

DATE: May 4, 2020

FILE: 6130-20

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Update on Accessing the Tsolum River for Swimming

Purpose

This report is to update the Electoral Areas Services Committee on opportunities to improve access to swimming locations along the Tsolum River.

Recommendation from the Chief Administrative Officer:

THAT staff be directed to discontinue exploring river access swimming opportunities along the Tsolum River at this time.

Executive Summary

In December 2019, upon receipt of a report from staff, the Comox Valley Regional District (CVRD) Board asked that staff engage with the City of Courtenay and the Ministry of Transportation (MOTT) and Infrastructure to further explore river swimming opportunities along the Tsolum River.

- The December staff report concluded that the two sites with the greatest potential for improvement were the Exhibition Grounds and the end of Dove Creek Road adjacent to the grounds. Both of these locations are within the City of Courtenay.
- A written request to the city asking for parking to be allowed on Dove Creek Place was not supported. City staff believe parking on or at the end of Dove Creek Place could restrict access for emergency services or create congestion during events at the Exhibition Grounds.
- The pursuit of river swimming opportunities other than improving access at the Exhibition Grounds would involve a significant expenditure of staff time and resources.

Prepared by:

Concurrence:

Concurrence:

B. Allaert

M. Harrison

D. DeMarzo

Brian Allaert
Parks Technician

Mark Harrison
Manager of Parks

Doug DeMarzo
General Manager of
Community Services

Stakeholder Distribution (Upon Agenda Publication)

Ministry of Transportation and Infrastructure	✓
City of Courtenay	✓
K'ómoks First Nation	✓
Puntledge – Black Creek (Electoral Area C) Advisory Planning Commission	✓

Background/Current Situation

As the Comox Valley population continues to grow so does the demand for opportunities to swim and play at coastal beaches and in local waterways. Within the Tsolum River watershed, swimming locations are currently accessible at the Exhibition Grounds, Headquarters Townsite Park and Tsolum Spirit Park.

There are 12 other potential locations along the Tsolum River where there is public land in the form of a road dedication that leads to the river but several of these do not offer ideal recreational opportunities due to high river banks. These road dedications were obtained by MOTI as part access to water requirements under Section 75 (1)(c) of the *Land Title Act*. Often these accesses are simply dedicated in plan without ground confirmation that the access to water would be viable.

To open one or more of these accesses, resources would need to be dedicated to land surveys, consultation with property owners, development of trails, parking lots and potentially toilets. In most cases, permission would need to be obtained from provincial agencies including MOTI and the Agricultural Land Commission (ALC). At least five of these are thought to have low recreation potential as the land ends high above the river.

Currently, the most popular river locations in the electoral areas that offer summer swimming recreation include:

1. Trent River – accessed from Inland Highway.
2. Browns River – accessed from K'ómoks First Nation land off of Piercy Road under the powerlines; Medicine Bowls.
3. Puntledge River – accessed at Barbers Hole; Nymph Falls; Stotan Falls; and Tubers Trail.
4. Oyster River – accessed at Bear Creek Park; Bracken Park; Oyster River Park; Old Island Hwy bridge; and Acher and Bain road allowances.

Many of these locations could benefit from improvements and perhaps better serve the community than more access to the Tsolum River.

Policy Analysis

August 28, 2018 Board direction:

THAT staff be directed to work with the City of Courtenay and the Provincial Ministries to establish parking areas and delineate public access points to the lower Tsolum River in the Dove Creek Area.

The Rural Comox Valley Official Community Plan (OCP) Bylaw 337 (CVRD, 2014) identifies the following relevant park objectives:

- 10 (1) To identify areas suitable for parks and greenways that meet the present and future needs of residents.
- 10 (4) To improve and maintain public access to water bodies – lakes, streams and the foreshore.

Further OCP policies:

- 11 (6) Keep open and map all road rights of way that provide public access to water, including lakes, streams and foreshore areas and, in collaboration with the Ministry of Transportation and Infrastructure (MOTTI), to improve access, in areas where it does not compromise drinking water quality or sensitive ecosystems.

