



COLUMBIA SHUSWAP REGIONAL DISTRICT

Regular Board Meeting

LATE ITEMS AGENDA

Date: Thursday, September 20, 2018
Time: 9:30 AM
Location: CSR D Boardroom
555 Harbourfront Drive NE, Salmon Arm

Pages

3. Section 57 Notice on Title Hearing

*3.1 Electoral Area E: Community Charter Section 57 Notice

1

Civic Address: 673 Swanbeach Road, Swansea Point

Request from Jeff Frame, Forward Law, to postpone Section 57 Hearing Matter. See attached email. Late Agenda Item.

- Opening of Hearing.
- Report from C. Hamilton, Chief Administrative Officer, dated September 11, 2018.
- CSR D Building Inspector to present.
- Opportunity for property owner to present.
- Questions from the Board.
- Closure of the Hearing.

Motion

THAT: the Board authorize the Corporate Officer to file a notice in the Land Title Office against the property legally described as Lot 1, Section 11, Township, 21, Range 8, W6M, KDYD, Plan 11368, in accordance with Section 57(3) of the Community Charter, this 20th day of September, 2018;

AND THAT: further information in respect of the notice is available for inspection at the office of the Columbia Shuswap Regional District (CSR D).

***3.2 Electoral Area F: Community Charter Section 57 Notice**

26

Civic Address: 6471 Lindsay Road (6593 Magna Vista Crescent), Magna Bay

- Opening of Hearing.
- Report from C. Hamilton, Chief Administrative Officer, dated September 12, 2018.
- CSRD Building Inspector to present.
- Opportunity for property owner to present.
 - Email from Klara Lange, property owner, attached, dated September 3, 2018.
 - ***Additional emails from Klara Lange, property owner, attached, dated September 15, 2018. Late Agenda Items.***
- Questions from the Board.
- Closure of the Hearing.

Motion

THAT: the Board authorize the Corporate Officer to file a notice in the Land Title Office against the property legally described as Lot A, Section 13, Township 23, Range 10, W6M, KDYD, Plan 29439, Except Plans 29668, and 30666, in accordance with Section 57(3) of the Community Charter, this 20th day of September, 2018;

AND THAT: further information in respect of the notice is available for inspection at the office of the Columbia Shuswap Regional District (CSRD).

5. Correspondence***5.4 Town of Golden (September 7, 2018)**

56

Letter from Ron Oszust, Mayor regarding the Golden Landfill.

Late Agenda Item.

***5.5 Infrastructure Planning Grant Update**

57

Approved infrastructure planning grant application for Scotch Creek Water Plan Update in the amount of \$10,000.

Late Agenda Item.

6. Reports

*6.3 UBCM 2018 Conference

Outcome of CSRD Resolutions submitted to UBCM. Verbal update on Ministerial meetings at the 2018 UBCM Conference.

- Minister of Agriculture Request: The Minister's office to indicate that it willing to review the Class E licensing requirements.
- Minister of Environment Request: Address the concerns of the CSRD Board regarding the proposed changes to the Recycle BC Stewardship Plan.
- Minister of Environment Request: Request for ongoing support from the Ministry of Environment of the Shuswap Watershed Council
- Minister of Forests, Lands, Natural Resource Operations and Rural Development Request: To learn that the Minister is receptive to fund and initiate a Land Use Planning process on Crown lands in Area B of the CSRD and the City of Revelstoke; a process that involves all key stakeholders and a collaborative, community approach.
- Minister of Health Request: that the Minister consider the need for an ambulance station in Falkland to serve Falkland/Westwold/Monte Lake & other areas on Hwy97.
- Minister of Municipal Affairs and Housing Request: To broach the topic of potential funding support in 2019 for an Area C Restructure Study.
- ICBC Request: Mandatory training for Long Haul/Transport Truck Drivers in BC (and across Canada), for Class 1 operators.

For Information.

Late Agenda Item.

7. Business General

*7.2 Proposed Provincial Speculation Tax

Request from Director Demenok that the Board discuss the proposed provincial speculation tax and send a letter to the Minister of Finance and the Premier outlining the potential effects it would have in this area.

Late Agenda Item.

8. Business By Area

*8.4 Electoral Area E: Solsqua Road Crossing - Anti-Whistling

58

Report from Jennifer Sham, Assistant Deputy Corporate Officer, dated September 18, 2018.
 Mile 40.10, Solsqua Road

Late Agenda Item.

Motion

THAT: the Board support train whistle cessation at the Solsqua Road (Mile 40.10) crossing, this 20th day of September, 2018.

Motion

THAT: the Board direct staff to continue to work with Canadian Pacific Railway staff to obtain any necessary approvals for train whistle cessation at the Solsqua Road (Mile 40.10) crossing, this 20th day of September, 2018.

11. Business General

*11.1 Electoral Area C: Building Amendment Bylaw No. 660-01

77

Report from Marty Herbert, Team Leader Building and Bylaw Services dated September 12, 2018.
 An amendment to Bylaw No. 660 to include Electoral Area C within the building regulation service area of the CSRD.

Late Agenda Item.

12. ALR Applications

*12.1 Electoral Area B: Agricultural Land Commission (ALC) Application Section 20(3) – Non Farm Use in the Agricultural Land Reserve (ALR) LC2559B (Stephen Revell)

Application withdrawn. Late Agenda Item.

15. Planning Bylaws

*15.1 Electoral Area C: Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22 85

Report from Erica Hartling, Development Services Assistant, dated September 6, 2018.

3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, Sunnybrae

Updated Final Site Plan. Late Agenda Item.

Motion

THAT: "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be read a third time as amended this 20th day of September, 2018.

Motion

THAT: "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be adopted this 20th day of September, 2018

17. Upcoming Meetings/Events

*17.5 North Okanagan/Columbia Shuswap Regional Hospital District Meeting

Meeting cancelled. Late Agenda Item.



BOARD REPORT

TO: Chair and Directors

File No: 4070 00 81
CE201600127

SUBJECT: Electoral Area E: Community Charter Section 57 Notice

DESCRIPTION: Report from Charles Hamilton, Chief Administrative Officer, dated September 11, 2018
673 Swanbeach Road, Swansea Point

RECOMMENDATION: THAT: the Board authorize the Corporate Officer to file a notice in the Land Title Office against the property legally described as Lot 1, Section 11, Township, 21, Range 8, W6M, KDYD, Plan 11368, in accordance with Section 57(3) of the Community Charter, this 20th day of September, 2018;

AND THAT: further information in respect of the notice is available for inspection at the office of the Columbia Shuswap Regional District (CSR D).

SHORT SUMMARY:

The CSR D Building Inspector has provided a recommendation pursuant to Section 57(2) of the Community Charter (CC). Pursuant to Section 57(2) of the CC, the registered owner of the subject property has been notified that this matter will be placed before the Board of Directors at its regular Board meeting to be held on September 20, 2018 at 9:30 AM in the Boardroom of the CSR D, 555 Harbourfront Drive NE, Salmon Arm, BC.

In accordance with Section 57(3) of the CC, the CSR D Building Inspector and the owner of the subject property must be given an opportunity to speak to the Board in respect of the matter. The Board may then confirm the recommendations of the building inspector and pass a resolution directing the Corporate Officer to file a notice in the Land Title Office stating that a resolution in regard to the subject property has been made in accordance with Section 57 of the CC, and that additional information in respect of the notice will be available for inspection at the office of the CSR D.

Placing a Section 57 Notice on title will alert subsequent owners of the property of the outstanding building regulation non-compliance.

VOTING:

Unweighted
Corporate



LGA Part 14
(Unweighted)



Weighted
Corporate



Stakeholder
(Weighted)



BACKGROUND:

This property is the subject of a bylaw enforcement file regarding non-compliance with CSR D Bylaws: Lakes Zoning Bylaw No. 900 and Rural Sicamous Land Use Bylaw No. 2000.

In 2016, the property owner installed a new fixed dock contrary to Lakes Zoning Bylaw No. 900. Further, it appears the dock may also be oversized and sited within the setback area adjacent to a CSRD park. Also in 2016, the property owner installed multiple additions to the lake side and the interior side of the single family dwelling, and extended the retaining walls at shoreline, without the required approvals. Further, house construction was finished within an area subject to flooding and the Riparian Area Regulation, all completed without the required approvals.

Staff sent letters dated July 8, 2016 and September 20, 2016 to the property owner identifying the bylaw infractions and requesting a survey to confirm the extent of new works and required applications. A Demand for Compliance legal letter from Lidstone and Company was also delivered to the property owner November 24, 2016.

In February 2017, the property owner submitted an incomplete rezoning application for the dock including an incomplete site plan for the dock.

The letters and correspondence with the property owner have not resulted in the property owner submitting the required survey or complete applications for the dock or upland works or additions to the dwelling. As a result, on December 1, 2017, the CSRD Board authorized CSRD Bylaw Enforcement staff to pursue all options to bring this property into compliance, including a court injunction, if necessary.

On June 15, 2018, during a site visit to the subject property, the CSRD Building Inspector identified BC Building Code contraventions that could make the structure unsafe or unusable for its intended purpose over its life expectancy.

A notice that this matter will be placed before the CSRD Board for its consideration on September 20, 2018 was sent to the property owner on August 29, 2018. The notice included a copy of the CSRD Building Inspector's report dated August 28, 2018. See attached "BI_Memo_2018-08-28_NOT40700081.pdf".

POLICY:

Section 57 of the *Community Charter*

Note against land title that building regulations contravened

57. (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
 - (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactment
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (1) and

- (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
 - (a) give notice to the registered owner of the land to which the recommendation relates, and
 - (b) after notice under paragraph (a), place the matter before council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
 - (a) a resolution relation to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.

FINANCIAL:

At present, staff time and legal consultation for this file exceeds \$10,000. If the Board declines to recommend that the notice be registered against the title of the subject property, the Board may wish to direct staff to pursue legal action with a court injunction, which can vary from an additional \$10,000 - \$30,000 depending upon the complexity of the file, and response received from the property owner.

If the property owner addressed the outstanding non-compliance issues and the Building Inspector confirms that the Section 57 Notice can be removed from title, prior to the Corporate Officer filing the cancellation notice, the property owner must pay a \$650 notice discharge fee, as per CSRD Development Services Application Fees Bylaw 4000 as amended.

KEY ISSUES/CONCEPTS:

Staff have requested the owner of the subject property, both in verbal and written communications, including two Demand for Compliance legal letters, to provide the required information that may allow issuance of the necessary approvals. The owner has failed to provide the information or to advise the CSRD when the information will be submitted to this office. In the absence of the required approvals, placing a notice on Title Section 57 is a priority.

SUMMARY:

Based upon the information provided by the Building Inspector and his recommendation, it is my recommendation to the Board that a Section 57 Notice be authorized to be filed on the title of the subject property.

IMPLEMENTATION:

If the Board authorizes the Corporate Officer to file a notice in the LTO against the property legally described as Lot 1 Section 11 Township 21 Range 8 W6M Kamloops Division Yale District Plan 11368, as per Section 57(3) of the Community Charter, the notice will be sent to the registrar of land title for filing against the title of the subject property.

COMMUNICATIONS:

If the Board authorizes the Corporate Officer to file a notice in the Land Title Office against the subject property, in accordance with Section 57(3) of the Community Charter, the notice will be sent to the registrar of Land Title Office for filing against the title of the subject property. The owner of the subject property will be advised in writing of the Board's decision.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. December 1, 2017, CSRD In-Camera Certified Board Resolution; *To Pursue all Options for Compliance;*
2. November 15, 2017, CSRD In-Camera Board Report; *Board Direction Required,*
3. November 24, 2016, *Demand for Compliance* letter, Lidstone & Company;
Breach of CSRD Bylaws;
4. September 20, 2016 CSRD letter; *Expansion of the Single Family Dwelling;*
5. July 4, 2016, CSRD letter; *Dock Expansion.*

Report Approval Details

Document Title:	2018-09-20-Board_CA_NOT40700081_Lux.docx
Attachments:	- BI_Memo_2018-08-28_NOT40700081.pdf - Map_NOT40700081.pdf
Final Approval Date:	Sep 13, 2018

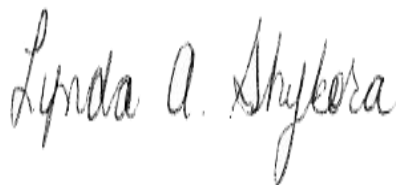
This report and all of its attachments were approved and signed as outlined below:



Marty Herbert - Sep 12, 2018 - 3:06 PM



Gerald Christie - Sep 12, 2018 - 3:14 PM



Lynda Shykora - Sep 13, 2018 - 9:16 AM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Sep 13, 2018 - 9:17 AM



COLUMBIA SHUSWAP REGIONAL DISTRICT

555 Harbourfront Drive NE, PO Box 978, Salmon Arm, BC V1E 4P1
T: 250.832.8194 | F: 250.832.3375 | TF: 1.888.248.2773 | www.csr.bc.ca

August 29, 2018

File No.: 4070 00 81
PR20160000127

REGISTERED MAIL

Darcy Michael Lux
5802 Aspen Drive
Grande Prairie AB T8W 0H3

**Re: Lot 1 Section 11 Township 21 Range 8 West of the 6th Meridian Kamloops Division Yale
District Plan 11368
673 Swanbeach Road, Swansea Point, BC.**

Please be advised that I have received a recommendation pursuant to Section 57 (1) of the Community Charter.


Pursuant to Section 57 (2) (a) you are hereby advised that this matter will be placed before the Columbia Shuswap Regional District (CSRD) Board of Directors for its consideration at its Thursday September 20, 2018, Regular Board meeting, which commences at 9:30 AM, in the Board Room of the Columbia Shuswap Regional District, 555 Harbourfront Drive NE, Salmon Arm, BC.

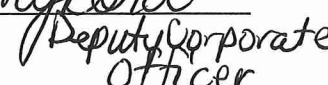
You are invited to attend the Board meeting to be heard. You are permitted to make a written presentation or to be represented by legal counsel if you so wish.

