

Comox Valley Regional District

Beach Access Management Strategy



Comox Valley Regional District Beach Access Management Strategy

**Prepared for:
Comox Valley Regional District**

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received through June 2011 public consultations
(open houses and on-line survey)

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1.0 INTRODUCTION

Beaches play an important role in coastal communities throughout Canada. Beaches provide spaces for healthy recreational activities for people of all ages. They allow people to connect with nature and appreciate their natural environment and they give individuals, families and friends a place to socialize and connect. In Canada the foreshore is considered a public space and residents of British Columbia take great pride in the many beaches that we have to enjoy. However, there are challenges in maintaining a balance between public access and private, oceanfront development.

The Ministry of Transportation and Infrastructure (MOTT) creates public access routes to the shoreline at the time of land subdivision pursuant to the Land Title Act, Section 75(1)(c) and (d). As part of the subdivision process, the developer generally is required to dedicate a 20m wide beach access every 200 to 400m, depending on the size of the lots. These accesses are shown as public rights-of-way (ROW) on subdivision plans, though a road may not actually be constructed.¹ Because it is unclear who is responsible for making improvements to these unique beach access ROW, many of them are not fulfilling their primary function of providing access to the water.

The Comox Valley Regional District (CVRD) has undergone this project to ensure that the CVRD has the required information and appropriate policies in place to play an effective role in the provision of public beach access. This project is comprised of two parts: The CVRD Beach Access Inventory and the CVRD Beach Access Management Strategy. The Inventory fulfills the objective of discovering which ROW require improvements by providing a comprehensive record of all ROW ending at the foreshore (that are within CVRD jurisdiction). The Management Strategy fulfills the goal of developing a systematic process for making improvements by exploring methods of managing and acquiring tenure over these unique ROW. This document represents the Management Strategy and includes a summary of findings from the Inventory.

¹ Capital Regional District. *Galiano Parks and Recreation Commission: Shore Access*. Retrieved November 2010 from <http://www.crd.bc.ca/galianoparks/access.htm>

2.0 OBJECTIVE

Research for this project commenced in August 2010 and concluded in December 2010. The objective of the Management Strategy is to explore methods of managing and acquiring tenure over ROW ending at the foreshore.

3.0 METHODOLOGY

The recommendations in the Management Strategy have been developed through discussions with Capital Regional District (CRD) parks staff regarding their management policies and procedures for beach access ROW. The CRD has a well-developed process for managing beach access ROW and aspects of their process could be adopted within the CVRD in order to facilitate the process of improving beach access ROW.

Discussions with regional Comox Valley MOTI staff regarding their existing permit and licensing processes provided insight into the methods of acquiring tenure that are available to the CVRD. MOTI staff also provided relevant and practical information regarding MOTI's policy position on their role in the provision of public beach access.

Findings made during the process of creating the Inventory provided the researcher with a clear picture of the unique situation within the CVRD. The researcher has considered budget limitation and has attempted to provide suitable, community-involved methods for managing and improving ROW.

4.0 BACKGROUND

4.1 INVENTORY

The CVRD Beach Access Inventory is a separate document designed to provide a comprehensive record of each site and act as a useful reference document for parks planners and MOTI staff when making decisions regarding beach access ROW in the CVRD. The Inventory is split into sections (based on communities) for ease of use and for the purpose of comparing beach accessibility across communities. Appendix I provides a summary of findings from the Inventory. For each ROW the Inventory provides:

- Photos of each site;
- Mapping of each site;
- The checklist used for documenting each site;
- A list of management issues at each site;
- A system of categorizing sites based on priority for improvement; and
- Recommended improvements for each site.

Evaluation of ROW is based on information and observations gathered throughout the research process. The categories and corresponding recommendations are based on the researchers observations and are not conclusive decisions, but are rather a guide for future decision-making. The following five categories have been created based on priority for improvement (1 being high priority and 5 being low priority):

1. **Immediate Improvement** – This category represents beach access ROW that pose a significant safety hazard and potential for liability and therefore requires immediate improvement and remediation.
2. **Requires Signage** – This category represents ROW that serve the purpose of providing public access to the foreshore, but require signage in order to better distinguish sites as public property.
3. **Potential Improvements** – This category represents beach access ROW that would benefit from improvements in the long run. Developed and undeveloped sites are included in this category.
4. **Self-Sustaining** – This category represents ROW that are serving the purpose of providing public access to the foreshore and do not require any immediate improvements. In many cases these sites are developed and contain government signage which help to distinguish the ROW as public property.
5. **No Improvements Recommended** – This category includes ROW that are poorly situated for beach access due to terrain, hazards, other uses of ROW, sensitive foreshores, and other factors. Despite the terrain, these sites might be useful for other community uses such as view points.

4.2 COMMUNITY CONCERNS

Over the past two years beach access has become a major concern amongst some residents in the Comox Valley. Residents have written letters and sent emails to the CVRD, MOTI, and local area directors in an effort to raise awareness about the following issues:

- Encroachment on ROW;
- Difficulty in distinguishing ROW as public property;
- Lack of signage marking public beach access ROW;
- Loss of beach access due to development;
- Complaints of beach fires, noise, dog waste on beach, and littering;
- Concerns that MOTI's driveway permit process can potentially limit public access to foreshore; and
- The need for the CVRD and MOTI to develop a process for improving and managing beach access ROW

In response to the concerns raised, this project was proposed as a step towards developing a systematic and objective approach to identifying problems and improving beach access in the CVRD.

4.3 APPLICABLE POLICY AND REGULATIONS

The CVRD does not have a specific policy regarding MOTI beach access ROW, but the *Rural Comox Valley Official Community Plan Bylaw (No. 2042)* does contain references to public beach access with respect land use changes. Section C.12 under the Parks and Recreation Policies Bylaw states that:

“Land and water areas with high recreational potential shall be identified and designated for uses which retain or provide for public accessibility.”²

Bylaw No. 2042 makes particular mention of MOTI beach access ROW under D.10 Transportation Infrastructure Advocacy Policies:

“The Ministry of Transportation and Highways shall be encouraged to:
...consult with the Regional District with respect to the siting of public accesses which provide access to water features and pedestrian connections.”³

MOTI's guiding policy with respect to beach access ROW is the *Policy on Use of Rights of Way that provide Access to the Water (T02/06)*. The policy states that:

“It is the goal of the ministry to accommodate public uses of these unique areas of right of way. Retention of the essential function of access to water, and limiting costs and liability to the province are primary considerations.”⁴

According to the MOTI website,

“The ministry operates under the principle that use of these unique areas of right of way must accommodate public use and retain their essential function of access to water.”⁵

Based upon the above policy statements from MOTI and CVRD, it is clear that the objective is to ensure that ROW ending at the foreshore are maintained for public access to the water. However, concerns raised by some Comox Valley Residents regarding the lack of public access provided by these ROW demonstrates that these policy objectives are not consistently being met.

² Rural Comox Valley Official Community Plan Bylaw (No. 2042)

³ Rural Comox Valley Official Community Plan Bylaw (No. 2042)

⁴ Policy on Use of Rights of Way that provide Access to the Water (T02/06)

⁵ British Columbia Ministry of Transportation. *Highway Permits and Approvals*. Retrieved November 2010 from <http://www.th.gov.bc.ca/permits/Permits%20for%20Works%20on%20Right-of-Way.asp>

4.4 ACQUIRING TENURE OVER A MOTI BEACH ACCESS ROW

Currently, there are two ways in which the CVRD can acquire tenure over a beach access ROW: a MOTI Permit or a MOTI licence of occupation. A permit is processed through the regional Comox Valley MOTI office and is free of charge. A licence of occupation has a fee associated with it and is processed through the head office in Nanaimo, and it is therefore presumed that a licence of occupation will take longer to process. Both documents contain a clause that states the Province has the right to terminate the agreement as long as it gives the permit holder or licensee 30 days written notice.⁶ According to MOTI staff, both a licence and a permit can result in equal liability.⁷

5.0 MANAGEMENT & IMPROVEMENT

5.1 MEMORANDUM OF UNDERSTANDING (MOU)

The major policy problem related to these ROW is the lack of clarity regarding who is responsible for making improvements to these unique beach access ROW. A MOU between the CVRD and MOTI would be an excellent method of clarifying responsibilities and objectives of each organization. Consideration should be given to the following:

- Developing a process/procedure for making improvements to ROW and selecting ROW that are to be improved (considerations such as: parking, foreshore protection, risk management responsibilities, fencing, existing permit holders, etc.)
- Responsibilities with respect to maintenance, regulation, and improvement of ROW
- Responsibilities with respect to responding to public concerns
- Dispute Resolution (between MOTI and CVRD)
- Developing a cost-effective process for provision of beach access signage
- Requirement of CVRD to conduct public consultation when improving ROW
- MOTI giving consideration to recommendations and information in the CVRD Beach Access Inventory when executing permits for beach access ROW.

This type of MOU has already been developed between the Capital Regional District (CRD) and MOTI (attached as Appendix II). However, the MOU between the MOTI and the CRD contains some important policy statements that shift responsibilities to the CRD. It is noteworthy that the CRD assumes responsibility for:

“Development, management and regulation of identified accesses to the water”

“Obtaining secure and appropriate tenure over identified accesses to water sufficient to permit development, management, and regulation for public recreational purposes.”

“Responding to all public concerns that relate to its development, management and regulation activities further to the MOU.”⁸

⁶ MOTI Staff (personal communication, November 12, 2010)

⁷ MOTI Staff (personal communication, February 2, 2011)

⁸ Public Access to Water: MOU between Capital Regional District, Vancouver Island District, and Ministry of Transportation. October 12, 2006.

If the CVRD developed a similar MOU, it should be written to focus on improving ROW for the exclusive purpose of providing public access to the foreshore. The MOU should clarify that the CVRD is only taking on liability and maintenance responsibility for the improvements made (by the CVRD) for the purpose of providing public access to the foreshore.

5.2 TENURE & LIABILITY

As stated earlier, there are two methods of obtaining tenure over a MOTI ROW: a licence of occupation or a permit. The CRD has adopted a procedure that involves obtaining a licence of occupation (for a fee of 10 dollars) from MOTI. The CRD and MOTI have streamlined the process by creating a template for the licence of occupation. The CRD can request tenure over numerous ROW under one licence so MOTI does not have to create a new document each time a request for improvement is made.⁹ Since both a licence and a permit can result in equal risk management responsibilities, the key to minimizing liability appears to be in the nature of the improvements.¹⁰

In order to improve public access to the foreshore while minimizing maintenance and liability responsibilities, the CVRD should focus on minor upgrades. These minor upgrades should be exclusively focused on improving public access to the foreshore, rather than creating park-like, recreational spaces. Furthermore, simple improvements (such as signage and trails) are allowable under a permit and a permit will likely result in faster processing time and lower costs since permits will be processed through the local Comox Valley MOTI office and are free of charge.¹¹ Processing times could be made even more efficient by applying for numerous ROW under one permit or creating a template permit for ROW improvements.

