



**VILLAGE OF BELCARRA
PUBLIC HEARING AGENDA
VILLAGE HALL
Monday, September 14, 2020
6:00 PM**



This meeting is being held via Zoom Teleconference and will be recorded.

Meeting details as follows:

Click link to join meeting: <https://zoom.us/j/99565241537> Meeting ID: 995 6524 1537

COUNCIL

Mayor Neil Belenkie

Councillor Rob Begg

Councillor Carolina Clark

Councillor Bruce Drake

Councillor Liisa Wilder

1. CALL TO ORDER

Mayor Belenkie will call the hearing to order.

2. PUBLIC HEARING

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

2.1 Public Hearing Notice – appeared on September 3 and September 10, 2020 in the Tri-City News newspaper

2.2 Report July 20, 2020 to Council from the Chief Administrative Officer establishing the date for a Public Hearing regarding Village of Belcarra Official Community Plan (OCP) Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020

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

Mayor Belenkie will read aloud the procedure for the Public Hearing as follows:

*“This Public Hearing is being held pursuant to Section 464 of the Local Government Act to consider and receive submissions regarding the proposed **Village of Belcarra Official Community Plan (OCP) Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020.***

All persons present who believe that their interest in property is affected by the proposed bylaw will be given a reasonable opportunity to be heard, make representation, or to present a written submission respecting matters contained in the proposed bylaw. People who pre-registered and are on the Speakers List will speak first. Put your hand up on the Zoom Webinar to join the Speakers List during the Public Hearing. When called on, please state your full name and address for the record.

Members of Council may, if they wish, ask questions of you following your presentation. The function of Council members during the Public Hearing is to listen to the views of the

public. It is not the function of Council at this time to debate the merits of the proposed bylaw.

After the Public Hearing has concluded, Council may, without further notice, give whatever effect Council believes proper to the representations made.

Your only opportunity to comment on the proposed bylaw will be during the Public Hearing as members of Council are not permitted to receive further submissions after the Hearing is closed.

Everyone will be given a reasonable opportunity to be heard at this Hearing. No one will be discouraged or prevented from making their views heard.

Written submissions received during the Meeting will be available on the website, the day following the meeting, so that everyone may examine these documents.

To maintain order and to ensure everyone has a reasonable opportunity to be heard, the following rules of procedure have been established:

- a. A Speakers' List has been established. If you wish to address the Public Hearing, please ensure that you place your name on the Speakers List. You may add your name to the list at any time by using the "raise hand" function on the Zoom webinar. If you are speaking from prepared remarks, please send a copy by email to the Chief Administrative Officer, ldysart@belcarra.ca*
- b. Please commence your remarks by stating your name and address. If you are speaking on behalf of some other person or organization, please also identify the name of that person or organization you are representing.*
- c. Each speaker is requested to limit their remarks to no more than 5 minutes, (you will be timed), subject to putting up your hand to add your name to the Speakers List again.*
- d. Your comments must be specifically related to the subject of the Bylaw and be directed to the Mayor and you must not obstruct the Public Hearing. It is requested that all speakers be civil, respectful of others and ensure your comments address the specific issue being considered.*
- e. After everyone on the Speakers List has spoken once, speakers will be allowed one supplementary presentation if they have added their name to the list again. You may not present a submission you have already made.*

Please observe these rules and if you have any concerns with the manner in which the Public Hearing is conducted, please direct your comments to Mayor Belenkie".

Mayor Belenkie will call for Public Input three separate times.

Following public input:

Recommendation:

That all written and verbal submissions regarding Village of Belcarra Official Community Plan (OCP) Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020, up to and including September 14, 2020, be received.

3. ADJOURNMENT OR CLOSURE

Recommendation:

That the Public Hearing regarding Village of Belcarra Official Community Plan (OCP) Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020 be closed.

- Or if a second Public Hearing is required.

Recommendation:

That the Public Hearing regarding Village of Belcarra Official Community Plan (OCP) Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020 be adjourned to (specified date, time and location)

- **Members of Council are not permitted to receive further submissions once the Public Hearing is closed.**



**VILLAGE OF BELCARRA
NOTICE OF PUBLIC HEARING
Via Zoom
Monday, September 14, 2020
6:00 pm**

2.1



**NOTICE OF PUBLIC HEARING
Proposed:
Official Community Plan (OCP) Bylaw No. 435, 2011,
Amendment Bylaw No. 566, 2020**

NOTICE is hereby given that the Council of the Village of Belcarra will hold a Public Hearing via Zoom Webinar, on **Monday, September 14, 2020 at 6:00 pm** in accordance with the *Local Government Act*.

As a result of the Public Health Emergency and resulting restrictions on public gatherings, public attendance at the Village Hall for Public Hearings and Council meetings is not permitted at this time. However, persons who deem that their interest in the property is affected by the proposed changes to the Official Community Plan Amendment Bylaw shall be afforded an opportunity to be heard.

Bylaw: "Official Community Plan (OCP) Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020"

Purpose: To amend the Official Community Plan to bring the OCP into compliance for the acceptance of new dock applications in the Highway Encroachment Area on Marine Avenue & Senkler Road.

