

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

Public Hearing

November 18, 2024

Existing Foreshore Management

- Head Lease allows the 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 for structures.
 - 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 structures placed on the foreshore by a private property resident requires a temporary licence under the Head Lease.

Existing Marine Zoning and OCP Policy

450 – MARINE ZONES

451 - M1 - Marine Zone 1

AMENDING
BYLAW

SECTION

REGULATION

451.01

Permitted Uses

- (a) anchored floats for swimming
- (b) mooring of boats to anchored buoys
- (c) private floats, wharves, piers and walkways

451.02

Conditions of Use

- (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

OCP 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

Subject Road and Context

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



Council Direction

Through a Notice of Motion on June 24, 2024, Council directed staff to:

1. Bring forward an amendment to the Zoning Bylaw over the foreshore to allow access structures for Pasco Road properties.
2. Engage with the Province on the bylaw amendment to confirm it aligns with the Head Lease.
3. Bring forward an amendment to the Official Community Plan to reflect the change in the existing policy that restricts private structures on the foreshore.
4. Define the appropriate access structures that minimize the environmental impacts to the foreshore.

Proposed Marine Zoning and OCP Policy Amendments

M1 Zoning 451.02 (4) Conditions of Use:

(4) Private floats, wharves, piers, and walkways are only permitted where practical for access to property immediately abutting the foreshore lying within the District boundaries **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.**

OCP Policy 2.6.10 (b):

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;**

Provincial Consultation

- The Province confirmed that proposed amendments would comply with District's obligations under Head Lease.
- In addition to meeting conditions of the Head Lease, 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.

Process To Apply for Foreshore Structure

Staff would require the following to approve the placement of a structure on the public foreshore:

1. Building permit for structure.
2. Foreshore Development Permit if structure is also located on adjacent upland private property.
3. BP application submission to include requirements outlined in Head Lease and recommendations from the Province to be met.
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.

Staff Analysis

Subject to the Public Hearing, Council could consider the proposed Zoning and OCP amendments for the foreshore adjacent to Pasco Road given that:

- The amendments continue to align with the District's obligations under the Head Lease.
- Through a building permit, any new foreshore structures will need to meet requirements to ensure that impacts to the environment are minimized.
- The amendments received no concerns from the Province through consultation.

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