It is important to note that the CRD has created Parks and Recreation Commissions that are responsible for managing community parks and trails on the southern Gulf Islands. In some cases the Commission consists of volunteers, while in other cases the Commission is comprised of paid staff. The responsibility of maintaining and improving beach access ROW also falls within the mandate of these commissions.¹²

5.3 SIGNAGE

A common concern regarding beach access ROW in the Comox Valley is signage. The MOTI's *Policy on Use of Rights of Way that provide Access to the Water (T02/06)* does not have any specific statements regarding signage of beach access ROW. However, the MOTI does have a 'Shore Access' sign available through their Provincial Sign Shop (attached as Appendix IV).¹³ The *B.C. Ministry of Transportation Manual of Standard Traffic Signs & Pavement Markings* states:

⁹ CRD Staff (personal communication, November 22, 2010)

¹⁰ MOTI Staff (personal communication, February 2, 2011)

¹¹ B.C. Ministry of Transportation. *Provincial Public Highway Permit Application*. Retrieved from MOTI staff, November 18, 2010.

¹² CRD Staff (personal communication, November 22, 2010)

¹³ B.C. Ministry of Transportation. *Sign Shop Catalogue*. Retrieved from www.th.gov.bc.ca/publications/eng_publications/.../Sign_Cat_2003.pdf

'I-110 SHORE ACCESS' sign may be used on rural, subdivision roads (non-numbered highways) to indicate access to oceans, lakes or rivers.¹⁴

According to regional Comox Valley MOTI staff, having MOTI post 'Public Access' signage would be very expensive and the Ministry would prefer to only provide beach access signage in cases whereby the road is constructed and maintained by the Ministry, due to the initial cost and ongoing maintenance.¹⁵

Installation of signage in cases whereby the road is constructed and maintained by the Ministry may be useful in cases where unclear property lines make it difficult to distinguish ROW as public space. However, the majority of sites that would benefit from signage are those that are not currently being maintained and contain informal trails. Therefore, the CVRD and MOTI need to work together to develop a fair, cost-effective solution.

'Public Access' signs should be well-designed to ensure that they are effective. In some cases, green road signs have been installed for the purpose of marking beach access ROW as a public road. This method is ultimately ineffective because, based on observations, the green road signage confuse visitors, particularly when no effort has been made to distinguish the public versus private property lines. The use of the aforementioned 'I-110 Shore Access' sign available through MOTI might be a viable option for signage design.

In the CRD, shore access signage is supplied by the Regional District. Once the CRD obtains a licence of occupation over a beach access ROW, MOTI transfers liability responsibilities to the CRD, and the area falls under CRD bylaw enforcement. The CRD designs their own signage and has a local company print them.¹⁶

Another important consideration regarding signage is the need for public consultation. Not only will public consultation mitigate the potential for future problems and avoid future complaints, it will also ensure that signage is placed at ROW that need it most. The Salt Spring Island Recreation Commission's ROW improvement process involves consulting with property owners within 100 m of the ROW that is slotted for improvement.¹⁷ In many cases, adjacent property owners will be opposed to the installation of signage because they have legitimate concerns including issues such as noise, littering, environmental impacts, and a general increase in traffic. These concerns illustrate the importance of ensuring that the

5.4 'ADOPT A BEACH ACCESS'

Based on the letters and emails received from residents regarding problems with beach access, it is clear that Comox Valley residents are passionate about the issue. They take their right to access beaches seriously and have raised legitimate concerns. Many residents have stated that they are willing to participate in maintaining these ROW and in some cases they have already done so.

¹⁴B.C. Ministry of Transportation. *Transportation Manual of Standard Traffic Signs and Pavement Markings*. Retrieved December 2010 from http://www.th.gov.bc.ca/publications/eng_publications/eng_pubs.htm#signing

¹⁵ MOTI Staff (personal communication, November 12, 2010)

¹⁶ CRD and Nanaimo Regional District Staff (personal communication, December 6, 2010)

¹⁷ Salt Spring Island Recreation Commission. *Shore Access Improvement Checklist*. Received from CRD staff November 16, 2010

At Mayfair Road residents have installed picnic tables, a garbage bin, and benches in an effort to distinguish the ROW as public property. At Booth Road and Harvard Road, residents have posted hand-written signage stating 'Beach Access' so that beach users know where they can exit the beach. Though these improvements are well-intended, informal improvements are likely to lead to disputes between residents and it is reasonably foreseeable that liability issues will arise. It appears that residents who have pursued these informal improvements are of the opinion that they have the right to improve these ROW without obtaining permits or approval because the primary function of these ROW is to provide access to the foreshore. This line of thought may be logical, however, residents must acknowledge and appreciate that adjacent property owners and other members of the public have the right to use these ROW for other purposes, so long as access to the water is not reduced as compared to the existing situation.¹⁸

The 'Adopt a Beach Access' concept is a method of formalizing informal improvements and harnessing community efforts to ensure that these ROW are maintained and serve the purpose of providing public access to the foreshore. The 'Adopt a Beach Access' concept should be limited to responsibilities such as garbage disposal and reporting problems and concerns. The 'Adopt a Beach Access' concept would require the CVRD to obtain a MOTI permit (and any other permits or applications that are required) for the select ROW on behalf of a community group. An agreement should be developed between the community group and the CVRD that defines the permitted improvements and uses of the ROW.

The 'Adopt a Beach Access' concept would not be appropriate where major improvements are required, such as the installation of stairs and handrails. A resident-maintained approach may provide a simple and cost effective solution to facilitate the improvement of beach accessibility throughout the Comox Valley.

5.5 LONG TERM PLAN: INVENTORY & PUBLIC INPUT

The Beach Access Inventory contains recommended improvements for each of the 124 beach access ROW within the CVRD. These recommendations are based on the researcher's observations and would be most useful if implemented in conjunction with public input. The information received through a public consultation process would ensure that proposed improvements are in line with residents ideas and desires, which would provide further rationale for decisions and potentially reduce the level of resistance for any proposed improvements.

Conducting an online survey and holding an open house would be an effective approach for gathering information from residents throughout the Comox Valley. The survey and open house would provide an opportunity to discover useful information, such as:

- The level of interest in the 'Adopt a Beach Access' concept;
- Specific ROW and improvements that many residents feel are a priority;
- Facilities that residents would like to see developed or improved; and
- Percentage of people who agree or disagree with posting 'public access' signage.

The online survey will allow the CVRD to collect constructive input and will likely result in more feedback since the survey will not require people to travel or take a significant amount of time away from their busy lives. Furthermore, online survey programs allow for automatic analysis of results which will save time and possibly result in a less expensive information-gathering process. The open

¹⁸ Policy on Use of Rights of Way that provide Access to the Water (T02/06)

house will provide an opportunity for parks staff to enter into dialogue with residents and focus on specific concerns. The open house will also allow non-internet users to express their opinion regarding the recommendations.

The survey and open house can be advertised in local newspapers, on the CVRD website, and at existing beach access points. Notifications can be sent via email to local community groups that have been actively involved in beach access issues in the past.

Online surveys are becoming common practice in local government settings, below are just a few examples of projects that have involved online surveys:

- Nanaimo Regional Growth Strategy - HB Lanarc¹⁹
- City of Victoria Arts Scan - The City of Victoria²⁰
- Proposed Kitchen Scraps Initiative - Capital Regional District²¹
- Woodside Farm Purchase Survey & Sooke Literacy Project Survey - District of Sooke²²

The results from the online survey and open houses can be used in conjunction with the Inventory to provide a long term planning guide for beach access improvements. This approach will ensure that decisions regarding proposed beach access improvements are the best choices from a planning perspective and are in line with local residents' ideals.

¹⁹ HB Lanarc. *Nanaimo Regional Growth Strategy*. Retrieved December 6, 2010 from http://www.hblanarc.ca/projects/project_details.asp?ProjectID=33.

²⁰ The City of Victoria. *Victoria Arts Scan*. Retrieved December 6, 2010 from: <http://www.victoria.ca/cityhall/arts-victoria-arts-scan.shtml>

²¹ Capital Regional District. *Proposed Kitchen Scraps Initiative*. Retrieved December 6, 2010 from <http://www.crd.bc.ca/waste/organics/kitchen-scraps.htm>

²² District of Sooke. *Online Surveys*. Retrieved December 6, 2010 from <http://www.sooke.ca/EN/topnav/online/surveys.html>

6.0 CONCLUSIONS & RECOMMENDATIONS

The following recommendations are intended to provide the CVRD with the tools required to develop an integrated process for improving beach access ROW and to effectively manage these sites once improvements are made:

- i. CVRD parks staff develop an MOU with MOTI as described in this report. The MOU should include, but is not limited to, the following topics:
 - Developing a process/procedure for making improvements to ROW and selecting ROW that are to be improved (considerations such as: parking, foreshore protection, risk management responsibilities, fencing, existing permit holders, etc.)
 - Responsibilities with respect to maintenance, regulation, and improvement of ROW
 - Responsibilities with respect to responding to public concerns
 - Dispute Resolution (between MOTI and CVRD)
 - Developing a cost-effective process for provision of beach access signage
 - Requirement of CVRD to conduct public consultation when improving ROW
 - MOTI giving consideration to recommendations and information in the CVRD Beach Access Inventory when executing permits for beach access ROW.
- ii. Develop a branded 'Adopt a Beach Access' Program to provide a community-based, cost-effective approach for managing garbage disposal and reporting problems and concerns at beach access ROW.
- iii. Based on recommendations in the Beach Access Inventory and results from survey, develop a work plan for ROW that fall into Category 1 (Immediate Improvement/Hazardous) and Category 2 (Require Signage).
- iv. Conduct an online survey and hold open houses to gather residents opinions about improvements to and management of beach access ROW in the CVRD. The information gathered from this public consultation should be compiled into a document that can be used in conjunction with recommendations in the CVRD Beach Access Inventory to make decisions regarding beach access ROW improvements.

Sep. 2011 Update: The above recommendations were adopted with minor modifications by the regional district board in March 2011. CVRD will prepare a work plan for beach accesses each year. The most up to date work plan is available at www.comoxvalleyrd.ca/beachaccess

7.0 DISCLAIMER

This report and information have been prepared by the researcher and are provided for the use of Comox Valley Regional District (CVRD) parks planning staff and Ministry of Transportation and Infrastructure (MOTTI) staff at the regional Comox Valley office for the express and limited purpose of developing planning policy regarding the use and maintenance of specified beach access ROW in the CVRD.