A copy of the proposed Bylaw, the associated report and written submissions may be inspected online at www.belcarra.ca, after Tuesday, September 8, 2020. Further details may be obtained from the Village of Belcarra by contacting 604-937-4100 or ldysart@belcarra.ca.

Should you have any comments or concerns regarding the bylaw amendment that you wish to convey to Council and you cannot attend the Zoom Public Hearing, please submit them in writing to Lorna Dysart, Chief Administrative Officer, Village of Belcarra no later than **4:00 pm, Monday, September 14, 2020**.

You may participate live through the Zoom Webinar, see details and instructions on the Village website at www.belcarra.ca. Be prepared to provide your full name and address. You will be permitted to present once and will be given up to 5 minutes to make your presentation.

You may forward your submissions by:

- Mailing or delivering to: Village Hall, 4084 Bedwell Bay Road, Belcarra BC, V3H 4P8
- Faxing to 604-939-5034
- Emailing the Village at ldysart@belcarra.ca with "Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020" typed in the subject line.

Please Note: Correspondence that is the subject of a Public Hearing, Public Meeting or other public procedures will be included, in its entirety, in the public information package and will form part of the public record. Council shall not receive further submissions from the public or interested persons concerning the amendment after the Public Hearing has concluded.

Lorna Dysart, Chief Administrative Officer
Date: September 3, 2020



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;



VILLAGE OF BELCARRA
Official Community Plan Bylaw No. 435, 2011
Amendment Bylaw No. 566, 2020



An amendment bylaw to the Plan for Recreational Wharfage in the Village of Belcarra.

WHEREAS the *Community Charter* enables a local government to amend its bylaws from time to time;

NOW THEREFORE the Village of Belcarra enacts as follows:

1. That this bylaw be cited for all purposes as the “Village of Belcarra Official Community Plan Bylaw No. 435, 2011, Amendment Bylaw No. 566, 2020”.
2. That the “Village of Belcarra Official Community Plan Bylaw No. 435, 2011” be amended:
 - a) By adding the following at the end of Section 1.2 The Official Community Plan (OCP) Update:

“In 2020, the Vancouver Fraser Port Authority (VFPA) began permitting Recreational Wharves after lifting a moratorium that was in place for a decade. Many of the elements of the Bedwell Bay Sustainability Plan, previously contained in the Village OCP, are the jurisdiction and purview of the VFPA and have now been removed from the OCP.”

- b) By deleting Section 3.2 WATER USE POLICIES and replacing it with the following Section 3.2 WATER SUSTAINABILITY POLICIES to the Official Community Plan as follows:

“3.2 WATER SUSTAINABILITY POLICIES

The Village of Belcarra is “Between Forest and Sea” and the sustainability of Burrard Inlet ecology in our Bays, and alluvial and inter-tidal areas is a fundamental planning concern of the Village. Jurisdiction for the ecology of areas below the high water mark along the Belcarra seashore is Federal and administered through the Vancouver Fraser Port Authority. Various areas of the harbour near Belcarra have been used for industrial purposes in past years. These uses were viewed as inappropriate prior to and ever since Village incorporation.

In 2007 and again with the adoption of the 2011 OCP, the Village adopted the ‘Bedwell Bay Sustainability Plan’ as part of the OCP to articulate the Village interest in repairing this portion of the Inner Harbour.

In 2020, when Section 3.2 was added to the OCP, the Village is generally satisfied with the environmental stewardship of the lands and waters under the jurisdiction of the VFPA near Belcarra and particularly in Bedwell Bay where the Village and the VFPA share jurisdiction along Marine Avenue.

In 2020, the Vancouver Fraser Port Authority lifted the longstanding moratorium on recreational wharfage and have added new regulations and processes to ensure that new wharves and those being repaired are located and built only after the

environmental and archaeological consequences of work in the Port are understood and potential impacts removed or minimized.

The Village has been successful, working with the VFPA, First Nations, Metro Vancouver and adjoining municipalities, in making the waters around Belcarra some of the most pleasant and serene in the Metro Vancouver area. New Port wharf opportunities in Bedwell Bay and in the Village will generally enable more residents of Belcarra to use the Inlet more actively while still preserving the improved environment along the Village shore.

This OCP has been adjusted, through a 2020 amendment, to remove those sections of the 2011 Plan that proposed policies for the use of lands and water in the jurisdiction of the Port.

The Village will be using the new VFPA Residential Wharf Regulations to guide Village residents with property upland of Marine Avenue, who may wish to build or repair docks, with preference given to Group Wharfages, consistent with Port and Village regulations as amended from time to time.

The Port has agreed to respect the Village OCP policies for Bedwell Bay and a new process will be refined to ensure that Village licensing requirements are dealt with prior to the Port considering wharves that require a Village Highway Encroachment Agreements for access.”

If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed, and the remainder of this bylaw is deemed to have been adopted without the severed section, subsection, paragraph, subparagraph, clause or phrase.

Read a First Time on July 20, 2020

Read a Second Time on July 20, 2020

Public Hearing Held on

Read a Third Time on

Adopted by the Council on

Neil Belenkie
Mayor

Lorna Dysart
Chief Administrative Officer

This is a certified a true copy of
Village of Belcarra Official Community Plan Bylaw
No. 435, 2011, Amendment Bylaw No. 566, 2020

Chief Administrative Officer