Enclosed for your information is a copy of the recommendation of the Building Official and a copy of Section 57 of the Community Charter.

Yours Truly,
COLUMBIA SHUSWAP REGIONAL DISTRICT

Per:

for 
Charles A. Hamilton
Corporate Officer


Deputy Corporate
Officer

Enclosures

ELECTORAL AREAS

A GOLDEN-COLUMBIA
B REVELSTOKE-COLUMBIA

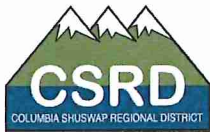
C SOUTH SHUSWAP
D FALKLAND-SALMON VALLEY

E SICAMOUS-MALAKWA
F NORTH SHUSWAP-SEYMOUR ARM

MUNICIPALITIES

GOLDEN
REVELSTOKE

SALMON ARM
SICAMOUS



MEMORANDUM

TO: Charles Hamilton
Corporate Officer

File No: 4070 00 81
CE20160000127

FROM: Scott Beck
Building Official

Date: August 28, 2018

SUBJECT: Community Charter Section 57; Note Against Land Title that Building Regulations Contravened, 673 Swanbeach Road, Swansea Point, Electoral Area E

Lot 1 Section 11 Township 21 Range 8 West of the 6th Meridian
Kamloops Division Yale District Plan 11368

Darcy Michael Lux

RECOMMENDATION: Whereas, during the carrying out of my duties, it was noted, in accordance with Section 57 subsections (1) (b) (i) and (1) (b) (ii) of the *Community Charter*, that the property owner had commenced construction of a building with BC Building Code contraventions. I am recommending, in accordance with Section 57 (2) of the *Community Charter*, that the Corporate Officer give notice to the registered owner of Lot 1 Section 11 Township 21 Range 8 West of the 6th Meridian Kamloops Division Yale District Plan 11368 and further that the matter be placed on the September 20, 2018 CSRD Board Agenda for consideration by the CSRD Board of Directors.

SHORT SUMMARY: This 2016 file has a long history of non-compliance with CSRD Bylaws; Lakes Zoning Bylaw No. 900, and Rural Sicamous Land Use Bylaw No. 2000, regarding the multiple additions lake side and interior side of the single family dwelling and parcel boundary setback requirements. In addition to these concerns, the CSRD has also registered many other development concerns to the property owner for extension of the retaining walls at the shoreline, flood construction level, flood plain setback to Mara Lake, Riparian Area Regulations and possibly dock placement adjacent to a CSRD park, all completed without the required approvals.

Staff sent letters dated July 4, 2016 and September 20, 2016 to the property owner identifying the bylaw infractions and requesting a survey to confirm the extent of new works and required applications. A 'Demand for Compliance' legal letters from Lidstone and Company was delivered to the property owner November 24, 2016 and June 15, 2018. The property owner submitted a rezoning application with an incomplete site plan for the dock in February 2017. The December 1, 2017 CSRD In-Camera Board Resolution authorized CSRD Bylaw Enforcement staff to pursue all options to bring this property into compliance, including a court injunction if necessary. A June 1, 2018 site report produced from the CSRD Building Official identified BC Building Code contraventions that could make the structure unsafe or unusable for its intended purpose over

its life expectancy. These letters have not resulted in the property owner submitting the required survey or complete applications for the dock or upland works or additions to the dwelling.

Placing a Section 57 Notice on Title will alert subsequent owners of the property of the outstanding building regulation non-compliance.

FINANCIAL:

At present, staff time and legal consultation for this file exceeds \$10,000. Placing the Section 57 Notice on Title would be less than \$1000. Further enforcement next steps with a court injunction can vary from an additional \$10,000-\$30,000 depending upon the complexity of the file and response received from the property owner.

KEY ISSUES/CONCEPTS:

Staff have requested the owner of the subject property, both in verbal and written communications, including two 'Demand for Compliance' legal letters to provide the required information that will allow issuance of the necessary approvals. The owner has failed to provide the information or to advise the CSRD when the information will be submitted to this office. In the absence of the required approvals, placing a Notice on Title Section 57 is a priority.

COMMUNICATIONS:

The Corporate Officer will give notice to the registered owner of Lot 1 Section 11 Township 21 Range 8 West of the 6th Meridian Kamloops Division Yale District Plan 11368 in accordance with Section 57 (2) (a) of the *Community Charter*, and once notice has been given to the owner the matter will be placed on the September 20, 2018 CSRD Board Agenda for consideration by the CSRD Board of Directors in accordance with Section 57 (2) (b) of the *Community Charter*.

LIST NAME OF REPORT(S) / DOCUMENT(S):

Location Map	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
Section 57 of the <i>Community Charter</i>	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
June 18, 2018, CSRD Site Report, BC Building Code Contraventions	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
June 15, 2018, Demand for Compliance letter, Lidstone & Company; <i>Breach of CSRD Bylaws</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

Memorandum

Section 57 Notice on Title

August 28, 2018

December 1, 2017, CSRD In-Camera Certified Board Resolution; <i>To Pursue all Options for Compliance</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>
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July 4, 2016, CSRD letter; <i>Dock Expansion</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Corporate Administration Services, Chief Administrative Officer	August 28, 2018	Lynda A. Shykora for C. Hamilton
Deputy Manager of, Corporate Administration	August 28, 2018	Lynda A Shykora
Team Leader, Building & Bylaw Services	August 28, 2018	M. + P.



This map is for reference only. Not to be used for navigation.
The data in this map is compiled from numerous sources and
may not be complete or accurate. No warranty, expressed or
implied, is made as to the accuracy of this information.



673 Swanbeach Rd
Swansea Point





MEMORANDUM

TO: Charles Hamilton
Corporate Officer

File No: 4070 00 81
CE20160000127

FROM: Scott Beck
Building Official

Date: August 28, 2018

SUBJECT: Community Charter Section 57; Note Against Land Title that Building Regulations Contravened, 673 Swanbeach Road, Swansea Point, Electoral Area E

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Kamloops Division Yale District Plan 11368

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COMMUNICATIONS:

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Memorandum

Section 57 Notice on Title

August 28, 2018

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REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Corporate Administration Services, Chief Administrative Officer	August 28, 2018	Lynda A. Shykora for C. Hamilton
Deputy Manager of, Corporate Administration	August 28, 2018	Lynda A Shykora
Team Leader, Building & Bylaw Services	August 28, 2018	M. + P.





COLUMBIA SHUSWAP REGIONAL DISTRICT

555 Harbourfront Drive NE, PO Box 978, Salmon Arm, BC V1E 4P1
T: 250.832.8194 | F: 250.832.3375 | TF: 1.888.248.2773 | www.csr.bc.ca

June 18 2018

File No: 673 Swanbeach Road

Scott Beck, Building Official
Columbia Shuswap Regional District
55 Harbourfront Drive
Salmon Arm, BC V1E 4P1

Dear Mr. Lux:

Re: 673 Swanbeach Road Site Visit

On Friday June 15th, myself and Bylaw Enforcement Officer, Darren Wilson, visited property 673 Swanbeach Road, Mara Lake, BC. While onsite I noticed several BC Building Code (BCBC) contraventions I feel should be brought to your attention as they could make the structure(s) unsafe or unlikely usable for its intended purpose over its life expectancy.

Heavy Timber Frame:

Heavy Timber frame wood elements noted for the construction of Lakeside Deck Roof and Pergola, Front Entrance Roof Awning and Gable Side Exterior Finished Truss. Heavy timber construction wood elements are permitted to be used in combustible construction, however, limitations under Part 9 of the BCBC does not allow the use of heavy timber wood elements in single family dwelling without the involvement of a registered professional engineer, including but not inclusive to design and field review for: code compliance, allowable spans for joists, rafters and beams, lumber grading and connections. Therefore, a Building Official cannot conform the safe intended use and construction of these elements under the BC Building Code.

9.23.1.1. Limitations (See [Appendix A.](#))

1) This Section applies to constructions where wall, floor and roof planes are generally comprised of lumber frames of small repetitive structural members, or engineered components, and where

- a) roof and wall planes are clad, sheathed or braced on at least one side,
- b) the small repetitive structural members are spaced not more than 600 mm o.c.,
- c) the constructions do not serve as [foundations](#),
- d) the specified [live load](#) on supported subfloors and floor framing does not exceed 2.4 kPa, and
- e) the span of any structural member does not exceed 12.20 m.

(See [Appendix A.](#))

2) Where the conditions in [Sentence \(1\)](#) are exceeded for wood constructions, the design of the framing and fastening shall conform to [Subsection 4.3.1.](#)

4.3.1.1. Design Basis for Wood

1) [Buildings](#) and their structural members made of wood shall conform to [CSA O86, "Engineering Design in Wood."](#)

ELECTORAL AREAS

A GOLDEN-COLUMBIA
B REVELSTOKE-COLUMBIA

C SOUTH SHUSWAP
D FALKLAND-SALMON VALLEY

E SICAMOUS-MALAKWA
F NORTH SHUSWAP-SEYMOUR ARM

MUNICIPALITIES

GOLDEN
REVELSTOKE

SALMON ARM
SICAMOUS

9.23.4.2. Spans for Joists, Rafters and Beams

- 1) Except as required in [Sentence \(2\)](#) and [Article 9.23.14.10.](#), spans for wood joists and rafters shall conform to the spans shown in [Tables A-1 to A-7](#) for the uniform [live loads](#) shown in the Tables. (See [Article 9.4.2.2.](#))
- 2) Spans for floor joists that are not selected from [Tables A-1 and A-2](#) and that are required to be designed for the same loading conditions, shall not exceed the design requirements for uniform loading and vibration criteria. (See [Appendix A.](#))
- 3) Spans for built-up wood and glued-laminated timber floor beams shall conform to the spans in [Tables A-8 to A-11](#) (See [Article 9.4.2.2.](#))
- 4) Spans for roof ridge beams shall conform to the spans in [Table A-12](#) for the uniform snow load shown. (See [Articles 9.4.2.2. and 9.23.14.8.](#))

9.3.2.1. Grade Marking

- 1) Lumber for joists, rafters, trusses and beams and for the uses listed in [Table 9.3.2.1.](#) shall be identified by a grade stamp to indicate its grade as determined by [NLGA 2010, "Standard Grading Rules for Canadian Lumber."](#) (See [Appendix A.](#))



Timber fasteners – 2 regular wood screws



Timber Beams and Rafters supported on
Timber Cantilevered Beams through wall



Timber Beams and Rafters supported on
Timber Cantilevered Beams through wall



Timber Roof Rafters

Decks, Guards and Handrails

Upon observation, the existing deck construction is made of graded dimensional lumber that is permitted to be constructed in accordance to Part 9 BCBC. The existing deck elevation above the finished ground is entirely 24 inches above the ground and as high as 42 inches with guards constructed of cross framed lumber and laminated safety glass. The guards do meet the minimum height requirements, safety glass requirements but do not conform to Openings in Guards and facilitate climbing which is not permitted in the BCBC.

9.8.8.1. Required Guards (See [Appendix A.](#))

1) Except as provided in [Sentences \(2\) and \(3\)](#), every surface to which access is provided for other than maintenance purposes, including but not limited to flights of steps and ramps, exterior landings, porches, balconies, [mezzanines](#), galleries and raised [walkways](#), shall be protected by a [guard](#) on each side that is not protected by a wall for the length where

- a) there is a difference in elevation of more than 600 mm between the walking surface and the adjacent surface, or

9.8.8.5. Openings in Guards

1) Except as provided in [Sentence \(2\)](#), openings through any [guard](#) that is required by [Article 9.8.8.1.](#) shall be of a size that will prevent the passage of a spherical object having a diameter of 100 mm unless it can be shown that the location and size of openings that exceed this limit do not represent a hazard. (See [A-9.8.8.5.\(1\) and \(2\)](#) in Appendix A.)

9.8.8.6. Design of Guards to Not Facilitate Climbing

1) [Guards](#) required by [Article 9.8.8.1.](#), except those in [industrial occupancies](#) and where it can be shown that the location and size of openings do not present a hazard, shall be designed so that no member, attachment or opening facilitates climbing.

2) [Guards](#) shall be deemed to comply with [Sentence \(1\)](#) where all elements protruding from the vertical and located within the area between 140 mm and 900 mm above the floor or walking surface protected by the [guard](#) conform to at least one of the following Clauses:

- a) they are located more than 450 mm horizontally and vertically from each other,
- b) they provide not more than 15 mm horizontal offset,
- c) they do not provide a toe-space more than 45 mm horizontally and 20 mm vertically, or



The supporting Floor Beams were observed as 2 ply 2 x 8 built-up beams and 2 x 10 built-up beams and does not conform to the span tables for built-up beams in the BCBC for the minimum requirements. A built-up floor beam must be a minimum 3 pieces of dimensional lumber nailed together.

9.23.4.2. Spans for Joists, Rafters and Beams (See [Appendix A.](#))

3) Spans for built-up wood and glued-laminated timber floor beams shall conform to the spans in [Tables A-8 to A-11](#) (See [Article 9.4.2.2.](#))

9.23.8.3. Built-up Wood Beams (See [Appendix A.](#))

1) Where a beam is made up of individual pieces of lumber that are nailed together, the individual members shall be 38 mm or greater in thickness and installed on edge.



2 ply – 2 x 8 Beams supporting 2x 8 Joists



2 ply – 2 x 8 Beams supporting 2x 8 Joists with Scabbed on 2 x 8 to create a ledger board

The supporting beam columns were observed as 4 x 4 lumber supported by 8 inch concrete columns spaced approximately 94 inches apart and does not conform to the BCBC minimum requirements for supporting member sizes. Depth of frost protection for the concrete columns cannot be determined without destructive inspection.

9.17.4.1. Column Sizes

- 1) The width or diameter of a wood column shall be not less than the width of the supported member.
- 2) Except as provided in [Article 9.35.4.2.](#), columns shall be not less than 184 mm for round columns and 140 mm by 140 mm for rectangular columns, unless calculations are provided to show that lesser sizes are adequate.