8.0 BIBLIOGRAPHY

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Victoria Arts Scan. The City of Victoria. 6 December 2010 <<http://www.victoria.ca/cityhall/arts-victoria-arts-scan.shtml>>

APPENDIX I: SUMMARY OF FINDINGS

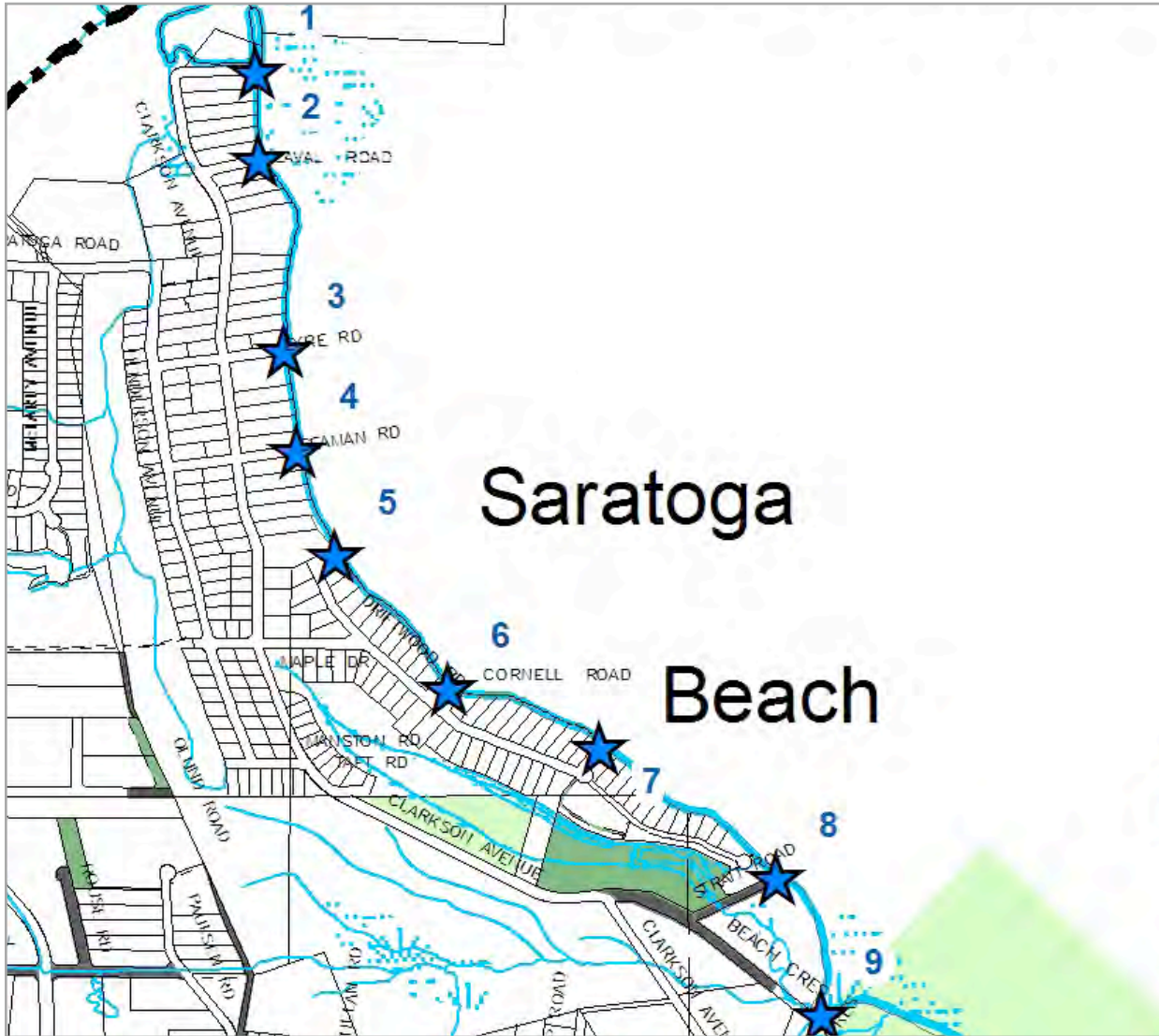
The following pages provide a summary of the findings from the CVRD Beach Access Inventory. As stated earlier, the Inventory is split into sections (based on communities) for ease of use and for the purpose of comparing beach accessibility across communities. The following provides a map of each section and a corresponding table that states the classification of each ROW, whether or not the ROW is in use, and a brief explanation of the recommended improvement.

The table below states the categories that were used for classifying the ROW and the number of ROW that fall into each category:

	Category	Number of ROW in Category
1)	Immediate Improvement (Hazardous)	4
2)	Requires Signage	11
3)	Potential Improvements	42
4)	Self-Sustaining	27
5)	No Improvements Recommended	40

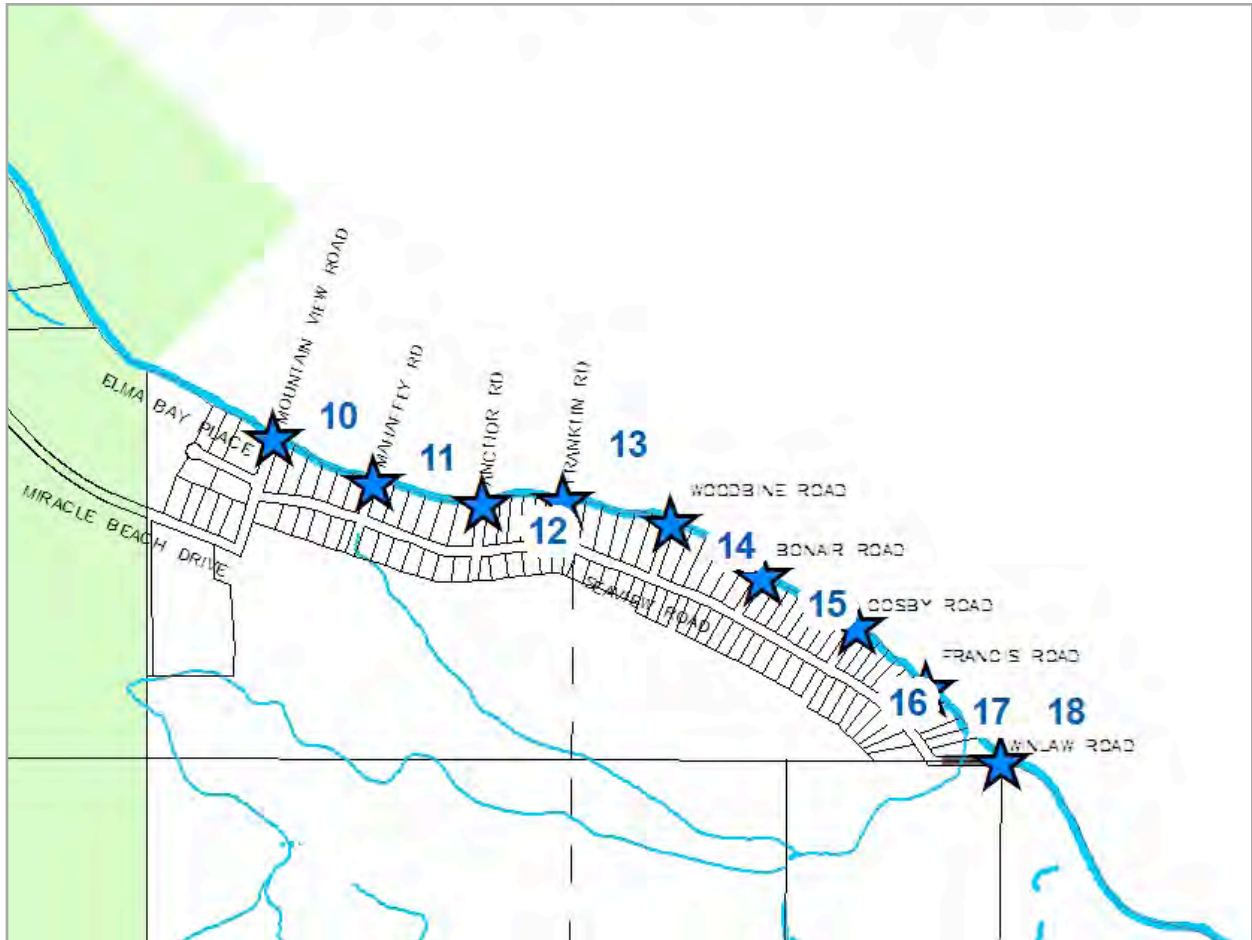
Sep. 2011 Update: The CVRD developed a work plan based on input received during public consultations in June 2011. Accesses 38, 47, 92 and 11 remain priorities for immediate improvements, access 22 will be considered for longer term improvements (category 3). For the most current work plan, visit www.comoxvalleyrd.ca/beachaccess

