



BOARD REPORT

TO: Chair and Directors

File No: Policy P-11

SUBJECT: Updated to Policy P-11 Upland/Foreshore Use

DESCRIPTION: Report from Gerald Christie, Manager Development Services, dated July 22, 2019.

RECOMMENDATION: THAT: the Board endorse the revised Policy P-11, Consistent Use of Upland/Adjacent Foreshore and Aquatic Crown Land, and approve its inclusion into the CSR D Policy Manual, this 15th day of August, 2019.

SHORT SUMMARY:

Policy P-11 Upland/Foreshore Use was originally adopted by the CSR D in 1985 to advise the province that their issuance of foreshore and water leases and licenses for development be compatible with CSR D land use regulations on the adjacent upland. With the establishment of the tripartite/CSR D ownership of the waterfront Sicamous-to-Armstrong Rail Trail, and that the existing policy is now over 30 years old, the policy requires an update.

VOTING: Unweighted Corporate LGA Part 14 (Unweighted) Weighted Corporate Stakeholder (Weighted)

BACKGROUND:

The CSR D has had long standing concerns with the province in their granting of foreshore and water tenures that may not be compatible with land use regulations adopted by the CSR D. The original Policy P-11 approved by the Board in September of 1985 was developed to provide guidance to CSR D staff when responding to referrals from the province with regard to applications for Crown tenure. The policy states that staff will provide the province with the uses permitted per CSR D bylaws for the lands under provincial application, and that in the case of an inconsistency between CSR D bylaws and the proposed use, that the province not approve the requested tenure.

The proposed updated Policy P-11, now titled Consistent Use of Upland/Adjacent Foreshore and Aquatic Crown Land, has modernised policy language and format, definitions section, and has provided additional clarity as to the purpose of the policy and how it will be utilized.

POLICY:

The proposed update to Policy P-11 does not change the overall intent or purpose of the original policy. However, the policy has been renamed and additional wording provided to give clarity to CSR D as well as provincial staff in its application.

FINANCIAL:

As the proposed policy only deals with referrals between the CSR D and the province in matters relating to Crown land tenure, there are no financial impacts anticipated with this policy update.

KEY ISSUES/CONCEPTS:

The CSRD has land use regulations in many areas which regulate permitted uses of land and water. In particular, the CSRD Lakes Zoning Bylaw No. 900 regulates uses permitted on the surface of many lakes in the Shuswap region, including Mara Lake along which the Sicamous-to-Armstrong Rail Trail is located; Rural Sicamous Land Use Bylaw No. 2000 also provides land use regulation on the upland parcels in this area. Further, the province regulates Crown land, including water, and may grant different forms of tenure for the use of those Crown lands. The province and CSRD bylaws allow waterfront property owners to use or apply to use Crown land for some uses and structures. Permission to use an adjacent Crown land foreshore or water area is suppose to have the consent of the upland waterfront property owner prior to the province granting tenure. As the province has historically not always gained consent from the upland owner, and given that the CSRD is now a waterfront property owner as an owner of the Sicamous-to-Armstrong Rail Trail, it is important that this Policy P-11 be very clear as to CSRD expectations, including that:

- The province refer to the CSRD for comment all foreshore and aquatic tenure applications;
- As a waterfront property owner, the CSRD must give consent prior to approval of adjacent foreshore and aquatic Crown tenures;
- Through provincial referral to the CSRD for foreshore and water tenure applications that the province be made aware of applicable CSRD bylaws and that the proposed uses of the surface of the water that may be granted by the province must be compatible with the uses permitted in CSRD bylaws;
- Where the proposed application for tenure is not compatible with CSRD land use bylaws that the province decline to issue the requested tenure.

IMPLEMENTATION:

If approved, the revised Policy P-11 will be provided to the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (MFLNRORD). CSRD staff will also refer to this policy as necessary when providing referral comments to the province in relation to upland, foreshore and aquatic crown land referrals.

COMMUNICATIONS:

If approved, the revised Policy P-11 will be included in the CSRD Policy Manual and on the CSRD website. The policy will also be provided to the MFLNRORD.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

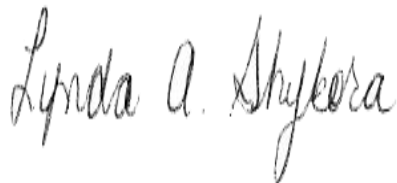
BOARD'S OPTIONS:

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

Report Approval Details

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| Document Title: | 2019-08-15_Board_DS_Policy_P-11_Upland_Foreshore_Use.docx |
| Attachments: | - P-11_Upland_Foreshore_(1985).pdf - P-11_Upland_Foreshore_Use_(2019).pdf |
| Final Approval Date: | Aug 7, 2019 |

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



Lynda Shykora - Aug 7, 2019 - 10:26 AM



Charles Hamilton - Aug 7, 2019 - 1:44 PM