



BOARD REPORT

TO:

Chair and Directors

File No: 8650 03

SUBJECT:

Sicamous to Armstrong Rail Trail Project – Governance Committee Recommendations

DESCRIPTION:

Report from Ryan Nitchie, Team Leader, Community Services, dated March 18, 2019. Action items for CSR D Board to consider and approve relative to the Sicamous to Armstrong Rail Trail Initiative.

RECOMMENDATION #1:

THAT: the Board empower the authorized signatories to enter into a Memorandum of Understanding between the Columbia Shuswap Regional District, the Regional District of North Okanagan and Splatins setting out the general agreement of the three lead agencies to the Sicamous to Armstrong Rail Trail.

RECOMMENDATION #2

THAT: the Board approve the draft Terms of Reference for the Governance Advisory Committee for the Sicamous to Armstrong Rail Trail as amended and approved by the Governance Advisory Committee on March 15, 2019.

RECOMMENDATION #3

THAT: the Board approve the draft Terms of Reference for the Technical Operational Committee for the Sicamous to Armstrong Rail Trail as approved by the Governance Advisory Committee on March 15, 2019.

RECOMMENDATION #4

THAT: the Board approve the appointment of the Shuswap Trail Alliance on an interim basis to serve as Secretariat to the Governance Advisory Committee and Technical Operational Committee to support and facilitate the work of the Committees as approved by the Governance Advisory Committee on March 15, 2019.

RECOMMENDATION #5

THAT: the Board endorse activation of the Technical Operational Committee to commence activities as described in the Terms of Reference as approved by the Governance Advisory Committee on March 15, 2019.

RECOMMENDATION #6

THAT: the Board authorize and delegate to the Chief Administrative Officer the authority to execute land tenure agreements as approved by the Governance Advisory Committee on March 15, 2019 based on the following:

1. The Agreements are to be subject to approval of the Chief Administrative Officers of both the Columbia Shuswap Regional District and Regional District of North Okanagan;
2. The Agreements shall not exceed three years (other than statutory rights of way in favor of utilities, upland owner consents and assignments of existing agreements) and the rates payable, if applicable, shall be continued as per any existing agreements;
3. The Agreements shall be subject as well to approval of the relevant local jurisdiction where the lands that are the subject of the Agreement are located; and
4. The following Agreements may be approved under this authority:

- a) Statutory rights of way in favour of utility companies, where there are existing works and/or existing agreements in place that are being converted to a right of way;
- b) Upland owner consents;
- c) Assignment of any existing crossing agreements, licenses or recreational use agreements;
- d) Renewals of any existing crossing agreements, licenses or recreational use agreements; and
- e) Replacement of expired crossing agreements, licenses or recreational use agreements.

SHORT SUMMARY:

On March 15, 2019, the Sicamous to Armstrong Rail Trail Governance Advisory Committee conducted its inaugural meeting at the Splatsin Community Centre in Enderby. The Committee reviewed and discussed a series of recommendations stemming from a report from the Chief Administrative Officer (CAO) which was approved by the Board on August 16, 2018. The Governance Advisory Committee has not been delegated authority to approve recommendations, therefore, all recommendations must be ratified by the Board.

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| VOTING: | Unweighted Corporate | <input checked="" type="checkbox"/> | LGA Part 14 (Unweighted) | <input type="checkbox"/> | Weighted Corporate | <input type="checkbox"/> | Stakeholder (Weighted) | <input type="checkbox"/> |
|----------------|-------------------------|-------------------------------------|-----------------------------|--------------------------|-----------------------|--------------------------|---------------------------|--------------------------|

BACKGROUND:

The Sicamous to Armstrong Rail Trail Corridor was acquired jointly by the CSRD and RDNO in partnership with Splatsin in December 2017. The three parties agreed to enter into a Memorandum of Understanding to work collaboratively to develop, operate and maintain the rail trail as a non-motorized recreational trail and contiguous multi-modal transportation corridor.

Following two workshops, consensus was reached to establish a two-part inter-jurisdictional structure for governance and operations. Terms of Reference for a Governance Advisory Committee representing a politically accountable body for policy, planning and decision making and a Technical Operational Committee to organize, implement and manage corridor development were drafted and presented to the Governance Advisory Committee for consideration.

Both the Governance Advisory Committee and the Technical Operational Committee require administrative assistance to be provided by the Shuswap Trail Alliance who will act in a Secretariat role on an interim basis until a Project Manager can be hired subject to approval of grant funding from senior government. It is recommended that the Technical Operational Committee be activated immediately to manage current and future maintenance and planning.

Given the volume, complexity and condition of existing and non-existing land-use agreements throughout the 50km of the rail trail corridor, staff is requesting authority to execute short-term land tenure agreements with adjacent land owners, local and provincial governments, utilities and others. This authority will allow staff to provide timely responses to day-to-day requests from property owners, local governments, utilities and provincial agencies and provide short term legal assurance between the regional partners and those individuals and agencies as development of the rail trail corridor proceeds.

POLICY:

Once staff receives direction from the Board, there are several policies and bylaws that will need to be amended or replaced.

Policy A-47, Encumbrances on CSRD Owned Land, is 28 years old and does not permit private encumbrances on CSRD owned land. Policy A-47 could be amended with a “notwithstanding clause” to address all of the existing encumbrances as well as the potential for additional encumbrances on the Sicamous to Armstrong rail trail lands, while maintaining the overall position that the CSRD does not support encumbrances on CSRD owned land.

Policy P-11, Upland/Foreshore Use Policy P-11 is 33 years old, and uses outdated wording, including references to foreshore use, when it should correctly identify tenure over the area lying below the natural boundary of water bodies. Based on direction received from the governance committee on the use of the Sicamous to Armstrong rail trail lands and existing and potential additional encumbrances, the policy will need to be amended or replaced.

CSRD Lakes Zoning Bylaw No. 900 does not permit docks for properties that are not waterfront, and limits the use of lands adjacent to a Foreshore Park to uses that are related to a Park Use. It may be appropriate to consider the development of a site specific zone along the rail corridor. Consistency in the zoning within the CSRD, RDNO and the District of Sicamous would be preferable.

Rural Sicamous Land Use Bylaw No. 2000 and the Electoral Area E Official Community Plan that is in the process of being prepared will need to recognize Sicamous to Armstrong rail trail lands and create a site specific designation and zone for the rail trail, which may require unique definitions, etc.

FINANCIAL:

Funds allocated from operational revenues as well as budgeted requisitions will be used for administrative support provided by the Shuswap Trail Alliance in the Secretariat role.

KEY ISSUES/CONCEPTS:

The recommendations stem from a Closed (In-camera) report from the Chief Administrative Officer to the Board, dated August 16, 2018.

DESIRED OUTCOMES:

The Board will endorse the recommendations.

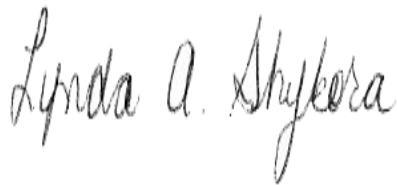
BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

Report Approval Details

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| Document Title: | Rail Trail Governance Committee Recommendations March 18 2019.docx |
| Attachments: | - Rail Trail Inter Jurisdictional Gov Committee Terms of Reference v2.docx - Rail Trail Technical Operational Committee Terms of Reference.docx |
| Final Approval Date: | Mar 19, 2019 |

This report and all of its attachments were approved and signed as outlined below:



Lynda Shykora - Mar 19, 2019 - 1:58 PM



Charles Hamilton - Mar 19, 2019 - 2:02 PM