SECTION I - SARATOGA BEACH #1-9



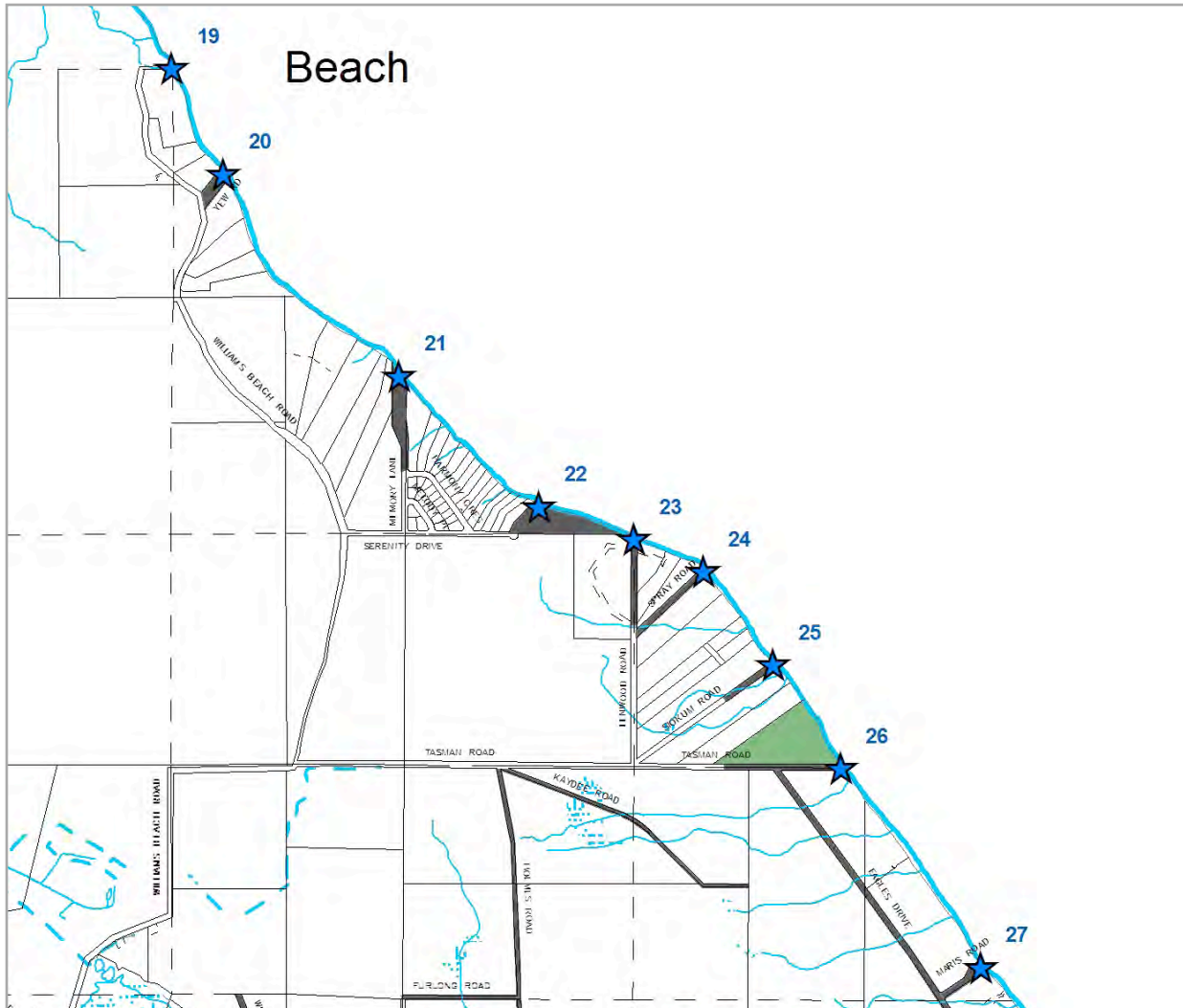
ROW	Category	In Use	Not In Use	Recommendation
1	2	X		'Public Access' signage
2	2	X		'Public Access' signage
3	3	X		Improve facilities for heavy tourist/summer use
4	3	X		Remove offensive vandalism
5	4	X		None/consider improvements in long term
6	4	X		Potential for greater community use (long term)
7	3	X		Improve ROW to accommodate more parking and consider installing signage
8	3		X	Connect to undeveloped CVRD park via trail (long term)
9	5		X	None

SECTION II - MIRACLE BEACH #10-18



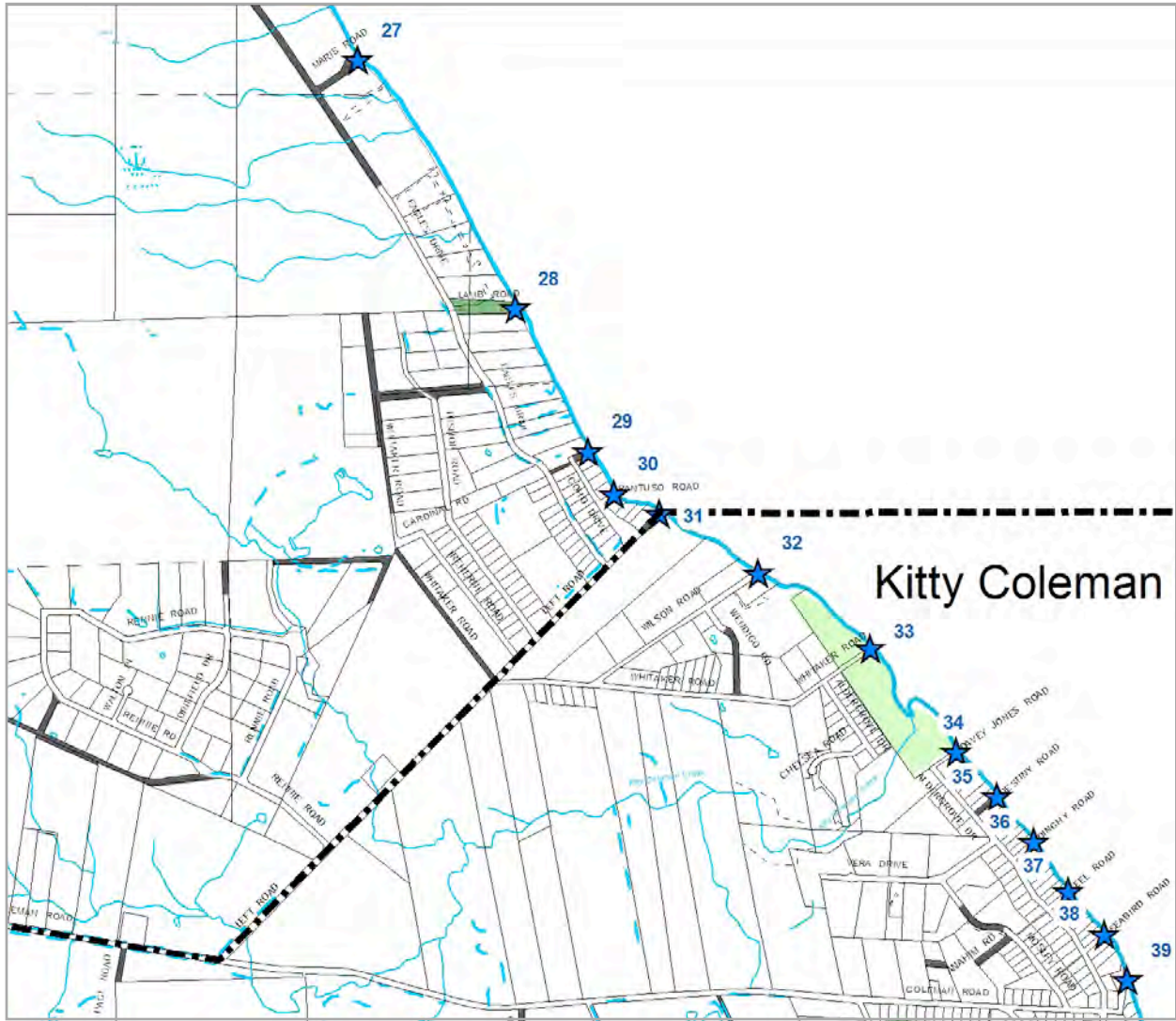
ROW	Category	In Use	Not In Use	Recommendation
10	4	X		None/consider improvements in long term
11	4	X		None/consider improvements in long term
12	4	X		None/consider improvements in long term
13	4	X		None/consider improvements in long term
14	3	X		Maintain long grass/consider using 'Adopt a Beach Access' concept
15	3	X		Improve accessibility (stairs) and post signage
16	4	X		None/consider improvements in long term
17	4	X		None/consider improvements in long term
18	5		X	None

SECTION III - WILLIAMS BEACH TO KITTY COLEMAN #19-27



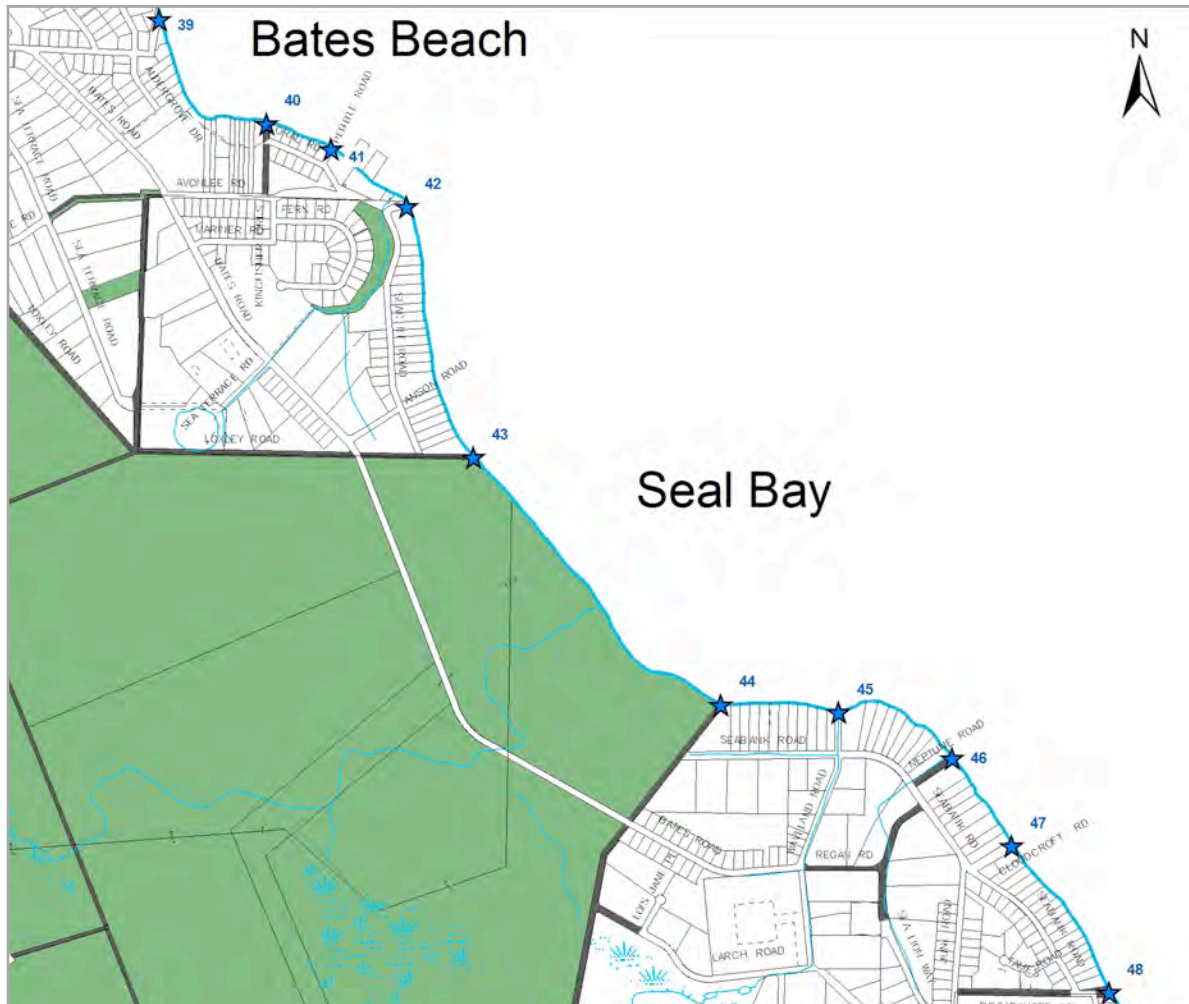
ROW	Category	In Use	Not In Use	Recommendation
19	4	X		None
20	5		X	None
21	5		X	None
22	3	X		Improve trail to ensure safety of visitors
23	5		X	None
24	5		X	None
25	5		X	None
26	5		X	None
27	5		X	None

