subsection 2.5.1;

- (b) flowers and vegetables at commercial gardens;
- (c) **water play parks** with user-activated switches;
- (d) the tee-off areas and putting greens of golf courses, provided that **water** is used only to the extent necessary to maintain the viability of the grass in those areas; and
- (e) as permitted in clause (a) of subsection 2.6.1.”

(d) Deleting Section 2.8 in its entirety and substituting the following:

“2.8 Time Limit for Water Use Restrictions

- 2.8.1 No **Restriction Stage** remains in force after October 15th of any year, unless the **Commissioner** makes a declaration under this section.
- 2.8.2 At any time before or after October 15th of any year, the **Commissioner** may, by letter to the **General Manager, Engineering & Public Works** declare that notwithstanding subsection 2.8.1, a **Restriction Stage** will remain in force or come into force after October 15th.”

(e) Deleting Section 3.1.1 in its entirety and substituting the following:

- “3.1.1 A **person** may, when **Stage 1 Restrictions** or **Stage 2 Restrictions** are in force, apply to the **General Manager, Engineering & Public Works** for a **permit** authorizing the **person** to **water** if:
 - (a) the **person** has installed a new lawn, either by placing sod or turf or by seeding, or new landscaping on a substantial part of the outdoor portion of the property; or
 - (b) the **person** is applying nematodes to a lawn to control the growth of European Chafer Beetle.

(f) Deleting sections 3.1.4 and 3.1.5 in their entirety and substituting the following:

- “3.1.4 Notwithstanding **Stage 1 Restrictions** or **Stage 2 Restrictions** or **Stage 3 Restrictions**, the holder of a valid **permit** is authorized to **water** in accordance with the terms and conditions of the **permit**.

- 3.1.5 A **permit** does not exempt the **permit** holder from **Stage 4 Restrictions**.”

(g) Adding the following definition in alphabetical order to Section 5.1:

- “**AESTHETIC CLEANING** means to clean for the purpose of making the impermeable surface more appealing.”

2. This Bylaw is cited as **“Water Use Restrictions Bylaw No. 7784, Amendment Bylaw No. 9530”**.

FIRST READING

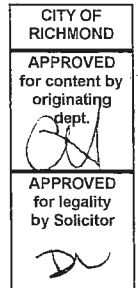
SECOND READING

THIRD READING

ADOPTED

MAYOR

CORPORATE OFFICER



To: Utilities Committee

From: Inder Singh, Director, Policy, Planning and Analysis, Water Services
 Lisa Moffatt, Program Manager, Public Involvement, Water Services

Date: February 2, 2016 Meeting Date: February 11, 2016

Subject: **Consultation Results and Proposed Amendments to the Water Shortage Response Plan**

RECOMMENDATION

That the GVWD Board:

- a) Receive for information the report titled "Consultation Results and Proposed Amendments to the Water Shortage Response Plan", dated February 2, 2016; and,
- b) Authorize amending the Water Shortage Response Plan as follows:
 - i) Amend Stage 2 to allow water to be used by commercial cleaning services for aesthetic cleaning; and,
 - ii) Amend Stage 3 to allow previously issued local government exemption permits to water new lawns or for treatment to control the European Chafer Beetle to remain valid.

PURPOSE

To provide the Board with an update on the Water Shortage Response Plan (Plan) review process, including consultation results and proposed amendments to the Plan.

BACKGROUND

In November 2015, the Board approved a process to review and update the 2011 Plan, and authorized amending the activation period for Stage 1 of the Plan from June 1 - September 30 to May 15 - October 15. The Plan review and update process includes two phases (Attachment 1). Phase 1 involves the amendment of specific elements within the Plan to address key implementation concerns raised by local governments, businesses, and the public during the summer of 2015. Phase 2 includes a comprehensive technical review and stakeholder consultation program to produce an updated Plan in time for the 2017 summer season.

This report provides a summary of the consultation undertaken through the fall of 2015, and outlines the proposed amendments in time for local governments to amend their bylaws ahead of the 2016 summer season.

