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**REPORT TO THE JUAN DE FUCA ELECTORAL AREA
PARKS & RECREATION ADVISORY COMMISSION
MEETING OF TUESDAY, NOVEMBER 24, 2015**

**SUBJECT USE OF SHERINGHAM STRATA ROAD BY THE SHERINGHAM
LIGHTHOUSE PRESERVATION SOCIETY**

ISSUE

The Sheringham Lighthouse Preservation Society (Society) is seeking public vehicle access, rather than pedestrian use, of 500 metres of Capital Regional District (CRD) statutory rights of way on the Guiding Owl Investments strata section of Sheringham Point Road for purposes of inviting the public to the Society's Lighthouse Lands (refer to attachment 1).

BACKGROUND

In 2008, the CRD acquired five statutory rights of ways (SRWs) from Guiding Owl Investments in order to provide for public and emergency vehicle access on private (strata) lands. The SRWs established a public pedestrian trail (Community Park), two parking areas and about 500 m of public vehicle access on the strata portion of Sheringham Point Road (Private Road) for park access. The Community Park loop trail also enables pedestrian access to the Fisheries and Oceans Canada Sheringham Point Lighthouse Lands (Lighthouse Lands).

From 2005 to 2013, the Society and Juan de Fuca Electoral Area Parks & Recreation collaborated to secure the Lighthouse Lands for purposes of creating a CRD Community Park as well as fulfill the mandate of the Society. In the fall of 2013, the Society stated its intention to proceed independently to acquire the Lighthouse Lands via the Federal Heritage Lighthouse Preservation Act. In February 2014, the CRD determined not to pursue interest in the Lighthouse Lands.

There is more than one potential way to access the Lighthouse Lands by vehicle and walking; however, the longstanding position of the Society has been to encourage public access to the Lighthouse Lands via Sheringham Point Road that becomes a Private Road for the last approximately 500 metres. This route has been preferred over the publicly owned Seaside Drive. The privately owned portion of Sheringham Point Road is not paved, is narrow and has received little maintenance over the years. However, because this road has received limited use, mostly by local area residents, and community park users, the risk for public safety was considered manageable.

With the pending transfer of the Lighthouse Lands to the Society, this area will become a "destination stop" for tourists who are traveling the Pacific Marine Circle highway route that now exists on Southern Vancouver Island. There is the strong possibility that the number and types of vehicles using the road could increase significantly. The Private Road and existing lower parking area were not designed to take traffic for a destination site that could have higher use than a typical community park. School buses or large recreational vehicles using this private gravel road will have limited turnaround space. This places the CRD in a position of having to improve and maintain the Private Road and accept the responsibilities of safety and liability beyond the end of the provincially owned portion of Sheringham Point Road where the upper parking lot is located.

The CRD and Juan de Fuca Electoral Area Parks & Recreation Advisory Commission will be meeting with the Society to present a strategy that will hopefully satisfy the Society's visitor access needs, while ensuring the CRD is not held responsible for assuming the additional costs, risk and liability associated with increased destination use.

ALTERNATIVES

Alternative 1

That Juan de Fuca Electoral Area Parks & Recreation Advisory Commission recommend that the Capital Regional District reduce its level of risk by entering into a five-year trial operating agreement with the Society, whereby the Society is responsible to operate the CRD's statutory right of way on the strata portion of Sheringham Point Road and the lower parking area, provided the Society be responsible for all costs, risk and liabilities related to improving and maintaining it to an acceptable standard.

Alternative 2

That the Capital Regional District remove any future risk, liability and long term road maintenance costs associated with the strata portion of Sheringham Point Road, by reducing the length of the road available for public access on its SRW to about 50 metres, and creating an enhanced parking area and trailhead at the end of Sheringham Point Road (the public road). The enhanced parking area and park trail would be available for community park and lighthouse visitors.

SOCIAL IMPLICATIONS

Both alternatives support continued public access and use of both the Community Park and Lighthouse Lands.

Alternative 1 will provide access to the Community Park and the Sheringham Point Lighthouse via a 500 m walk and a relatively smaller lower parking lot with limited turnaround area.

Alternative 2 will provide access to the Community Park and the Sheringham Point Lighthouse via a 1000 m walk and larger upper parking lot and turnaround area.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications given that the area in question is a previously disturbed site and any improvements would necessarily consider environmental impacts.

ECONOMIC IMPLICATIONS

If Alternative 1 is pursued, the upper parking area and trailhead at the end of the public portion of Sheringham Point Road would need to be enhanced. The cost for this new access point would be approximately \$15,000 for which a funding arrangement with the Society must be confirmed. It is not anticipated that there would be any further costs incurred by the Juan de Fuca Electoral Area Parks & Recreation Advisory Commission under this option as any improvements to the strata portion of Sheringham Point Road or the existing lower parking area would be covered through an Operating Agreement with the Society.

If Alternative 2 is pursued, the CRD would reduce the length of road available for public access on its SRW to about 50 metres and enhance the upper parking area and trailhead at the end of the public portion of Sheringham Point Road. Both the community park and lighthouse visitors would use this parking area and trail. Guiding Owl Investments would likely request that the CRD move the gate from the lower parking lot to the new parking lot. The CRD would retain access for the fire department to the fire suppression water reservoir.

The option of maintaining the status quo, while accepting use of the Private Road by the Society, its visitors or commercial partners, would leave the CRD solely responsible for all legal and operational/maintenance costs associated with use of the Private Road for largely the Society's interests.

CONCLUSION

The Fisheries and Oceans Canada Sheringham Point Lighthouse Lands are expected to be transferred to the Sheringham Point Lighthouse Preservation Society in the fall of 2015. The public's access to the lighthouse could be via a few different routes; however, the Society's preference is to use a CRD SRW that extends public vehicle access 500 m beyond the end of the Sheringham Point Road (a public highway).

Either Alternative supports continued public access and use of both the Community Park and Lighthouse Lands. If the Society accepts a five-year trial operating agreement the length of the walk down to the lighthouse will remain at about 500 metres, alternatively it could be extended to about 1,000 metres.

RECOMMENDATION

That Juan de Fuca Electoral Area Parks & Recreation Advisory Commission recommend that the Capital Regional District reduce its level of risk by entering into a five-year trial operating agreement with the Society, whereby the Society is responsible to operate the CRD's statutory right of way on the strata portion of Sheringham Point Road and the lower parking area, provided the Society be responsible for all costs, risk and liabilities related to improving and maintaining it to an acceptable standard.

Submitted by:	Mike Walton, Senior Manager, Regional Parks
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RH/SH/MW:km

Attachment: Attachment 1 – Map – Sheringham Point Road and Associated Features



	<p>Projection: UTM ZONE 10N NAD 83</p>	<ul style="list-style-type: none"> FOC Lighthouse Lands Right of Way Juan de Fuca Community Park Lot Line Road 	<p style="text-align: right;">Attachment 1 Sheringham Point Juan de Fuca Electoral Area Parks & Recreation Advisory Commission November 24th, 2015</p> <p style="text-align: right;">* 2013 Orthophoto</p>
<p><small>Important: This map is for general information purposes only. The Capital Regional District (CRD) makes no representations or warranties regarding the accuracy or completeness of this map or the suitability of the map for any purpose. This map is not for navigation. The CRD will not be liable for any damage, loss or injury resulting from the use of the map or information on the map and the map may be changed by the CRD at any time.</small></p>			