SECTION IV - KITTY COLEMAN #28-39



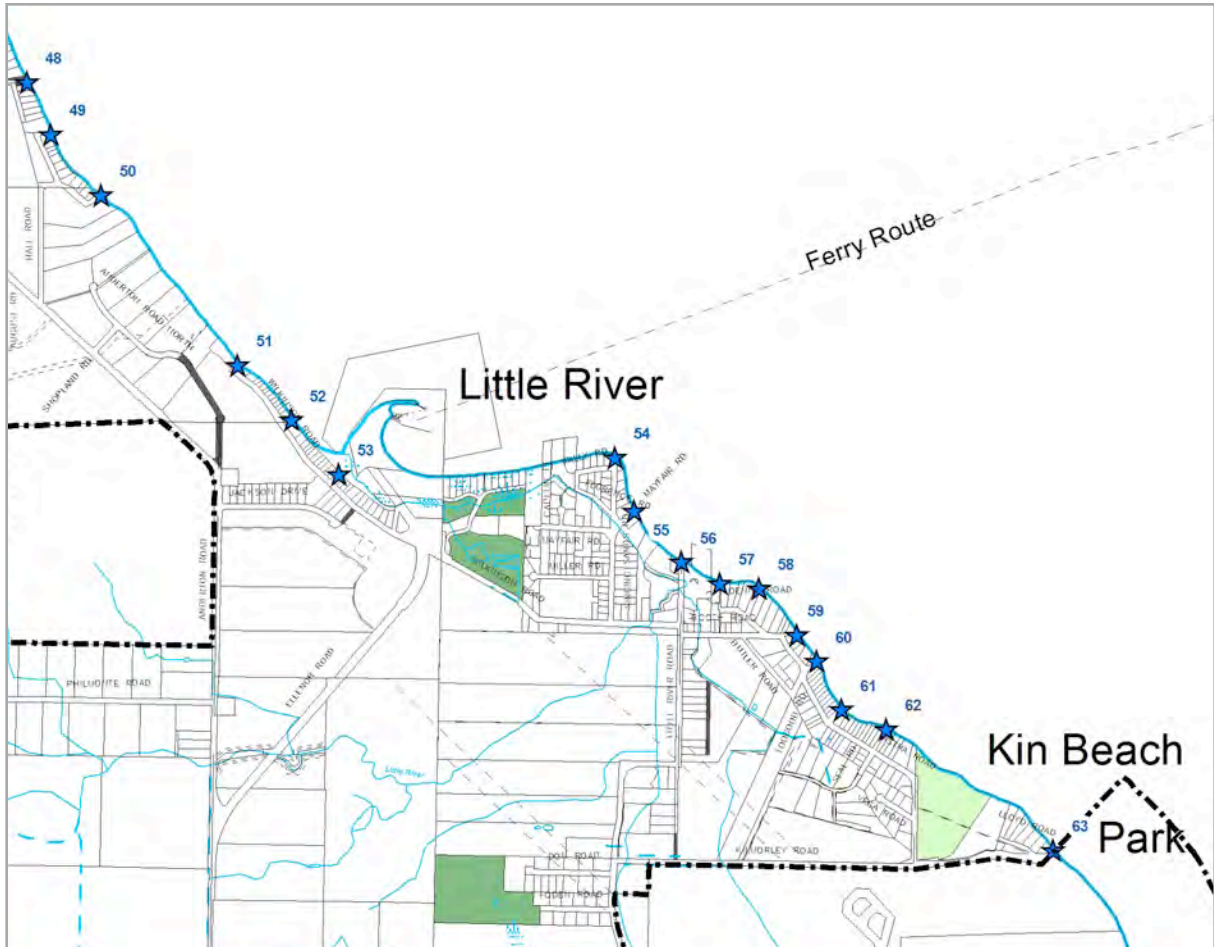
ROW	Category	In Use	Not In Use	Recommendation
28	4	X		None, ROW is adjacent to/part of a developed CVRD park
29	5		X	None/consider improving in long term
30	4	X		None
31	5		X	None/consider improving in long term
32	5		X	None/consider improving in long term
33	4	X		None, ROW is maintained as part of Kitty Coleman Park
34	4	X		None
35	5		X	None/consider improving in long term
36	3		X	Investigate encroachment & consider improvements
37	5		X	Investigate encroachment & consider improvements
38	1	X		Investigate encroachment and improve safety of trail and bridge within ROW
39	3	X		Improve resident-provided stairs

SECTION V - BATES BEACH & SEAL BAY #40-48



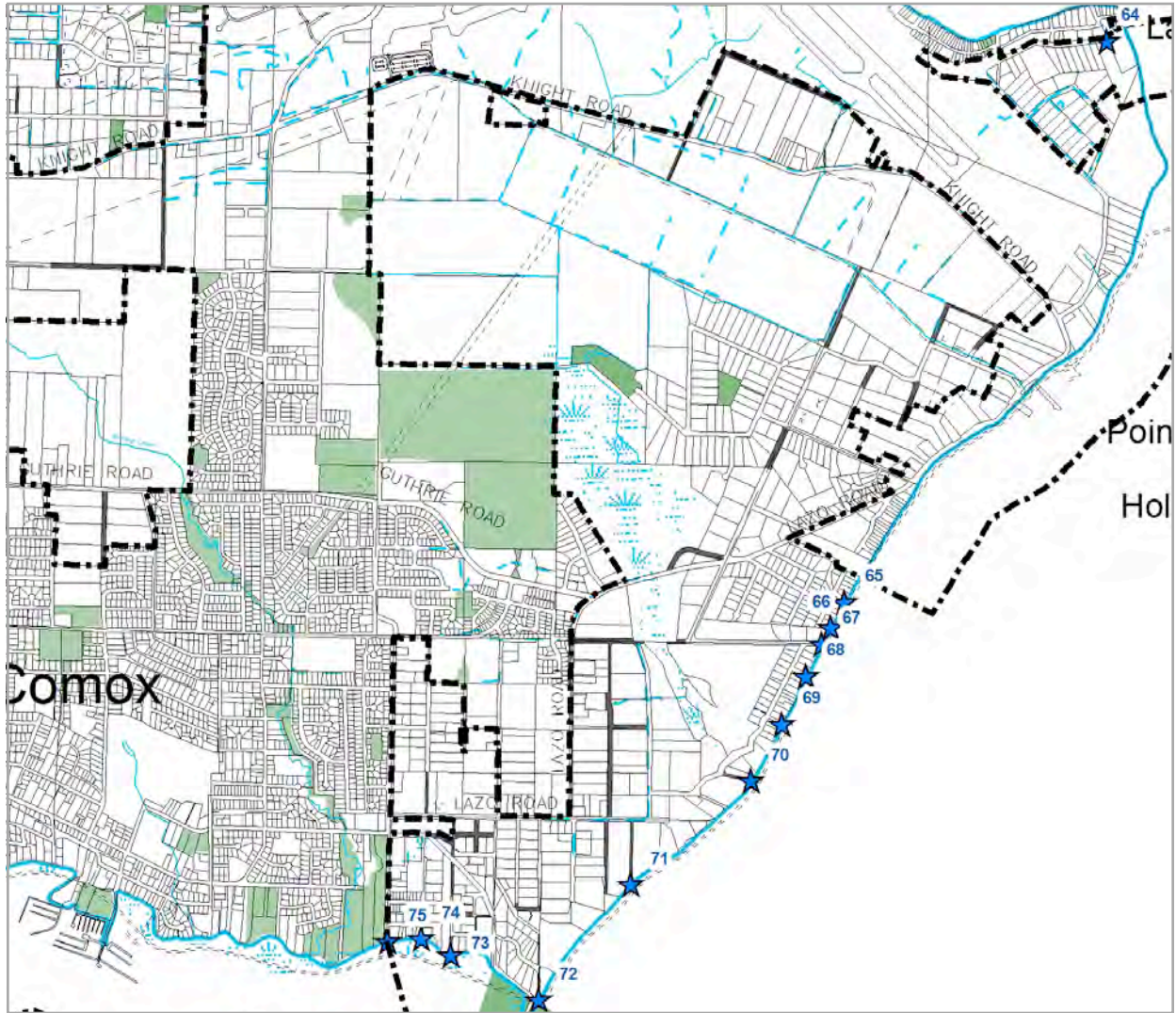
ROW	Category	In Use	Not In Use	Recommendation
40	4	X		None
41	4	X		None
42	2	X		Consider posting signage
43	5		X	None
44	5		X	None
45	5		X	None
46	3		X	Extension of trail, stairs, and signage
47	1	X		Improve safety of trail and consider installing stairs
48	5		X	None