1-2x10 Post supporting ledger board & 2x10 joists, fastened to 4x4 post on 8" conc. columns



4 x 4 Post Supporting 2 ply 2 x 8 Beam

Stair Guards and Handrails

It was observed that the exterior stairs of the lakeside deck had 6 risers with a total height of approximately 42 inches, was wider than 900mm (36"), has no guards or handrails and does not meet the minimum rise and run tolerances as outlined in Section 9.8 BCBC. However, to comply with Section 9.8 the stairs will require the installation of guards on both sides and one handrail for stairs less than or greater than 43 inches in width.

9.8.7.1. Required Handrails

- 1) Except as provided in [Sentences \(2\) to \(4\)](#), handrails shall be installed on stairs and ramps in accordance with [Table 9.8.7.1](#).
- 4) Only one handrail is required on exterior stairs having more than 3 risers provided such stairs serve not more than one **dwelling unit**.

9.8.8.1. Required Guards

- 1) Except as provided in [Sentences \(2\) and \(3\)](#), every surface to which access is provided for other than maintenance purposes, including but not limited to flights of steps and ramps, exterior landings, porches, balconies, **mezzanines**, galleries and raised **walkways**, shall be protected by a **guard** on each side that is not protected by a wall for the length

where

- a) there is a difference in elevation of more than 600 mm between the walking surface and the adjacent surface, or

9.8.8.3. Height of Guards(See [Appendix A](#).)

- 3) Exterior **guards** serving not more than one **dwelling unit** shall be not less than 900 mm high where the walking surface served by the **guard** is not more than 1 800 mm above the finished ground level.
- 4) **Guards** for flights of steps, except in required **exit** stairs, shall be not less than 900 mm high.
- 5) The height of **guards** for flights of steps shall be measured vertically from the top of the **guard** to a line drawn through the leading edge of the treads served by the **guard**.



Background Photos



Street View - Panoramic



Street View - Main Entrance



Fixed Dock - Lakeside



Lakeside View – Rear Roof Deck

If you If you have questions about the Building Permit process please contact Michelle Boag at mboag@csrd.bc.ca or 250-833-5962. If you need to discuss specific building questions (construction or code related), you can contact myself, at 250.833.5961 or sbeck@csrd.bc.ca.

Yours Truly,
COLUMBIA SHUSWAP REGIONAL DISTRICT
Per:



Scott Beck
First name Last name
Building Official

Enclosure (if applicable)

cc: (M. Herbert, Team Leader, Building and Bylaw Services)

Location Map



Nov 15, 2017

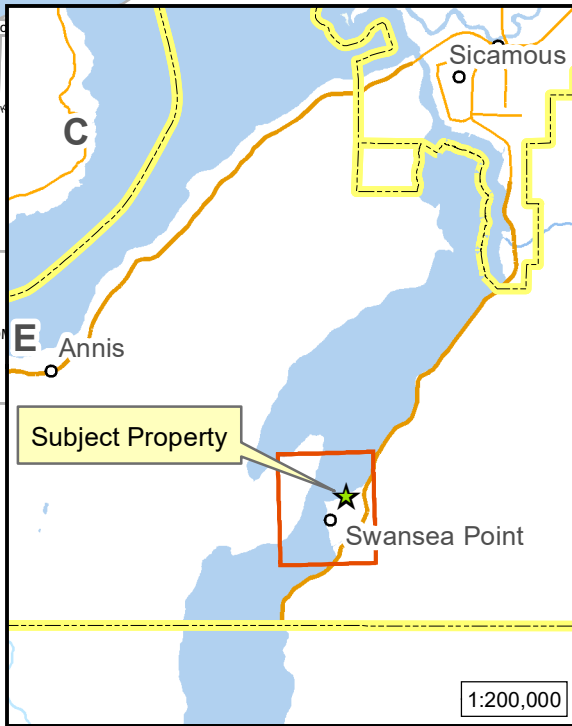
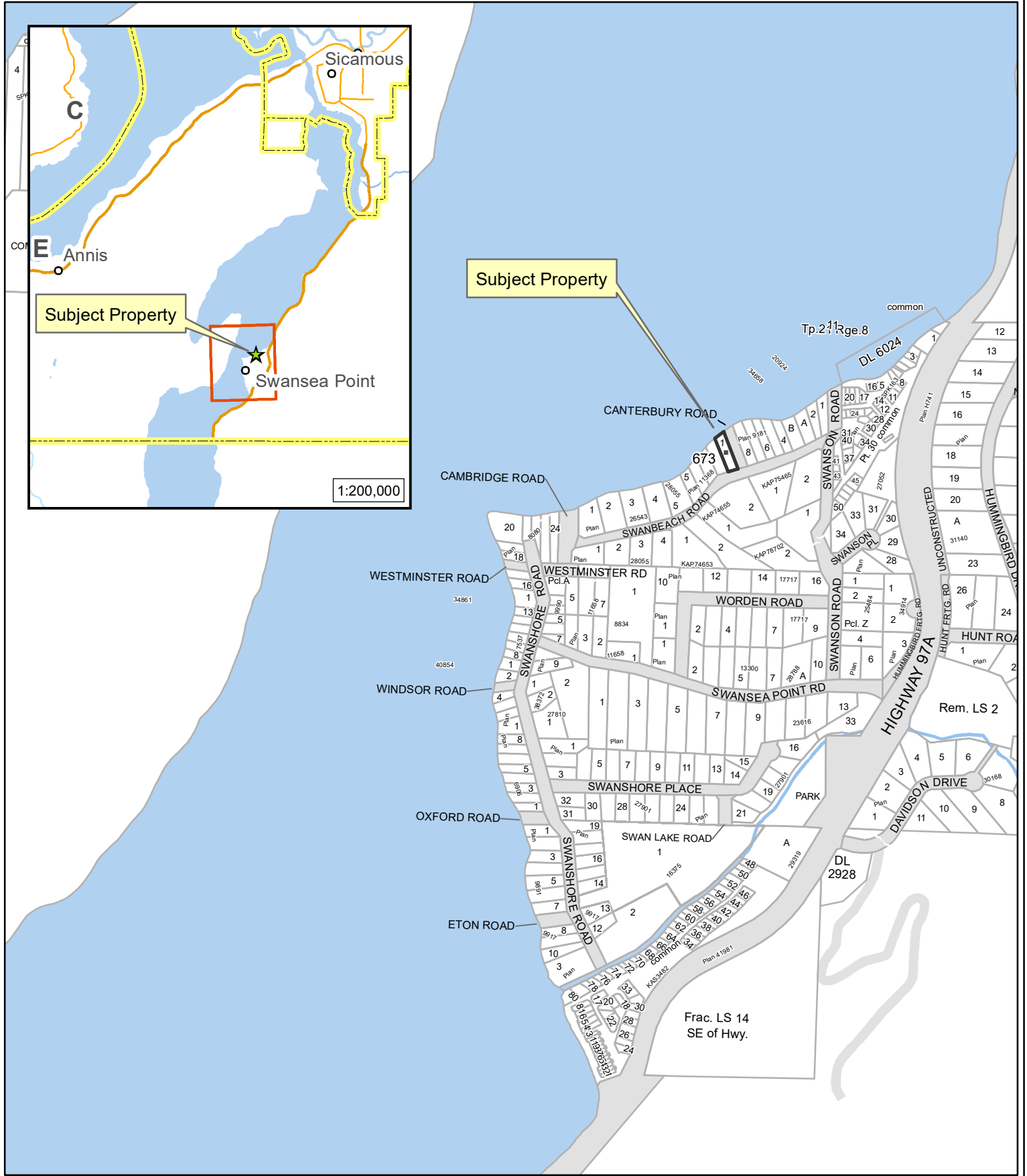
This map is for reference only. Not to be used for navigation.
The data in this map is compiled from numerous sources and may not be complete or accurate. No warranty, expressed or implied, is made as to the accuracy of this information.



Scale: 1:8,000

0 90 180 270 360 Meters

Darcy Lux
673 Swanbeach Rd
Swansea Point



Jennifer Sham

From: Lynda Shykora
Sent: Wednesday, September 19, 2018 8:35 AM
To: Jennifer Sham
Cc: Charles Hamilton
Subject: FW: Darcy Lux - Lot 1, S. 11, Tp 21, R. 8 W6M, KDYD District Plan 11368 - 673 Swanbeach Road, Swansea Point, BC - Request from Jeff Frame, Forward Law to Postpone Section 57 Hearing

Importance: High

Good morning, Jennifer,

Below, you will see an email message/request from Jeff Frame, Forward Law, asking that the Section 57 Hearing Matter (Lux, Swanbeach Road, Swansea Point) scheduled for the September 20, 2018 Board agenda, be postponed.

Please include this message and the request of Jeff Frame on the September Board agenda, as a Late Agenda item.

Thank you,

Lynda Shykora, Deputy Manager, Corporate Administration Services
Columbia Shuswap Regional District
 T: 250.833.5939 | F: 250.832.3375 | TF: 1.888.248.2773
 E: lschykora@csrd.bc.ca | W: www.csrd.bc.ca



 Please consider the environment before printing this e-mail

This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.

Begin forwarded message:

From: Jeff Frame <jframe@forwardlaw.ca>
Date: September 18, 2018 at 4:28:12 PM PDT
To: "chamilton@csrd.bc.ca" <chamilton@csrd.bc.ca>
Subject: Darcy Lux - Lot 1, S. 11, Tp 21, R. 8 W6M, KDYD District Plan 11368 - 673 Swanbeach Road, Swansea Point, BC

Charles,

I think it has been some time since I have tried to contact you on a file. You may not remember me.

In any event, I have your letter to Mr. Lux dated August 29, 2018, concerning a recommendation under s. 57(1) of the Community Charter. The attached report references other issues/concerns with this property. I have been retained to get all of this sorted out. I have asked Mr. Lux to send me all of the pertinent documentation and once I receive it and review it, I would like to sit down with one or more

representatives of the Regional District to better understand the Regional District's position on the various items.

I note that the matter is to go before the directors this week. I could attend, but I would have little to say other than what I just wrote. I would like to suggest that the matter be postponed to give me time to retain a building code consultant to review the Regional District's concerns and to provide a response or a solution. I should have the consultant retained within a day or so.

I look forward to hearing from you.

Regards,

Jeff Frame*

Lawyer

*denotes law corporation



CONFIDENTIALITY NOTICE: This message may contain information that is privileged, confidential and exempt from disclosure. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, be aware that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately and permanently delete the original message. Thank you. If you no longer wish to receive e-mails from this address reply to this email with the word Unsubscribe in the subject line.



BOARD REPORT

TO: Chair and Directors

File No: 3880 18 10 PR20180010

SUBJECT: Electoral Area F: Community Charter Section 57 Notice

DESCRIPTION: Report from Charles Hamilton, Chief Administrative Officer, dated September 12, 2018.
6471 Lindsay Road (6593 Magna Vista Crescent), Magna Bay

RECOMMENDATION: THAT: the Board authorize the Corporate Officer to file a notice in the Land Title Office against the property legally described as Lot A, Section 13, Township 23, Range 10, W6M, KDYD, Plan 29439, Except Plans 29668, and 30666, in accordance with Section 57(3) of the Community Charter, this 20th day of September, 2018;

AND THAT: further information in respect of the notice is available for inspection at the office of the Columbia Shuswap Regional District (CSR D).

SHORT SUMMARY:

The CSR D Building Inspector has provided a recommendation pursuant to Section 57(2) of the Community Charter (CC). Pursuant to Section 57(2) of the CC, and the registered owner of the subject share on the subject property and two Directors of Magna Vista Land Owners Association have been notified that this matter will be placed before the Board of Directors at its regular Board meeting to be held on September 20, 2018 at 9:30 AM in the Boardroom of the CSR D, 555 Harbourfront Drive NE, Salmon Arm, BC.

In accordance with Section 57(3) of the CC, the CSR D Building Inspector and the owner of the subject property must be given an opportunity to speak to the Board in respect of the matter. The Board may then confirm the recommendations of the building inspector and pass a resolution directing the Corporate Officer to file a notice in the Land Title Office stating that a resolution in regard to the subject property has been made in accordance with Section 57 of the CC, and that additional information in respect of the notice will be available for inspection at the office of the CSR D.

Placing a Section 57 Notice on title will alert subsequent owners of the property of the outstanding building regulation non-compliance.

VOTING:

Unweighted
Corporate



LGA Part 14
(Unweighted)



Weighted
Corporate



Stakeholder
(Weighted)



BACKGROUND:

The Shared Interest property is in contravention of the Columbia Shuswap Regional District Building Bylaw No. 660. On December 14, 2017, staff became aware that the owner of a share on the subject property had commenced construction in the absence of the necessary Building Permit. Despite correspondence and meetings with staff, the owners have failed to apply and obtain the Building Permit required in order to comply with Bylaw No. 660. In addition, work has progressed through a posted

Stop Work Order and a legal Demand for Compliance Letter through Lidstone and Company. The building is now occupied without an issued Building Permit (including required inspections), septic system approval, or Occupancy approval.

