

Proposed Amendments to the M1 Marine Zone Adjacent to Pasco Road and Official Community Plan Foreshore Areas Policy

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Presentation Outline

1. Background and Council Direction

- Foreshore Management
- Pasco Road Resident Concerns

2. Bylaw and Policy Amendments

- Zoning Bylaw
- Official Community Plan

3. Provincial Feedback

- Head Lease Compliance
- Foreshore Structure Requirements

4. Recommendations

1 Background and Council Direction

Foreshore Management

- Headlease allows District to occupy and manage the Provincially-owned foreshore.
- Provides the District with the authority to:
 - 1) maintain and improve the shoreline within the public foreshore
 - 2) control private improvements (structures) on the foreshore
 - 3) grant and administer licenses
 - 4) use and improve the foreshore for “Community Purposes”
- Use of foreshore is regulated through the Zoning Bylaw in alignment with the Head Lease.
 - Outlines “permitted uses” and “conditions of use” on the foreshore.
- Any approved uses of the foreshore by a private property resident require a temporary licence under the Head Lease.

Pasco Road

- Road is steep and narrow, allowing for only one vehicle at a time.
- Resident concerns - road access may become inadequate at times or during an emergency/evacuation event.
- Limitations to improve access because road crosses property owned by CN Rail and Ministry of Transportation and Infrastructure.
- Foreshore adjacent to Pasco Road properties is considered unusable by the public for “community purposes”.

FORESHORE REZONING FOR PASCO ROAD



Council Direction

THAT staff be directed to:

- (1) 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) 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) 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) define the appropriate access structures that minimize the environmental impacts to the foreshore.

2 Bylaw and Policy Amendments

FORESHORE REZONING FOR PASCO ROAD

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Zoning Bylaw – M1 Marine Zone Amendment

450 – MARINE ZONES

451 - M1 - Marine Zone 1

AMENDING BYLAW	SECTION	REGULATION
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	451.01	Permitted Uses
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- (a) anchored floats for swimming
- (b) mooring of boats to anchored buoys
- (c) private floats, wharves, piers and walkways

	451.02	Conditions of Use
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- (1) A private float or wharf shall not extend beyond a point where there is more than one foot depth of water at extreme low spring tides
- (2) No section of a private float or wharf shall exceed a width of 2.4 metres
- (3) No building or structure may be erected on any private float or wharf, other than:
 - (a) posts and wiring necessary for lighting fixtures; and
 - (b) posts, rails, and supports as may be necessary for safety
- (4) Private floats, wharves, piers and walkways are only permitted where necessary for practical access to property immediately abutting the foreshore lying within the District boundaries, but only within the boundaries of a water lease or licence of occupation issued by the District. Private floats and wharves shall be used for purposes of private access only and no commercial or industrial activity or use shall take place thereon

Amended
exception to (4)



With the exception of the privately-owned parcels along Pasco Road between the foreshore and the Sea-to-Sky Highway where such improvements may be placed regardless of other accessibility.

Official Community Plan - Policy Amendment

Policy 2.6.10

Protect the shoreline and its significant environmental and cultural features through:

a. seeking strategic land acquisition where appropriate;

b. **restricting private encroachment except where required for access; and**

c. regulating existing structures to minimize impact

Amended policy



b. Restricting private encroachments except where necessary for practical access and for parcels along Pasco Road between the foreshore and the Sea-to-Sky Highway; and

3 Provincial Feedback

Provincial Feedback

- Confirmed that proposed amendments would comply with District's obligations under Head Lease.
- The District will not need to notify the Province for every individual licence granted.
- The Province recommended that:
 - Any structures authorized should conform to good land use, align with the *Navigable Waters Protection Act*, and not obstruct public access;
 - Any structures should align with guidelines in the "Crown Land Operational Policy for Private Moorage" and associated best management practices and guidelines for "General Permissions" for docks.
 - Any structures take into consideration the Átl'ka7tsem/Howe Sound Biosphere Region Best Management Practices for marine docks.

Foreshore Encroachment Application Checklist

1. Building permit will be required.
2. Foreshore Development Permit will be required if structure is also located on adjacent private property.
3. List of documents for application submission include requirements outlined in Head Lease and recommendations from the Province.
4. Owner of structure will be required to obtain a licence under Head Lease, which requires the owner to indemnify the District and obtain commercial general liability insurance.

4 Recommendations

Recommendations

THAT:

1. Proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5361, 2024” be read a first time.
2. Proposed "Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5362, 2024" be read a first time.
3. Opportunities for consultation on the proposed Official Community Plan amendment, with persons, organizations, and authorities, as outlined in the report dated August 28, 2024, be endorsed as sufficient consultation for purposes of section 475 of the *Local Government Act*.
4. Proposed “Zoning Bylaw No. 4662, 2010, Amendment Bylaw No. 5361, 2024” and “Official Community Plan Bylaw No. 4985, 2018, Amendment Bylaw No. 5362, 2024” be presented at a public hearing scheduled for November 18, 2024 at 7:00 p.m. in the Municipal Hall Council Chamber and via electronic communication facilities (WebEx video conferencing software), and that notice be given of the scheduled public hearing.