SECTION VI - LITTLE RIVER & KIN BEACH #49-63



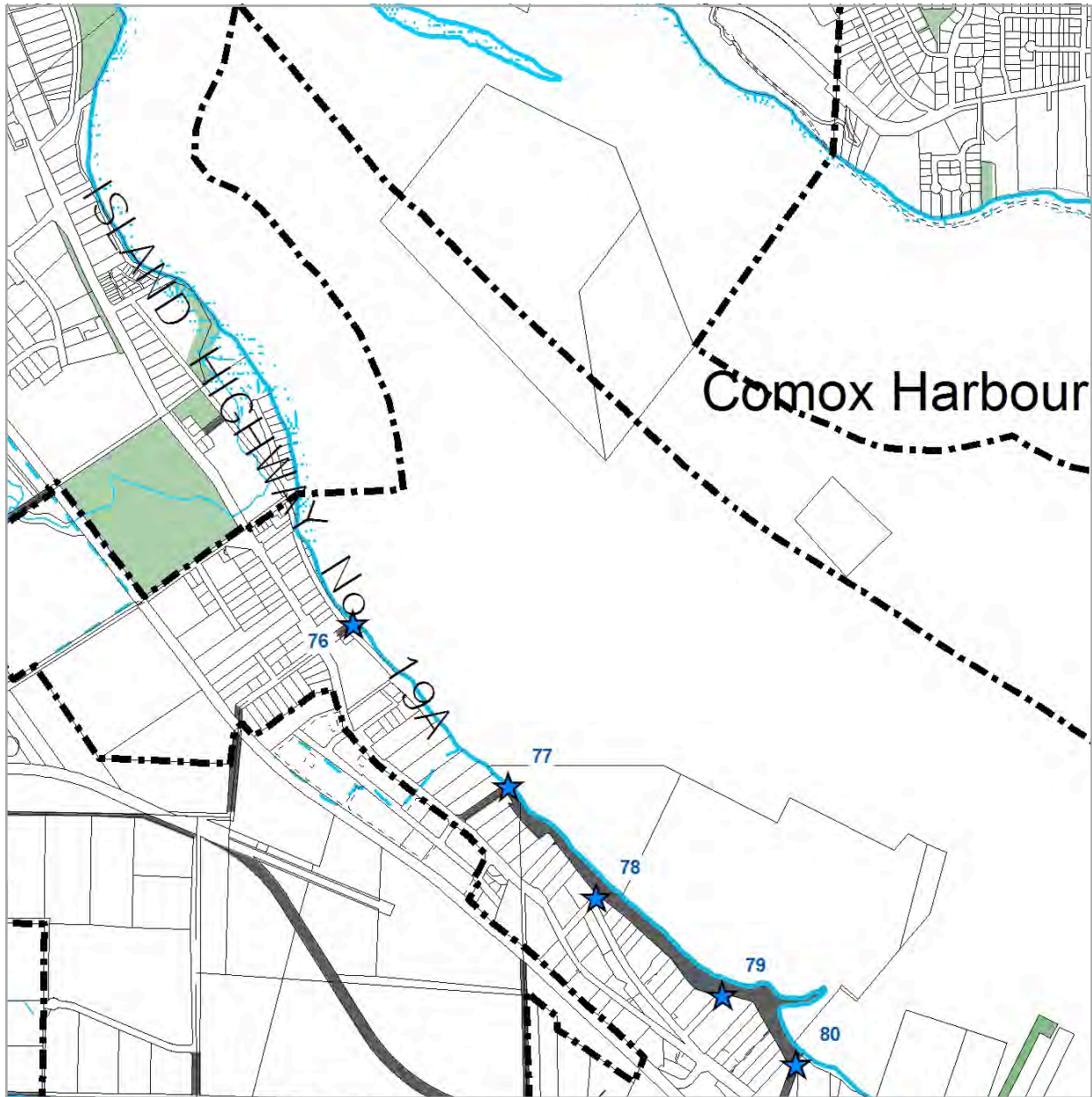
ROW	Category	In Use	Not In Use	Recommendation
49	5		X	None
50	5		X	None
51	4	X		None
52	3		X	Build trail (long term)
53	3		X	Build trail (long term)
54	3	X		Review potential for adopt-a-beach access program with neighbours
55	3	X		Formalize resident-provided improvements, adopt-a-beach access
56	4	X		None
57	3		X	Build trail and post signage (long term)
58	3	X		Permit application for signage in process
59	3	X		Distinguish property lines and post signage
60	5		X	None
61	3	X		Install stairs
62	3	X		Distinguish property lines, investigate encroachment, and post signage
63	2	X		'Public access' signage

SECTION VII - CAPE LAZO TO CROTEAU BEACH #64-75



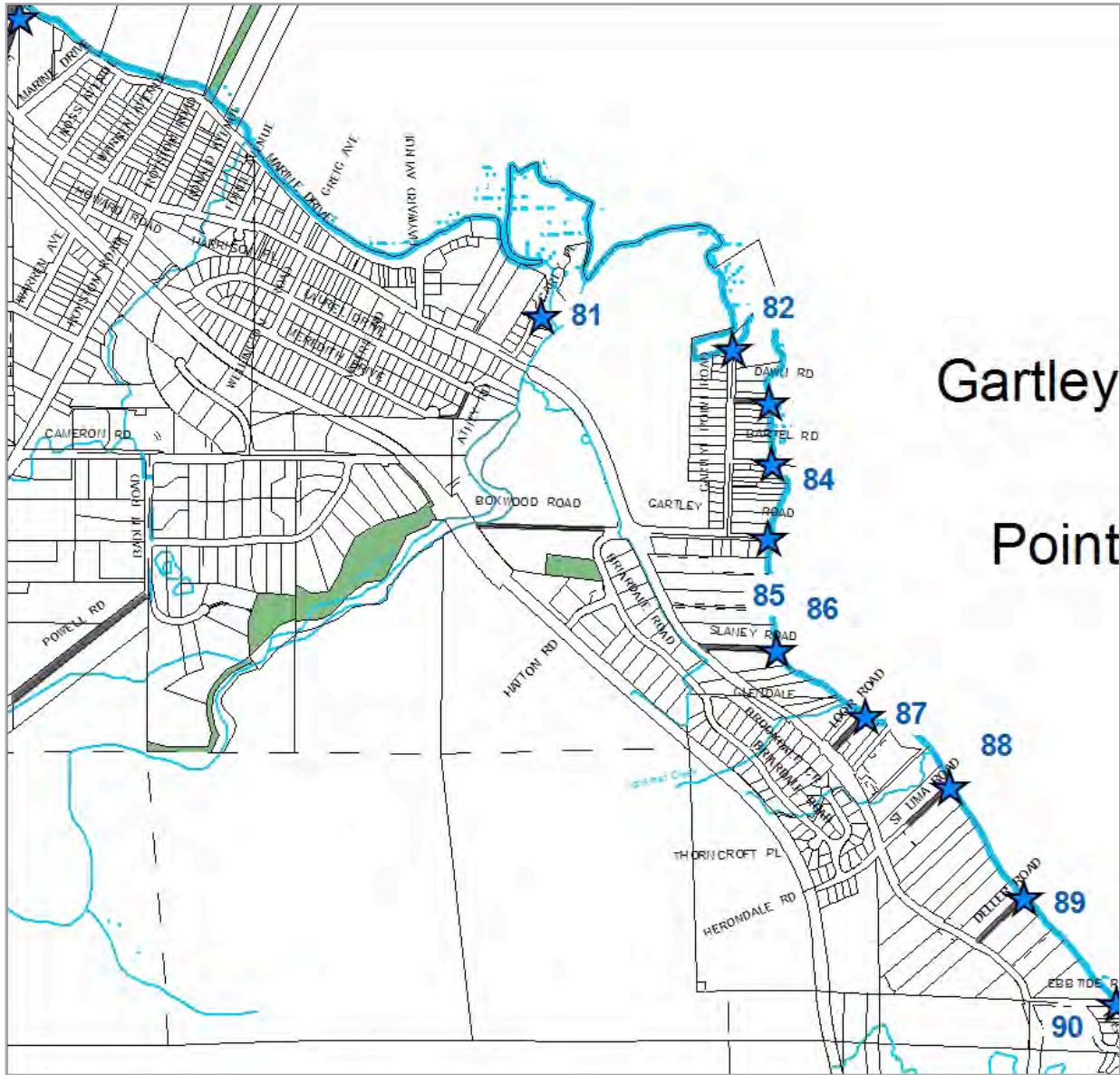
ROW	Category	In Use	Not In Use	Recommendation
64	5		X	None
65	5	X		None
66	3	X		Garbage bin and dog bags
67	3	X		Garbage bin and dog bags
68	4	X		None
69	2	X		'Public access' signage
70	3		X	Consider improving as high bank viewpoint. Improvements could include trail, parking, signage. (long term)
71	3		X	Consider placing fence at ROW for risk management/safety (long term)
72	4	X		None. CVRD holds permit and has built path to Goose Spit Park.
73	3		X	Any improvements should consider sensitive ecosystem (long term)
74	3		X	Any improvements should consider sensitive ecosystem (long term)
75	4	X		None

SECTION VIII - COURTENAY TO ROYSTON #76-80



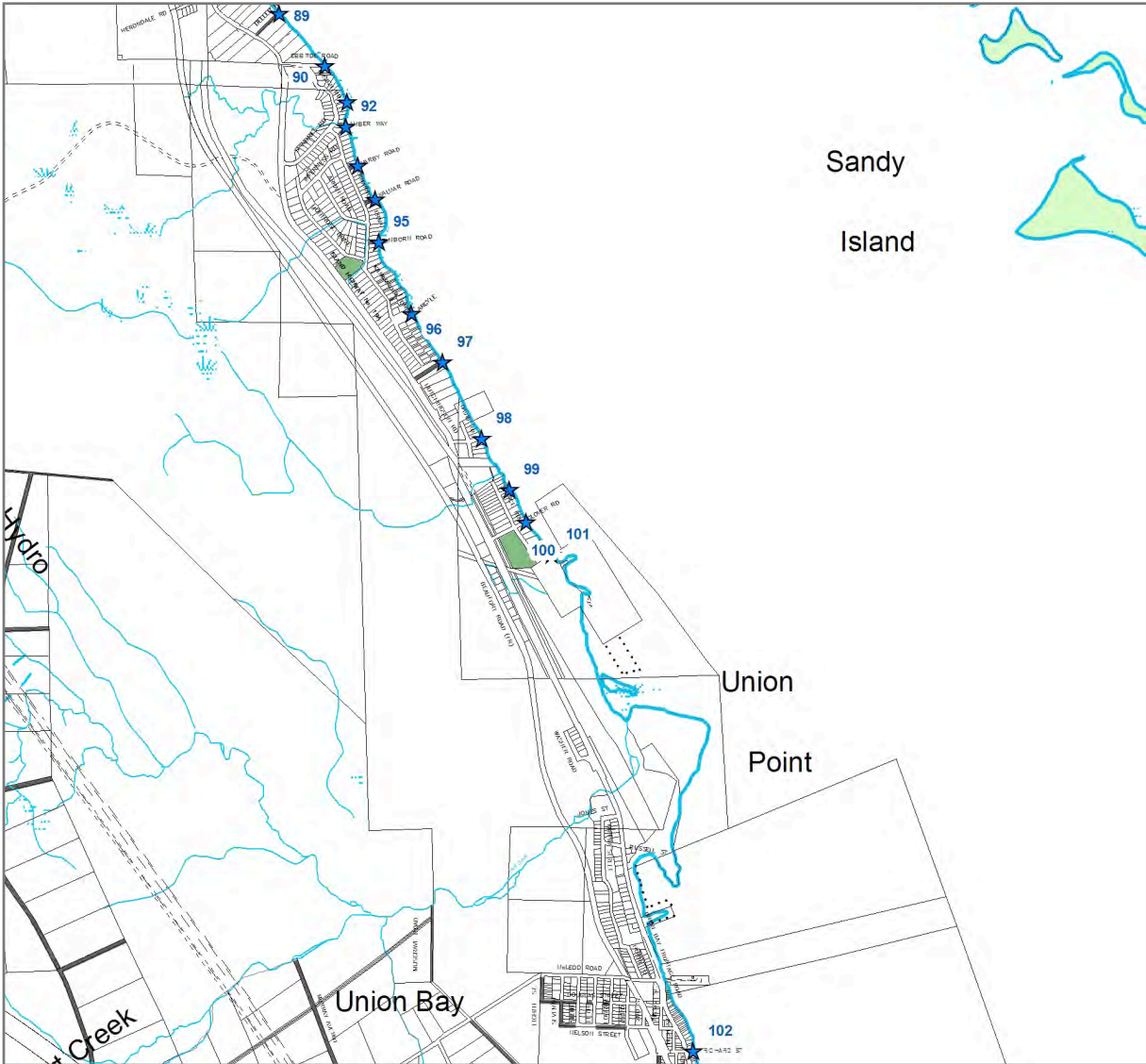
ROW	Category	In Use	Not In Use	Recommendation
76	3		X	Futre connection to Courtenay Riverway extension south
77	3		X	Potential for connecting to Royston Greenway (long term)
78	3	X		Investigate safety of bridge and possibly improve bridge; improve trail; and post signage marking the trail (Immediately)
79	3	X		Develop solution for managing litter & parties/alcohol consumption (long term)
80	3		X	Develop trail and connect to Royston Greenway (long term)