Part of the CVRD park service mandate is to “provide opportunities for outdoor recreation and activities that foster appreciation and enjoyment of the natural environment” (CVRD, 2011). In a 2010 telephone survey for the Rural Comox Valley Parks and Greenways Strategic Plan 2011–2030 access to beaches from the surrounding neighbourhoods was ranked by eight (8) per cent as most important and by 31 per cent within their top three choices. Access to beaches placed fifth amongst the six types of parks the CVRD should acquire or develop.

Options

1. No further action at this time, focus on other park priorities.
2. Complete a more detailed study of access opportunities along the Tsolum River including assessing those Road Right-of-Ways (RoW) that are inaccessible and consulting with adjacent owners and the ALC.
3. On lands already managed by the CVRD prepare plans to improve parking, river access and related facilities such as toilets and picnic tables and consider these plans within the 5-year financial plans for the exhibition grounds and parks functions.
4. Expand the study and look at opportunities on other rivers such as the Trent River, Browns River, Puntledge River, and Oyster River.

Staff are recommending option 1 at this time given fiscal responsibility and the strain on staff resources that exploration of further options entails.

Financial Factors

The proposed five-year financial plan does include \$30,000 for improving river accesses in both 2021 and 2023 as part of the parks function.

The exhibition grounds function has no funding dedicated for improving river access. This function is already attempting to manage many needs. Dedicating funds to improve access to the river would mean a delay to other needed upgrades at the grounds.

Intergovernmental Factors

Discussions with the City of Courtenay staff found that they do not support improving the parking and access off of Dove Creek Road next to the Exhibition Grounds.

As the ALC has been reluctant to support development of the One Spot Trail on MOTI road allowance due to concerns about how park users could impact adjacent farm operations, the ALC is quite likely to have the same concerns about river access improvements.

Obtaining approval from MOTI for improvements can take 12 months or more with the ministry wanted assurances that concerns of neighbouring residents have been addressed.

Interdepartmental Involvement

Improvements at the Exhibition Grounds would require involvement of CVRD recreation staff.

Communications staff would be called upon to help with public consultations for deciding which accesses to improve as well as for development of improvements.

Citizen/Public Relations

Opening road allowances in rural areas to create recreational access to the Tsolum for the benefit of the wider community could face some opposition from rural residents and farm operations. Concerns would likely include issues such as trespass, noise, parking, garbage, unleashed pets and late night activities.

Ongoing social distancing and limitations on certain activities may prompt some residents to seek out swimming opportunities as well as to look for places where they can avoid crowds. Any improved accesses are likely to be well received by would be swimmers.

Attachments: Appendix A – December 2019 staff report on Improving Access to Tsolum River for Swimming

Appendix B – City of Courtenay response to request for parking on Dove Creek Place

DATE: November 29, 2019

FILE: 6130-20

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Accessing the Tsolum River for Swimming

Purpose

This report is for information purposes only and reviews opportunities to improve access to swimming locations along the Tsolum River.

Recommendation from the Chief Administrative Officer:

THAT the report on accessing the Tsolum River for swimming be received and filed.

Executive Summary

A preliminary review of sites that could provide access to the Tsolum River for recreation indicates that outside of Comox Valley Regional District (CVRD) operated parks along the river there are few and limited opportunities to easily improve community access on public land.

- The two sites with the greatest potential for improvement are the Exhibition Grounds and the end of Dove Creek Road adjacent to the grounds. Both of these locations are within the City of Courtenay (City). The City is currently not supportive of doing their own river access improvements at Dove Creek Road. Improvements may be possible through the Exhibition Grounds function 660.
- Access could be provided at the Piercy Bridge and Stephen Road but recreational opportunities appear to be limited at these sites. While there are another nine dedicated road allowances which extend to the river eight of these are overgrown and inaccessible.
- The popular swim holes accessed off of Dove Creek Road north of Piercy Bridge can only be reached currently by crossing private property. Permission for a designated trail and parking area would need to be negotiated with one or more property owners.
- With limited access, low summer flows and the need to obtain Agricultural Land Commission (ALC) approval for improvements the Tsolum River may not offer the best sites for improving recreational access to rivers.

