

**MEMORANDUM**

Date: May 16, 2024

File: 0120-06

To: Council

From: Councillor Thompson and Councillor Snider

Re: Notice of Motion Regarding Pasco Road Foreshore Rezoning

Notice of the following motion regarding “Pasco Road Foreshore Rezoning” will be given at the May 27, 2024 regular Council meeting. At the June 24, 2024 regular Council meeting, after the proposed motion is moved and seconded, discussion on the proposed motion may be held.

Take notice that at the June 24, 2024 regular Council meeting, Councillor Thompson with Councillor Snider as seconder, will move:

WHEREAS residents of Pasco Road have expressed concern regarding emergency access due to the conditions of the road and limitations to provide improved access where the road crosses property owned by CN Rail and the Ministry of Transportation and Infrastructure;

AND WHEREAS the residents of Pasco Road are seeking alternate access options such as the use of the foreshore to install structures adjacent to their properties to allow access to the ocean;

AND WHEREAS the Province has jurisdiction over the foreshore and administers a Head Lease to the District to manage the use of the foreshore;

AND WHEREAS the Zoning Bylaw regulates the use of the foreshore and restricts new private encroachments except where required for practical access.

THEREFORE BE IT RESOLVED THAT:

- 1) staff be directed to bring forward an amendment to the Zoning Bylaw for the M1 zone over the foreshore by allowing an exclusion clause for access encroachments for Pasco Road properties;
- 2) staff be directed to engage with the Province on the bylaw amendment to align with the Head Lease and the Province’s approval requirements for new access encroachments;
- 3) staff be directed to bring forward an amendment to the Official Community Plan to reflect the change in current policy that restricts private encroachments on the foreshore; and
- 4) staff be directed to define the appropriate access structures that minimize the environmental impacts to the foreshore.



MOVER: Councillor Thompson



SECONDER: Councillor Snider

Information Supporting the Notice of Motion

Pasco Road is a privately-owned road adjacent to the highway and goes over land owned by CN Rail and the Ministry of Transportation and Infrastructure. Residents on this road have expressed concern regarding emergency access given the condition of the road. All properties on Pasco Road are adjacent to the ocean with access to the public foreshore. The public land which comprises the foreshore is owned by the Province and leased to the District under a Head Lease. In addition to the use and occupancy rights granted to the District by the Head Lease, the District retains its usual regulatory rights to create land use bylaws which govern the area of the foreshore and determine when an encroachment structure may be permitted. The M1 Marine Zone was established in the District's Zoning Bylaw to manage the majority of the foreshore adjacent to residential properties. The conditions of use of the foreshore under the M1 Zoning dictates when an encroachment can be placed on the foreshore. This Notice of Motion directs staff to revise the M1 Zoning over the foreshore to allow encroachment structures on the foreshore adjacent to Pasco Road to improve access to the residential properties.

Financial Implications

Financial implications include legal costs associated with the development of the bylaw amendments and discussions with the Province regarding the Head Lease. The motion can be addressed using existing staff resources. The proposed amendments, if approved, may result in additional permit applications and foreshore licenses to be processed by the Planning & Development Services and Facilities departments.