SECTION IX MAP: ROYSTON #81-90



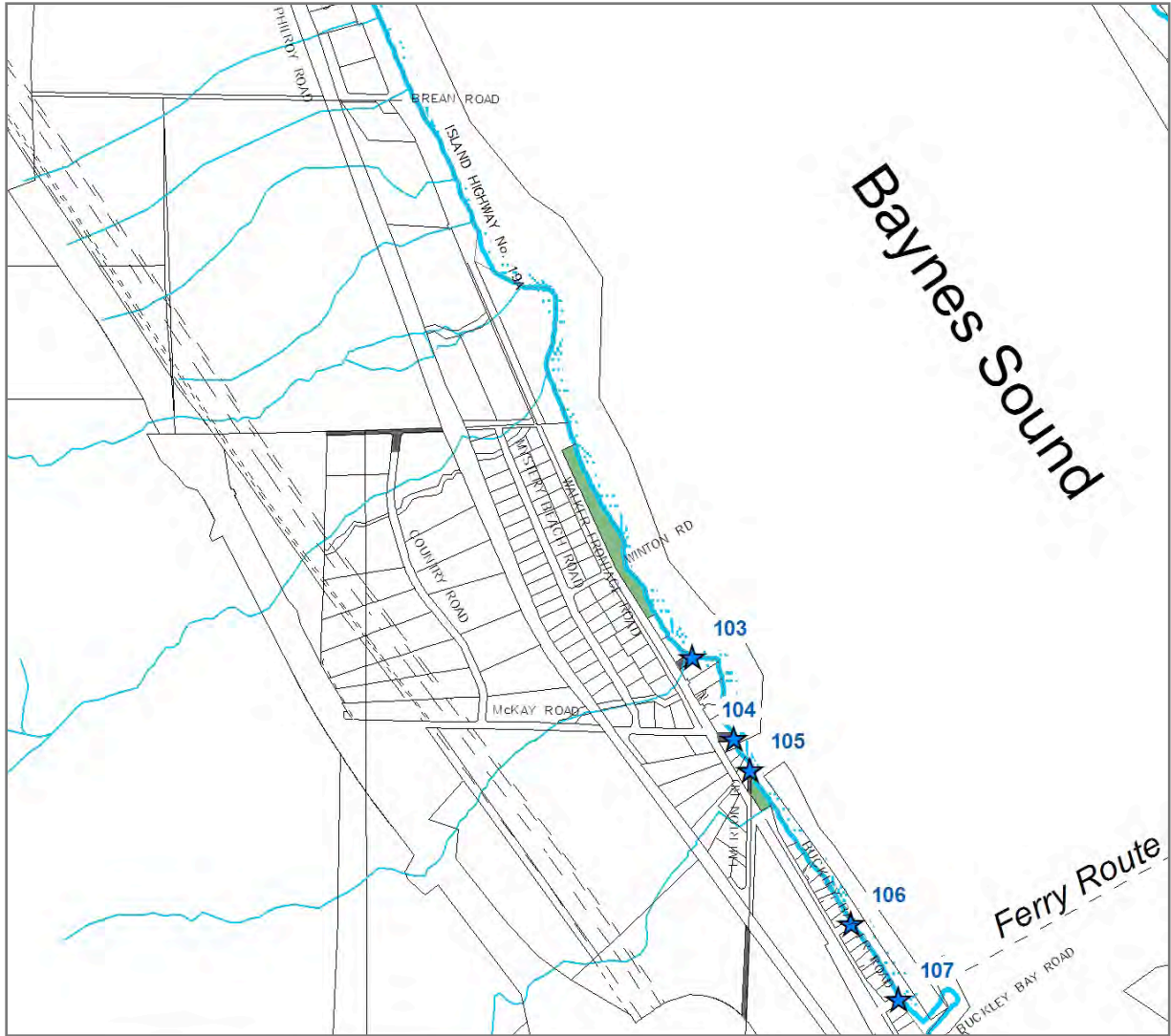
ROW	Category	In Use	Not In Use	Recommendation
81	4	X		None
82	5	X		None
83	5		X	None
84	2	X		Improve with 'public access' signage and possibly develop a parking area (long term)
85	3	X		Outhouse, garbage bin, dog bags
86	5		X	None
87	3		X	Build trail and possibly stairs and post 'public access' signage
88	5		X	None
89	5		X	None
90	3		X	Develop a designated trail and post 'public access' signage

SECTION X - UNION BAY #91-102



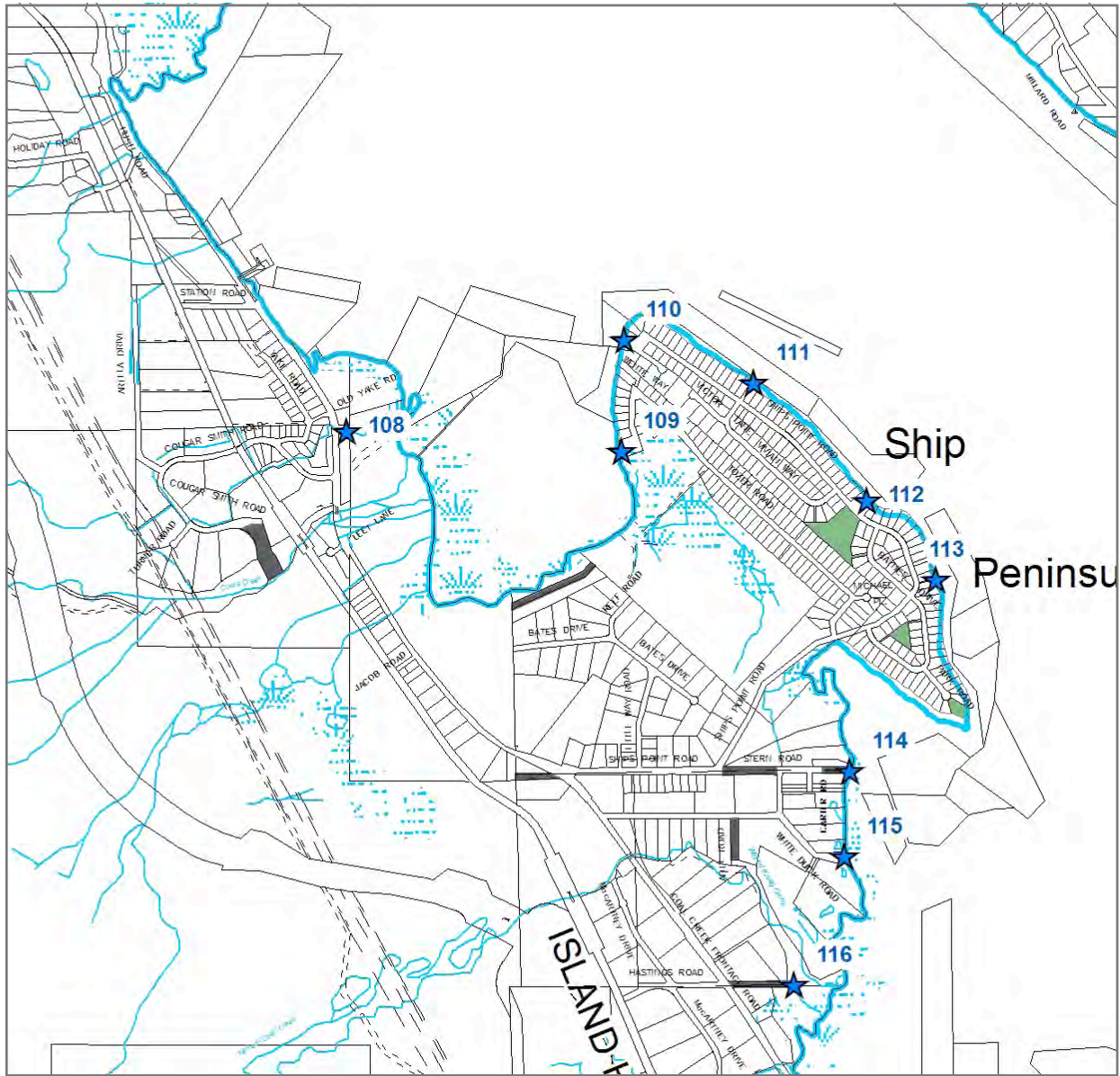
ROW	Category	In Use	Not In Use	Recommendation
91	5		X	None
92	1	X		Stairs
93	2	X		'Public access' signage
94	5		X	None
95	4	X		None
96	3	X		Improve/expand parking; post 'no parking on beach: sensitive wetland ecosystem'
97	5		X	None
98	2	X		'Public access' signage
99	5		X	None
100	3		X	Trail and 'public access' signage (long term)
101	3		X	Trail, 'public access' signage, and connect to Glover Park
102	5		X	None