The Building Inspector has advised of the following sequence of events:

- | | |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| December 14, 2017 | Staff first made contact on-site with one of the share owners, Klara Lange, and her contractor Bryan Wager, where staff determined that a building was being constructed and septic system was being installed. Both the building and septic system required permits and necessary approvals. Mrs. Lange was informed at the site by staff about requirements for the project to continue. |
| December 18, 2017 | Staff posted a <i>Stop Work Notice</i> on-site as required. Staff again discussed requirements with Mrs. Lange. Building permit and Plumbing permit applications along with Building Information Sheets were also provided directly to Mrs. Lange. |
| December 27, 2017 | Staff visited the site again to pick up the Building Permit package from Mrs. Lange and her hired contractor Mr. Wagar. At this time, both parties were very aggressive and quarrelsome toward staff. Mrs. Lange stated that her husband has Dementia and would not supply or sign any Building Permit documents. At this point, Mrs. Lange demanded that the staff member leave her property and vehemently stated that "we will not be providing any Building Application documents!". |
| January 25, 2018 | One of the Shared Interest property owners contacted staff to discuss the Lange property. Staff were informed that work was proceeding past the <i>Stop Work Order</i> and that there was concern that this action could affect the other Shared Interest property owners. Staff were told that the property owner communicated the same concern to the Shared Interest president and further stated to staff that Mrs. Lange stated that "it was her property and she'll do whatever she wants and does not need a building permit." |
| June 5, 2018 | Staff observed that building had proceeded past the <i>Stop Work Order</i> and was now substantially completed. The dwelling was occupied without an issued Building Permit and approval for Occupancy. |
| June 15, 2018 | Staff received legal advice that determined a legal <i>Demand for Compliance</i> letter be addressed to Mr. and Mrs. Lange, the Magna Vista Land Owners Association, and the local Director of the Magna Vista Land Owners Association and Registered Owner; Barry Willems. |
| June 19, 2018 | Staff phoned the Langes and Mr. Willems to let them know that staff would be on site to personally serve the "Demand" letter to each of them. Staff met and hand delivered the first letter to Mr. Willems. Staff was aware that the Langes had a dog, and arranged to meet Mrs. Lange out at the end of her driveway. Staff explained to Mrs. Lange that the letter's only demand was to fully complete a Building Permit application. Mrs. Lange refused to accept the |

Demand for Compliance letter and added that "she would not take out a Building Permit on her home because if she did, the CSRD would throw her out of her house" because "everyone told her so and that she knew it to be true because she knew that her own building did not meet code." During the conversation, Mrs. Lange was very emotional and described a long explanation of her plights.

- June 24, 2018 Mrs. Lange emailed staff asking what the procedure is for a Building Official coming in to conduct inspections and what occurs if they do not pass the home upon the final inspection. She also noted that they feel they are not responsible as the contractor should have been knowledgeable and that they should not be held accountable for his 'ignorant mistakes'.
- June 26-July 11, 2018 Staff have had numerous further communications and direct personal assistance with Mrs. Lange outlining what is required to submit for the building permit application. Via email, staff sent Mrs. Lange a copy of the *Demand for Compliance*. Staff further confirmed to Mrs. Lange that the next steps for enforcement would be the CSRD Building Department requesting from the Board of Directors that a Section 57 Notice on Title be placed on the Lange's property.
- August 20, 2018 Currently the CSRD is still awaiting a completed building permit application. The dwelling has progressed through a posted *STOP WORK ORDER*, and has been completed without inspections or septic approval. The building is currently occupied by the owner without an approved Building Permit or an issued Occupancy Permit.
- August 28, 2018 A notice that this matter will be placed before the CSRD Board for its consideration on September 20, 2018 was sent to the share property owner, Magnavista Land Owners Association, and Barry Willems. The notice included a copy of the CSRD Building Inspector's report dated August 21, 2018. See attached "BI_Memo_2018-08-21_38801810.pdf".

POLICY:

CSRD Building Bylaw No. 660:

Part 4: Prohibitions

- 4.1 A person must not commence or continue any *construction, alteration, excavation, re-construction, demolition, removal, relocation* or change the use or *occupancy* of any *building* or *structure*, including other work related to construction:
- (a) except in conformity with the requirements of the *building code* and this bylaw; and
 - (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*:
- (a) unless a subsisting final inspection notice has been issued by a *building official* for the *building* or *structure* or the part of the *building* or *structure*; or

(b) contrary to the terms of any *permit* issued or any notice given by a *building official*.

4.9 A person must not contravene a notice of a *building official* issued under section 6.6.

Part 6 Powers of a Building Official

- 6.6 Subject to applicable enactments, a *building official* may by notice in writing require
- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
 - (b) an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *building code*, or any other enactment of the Regional District or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *building official*;
 - (e) an *owner* to have work inspected by a *building official* prior to covering;
 - (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;
 - (g) a person to cease any *occupancy* in contravention of a provision of this bylaw;
 - (h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *building official* has not issued a final inspection notice for the work;
 - (i) an *owner* to correct any *unsafe condition*; and
 - (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.

Section 57 of the *Community Charter*

Note against land title that building regulations contravened

57. (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactment
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (1) and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must

- (a) give notice to the registered owner of the land to which the recommendation relates, and
 - (b) after notice under paragraph (a), place the matter before council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relation to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.

FINANCIAL:

Additional costs may include a legal review for options regarding further enforcement and compliance.

If the property owner addressed the bylaw contraventions and the Building Inspector confirms that the Section 57 Notice can be removed from title, prior to the Corporate Officer filing the cancellation notice, the property owner must pay a \$650 notice discharge fee, as per CSRD Development Services Application Fees Bylaw 4000 as amended.

KEY ISSUES/CONCEPTS:

Staff have requested the owner(s) of the subject property, both in verbal and written communications, to provide the required information that will allow issuance of the necessary Building Permit. The owner has failed to provide the information or to advise the CSRD when the information will be submitted to this office. In the absence of the required permits, placing a Section 57, Notice on Title is a priority.

SUMMARY:

Based upon the information provided by the Building Inspector and his recommendation, it is my recommendation to the Board that a Section 57 Notice be authorized to be filed on the title of the subject property.

IMPLEMENTATION:

If the Board authorizes the Corporate Officer to file a Notice in the Land Title Office against the property legally described as Lot A Section 13 Township 23 Range 10 W6M, Kamloops Division Yale District Plan 29439 Except Plans 29668 and 30666 in accordance with Section 57 (3) of the Community Charter, the Notice will be sent to the registrar of land titles for filing against the title of the subject property.

Should the Board authorize this notice for a Section 57, this notice will be applied against the entire lands and will show on all title reports (all joint owners). Clarity for which owners are affected is within the notice itself and gets attached to the Land Title Form and in Part 3 of the Land Title Office form.

COMMUNICATIONS:

If the Board authorizes the Corporate Officer to file a notice in the Land Title Office against the subject property, in accordance with Section 57(3) of the Community Charter, the notice will be sent to the registrar of Land Title Office for filing against the title of the subject property. The owner of the subject property will be advised in writing of the Board's decision.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Posted Stop Work Order
2. June 18, 2018 Demand for Compliance letter from Lidstone and Company.

Report Approval Details

Document Title:	2018-09-20_Board_CA_NOT38801810_Lange.docx
Attachments:	- BI_Memo_2018-08-21_38801810.pdf - Map_NOT38801810.pdf
Final Approval Date:	Sep 13, 2018

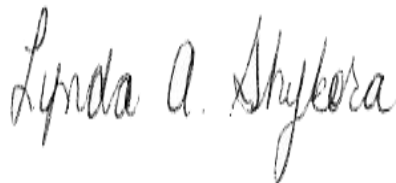
This report and all of its attachments were approved and signed as outlined below:



Marty Herbert - Sep 12, 2018 - 3:23 PM



Gerald Christie - Sep 12, 2018 - 4:33 PM



Lynda Shykora - Sep 13, 2018 - 8:57 AM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Sep 13, 2018 - 8:58 AM



COLUMBIA SHUSWAP REGIONAL DISTRICT

555 Harbourfront Drive NE, PO Box 978, Salmon Arm, BC V1E 4P1
T: 250.832.8194 | F: 250.832.3375 | TF: 1.888.248.2773 | www.csr.d.bc.ca

August 28, 2018

File No.: 3880 18 10
PR20180000010

REGISTERED MAIL

Klaus & Klara Lange
3637 Highway 97
LAC LA HACHE BC V0K 1T1

Klaus & Klara Lange
6593 Magna Vista Crescent
MAGNA BAY BC V0E 1M7

Magnavista Land Owners Association
1106 Clerihue Rd
PORT COQUITLAM BC V3C 6H2

Barry Willems
2-6471 Lindsay Rd
MAGNA BAY BC V0E 1M7

**Re: Lot A Section 13 Township 23 Range 10 West of the 6th Meridian Kamloops Division Yale
District Plan 29439 Except Plans 29668 and 30666
6593 Magna Vista Crescent, Magna Bay**

Please be advised that I have received a recommendation pursuant to Section 57 (1) of the Community Charter.

Pursuant to Section 57 (2)(a) you are hereby advised that this matter will be placed before the Columbia Shuswap Regional District (CSRD) Board of Directors for its consideration at its Thursday September 20, 2018, Regular Board meeting, which commences at 9:30 AM, in the Board Room of the Columbia Shuswap Regional District, 555 Harbourfront Drive NE, Salmon Arm, BC.

You are invited to attend the Board meeting to be heard. You are permitted to make a written presentation or to be represented by legal counsel if you so wish.

Enclosed for your information is a copy of the recommendation of the Building Official and a copy of Section 57 of the Community Charter.

Yours Truly,
COLUMBIA SHUSWAP REGIONAL DISTRICT
Per:

Charles A. Hamilton
Corporate Officer

Enclosures

ELECTORAL AREAS

A GOLDEN-COLUMBIA
B REVELSTOKE-COLUMBIA

C SOUTH SHUSWAP
D FALKLAND-SALMON VALLEY

E SICAMOUS-MALAKWA
F NORTH SHUSWAP-SEYMOUR ARM

MUNICIPALITIES

GOLDEN
REVELSTOKE

SALMON ARM
SICAMOUS



MEMORANDUM

TO: Charles Hamilton
Corporate Officer

File No: 3880 18 10
PR20180000010

FROM: Steve Walker
Building Official

Date: August 21, 2018

SUBJECT: Community Charter Section 57; Note Against Land Title that
Building Regulations Contravened 6593 Magna Vista Crescent,
Magna Bay, Electoral Area F

Lot A Section 13 Township 23 Range 10 West of the 6th Meridian
Kamloops Division Yale District Plan 29439 Except Plans 29668 and
30666

Mr. and Mrs. Klaus Lange
Magnavista Land Owners Association
Barry Willems

RECOMMENDATION: Whereas, during the carrying out of my duties, it was noted, in accordance with Section 57 subsections (1) (b) (i) and (1) (b) (ii) of the *Community Charter*, that the property owner had commenced construction of a building without the necessary permits; I am recommending, in accordance with Section 57 (2) of the *Community Charter*, that the Corporate Officer give notice to the registered owner of Lot A Section 13 Township 23 Range 10 West of the 6th Meridian Kamloops Division Yale District Plan 29439 Except Plans 29668 and 30666, and further that the matter be placed on the September 20, 2018 CSR D Board Agenda for consideration by the CSR D Board of Directors.

SHORT SUMMARY: The Shared Interest property is in contravention of the Columbia Shuswap Regional District Building Bylaw No. 660. On December 14, 2017, staff became aware that the owner of the property had commenced construction, in the absence of the necessary Building Permit. Despite correspondence and meetings with staff, the owners have failed to apply and obtain the Building Permit required in order to comply with Bylaw No. 660. In addition, work has progressed through a posted Stop Work Order, a legal '*Demand for Compliance*' Letter through Lidstone and Company and the building is now occupied without an issued Building Permit, required inspections, septic and Occupancy approval. Placing a Section 57 Notice on Title will alert subsequent owners of the property of the outstanding Building Regulation non-compliance.

POLICY:**Building Regulation Bylaw No. 660:****Part 4: Prohibitions**

- 4.1 A person must not commence or continue any *construction, alteration, excavation, re-construction, demolition, removal, relocation* or change the use or *occupancy* of any *building* or *structure*, including other work related to construction:
- (a) except in conformity with the requirements of the *building code* and this bylaw; and
 - (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 A person must not *occupy* or *permit* the *occupancy* of any *building* or *structure* or part of any *building* or *structure*:
- (a) unless a subsisting final inspection notice has been issued by a *building official* for the *building* or *structure* or the part of the *building* or *structure*; or
 - (b) contrary to the terms of any *permit* issued or any notice given by a *building official*.
- 4.9 A person must not contravene a notice of a *building official* issued under section 6.6.

Part 6 Powers of a Building Official

- 6.6 Subject to applicable enactments, a *building official* may by notice in writing require
- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
 - (b) an *owner* to stop work on a *building* or *structure*, or any part of a *building* or *structure*, if the work is proceeding in contravention of this bylaw, the *building code*, or any other enactment of the Regional District or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *building official*;
 - (e) an *owner* to have work inspected by a *building official* prior to covering;
 - (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;
 - (g) a person to cease any *occupancy* in contravention of a provision of this bylaw;
 - (h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *building official* has not issued a final inspection notice for the work;
 - (i) an *owner* to correct any *unsafe condition*; and
 - (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.

Section 57 of the Community Charter**Note against land title that building regulations contravened**

57. (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector

(a) observes a condition, with respect to land or a building or other structure, that the inspector considers

(i) results from the contravention of, or is in contravention of,

(A) a municipal bylaw,

(B) a Provincial building regulation, or

(C) any other enactment

(ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or

(b) discovers that

(i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (1) and

(ii) the permit was not obtained or the inspection not satisfactorily completed.

(2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must

(a) give notice to the registered owner of the land to which the recommendation relates, and

(b) after notice under paragraph (a), place the matter before council.

FINANCIAL:

Additional costs may include a legal review for options regarding further enforcement and compliance

KEY ISSUES/CONCEPTS:

Staff have requested the owner(s) of the subject property, both in verbal and written communications, to provide the required information that will allow issuance of the necessary Building Permit. The owner has failed to provide the information or to advise the CSRD when the information will be submitted to this office. In the absence of the required permits, placing a Notice on Title Section 57 is a priority.

COMMUNICATIONS:

The Corporate Officer will give notice to the registered owner Lot A Section 13 Township 23 Range 10 West of the 6th Meridian Kamloops Division Yale District Plan 29439 Except Plans 29668 and 30666 in accordance with Section 57 (2)(a) of the *Community Charter*, and once notice has been given to the owner the matter will be placed on the September 20, 2018 CSRD Board Agenda for consideration by the CSRD Board of Directors in accordance with Section 57 (2)(b) of the *Community Charter*.