PLAN REVIEW AND CONSULTATION RESULTS

Metro Vancouver undertook a consultation program starting in the fall of 2015 and continuing through to February 2016 to receive input from local governments, the private sector, and the public on impacts they experienced with the implementation of the Plan during the 2015 season and suggestions to improve the plan. Input from local governments included discussions with the Regional Engineers Advisory Committee (REAC) and the REAC Water Subcommittee.

Metro Vancouver also facilitated a workshop with 27 local government staff representing 13 local governments including the City of Abbotsford, and met with individuals representing 26 local

businesses, 5 business associations, and one local university. Meetings were also held with pressure washers and window cleaners, golf, turf farm, landscape and nursery, pool and hot tub, and irrigation industries. Metro Vancouver is currently compiling a detailed report with all the feedback received regarding the Plan implementation.

A brief summary of the issues raised during the consultation meetings is provided below.

- **Disruption of Local Government Operations and Business Activities**

Local government staff and private sector participants reported that the public's scrutiny and monitoring of their activities when using water for activities permitted under the Plan resulted in disruptions to their businesses. At times, local government staff refrained from using water for routine and necessary operations, such as watering medians, sports fields, and trees. Some private sector participants were concerned about negative public perception of their services because of the framing of some campaign and media messages. Several participants even reported being harassed and physically threatened by people who believed they were operating illegally.

- **Financial Hardship**

Although the magnitude of the impacts varied across industries, all business sectors reported enduring some level of financial hardship, including revenue losses and staff layoffs. All private sector participants consulted were seeking the rationale used for restricting various water uses. Particularly, pressure washing and window cleaning participants felt they were unfairly targeted without justification and recognition of how the restrictions and negative publicity significantly affected their ability to conduct business and earn a living.

- **European Chafer Beetle Infestation**

All stakeholders consulted perceived that European Chafer Beetle problems were exacerbated this past fall because of missing the window to apply nematode treatment when the region moved to Stage 3 restrictions at the end of July 2015.

- **Monitoring and Enforcement Challenges**

A significant number of people called Metro Vancouver and local governments to report water use violations and wanted to know what could be done to better enforce the restrictions. Local government staff noted that inconsistency in monitoring and enforcing the restrictions resulted in confusion for residents and businesses, which hindered compliance with the regulations.

- **Plan Activation/Deactivation**

Concerns were raised regarding the short lead time provided by Metro Vancouver when declaring the activation of a new stage of the Plan, which challenged local government implementation and some business operations. Local governments normally require prior notification of 48 to 72 hours in order for the change to be communicated and implemented effectively. Businesses also reported that early communication regarding stage changes would have helped industry to better prepare their customers for potential changes to their business operations and practices.

Local government participants suggested revising plan wording to better define certain terms, including the rationale behind decision making for triggering each stage; explain the purpose and objectives of each stage; and support consistency of monitoring and enforcement across all local governments.

Local government and private participants asked that Metro Vancouver increase and broaden efforts related to promoting and educating residents and businesses about water conservation.

Private sector participants stressed the importance of working with Metro Vancouver as it updates the Plan to find solutions that achieve plan goals while allowing businesses to continue to operate. Some sectors also advocated to work with Metro Vancouver on developing communication and education materials about water efficient lawn and landscaping installation and maintenance.

Many residents and businesses also suggested there would be no need to be so restrictive if Metro Vancouver accessed and increased the supply of water available.

PROPOSED AMENDMENTS TO THE PLAN

Based on the review and consultation results, which are summarized above, two further amendments to the existing Plan in addition to the extension of the Stage 1 activation period authorized by the Board in November 2015, are proposed ahead of summer 2016:

- Amend Stage 2 to allow water to be used by commercial cleaning services for aesthetic cleaning; and
- Amend Stage 3 to allow previously issued local government exemption permits to water new lawns or for treatment to control the European Chafer Beetle to remain valid.

A minimum number of amendments have been proposed, given a more extensive rewriting of the Plan is proposed for later this year, following further technical review and consultation.