SECTION XI - UNION BAY TO BUCKLEY BAY #103-107



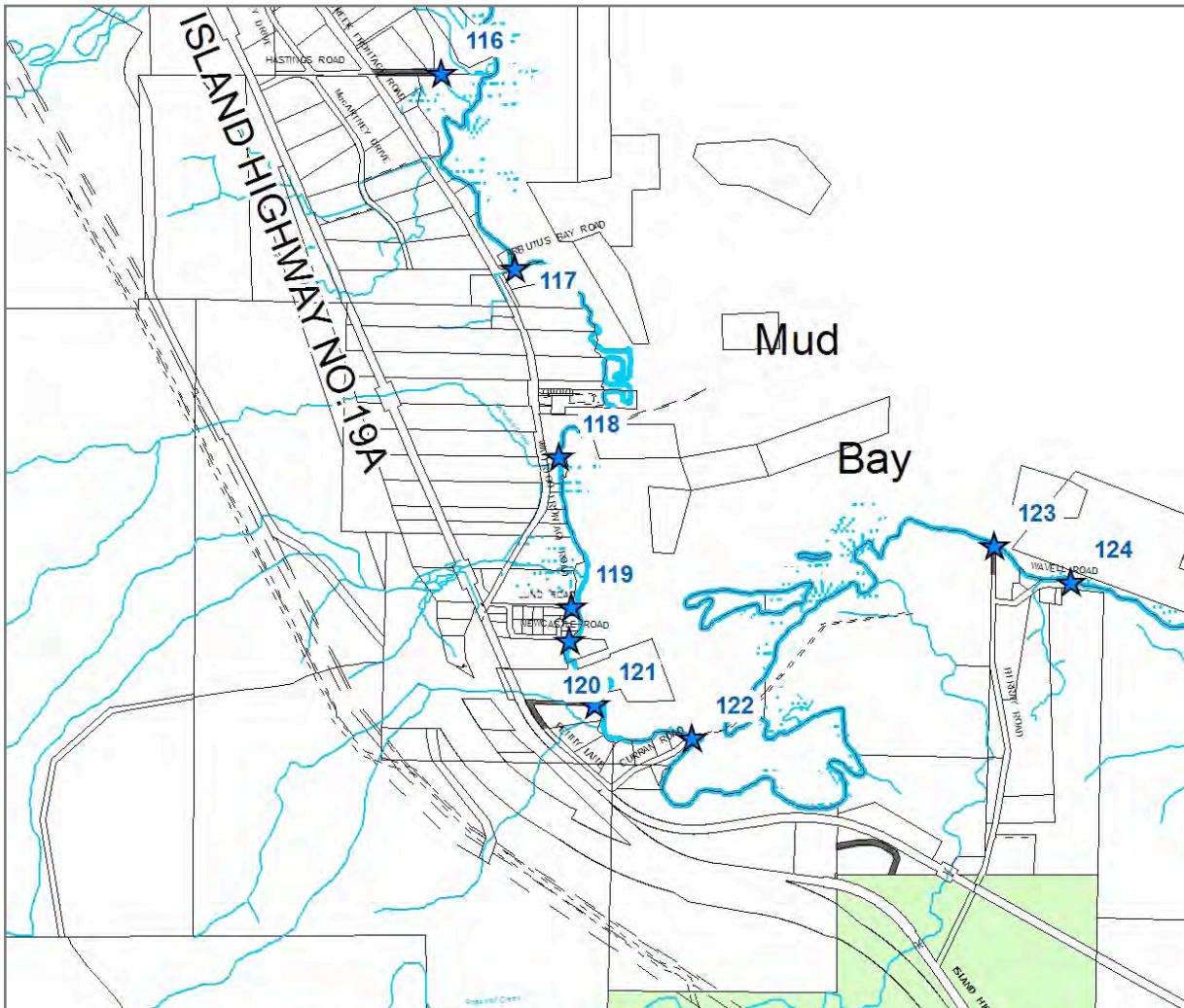
ROW	Category	In Use	Not In Use	Recommendation
103	5		X	None
104	5		X	None
105	5		X	None
106	5		X	None
107	5		X	None

SECTION XII - SHIPS POINT #108-116



ROW	Category	In Use	Not In Use	Recommendation
108	4	X		None
109	4	X		None
110	3	X		Garbage bin; consider 'Adopt a Beach Access' concept
111	1	X		Investigate safety of stairs; post 'public access' signage along foreshore to provide beach users with an exit
112	2	X		Post 'public access' (signage visible from road)
113	4	X		None
114	3		X	Consider for improvement in long term
115	2		X	Post 'public access' sign to be visible from road.
116	5		X	None

SECTION XIII - FANNY BAY & MUD BAY #117-124



ROW	Category	In Use	Not In Use	Recommendation
117	4	X		None
118	5		X	None
119	2	X		Post 'public access' signage at trailhead
120	3	X		Investigate and remove demolition scraps on foreshore, improve trail, and post 'public access' signage at trailhead
121	3	X		Consider improving if current access point is developed (private property)
122	3		X	Consider improving if current access point is developed (private property)
123	3		X	Consider improving if region requires more public access points in the future.
124	4	X		None

APPENDIX II: CRD & MOTI MOU

PUBLIC ACCESSES TO WATER

Agreement between the
Ministry of Transportation (MoT)
Vancouver Island District (VID)
and the
Capital Regional District (CRD)

Dated for Reference the 12th day of October, 2006

REGARDING:

- Granting secure tenure to the CRD, sufficient to permit the development, management and regulation of accesses to water for public recreational purposes.
- Creation of accesses to water.

LEGISLATION, REGULATION AND APPLICABLE POLICY:

- | | | |
|-----|---|--|
| MoT | - | Bare Land Strata Regulations |
| | - | Transportation Act |
| | - | Land Title Act |
| | - | Policy on rights-of-way providing access to water (T02/06) |
| CRD | - | Letters Patent |
| | - | Local Government Act |
| | - | Community Charter |

INTERESTS:

MoT and the CRD both recognize that our customers are one and the same, namely the general public of the Province.

MoT and the CRD both commit to a mutually supportive and co-operative approach to issues around accesses to water, within the framework of their respective legislated and policy mandates.

MoT is the public road authority in unincorporated areas of the CRD. In addition, the Provincial Approving Officer (PAO) resides within MoT and has legislated responsibilities further to subdivision of lands and dedication of accesses to water pursuant to the Land Title Act.

MoT's interests are further to authorities and responsibilities pursuant to the Bare Land Strata Regulations, Transportation Act and the Land Title Act that cannot be delegated. In addition, policy as per T-02/06 must be followed.

MoT wants that:

- the interests of public in general are followed;
- the concerns of the minority are considered, and that there is reasonable accommodation of those concerns;
- clear lines of communication are followed by MoT and CRD, in order to provide mutual customers with clear and joint information;
- improvements within MoT rights-of-way are safe, and are constructed and maintained by others, with adequate liability insurance to save the province harmless from related third party actions;

- the CRD consult with third party stakeholders (i.e. residents, Islands Trust, Department of Fisheries & Oceans and fire departments) as appropriate; and,
- the CRD administer and manage identified access to water improvements.

The CRD is responsible for provision of community parks and recreation services.

The CRD created community parks and recreation commissions and delegated administrative responsibility to them.

CRD wants to:

- work in partnership with MoT to satisfy the public demand for reasonable public recreational access to the foreshore;
- relieve MoT of the administrative burden associated with development; management and regulation of identified accesses to water;
- assume responsibility for the development, management and regulation of identified accesses to water; and,
- obtain secure and appropriate tenure over identified accesses to water sufficient to permit development, management and regulation for public recreational access purposes.

PROCESS:

1. Creation of Accesses to Water (MoT rights-of-way)

Accesses to water are established during subdivision activity further to Section 75 of the Land Title Act, and Section 8 of B.C. Regulations 75/78 pursuant to the Bare Land Strata Regulation. They have generally not been developed for public highways purposes and, for the most part, are not presently required for planned public highways, vehicular driveway or other public or private highways or transportation corridor uses.

MoT will refer all local subdivision to the CRD for comment, prior to issuance of Preliminary Layout Approval. The CRD will refer those involving access to water to the affected parks and recreation commission and respond to MoT within 45 days of MoT's referral.

MoT's Approving Officer will not waive the requirement for access to water without prior consultation with the CRD.

2. Tenure over Foreshore Access Lands

MoT will grant CRD tenure over identified accesses to water for recreational purposes, in the form attached hereto as Appendix 2, License of Occupation.

3. Development of Access to Water Lands

MoT will promptly review and respond to CRD proposals to develop accesses to water. CRD will consider existing usages (i.e. driveways or utilities) within the accesses and, where reasonable, accommodate those uses. Future third party applications for use of the accesses may call for similar reasonable accommodations to be made. MoT and CRD will further their mutual public's interest in overall administration of the accesses.

MoT's Operations Manager (Saanich) will receive CRD applications and will respond to CRD's Manager of Real Estate and Facility Management.

4. Responding to public concerns about activities under this Agreement

- The CRD will respond to all public concerns that relate to its development, management and regulation activities further to this Agreement.
- MoT will respond to all other public concerns regarding the accesses.
- MoT and the CRD will consult prior to responding to incoming concerns, to ensure that responses are mutually supportive and compatible with our respective mandates, policies and regulations.
- Incoming concerns will be reviewed by the recipient and where the interests of the other are involved, a response strategy proposed to the other agency by the recipient. Upon agreement on the response strategy, the response(s) will be copied to the other agency.
- Response to our joint customers (the public) is to be timely, clear, concise, comprehensive to concerns and respectful.
- Minority concerns will be heard, as well as majority concerns. Where minority concerns can be mitigated by reasonable measures, the measures should be implemented.

5. Consideration of Future Third Party Applications

MoT will refer all third party applications for use of identified accesses to water to the CRD for review and comment. The CRD will forward the referral to the affected commission and respond to MoT within 45 days of MoT's initial referral.

LAND TENURE AND AUTHORITY:

Current:

MoT's current policy does not allow transfer of the accesses to water in fee simple, nor does legislation allow for delegation of authority to another party. Transferable tenure is as outlined in T-02/06

Future:

Land tenure and authority decisions will be made in accordance with future MoT legislated authority and policy.

CRD wishes to acquire greater authority over and ownership of the accesses. MoT VID will consult with CRD regarding any proposed changes to MoT's authority and policy in the future, and will make amendments to this Agreement accordingly.

DISPUTE RESOLUTION:

MoT and the CRD recognize that disagreements may arise from time to time and agree that resolution should be found at the most junior level.

Issues of concern must be clearly articulated in writing (letter, email, etc.) and should include any necessary background plans or documentation needed to support the concern. The receiving agency will respond within 10 working days, at each level identified below.


<u>Level</u>	<u>MoT</u>	<u>CRD</u>
1	Development Approval Technician	Parks, Commission Chair
2	Saanich Area Operations Manager	CRD Area Director
3	District Manager, Transportation (VID)	CRD Area Director
4	Regional Director, Transportation (SCR)	CRD Chair

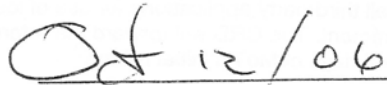
AMENDMENT:

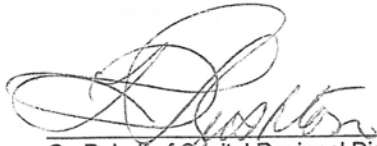
The CRD and MoT agree that this Agreement may be amended from time to time by mutual consent of the Parties and that such amendment will be in writing to be executed by the Parties and appended to the Agreement.


APPENDICES:


1. MoT Circular T-02/06, Policy on Use of Rights-of-Way that Provide Access to Water
2. License of Occupation

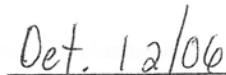

 On Behalf of Ministry of Transportation
 P.M. Wightman, P. Eng.
 District Manager, Transportation
 Vancouver Island District


 Date


 On Behalf of Capital Regional District
 Lloyd Rushton
 General Manager
 Parks and Community Services


 Date


 On Behalf of Capital Regional District
 Susan DeGryp
 Electoral Area Director
 Southern Gulf Islands


 Date

APPENDIX III: MOTI I-110 SHORE ACCESS SIGN



I-110