LIST NAME OF REPORT(S) / DOCUMENT(S):

Location Map	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
Section 57 of the <i>Community Charter</i>	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
Photographs of the site dated	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Corporate Administration Services	8/28/2018	Erin Hamilton
Deputy Manager of Corporate Administration	08 28 2018	Lynda A. Shykora
Team Leader, Building & Bylaw Services	08 21 2018	M. + P.

Location Map

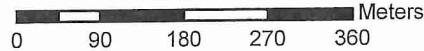
Aug 16, 2018



This map is for reference only. Not to be used for navigation. The data in this map is compiled from numerous sources and may not be complete or accurate. No warranty, expressed or implied, is made as to the accuracy of this information.

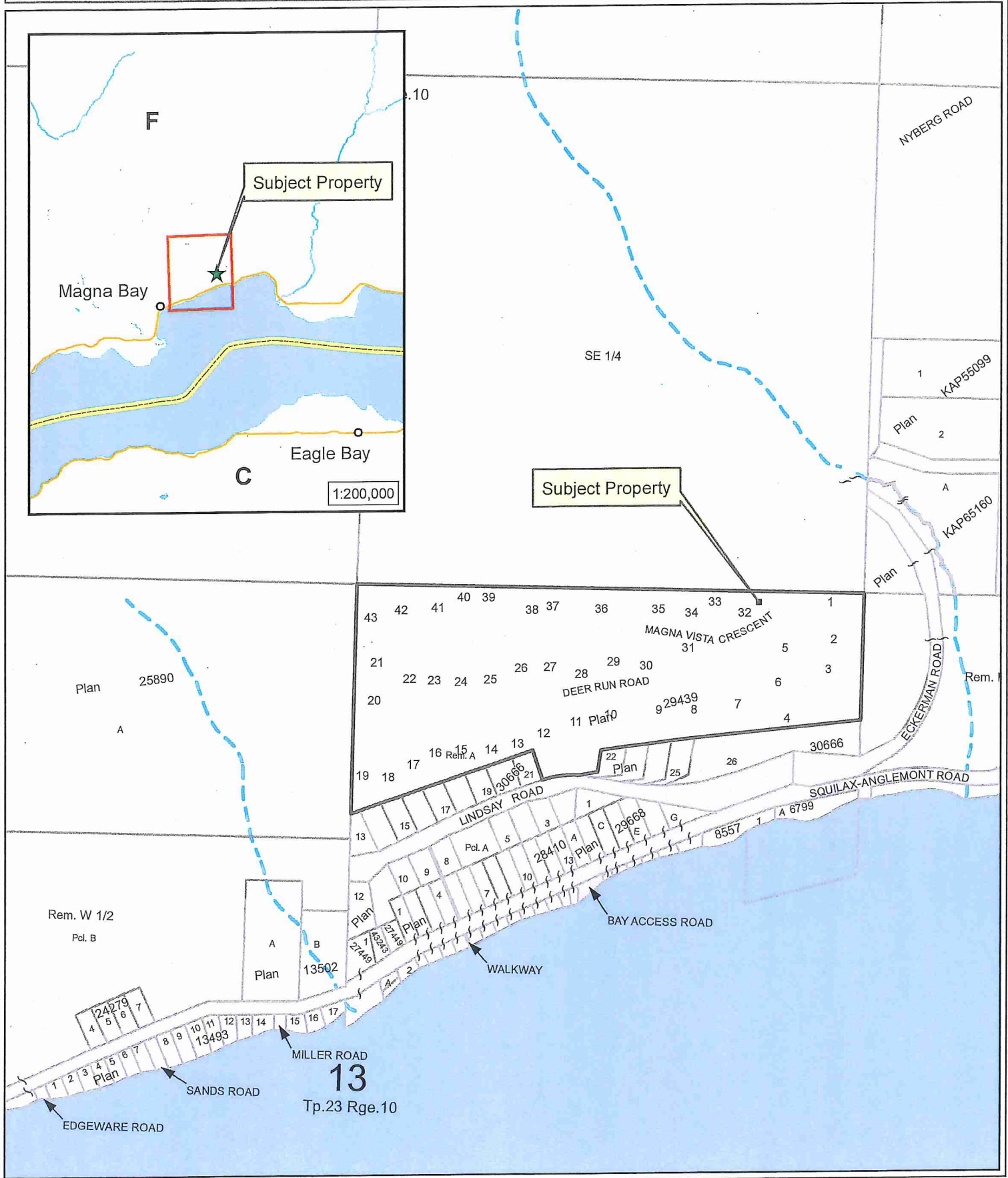


Scale: 1:8,000



Map Notes

Klaus Lange
6593 Magna Vista Cres
Magna Bay





(4) A building inspector may issue a building permit in accordance with subsection (5) if a qualified professional certifies that the land may be used safely for the use intended if the land is used in accordance with the conditions specified in the professional's report.

(5) A building permit under subsection (4) may only be issued on the following conditions:

- (a) the owner of the land covenants with the municipality to use the land only in the manner certified by the qualified professional as enabling the safe use of the land for the use intended;
- (b) the covenant contains conditions respecting reimbursement by the owner for any expenses that may be incurred by the municipality as a result of a breach of a covenant under paragraph (a);
- (c) the covenant is registered under section 219 of the *Land Title Act*.

(6) If a building inspector is authorized to issue a building permit under subsection (4) but refuses to do so, the council may, on application of the owner, direct the building inspector to issue the building permit subject to the requirements of subsection (5).

2003-26-56; 2003-52-537

Note against land title that building regulations contravened

57. (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector

(a) observes a condition, with respect to land or a building or other structure, that the inspector considers

(i) results from the contravention of, or is in contravention of,

(A) a municipal bylaw,

(B) a Provincial building regulation, or

(C) any other enactment

that relates to the construction or safety of buildings or other structures, and

(ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or

(b) discovers that

(i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and

(ii) the permit was not obtained or the inspection not satisfactorily completed.

(2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must

(a) give notice to the registered owner of the land to which the recommendation relates, and

(b) after notice under paragraph (a), place the matter before the council.

(3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

(a) a resolution relating to that land has been made under this section, and

(b) further information about it may be inspected at the municipal hall.

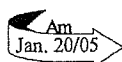
(4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).

(5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.

(6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.

(7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,

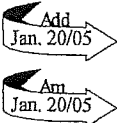
(a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,



2003

COMMUNITY CHARTER

SBC CHAP. 26



- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the *Land Title Act*, and
- (b) the assurance fund or the minister charged with the administration of the *Land Title Act* as a nominal defendant is not liable under Part 20 of the *Land Title Act*.

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

2003-26-57; 2004-66-49

Cancellation of note against land title

58. (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.

(2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.

(3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.

(4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.

(5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.

(6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

2003-26-58

Division 9 – Business Regulation**Powers to require and prohibit**

59. (1) A council may, by bylaw, do one or more of the following:

- (a) require operators of premises in which rooms or suites are let for living purposes to maintain, in accordance with the bylaw, a register of persons living there;
 - (b) in relation to persons engaged in the business activity of purchasing, taking in barter or receiving used or second hand goods,
 - (i) require such persons, after purchasing, taking in or receiving used or second hand goods, to notify the chief constable who has jurisdiction in the municipality within the time period established by the bylaw, and
 - (ii) prohibit such persons from altering the form of, selling, exchanging or otherwise disposing of those goods during the time period established by the bylaw;
 - (c) require manufacturers and processors to dispose of the waste from their plants in the manner directed by the bylaw;
 - (d) prohibit the operation of a public show, exhibition, carnival or performance of any kind or in any particular location;
 - (e) prohibit the operation of places of amusement to which the public has access, including halls and other buildings where public events are held;
 - (f) prohibit professional boxing, professional wrestling and other professional athletic contests.
- (2) Before adopting a bylaw under subsection (1) or section 8 (6) [*business regulation*], a council must
- (a) give notice of its intention in accordance with subsection (3), and
 - (b) provide an opportunity for persons who consider they are affected by the bylaw to make representations to council.

From: [Laura Schumi](#)
To: [Laura Schumi](#)
Subject: FW: Email Submission from Klara Lange, September 3, 2018, to Columbia Shuswap Regional District CAO Hamilton, re Building
Date: Wednesday, September 05, 2018 9:35:57 AM
Attachments: [image002.png](#)
[image003.png](#)
Importance: High

From: Lynda Shykora
Sent: Tuesday, September 04, 2018 10:09 AM
To: [REDACTED]
Cc: Charles Hamilton <chamilton@csrd.bc.ca>
Subject: RE: Email Submission from Klara Lange, September 3, 2018, to Columbia Shuswap Regional District CAO Hamilton, re Building
Importance: High

Good morning, Ms. Lange,

Our Columbia Shuswap Regional District (CSRD) Chief Administrative Officer, Charles Hamilton, has relayed your email message to me for response. This message is to let you know that the comments that you have provided to Mr. Hamilton in the email below, dated September 3, 2018, will be relayed to the CSRD Board of Directors and to the CSRD Team Leader, Building & Bylaw Services, for information. The contents of the email will be included in the CSRD Board Agenda package for September 20, 2018. Also for your information, the CSRD will be publishing the September Board agenda by Friday, September 14, 2018. Once the Board Agenda is published, our office will email you a link to the agenda document for your reference.

Regards,

Lynda Shykora | Deputy Manager
 Corporate Administration Services
Columbia Shuswap Regional District
 T: 250.833.5939 | F: 250.832.3375 | TF: 1.888.248.2773
 E: lshykora@csrd.bc.ca | W: www.csrd.bc.ca



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This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.

From: Klara Lange [REDACTED]
Date: September 3, 2018 at 6:53:42 PM GMT-6
To: <chamilton@csrd.bc.ca>
Subject: Building

Dear Mr. Hamilton,

My name is Klara Lange and I was

forwarded your letter you sent to my subdivision and I would like to respond to that here.

I kindly wish to inform you regarding about our 20'x14' building in size that was originally build for a storage in mind we are occupying only temporarily until we can build our house.

I regret that I was unaware of building permit as I was informed we did not need one for this size. To be completely honest, I do not know much what is involved in building, neither I can correctly read and interpret the CSRD policy terms and rules, and for this reason I needed to completely rely and depend on my carpenter's knowledge of whatever was pertaining to the building. Unfortunately neither my husband could help with this matter as he is sick with Dementia.

I would like to kindly ask you to please reconsider our case and please remove all the charges against us as we have done nothing wrong and we are innocent.

Thank You very much.
Regards,
Klara Lange

Sent from my iPhone



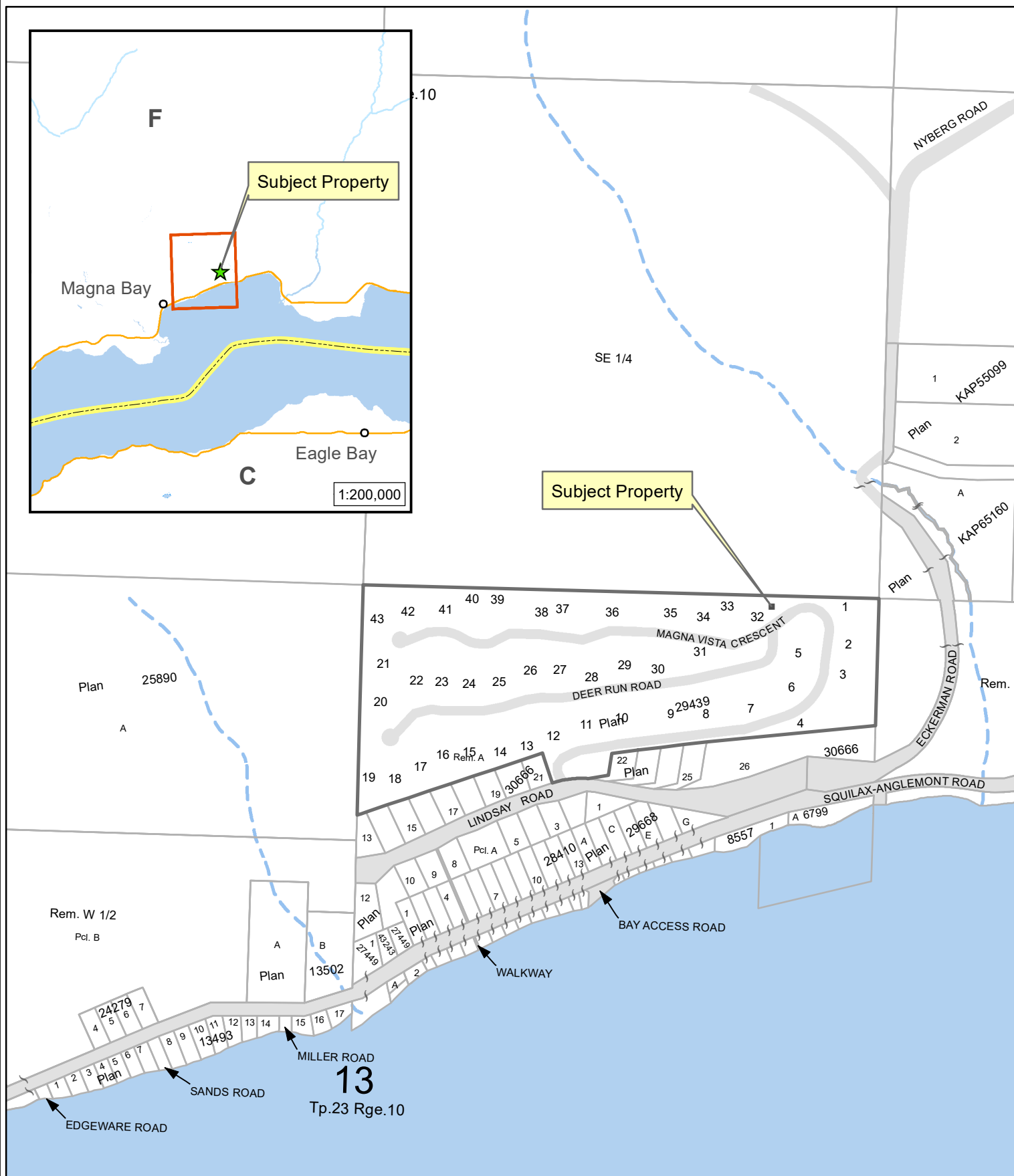
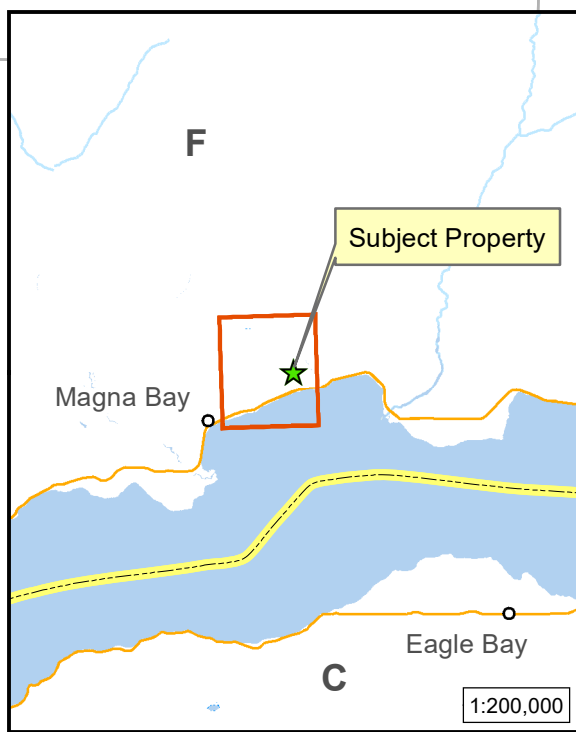
This map is for reference only. Not to be used for navigation.
The data in this map is compiled from numerous sources and
may not be complete or accurate. No warranty, expressed or
implied, is made as to the accuracy of this information.