Prepared by:

Concurrence:

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B. Allaert

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Stakeholder Distribution (Upon Agenda Publication)

Ministry of Transportation and Infrastructure	✓
City of Courtenay	✓
Puntledge – Black Creek (Electoral Area C) Advisory Planning Commission	✓

Background/Current Situation

As the Comox Valley population continues to grow so does the demand for opportunities to swim and play at coastal beaches and in local waterways. Within the Tsolum River watershed swimming locations are currently accessible at the Exhibition Grounds, Headquarters Townsite Park and Tsolum Spirit Park.

There are several locations off of Dove Creek Road including the site of the old bailey bridge in the City of Courtenay as well as several sites north of the Piercy Bridge that were identified as potentially offering opportunities for swimming. The sites north of the bridge along Dove Creek unfortunately cannot be accessed without crossing private property. The farms along Dove Creek Road own a sliver of land on the east side of the road with no dedicated public land abutting the road in the vicinity of the swim holes.

There are 12 other potential locations along the Tsolum River where there is public land in the form of a road dedication that leads to the river but several of these do not offer ideal recreational opportunities due to high river banks. These road dedications were obtained by the Ministry of Transportation and Infrastructure (MOTI) as part access to water requirements under Section 75 (1)(c) of the *Land Title Act*. Often these accesses are simply dedicated in plan without ground confirmation that the access to water would be viable.

To open one or more of these accesses, resources would need to be dedicated to land surveys, consultation with property owners, development of trails, parking lots and potentially toilets. In most cases, permission would need to be obtained from provincial agencies including MOTI and the ALC. At least five of these are thought to have low recreation potential as the land ends high above the river.

Currently, the most popular river locations in the electoral areas that offer summer swimming recreation include:

1. Trent River – accessed from Inland Highway.
2. Browns River – accessed from K'ómoks First Nation land off of Piercy Road under the powerlines.
3. Puntledge River – accessed at Barbers Hole; Nymph Falls; Stotan Falls; and Tubers Trail.
4. Oyster River – accessed at Bear Creek Park; Bracken Park; Oyster River Park; Old Island Hwy bridge; and Acher and Bain road allowances.

Many of these locations could benefit from improvements and perhaps better serve the community than more access to the Tsolum River.

Policy Analysis

August 28, 2018 Board direction:

THAT staff be directed to work with the City of Courtenay and the Provincial Ministries to establish parking areas and delineate public access points to the lower Tsolum River in the Dove Creek Area.

The Rural Comox Valley Official Community Plan (OCP) Bylaw 337 (CVRD, 2014) identifies the following relevant park objectives:

- 10 (1) To identify areas suitable for parks and greenways that meet the present and future needs of residents.
- 10 (4) To improve and maintain public access to water bodies – lakes, streams and the foreshore.

Further OCP policies:

11 (6) Keep open and map all road rights of way that provide public access to water, including lakes, streams and foreshore areas and, in collaboration with the Ministry of Transportation and Infrastructure (MOTT), to improve access, in areas where it does not compromise drinking water quality or sensitive ecosystems.

Part of the CVRD park service mandate is to “provide opportunities for outdoor recreation and activities that foster appreciation and enjoyment of the natural environment” (CVRD, 2011).

In a 2010 telephone survey for the Rural Comox Valley Parks and Greenways Strategic Plan 2011–2030 access to beaches from the surrounding neighbourhoods was ranked by 8 per cent as most important and by 31 per cent within their top three choices. Access to beaches placed 5th amongst the six types of parks the CVRD should acquire or develop.

Options

1. Complete a more detailed study of access opportunities along the Tsolum River including assessing those Road Right-of-Ways (RoW) that are inaccessible and consulting with adjacent owners and the ALC.
2. On lands already managed by the CVRD prepare plans to improve parking, river access and related facilities such as toilets and picnic tables and consider these plans within the 5-year financial plans for the exhibition grounds and parks functions.
3. Expand the study and look at opportunities on other rivers (Trent, Browns, Puntledge, Oyster River)
4. Ask the City to join the CVRD in hosting a community meeting on the topic to get feedback from users on where and what to improve in terms of river swimming opportunities.
5. No further action at this time, focus on other park priorities.

