



COUNCIL REPORT

Date: July 20, 2020

From: Lorna Dysart, Chief Administrative Officer and
Richard White, RWPAS Ltd., Planning Consultant

Subject: Official Community Plan Bylaw No. 435, 2011, Amendment
Bylaw No. 566, 2020 – Highway Encroachment Area

Recommendation

Pursuant to the Village issuing new Highway Encroachment Agreements consistent with the Vancouver Fraser Port Authority 2020 Recreational Docks Program:

That the Village of Belcarra Official Community Plan (OCP) Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020 be read a first and second time; and

That the Official Community Plan (OCP) Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020 be referred to Public Hearing on September 14, 2020; and

That Official Community Plan (OCP) Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020 be distributed to Metro Vancouver, the City of Port Moody, the Village of Anmore, and the Tsleil-Waututh Nation for review and comment pursuant to Section 475 of the *Local Government Act*.

Background and Purpose

At the Regular Council meeting of June 8, 2020, the following motion was passed:

“That the Chief Administrative Officer be directed to proceed with a review of Section 3.2 “Water Use Policies” of the Official Community Plan and the Bedwell Bay Sustainability Plan within the budget available from a grant from the Vancouver Fraser Port Authority.”

In years past, the Village, with the approval of the Vancouver Fraser Port Authority (Port), developed a process to grant Marine Avenue upland owners the use of a portion of the Marine Avenue right of way to secure their dock accessing Bedwell Bay which is located in the Port of Vancouver. This upland area is called the Highway Encroachment Area where access structures to the docks encroach on to Marine Avenue, which is owned and controlled by the Village. An agreement was required between the Village and Marine Avenue/Senkler Road owners before the Port would permit a dock to be built.

In 2007, the Village adopted the ‘Bedwell Bay Sustainability Plan’ to ensure that new docks and other types of water access were developed and maintained in an environmentally sensitive way. Wharf approvals by the Port were respectful of these policies, even though the authority and jurisdiction remain with the Port for managing Bedwell Bay, below the high water mark.

In 2008, the Port declared a moratorium on the issuance of new Recreational Dock licenses. Staff research shows that a few recreational wharf licenses in process in 2008 were concluded after the moratorium declaration.

When Official Community Plan Bylaw No. 435, 2011 was adopted, the “Bedwell Bay Sustainability Plan” was included as Schedule D regardless of the moratorium.

The Port lifted the moratorium, effective June 15, 2020, without a great deal of notice and outlined new Recreational Dock Guidelines and a new License program.

Discussion: Meshing the Village Process with the Port

As a consequence of the recent consultation by the Vancouver Fraser Port Authority and in recognition of the Village jurisdiction over Marine Avenue (extending north to District Lot 7637 more or less the northern-most waterfront property accessed by Senkler), the Port has deferred the acceptance of new dock applications in the areas covered by the 2007 Bedwell Bay Sustainability Plan until the Belcarra OCP is brought into compliance with the new regulations and processes.

An OCP amendment (Bylaw 566, 2020, Attachment 1), is proposed that will enable the Village to reinitiate the issuance of Highway Encroachment Agreements on Marine Avenue and adjacent Village land. To facilitate matching the new Port process to the OCP, Staff propose that the current elements of the 2011 OCP containing policies and references to areas in Bedwell Bay below the high water mark (where Village jurisdiction ends) be removed. A simplified OCP will enable the new Port Recreational Dock Guidelines to be applied in Bedwell Bay along with re-established Highway Encroachment Agreements and Group Wharfage agreements consistent with ownership and responsibility.

As the Village moves to incorporate the new Port licensing requirements, many previous practices will remain essentially the same: any residential property which borders directly on the water will deal exclusively with the Port for new dock applications. This includes Shared Docks outside the Highway Encroachment Area, i.e. if neighbouring properties choose to share a dock.

New Port application processes and fees are already in place. The Port sees the new procedure as a major improvement from a process and due diligence perspective.

The Village is experiencing considerable interest in the new Port Recreational Dock process and several applications are anticipated once the Village makes the necessary revisions to the Plan and updates administrative procedures. Shared Docks and Group Wharfage Societies will receive preferential consideration by the Port, in the processing queue when such applications are received.

Staff believe the new Port application and review process is very thorough and it will be applied throughout the Burrard Inlet with our neighbouring municipalities as well.

The Port provided the following outline of the new dock approval process for the information of Council and staff:

- 1. Group applicant(s) request permission from Belcarra to construct a shared Group Wharfage.**
- 2. Belcarra to advise the VFPA when approval is given to group applicant(s) for a Group Wharfage within the terms of its OCP.**
- 3. Group applicant(s) apply for a permit from the VFPA to construct Group Wharfage through the VFPA Permit and Environmental Review (PER) process.**
- 4. The VFPA PER team reviews and approves the permit application. If any amendments are required, the group applicant and Belcarra will be notified.**
- 5. Upon approval by the VFPA PER team, Belcarra enters into a license agreement with the VFPA Real Estate Department. Belcarra will be responsible to pay license fees to the VFPA as the licensee of the agreement.**
- 6. Group applicant(s) enter into a sublicense agreement with Belcarra and are responsible for payment to the Village.**

Potential Wharves

As many as 14 new wharf locations were identified in 2007 and a smaller number are shown as current potential wharf locations.

Staff believe that any new wharf licensing program should be developed in a way that all taxpayers do not subsidize the wharfage privileges of some residents.

Existing Wharves

Currently there are 13 Group Wharfages and 25 Single Docks (2 of which are Shared Docks) in the Highway Encroachment Area on Marine Avenue and Senkler Road.

Next Village Steps

Staff will report on a new system for managing Bedwell Bay Group Wharfages and Single / Shared Docks. A simplified administrative process may be possible for renewals given the increased oversight by the Port of environmental considerations.

Along with the proposed OCP amendments, Staff propose the following steps to enable the approval of Single /Shared Docks or Group Wharfages and the renewal of Highway Encroachment Agreements for existing wharves in the Highway Encroachment Area:

1. Staff will review Village policies and update procedures to reflect the new Vancouver Fraser Port Authority (Port) rules and regulations for Recreational Docks. This work will precede the overall review of the OCP given the recent lifting of the wharf moratorium by the Port.
2. Staff will provide a report to Council with regard to draft revisions to existing Village procedures and fees for processing Highway Encroachment Agreements (HEA) and Wharf applications and renewals with a view to recovering annual Village costs.
3. Further land survey work will be undertaken to determine the extent of legal jurisdiction of the Village on Marine Avenue.

Attachments

1. Village of Belcarra Official Community Plan (OCP) Bylaw No. 435, 2011 Amendment Bylaw No. 566 2020;