Scale: 1:8,000

A scale bar labeled "Meters" with markings at 0, 90, 180, 270, and 360.

Klaus Lange
6593 Magna Vista Cres
Magna Bay



Note against land title that building regulations contravened

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(a) observes a condition, with respect to land or a building or other structure, that the inspector considers

(i) results from the contravention of, or is in contravention of,

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(B) a Provincial building regulation, or

(C) any other enactment

that relates to the construction or safety of buildings or other structures, and

(ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or

(b) discovers that

(i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and

(ii) the permit was not obtained or the inspection not satisfactorily completed.

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(b) after notice under paragraph (a), place the matter before the council.

(3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

(a) a resolution relating to that land has been made under this section, and

(b) further information about it may be inspected at the municipal hall.

(4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).

(5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.

(6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.

(7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,

(a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

(a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the *Land Title Act*, and

(b) the assurance fund or the minister charged with the administration of the *Land Title Act* as a nominal defendant is not liable under Part 20 of the *Land Title Act*.

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

From: [Lynda Shykora](#)
To: [Charles Hamilton](#); [Jennifer Sham](#)
Cc: [Marty Herbert](#); [Gerald Christie](#); [Stephen Walker](#)
Subject: FW: Additional Email Submission from Klara Lang, September 15, 2018, to Columbia Shuswap Regional District CAO Hamilton, re Building - Notice on Title Hearing FOR LATE AGENDA
Date: Monday, September 17, 2018 9:09:00 AM
Attachments: [image002.png](#)
[image003.png](#)
Importance: High

Good morning, Charles,

Here is a message from Klara Lange re the Section 57 Notice on Title Hearing for Thursday. As mentioned below, we will include her message on the Late Agenda.

Regards,

Lynda Shykora | Deputy Manager
 Corporate Administration Services
Columbia Shuswap Regional District
 T: 250.833.5939 | F: 250.832.3375 | TF: 1.888.248.2773
 E: lsykora@csrd.bc.ca | W: www.csrd.bc.ca



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This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.

From: Lynda Shykora
Sent: Monday, September 17, 2018 9:09 AM
To: 'Klara Lange' [REDACTED]
Subject: RE: Email Submission from Klara Lang, September 3, 2018, to Columbia Shuswap Regional District CAO Hamilton, re Building - Notice on Title Hearing
Importance: High

Good morning, Ms. Lange,

As requested, your email message below will be forwarded to our Chief Administrative Officer, Charles Hamilton, as well as to the CSRD Board and the CSRD Building Inspector. Your email message below will be included in the Late Agenda document that we prepare and publish on Wednesday morning, September 19th, 2018.

Regards,

Lynda Shykora | Deputy Manager
 Corporate Administration Services
Columbia Shuswap Regional District
 T: 250.833.5939 | F: 250.832.3375 | TF: 1.888.248.2773
 E: lsykora@csrd.bc.ca | W: www.csrd.bc.ca





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This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.

From: Klara Lange [REDACTED]

Sent: Saturday, September 15, 2018 1:13 PM

To: Lynda Shykora <LShykora@csrd.bc.ca>

Subject: Re: Email Submission from Klara Lang, September 3, 2018, to Columbia Shuswap Regional District CAO Hamilton, re Building

Thank you for your note.

I would like to submit an addition to my first letter to Mr. Hamilton in the above matter.

Please forward my letter below as well to Mr. Hamilton.

Thank you so much,
Klara Lange

Dear Mr. Hamilton,

Thank you for your registered letter.

File No:3880 18 10

PR20180000010

I would like to make another appeal to your Boards of Directors in addition to my first letter in order to further clarify our situation in the above matter that needs to be mentioned.

I have been extensively working with my local Bank in Salmon Arm for the purpose of applying for a Construction Loan in the fall of 2017, only to be denied on the ground of having our property situated in a Shared or Undivided Interest Subdivision of Magna Vista Estate. It needed to be mentioned that this fact was unknown to my previous CIBC Bank in the Caribou Area which assured me of a new Construction Loan for us before we moved here.

Regrettably, this was not the case here. This major blow left us to crumble to survive.

Being the sole care giver
of my ill husband with dementia for
five years and unable to find a rent
last fall with him and my dog we
we're facing a winter in an uninsulated frozen up RV and
desperate for a warm, dry place
in order to provide life necessities
and life essentials.

Because of lack of funds, I could
not afford expensive Architect for
the proposed 740 sq house or
even a smaller cabin later, neither I could
hire a licensed carpenter with
credentials who would have
going through the legal proper
channels of CSRD's building requirements of building permit,
unfortunately.

I would like to ask You and your
honourable Board of Directors for its
Reasonable consideration of our
very sad and unfortunate situation
resulted from an unintentional
fallout that I never ever intended so
to happen!

Thank you very much again.

My Regards,
Klara Lange

Sent from my iPhone

On Sep 14, 2018, at 8:57 AM, Lynda Shykora <LShykora@csrd.bc.ca> wrote:

Good morning,

This message for Klara Lange. For your reference, here is a [link](#) to the September 20, 2018 regular Board agenda.

You will see that your email submission is included in the agenda, for the Board's information.

Regards,

Lynda Shykora

Deputy Manager, Corporate Administration Services
Columbia Shuswap Regional District

From: Lynda Shykora

Sent: Tuesday, September 04, 2018 10:09 AM

To: [REDACTED]

Cc: Charles Hamilton <chamilton@csrd.bc.ca>

Subject: RE: Email Submission from Klara Lange, September 3, 2018, to Columbia Shuswap Regional District CAO Hamilton, re Building

Importance: High

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Regards,

Lynda Shykora | Deputy Manager

Corporate Administration Services

Columbia Shuswap Regional District

T: 250.833.5939 | F: 250.832.3375 | TF: 1.888.248.2773

E: lsykora@csrd.bc.ca | W: www.csrd.bc.ca

<image001.jpg><[image002.png](#)><[image003.png](#)>



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This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.

From: Klara Lange [REDACTED]

Date: September 3, 2018 at 6:53:42 PM GMT-6

To: <chamilton@csrd.bc.ca>

Subject: Building

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I regret that I was unaware of

building permit as I was informed we did not need one for this size. To be completely honest, I do not know much what is involved in building, neither I can correctly read and interpret the CSRD policy terms and rules, and for this reason I needed to completely rely and depend on my carpenter's knowledge of whatever was pertaining to the building. Unfortunately neither my husband could help with this matter as he is sick with Dementia.

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Thank You very much.
Regards,
Klara Lange

Sent from my iPhone

From: [Lynda Shykora](#)
To: [Charles Hamilton](#); [Jennifer Sham](#)
Cc: [Marty Herbert](#); [Scott Beck](#); [Gerald Christie](#)
Subject: FW: Closing thoughts Email Submission from Klara Lang, September 15, 2018, to Columbia Shuswap Regional District CAO Hamilton, re Building LATE AGENDA
Date: Monday, September 17, 2018 9:24:22 AM
Attachments: [image002.png](#)
[image003.png](#)
Importance: High

Good morning, Charles,

Here is a closing email message from Klara Lange re the Section 57 Notice on Title Hearing for Thursday. As mentioned below, we will include her message on the Late Agenda.

Regards,

Lynda Shykora | Deputy Manager
 Corporate Administration Services
Columbia Shuswap Regional District
 T: 250.833.5939 | F: 250.832.3375 | TF: 1.888.248.2773
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This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.

From: Lynda Shykora
Sent: Monday, September 17, 2018 9:25 AM
To: [REDACTED]
Subject: RE: Closing thoughts Email Submission from Klara Lang, September 15, 2018, to Columbia Shuswap Regional District CAO Hamilton, re Building
Importance: High

Good morning, Ms. Lange,

We will relay your closing email message to Chief Administrative Officer, Charles Hamilton, as well as to the CSR Board and the CSR Building Inspector. Your email message below will be included in the Late Agenda document that we prepare and publish on Wednesday morning, September 19th, 2018.

Our office will email you a link to the Late agenda document once we have it prepared.

Regards,

Lynda Shykora | Deputy Manager
 Corporate Administration Services
Columbia Shuswap Regional District
 T: 250.833.5939 | F: 250.832.3375 | TF: 1.888.248.2773
 E: lsykora@csrd.bc.ca | W: www.csrd.bc.ca





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This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.

From: Klara Lange [REDACTED]

Sent: Saturday, September 15, 2018 2:00 PM

To: Lynda Shykora <LShykora@csrd.bc.ca>

Subject: Re: Email Submission from Klara Lang, September 3, 2018, to Columbia Shuswap Regional District CAO Hamilton, re Building

Dear Mrs. Shykora,
Please forward my closing thoughts
to Mr. Hamilton on my second letter.
Thank you.
Klara

Dear Mr. Hamilton,
Here are my closing thoughts of
my second letter to you.
We realize that we are being a victim
of an
Undivided share Interest subdivision
unrecognized by the Banks in Salmon Arm to
lend loans and mortgages for
building.
As a result of that blow on us we are
being now double victimized by the
penalties and charges waged on us by the CSRD.
We do not feel legally at fault for something we are not responsible for , yet
sadly we are being victimized by
both , which is unacceptable and
it needs to be dealt with
reasonably.
Thank you.
Klara Lange

Sent from my iPhone

On Sep 14, 2018, at 8:57 AM, Lynda Shykora <LShykora@csrd.bc.ca> wrote:

Good morning,
This message for Klara Lange. For your reference, here is a [link](#) to the September 20,
2018 regular Board agenda.
You will see that your email submission is included in the agenda, for the Board's
information.
Regards,

Lynda Shykora
Deputy Manager, Corporate Administration Services
Columbia Shuswap Regional District

From: Lynda Shykora
Sent: Tuesday, September 04, 2018 10:09 AM
To: [REDACTED]
Cc: Charles Hamilton <chamilton@csrd.bc.ca>
Subject: RE: Email Submission from Klara Lang, September 3, 2018, to Columbia Shuswap Regional District CAO Hamilton, re Building
Importance: High

Good morning, Ms. Lange,
Our Columbia Shuswap Regional District (CSRD) Chief Administrative Officer, Charles Hamilton, has relayed your email message to me for response. This message is to let you know that the comments that you have provided to Mr. Hamilton in the email below, dated September 3, 2018, will be relayed to the CSRD Board of Directors and to the CSRD Team Leader, Building & Bylaw Services, for information. The contents of the email will be included in the CSRD Board Agenda package for September 20, 2018. Also for your information, the CSRD will be publishing the September Board agenda by Friday, September 14, 2018. Once the Board Agenda is published, our office will email you a link to the agenda document for your reference.

Regards,

Lynda Shykora | Deputy Manager
Corporate Administration Services
Columbia Shuswap Regional District
T: 250.833.5939 | F: 250.832.3375 | TF: 1.888.248.2773
E: lsykora@csrd.bc.ca | W: www.csrd.bc.ca

<image001.jpg><[image002.png](#)><[image003.png](#)>

 Please consider the environment before printing this e-mail

This e-mail is CONFIDENTIAL. If you are not the intended recipient, please notify me immediately and delete this communication, attachment or any copy. Thank you.

From: Klara Lange [REDACTED]
Date: September 3, 2018 at 6:53:42 PM GMT-6
To: <chamilton@csrd.bc.ca>
Subject: Building

Dear Mr. Hamilton,

My name is Klara Lange and I was forwarded your letter you sent to my subdivision and I would like to respond to that here.

I kindly wish to inform you regarding about our 20'x14' building in size that was originally build for a storage in mind we are occupying only temporarily until we can build our house.

I regret that I was unaware of building permit as I was informed we did not need one for this size. To be completely honest, I do not know much what is involved in building, neither I can correctly read and interpret the CSRD policy terms and rules, and for this reason I needed to completely rely and depend on my carpenter's knowledge of whatever was pertaining to the building. Unfortunately neither my husband could help with this matter as he is sick with Dementia.

I would like to kindly ask you to please reconsider our case and please remove all the charges against us as we have done nothing wrong and we are innocent.