Financial Factors

The proposed five-year financial plan does include \$30,000 for improving river accesses in both 2021 and 2023 as part of the parks function.

The exhibition grounds function has no funding dedicated for improving river access. This function is already attempting to manage many needs. Dedicating funds to improve access to the river would mean a delay to other needed upgrades at the grounds.

Intergovernmental Factors

Discussions with City staff found that they have no interest in improving the parking and access off of Dove Creek Road next to the Exhibition Grounds.

As the ALC has been reluctant to support development of the One Spot Trail on MOTI road allowance due to concerns about how park users could impact adjacent farm operations, the ALC is quite likely to have the same concerns about river access improvements.

Obtaining approval from MOTI for improvements can take 12 months or more with the ministry wanting assurances that concerns of neighbouring residents have been addressed.

Interdepartmental Involvement

Improvements at the Exhibition Grounds would require involvement of CVRD recreation staff.

Communications staff would be called upon to help with public consultations for deciding which accesses to improve as well as for development of improvements.

Citizen/Public Relations

Opening road allowances in rural areas to create recreational access to the Tsolum for the benefit of the wider community could face some opposition from rural residents and farm operations.

Concerns would likely include issues such as trespass, noise, parking, garbage, unleashed pets and late night activities.

Attachments: Appendix A – “Recreation Potential and Challenges of Tsolum River Road Accesses and Parks”

Appendix B – “North Tsolum River Accesses, Parks & Trails”

Appendix B

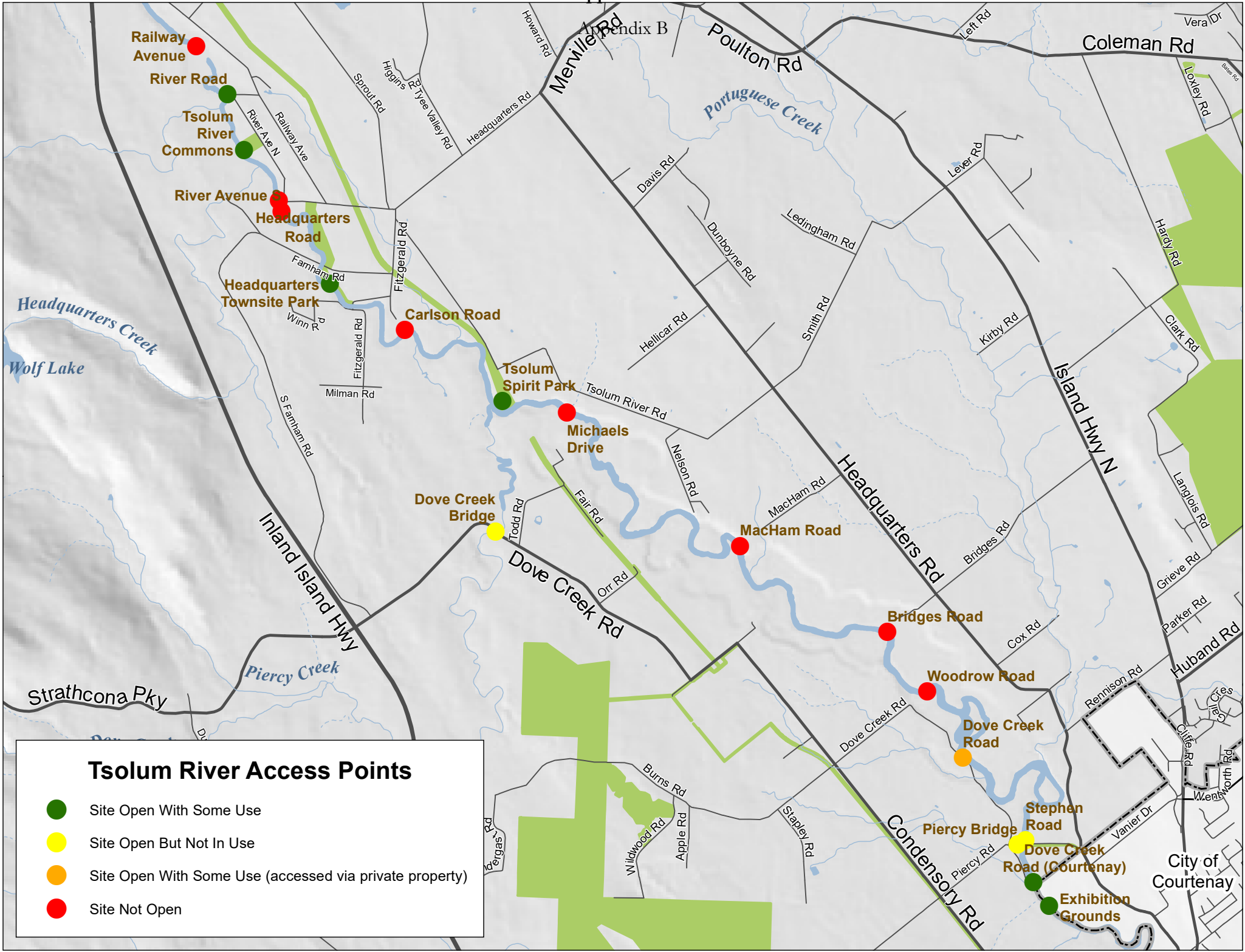
Appendix A - Recreational Potential and Challenges of Tsolum River Road Accesses and Parks