Rationale for Proposed Amendments

Reducing restrictions on businesses providing aesthetic cleaning services in Stage 2 will reduce undue financial hardship and disruption to their activity. In the current Plan impacts to most businesses in Stage 2 are partial, except for pressure washing and window cleaning businesses. These businesses are prohibited from using water for any aesthetic cleaning, which constitutes the majority of their business. Additionally, Stage 2 of the Plan allows certain aesthetic water uses such as washing cars and boats, which is similar to the services provided by pressure washing and window cleaning businesses. Allowing water to be used by commercial cleaning services for aesthetic cleaning in Stage 2 is consistent and equitable with other businesses allowed to operate at this stage.

Allowing sprinkling exemption permits issued in Stage 2 to continue being valid in Stage 3 until the permit expires, will prevent the public's loss of investment in new turf or nematode treatment for the purpose of reducing the spread of the European Chafer Beetle infestation. Metro Vancouver and local governments can constrain water used as a result of these permits by controlling permit parameters such as the permit duration, expiry, and allowable sprinkling times.

Amended Water Shortage Response Plan

Subject to approval of the proposed Plan amendments by the Board, the approved amendments will be incorporated into a revised Water Shortage Response Plan dated February 2016. Local governments will be asked to make corresponding changes to their bylaws by May 15, 2016. In advance of summer 2016, Metro Vancouver will work with the local governments to develop a Support Guide to clarify the details of the Plan and assist local governments with effective communication and enforcement of the Plan.

ALTERNATIVES

1. That the GVWD Board:
 - a) Receive for information the report titled “Consultation Results and Proposed Amendments to the Water Shortage Response Plan”, dated February 2, 2016; and,
 - b) Authorize amending the Water Shortage Response Plan as follows:
 - i) Amend Stage 2 to allow water to be used by commercial cleaning services for aesthetic cleaning; and,
 - ii) Amend Stage 3 to allow previously issued local government exemption permits to water new lawns or for treatment to control the European Chafer Beetle to remain valid.
2. That the Utilities Committee receive this report for information and provide alternative direction to staff.

FINANCIAL IMPLICATIONS

The budget and staff resources to support the Plan review and adoption process are included in the 2016 GVWD budget.

SUMMARY / CONCLUSION

In November 2015, the Board authorized amending the activation period for Stage 1 of the Plan from June 1 - September 30 to May 15 - October 15 and approved a process to review and update the Plan. This report summarizes results of the Phase 1 review, and proposes two further amendments to the Plan; to amend Stage 2 to allow water to be used by commercial cleaning services for aesthetic cleaning, and to allow previously issued lawn sprinkling exemption permits to remain valid if the Plan moves to Stage 3.

Subject to approval of the proposed Plan amendments by the Board, local governments will be requested to make the corresponding changes to their bylaws by May 15, 2016.

Attachment:

1. Water Shortage Response Plan Review Process – Work Plan

17153904

Water Shortage Response Plan Review Process – Work Plan

	PLANNING Fall 2015	CONSULTATION Fall 2015	AMEND EXISTING PLAN Winter 2015/2016	DRAFT NEW PLAN Spring/Fall 2016	IMPLEMENT NEW PLAN Winter 2016/Spring 2017
KEY ACTIVITIES	<ul style="list-style-type: none"> Develop WSRP Update strategy Compile stakeholder list 	<ul style="list-style-type: none"> Municipal and staff workshops Private sector focus groups Online public feedback form 	<ul style="list-style-type: none"> Present 2016 WSRP amendments to Board for approval 	<ul style="list-style-type: none"> Technical review Prepare draft WSRP and model bylaw Ongoing municipal and private sector input Present new WSRP to Board for approval 	<ul style="list-style-type: none"> Develop communication strategy and materials for new WSRP Municipal adoption and implementation of new WSRP
DELIVERABLES	<ul style="list-style-type: none"> Present WSRP Update strategy and revised Stage 1 activation period to Board for endorsement 	<ul style="list-style-type: none"> Consultation report Draft 2016 WSRP amendments Draft 2016 WSRP Support Guide 	<ul style="list-style-type: none"> 2016 WSRP 2016 WSRP Support Guide 	<ul style="list-style-type: none"> New WSRP Draft model bylaw 	<ul style="list-style-type: none"> Communication materials