Thank You very much.
Regards,
Klara Lange

Sent from my iPhone



September 7th, 2018

File: 5360-00

Rhona Martin, Chair
Columbia Shuswap Regional District
555 Harbourfront Drive NE
Box 978, Salmon Arm, BC V1E 4P1

Dear Rhona:

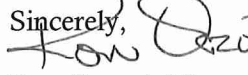
RE: Golden Landfill Warning Letter #052671

The Town of Golden Council has reviewed both the above referenced warning letter to the CSRSD from the Ministry of Environment and Climate Change Strategy and the letter of response authored August 17th, 2018 by the CSRSD's staff.

It is the purpose of this correspondence to convey the following unanimous sentiments and expectations of the Town of Golden Council on this matter, given our jurisdiction's immediate adjacency to this facility and its potential short and long term impacts to the environmental and economic well-being of our community:

- Council is significantly discomfited and disappointed with the results of the Ministry's report on the matter, and expects the CSRSD will promptly comply with the remedies identified in the letter under appropriate authority, with an expectation that surface contamination as identified is addressed within 60 days of receipt of this letter.
- Council expects it be fully informed from hereon with respect to remedial works including water and soil reports and inspection reports to and from the CSRSD and the Province.
- Council requests receipt of the following if they exist; if not, then their initiation:
 1. A complete *Hydrogeological Characterization* study.
 2. An updated *Design and Operation Plan* (with Town of Golden input).
 3. A *BC Landfill Criteria Conformance Review* with associated *Upgrading Plan* - to bring the landfill up to standard - if necessary or appropriate.
 4. *Notifications of Migration* (NOM) for the likely or actual groundwater contamination as documented in the annual CSRSD environmental monitoring reports for appropriate areas adjacent to the landfill.

In the meantime Council looks forward to receiving CSRSD staff at an upcoming regular meeting to provide an update on this situation. I trust this clearly conveys the position and expectations of Golden Town Council on this matter and I thank you for your attention to our concerns.

Sincerely,

Ron Oszust, Mayor
Town of Golden



CH
DM.
BvN,
Phaedra

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership:
<input checked="" type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File#
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	5360
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg	00
SEP 12 2018		
<input type="checkbox"/> Ec Dev	<input type="checkbox"/> Staff to Report	Ack Sent:
<input type="checkbox"/> IT	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Fax
<input type="checkbox"/> Parks	<input type="checkbox"/> Staff Info Only	<input type="checkbox"/> Mail
<input type="checkbox"/> SEP	<input type="checkbox"/> Dir Mailbox	<input type="checkbox"/> Email
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Circulate	
<input type="checkbox"/> Other		

Chair, CSRSD.
and Director-Catheart



Ref: 240824

September 6, 2018

Ms. Rhona Martin
and Members of the Board
Columbia Shuswap Regional District
PO Box 978
Salmon Arm, BC V1E 4P1

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership:
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File#
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg	
SEP 18 2018		
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<input type="checkbox"/> Parks	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Mail
<input type="checkbox"/> SEP	<input type="checkbox"/> Staff Info Only	<input type="checkbox"/> Email
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Mailbox	
<input type="checkbox"/> Other	<input type="checkbox"/> Dir Circulate	

Dear Chair Martin and Board Members:

On behalf of the Province of British Columbia, I am pleased to advise you that your application under the *Local Government Grants Act* for an infrastructure planning grant has been approved for the following project:

Grant Description	Amount
Scotch Creek Water Plan Update	\$10,000

Details of the terms and conditions attached to this grant will be dealt with in an agreement that will be forwarded to you by Ministry of Municipal Affairs and Housing staff as soon as possible. This agreement must be signed and returned to the Ministry, indicating your acceptance of the terms and conditions.

The Province welcomes the opportunity to support planning in the Columbia Shuswap Regional District. We believe that early and ongoing planning is the best way to ensure that the environmental, social, and economic needs of your community will continue to be met in the years ahead.

Through your planning efforts, the Province encourages you to find ways to use new technology to promote environmental excellence and sustainable service delivery.

Congratulations on your successful application and my best wishes with your infrastructure study.

Sincerely,

Selina Robinson
Minister



BOARD REPORT

TO: Chair and Directors

File No: 8650 04

SUBJECT: Electoral Area E: Solsqua Road CPR Railway Crossing train whistle cessation

DESCRIPTION: Report from Jennifer Sham, Assistant Deputy Corporate Officer, dated September 18, 2018.
Mile 40.10, Solsqua Road

RECOMMENDATION #1: THAT: the Board support train whistle cessation at the Solsqua Road (Mile 40.10) crossing, this 20th day of September, 2018.

RECOMMENDATION #2: THAT: the Board direct staff to continue to work with Canadian Pacific Railway staff to obtain any necessary approvals for train whistle cessation at the Solsqua Road (Mile 40.10) crossing, this 20th day of September, 2018.

SHORT SUMMARY:

Staff have received a number of complaints from residents in the area of the newly activated Canadian Pacific Railway (CPR) Solsqua Road crossing regarding the train whistle nuisance. Based on information received from Transport Canada, there is a lengthy process to end the train whistling; however, in consultation with CPR staff, there is an opportunity to provide some timely relief from the train whistling while the formal approval process is being completed by passing a Board resolution in support of the train whistle cessation at the Solsqua Road crossing.

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/>	LGA Part 14 (Unweighted)	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

According to the Canadian Pacific Railway (CPR) website¹, trains are required to whistle at all public crossing where vehicles and pedestrians cross the tracks, unless there is a federally approved whistle prohibition in place. To apply for a "Quiet Zone" for a specific community, the Board must pass a resolution agreeing that train whistles are prohibited at that specific crossing. According to Section 23.1 of the Railway Safety Act, prior to passing a resolution prohibiting train whistles in the specified area, there is a notification and consultation process. In consultation with CPR staff, if the Board passes a resolution in support of stopping train whistles at the Solsqua Road crossing, CPR may be able to provide some relief to the area residents by possibly halting the train whistles while the CSR D and CPR staff continue to obtain Transport Canada approval.

In 2005, the CSR D received a petition from residents of Elson Road and surrounding areas in Electoral Area C regarding train whistle cessation located at Elson Road crossing (near Sorrento).

In 2006, the Board adopted the 'Elson Road Railway Crossing Anti-whistling Service Bylaw No. 5459' to "establish a service area within Electoral Area C for the purpose of providing funding for 1) an initial

¹ www.cpr.ca/en/community/living-near-the-railway

safety assessment at Elson Road Railway Crossing to determine the eligibility for the prohibition of the train whistle at that crossing; and 2) 50% of the annual cost of liability insurance that must be carried by CP Rail at crossings where there will be no train whistle."

Also in 2006, the CSRD Board authorized access to the Rural Feasibility Study Fund in an amount not to exceed \$5,000, and Opus Hamilton Consultants Ltd. was hired to conduct a safety assessment at the Elson Road crossing. The final safety assessment was completed in 2007 and sent to Transport Canada for their review and approval of the train whistle cessation at the Elson Road crossing.

In May 2009, the CSRD entered into an agreement with CPR regarding the train whistle cessation and liability insurance and the train whistling at Elson Road crossing stopped after June 11, 2009.

POLICY:

Railway Safety Act (R.S.C., 1985, c. 32 (4th Supp.))

Audible Warnings

Use of whistles

23.1 (1) No person shall use the whistle on any railway equipment in an area within a municipality if

- (a) the area meets the requirements prescribed for the purposes of this section; and
- (b) the government of the municipality by resolution declares that it agrees that such whistles should not be used in that area and has, before passing the resolution,
 - (i) consulted the railway company that operates the relevant line of railway,
 - (ii) notified each relevant association or organization, and
 - (iii) given public notice of its intention to pass the resolution.

Ministerial decision

(2) The Minister may decide whether the area meets the prescribed requirements and the Minister's decision is final.

Exceptions

(3) Despite subsection (1), the whistle may be used if

- (a) there is an emergency;
- (b) any rules in force under section 19 or 20 or any regulations require its use; or
- (c) a railway safety inspector orders its use under section 31.

Email from Transport Canada staff regarding process (Excerpt)

The process for municipalities to request whistling cessation at a public grade crossing is:

1. The municipality assesses whether or not whistling cessation at a public grade crossing meets the requirements of the Grade Crossings Regulations and the Grade Crossing Standards.

The Grade Crossings Regulations allow for whistling cessation based on the safety design of the grade crossing.

Appendix D of the Grade Crossing Standards state the requirements for warning systems at public crossings that must be met before whistling can be stopped. The requirements vary based on railway

speed design, vehicle and pedestrian use, and the number of railway tracks going through the crossing. The requirements may include flashing lights, bells and gates.

2. The municipality or road authority must consult with the railway company, notify each relevant association or organization, and give public notice of its intention to pass a resolution for a whistling cessation.

3. Once the municipality and railway company agree on whistling cessation, the municipality can pass a resolution to stop train whistling at the public grade crossing.

Under the Railway Safety Act, it becomes illegal to use a train whistle at the approach of a grade crossing when a municipality declares, by resolution, that it agrees whistles shall no longer be used at a crossing, and that the crossing meets the requirements of the Grade Crossings Regulations. However, the Act allows train whistling in cases of emergency and in other limited circumstances.

4. Transport Canada can make a final decision if the municipality and the railway company do not agree that the crossing meets the requirements for warning systems at a public crossing without train whistling.

Transport Canada encourages railway companies and road authorities to work together to ensure a grade crossing meets the requirements of the Regulations and has completed all steps for whistling cessation.

Transport Canada can order a railway to reinstate whistling at a public crossing after a resolution is passed if the railway company or the municipality fails to maintain the conditions supporting the cessation of train whistling.

See "TC_email_2018-09-07_Redacted.pdf" attached.

FINANCIAL:

There will be costs associated with establishing a service area and obtaining a safety assessment from an engineering firm. Staff will request access to feasibility study funds, outline the expected costs, and estimate the anticipated annual servicing costs to taxpayers in a future Board report.

KEY ISSUES/CONCEPTS:

According to the CPR website, "any time is train time" which means the trains operate 24 hours a day, 7 days a week. The train whistle rule applies to any crossing that does not have a federally approved whistle prohibition, even the crossings that have lights, bells, and crossing gates. At this particular crossing, residents living adjacent to the crossing will not only hear the train whistles, but the bells at the crossing gates.

The residents in the Solsqua Road crossing area have requested that the CSRD explore the process to stop train whistling. According to satellite imagery, it appears the crossing is from Solsqua Road to an

unconstructed road (McKreacher Road) and a road under construction (Jessop Road). See "Map_865004.pdf" attached.

CSRD staff have been in contact with CPR staff and are working together to obtain approvals; however, the first step is obtaining Board support. CPR staff provided the CSRD with a design plan and a PowerPoint. See "Solsqua_Road_Crossing.pdf" and "Solsqua_Road_Crossing_Designs.pdf" attached.

SUMMARY:

Staff are requesting that the Board support the train whistle cessation at the Solsqua Road crossing and further support staff working with CPR staff to obtain approvals from Transport Canada.

IMPLEMENTATION:

If the Board passes the resolution to support the train whistle cessation at the Solsqua Road crossing, staff will send the resolution to CPR and continue to work with CPR staff to formally stop the train whistles at the subject crossing.

COMMUNICATIONS:

Staff will respond to the residents who contacted the CSRD regarding the train whistle nuisance.

DESIRED OUTCOMES:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Railway Safety Act
2. Elson Road Railway Crossing Anti-whistling Service Bylaw No. 5459

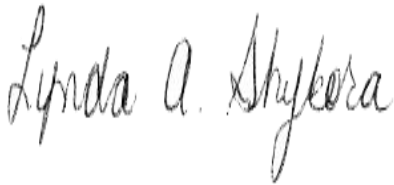
Report Approval Details

Document Title:	2018-09-20_Board_CA_865004.docx
Attachments:	- TC_email_2018-09-07_Redacted.pdf - Maps_865004.pdf - Solsqua_Road_Crossing_Designs.pdf - Solsqua_Road_Crossing.pdf
Final Approval Date:	Sep 19, 2018

This report and all of its attachments were approved and signed as outlined below:



Jodi Pierce - Sep 19, 2018 - 8:14 AM



Lynda Shykora - Sep 19, 2018 - 11:05 AM



Charles Hamilton - Sep 19, 2018 - 11:12 AM

Hayley Graham

From: Hayley Graham
Sent: Wednesday, September 12, 2018 8:38 AM
To: Hayley Graham
Subject: Quiet Zone

From: [REDACTED]
Sent: Tuesday, September 11, 2018 2:22 PM
To: Lynda Shykora <LShykora@csrd.bc.ca>
Subject: Fwd: Quiet Zone

Hi Linda

This is the information I got from CP in regards to my request to halt whistle blowing
 Thks [REDACTED]

Sent from my iPad

Begin forwarded message:

From: "Gloeden, Shelly" <shelly.gloeden@tc.gc.ca>
Date: September 7, 2018 at 7:18:24 AM PDT
To: "[REDACTED]"
Cc: "Horbay, James" <james.horbay@tc.gc.ca>
Subject: Quiet Zone

Hi [REDACTED]

Thank you for your correspondence regarding the request for whistle cessation.

It is understandable that train whistling can be bothersome for people living close to public grade crossings. As a result, some municipalities may wish to end train whistling to provide those residents with some relief from the noise.

Therefore, section 23.1 of the *Railway Safety Act* does provide a process for whistling cessation, which is a process to support removing the requirement to sound the train whistles as a train approaches a public grade crossing.

The process for municipalities to request whistling cessation at a public grade crossing is:

1. The municipality assesses whether or not whistling cessation at a public grade crossing meets the requirements of the *Grade Crossings Regulations* and the [Grade Crossing Standards](#).

The *Grade Crossings Regulations* allow for whistling cessation based on the safety design of the grade crossing. [Appendix D of the Grade Crossing Standards](#) state the requirements for warning systems at public crossings that must be met before whistling can be stopped. The requirements vary based on railway speed design, vehicle and pedestrian use, and the number of railway tracks going through the crossing. The requirements may include flashing lights, bells and gates.