Site Location	Recreational Potential	Challenges
Sites with Some Current Use		
Dove Creek Rd Courtenay	2	P, T, RB
Exhibition Grounds	1	RB
Headquarters Townsite Park	2	P, RB
River Rd	3	P, RB, T
Tsolum Commons	3	SW
Tsolum Spirit	2	SW, T
Sites Open but Not in Use		
Dove Creek bridge	3	A,P, SW
Piercy Bridge	3	P,T
Stephen Rd	3	T
Sites Not Open		
Carlson Rd	U	A, P, T
Bridges Rd	U	A, P
Headquarters Rd	3	A, P, RB
MacHam Rd	U	A, P
Michaels Dr	3	A, P, RB
Railway Ave	3	A, P, RB
River Ave S	U	A, P
Woodrow Rd	U	A, P
Sites with Use Involving Access on Private Property		
Dove Creek Road	1	A, PP, P, T, RB, SW

Key	
Recreation Potential	
1	Excellent
2	Good
3	Poor
U	Unknown
Challenges	
A	Access - Getting to River
PP	Dependent on Private Property Access
P	Parking
T	High Trespass Potential
RB	High or Eroding Riverbank
SW	Shallow water

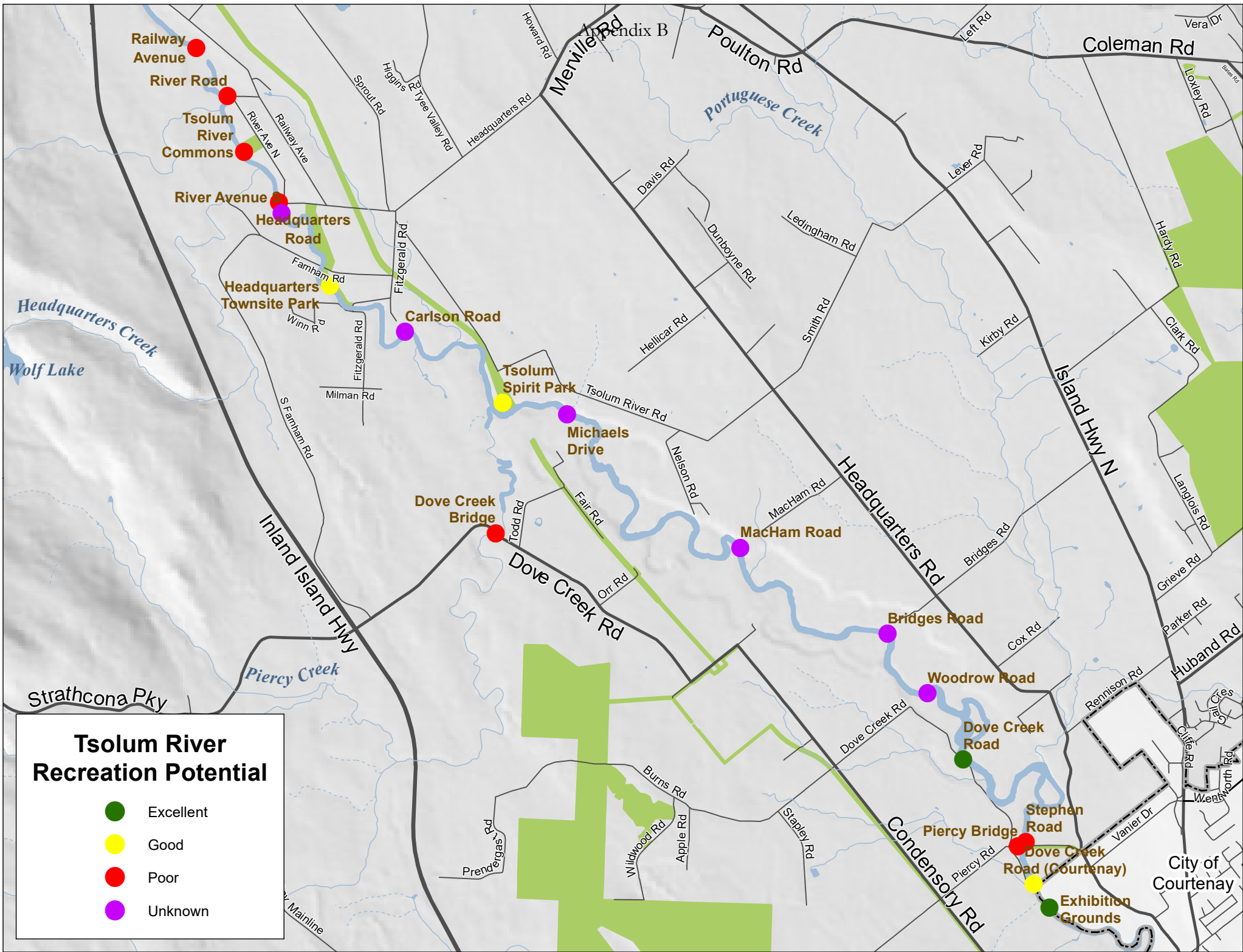
Notes:

High trespass potential refers to either visitors getting to the river and then accessing private property up or down stream or visitors wandering off road allowances onto private property.



Tsolum River Access Points

- Site Open With Some Use
- Site Open But Not In Use
- Site Open With Some Use (accessed via private property)
- Site Not Open



From: Shaw, Kyle [<mailto:kshaw@courtenay.ca>]
Sent: Friday, April 24, 2020 1:01 PM
To: Brian Allaert <ballaert@comoxvalleyrd.ca>
Subject: RE: parking request for Dove Creek Place

Good Afternoon Brian,

RE: Parking - Dove Creek Place

Thank you for your email. Section 187 of the Motor Vehicle Act requires that parked vehicles must be entirely to the right of the solid white edge line so they do not obstruct the travel lane of the road. Unfortunately the shoulder on Dove Creek Place is only 1 metre wide, which is not wide enough to park a vehicle without obstructing the travel lane. Parking is not permitted in the cul-de-sac bulb in order to maintain emergency services access, and the road right-of-way on Dove Creek Place is insufficient to increase the size of the cul-de-sac to permit parking. Parking restrictions in the area are a broader topic, in that during special events the City must maintain appropriate access, including access for emergency services.

As such, the City cannot accommodate your request to add parking on Dove Creek Place.

Regards,

Kyle Shaw, AScT, CPWI
(Interim) Director of Public Works Services
Public Works Services
City of Courtenay
830 Cliffe Ave., Courtenay, BC V9N 2J7
Work: 250-338-1525
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CITY OF
COURTENAY





Area at end of Dove Creek Place where parking is prohibited