2. The municipality or road authority must consult with the railway company, notify each relevant association or organization, and give public notice of its intention to pass a resolution for a whistling cessation.

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership:
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SEP 12 2018		
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<input type="checkbox"/> IIT	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Fax
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<input type="checkbox"/> SEP	<input type="checkbox"/> Dir Mailbox	<input type="checkbox"/> Email
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Circulate	
<input type="checkbox"/> Other		

3. Once the municipality and railway company agree on whistling cessation, the municipality can pass a resolution to stop train whistling at the public grade crossing.

Under the *Railway Safety Act*, it becomes illegal to use a train whistle at the approach of a grade crossing when a municipality declares, by resolution, that it agrees whistles shall no longer be used at a crossing, and that the crossing meets the requirements of the *Grade Crossings Regulations*. However, the Act allows train whistling in cases of emergency and in other limited circumstances.

.../3

4. Transport Canada can make a final decision if the municipality and the railway company do not agree that the crossing meets the requirements for warning systems at a public crossing without train whistling.

Transport Canada encourages railway companies and road authorities to work together to ensure a grade crossing meets the requirements of the Regulations and has completed all steps for whistling cessation.

Transport Canada can order a railway to reinstate whistling at a public crossing after a resolution is passed if the railway company or the municipality fails to maintain the conditions supporting the cessation of train whistling.

Should you wish to pursue whistling cessation in your area, please contact your municipality directly and follow the link for Procedure for Train Whistling at Public Crossings.

<https://www.tc.gc.ca/eng/railsafety/railsafety-976.html>

I hope this helps.

Shelly Gloeden, P. Eng.

Regional Railway Works Engineer/Ingéieure, Installations ferroviaires Régionales
Telephone: 604-666-8174 Téléphone: 604-666-8174

Hayley Graham

Receptionist | Corporate Administration

Columbia Shuswap Regional District

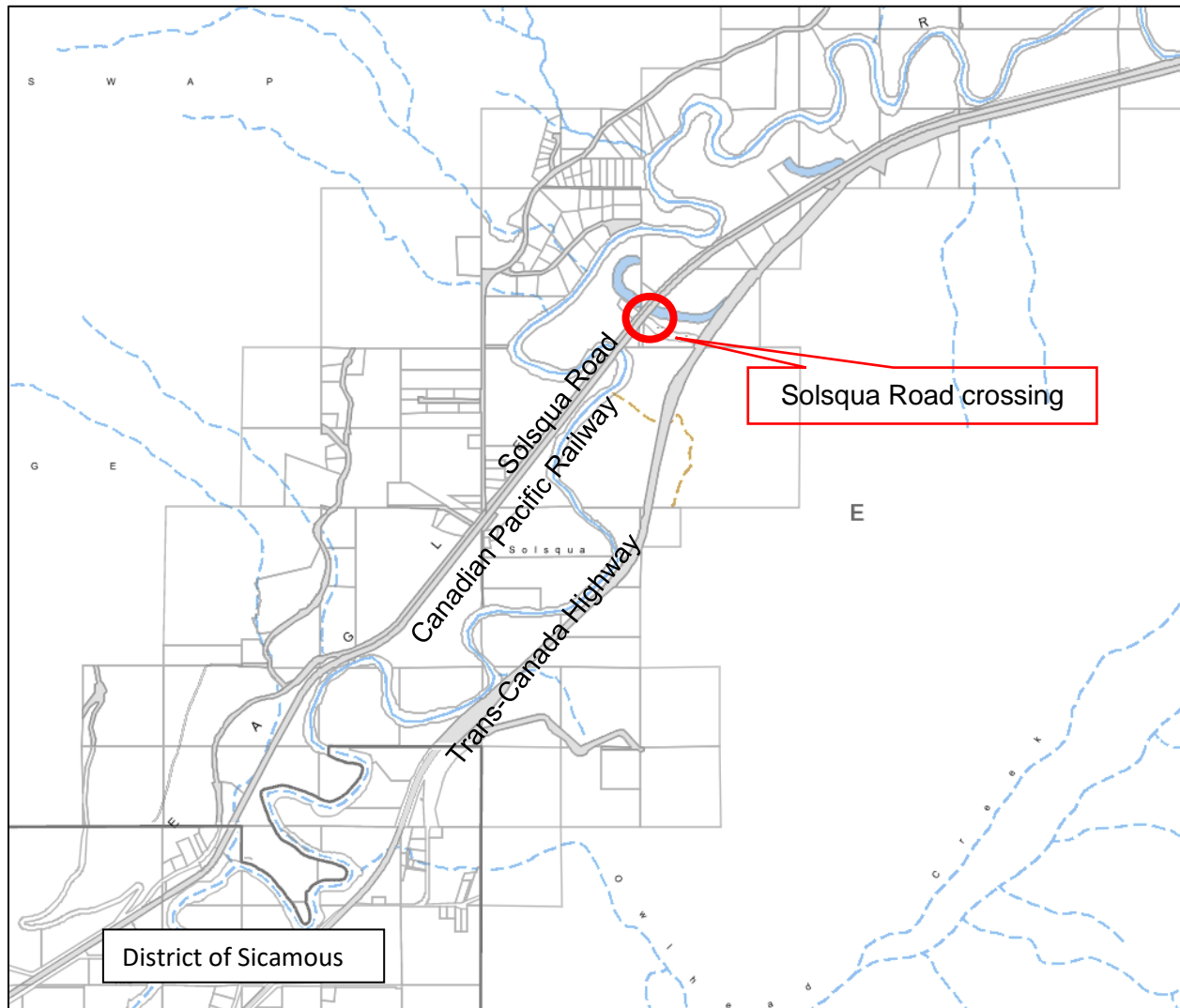
T: 250.833.5901 | F: 250.832.3375 | TF: 1.888.248.2773

E: hgraham@csrd.bc.ca | W: www.csrd.bc.ca

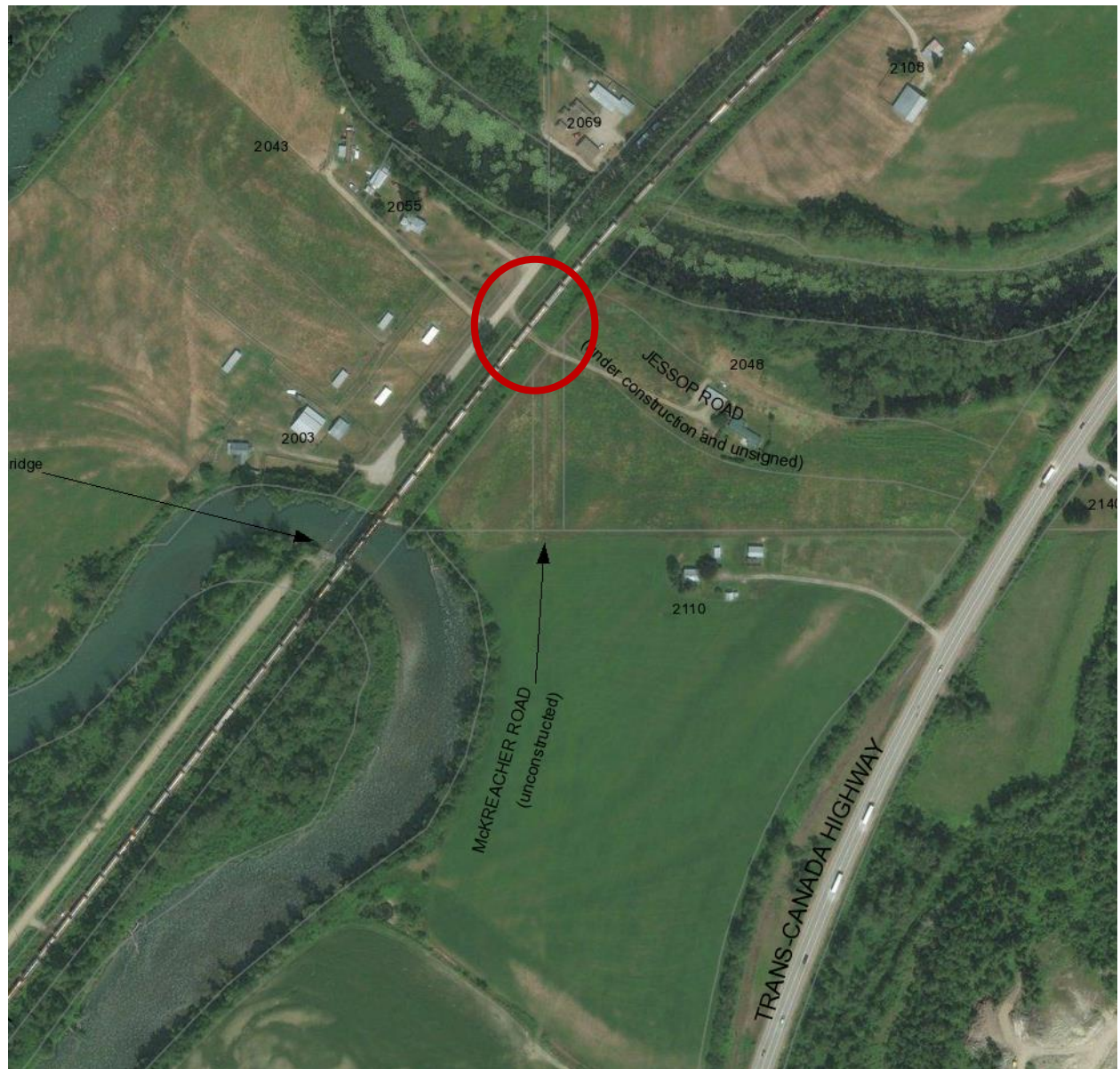


Please consider the environment before printing this e-mail

Location



Canadian Pacific Railway Solsqua Road Crossing shown in the red circle below



CANADIAN PACIFIC

**SOLSQUA - TRANS CANADA HIGHWAY
CROSSING ROAD RELOCATION**

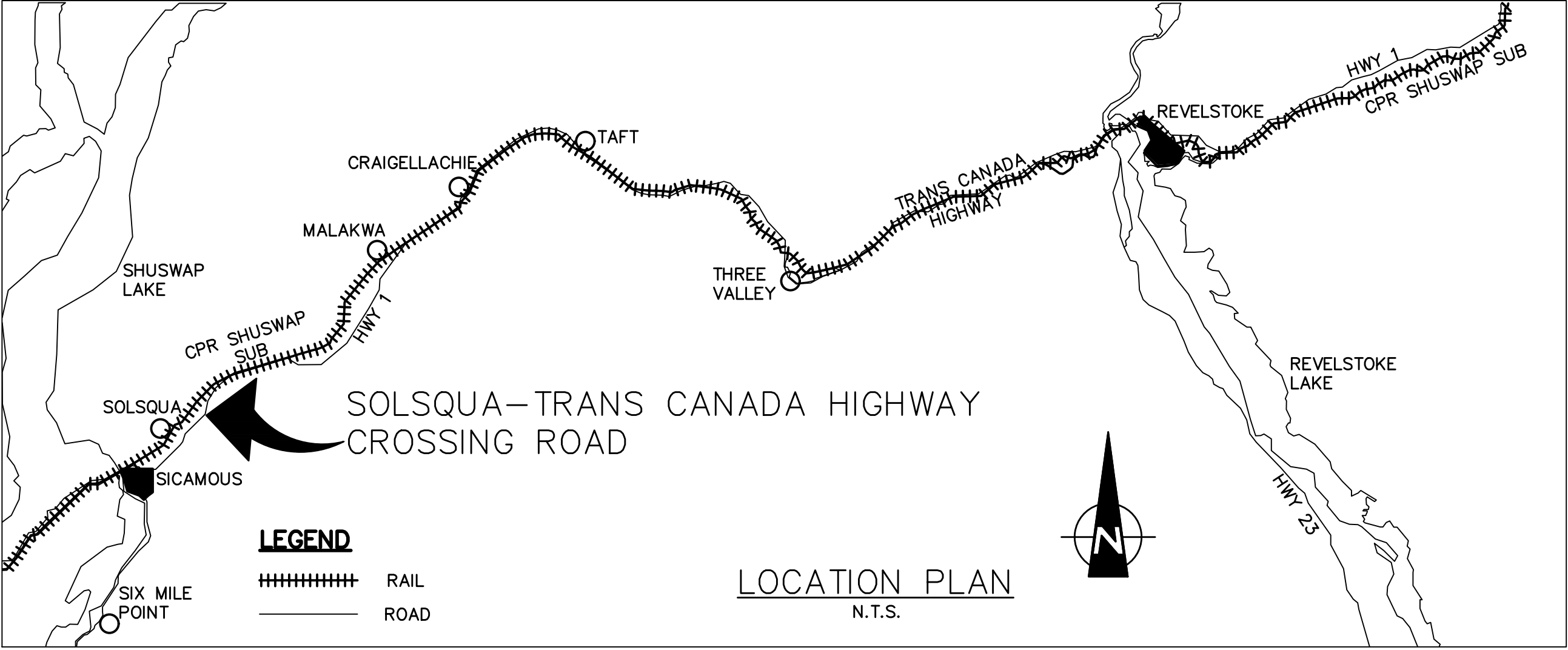
**MOUNTAIN DIVISION
SHUSWAP SUBDIVISION**

ISSUED FOR CONSTRUCTION - REVISED

MAY 7, 2018



DRAWING LIST			
DRAWING NO.	DESCRIPTION	REVISION	DATE
35320-DWG-HIN-001	COVER PAGE	9	2018.05.07
35320-DWG-HIN-002	DRAWING LIST AND LEGEND	9	2018.05.07
35320-DWG-HIN-003	KEY PLAN	6	2018.04.27
35320-DWG-PP-101	LINK ROAD PLAN AND PROFILE STA. 0+000 TO STA. 0+120	6	2018.04.27
35320-DWG-PP-102	LINK ROAD PLAN AND PROFILE STA. 0+120 TO STA. 0+240	6	2018.05.07
35320-DWG-PP-103	LINK ROAD PLAN AND PROFILE STA. 0+240 TO STA. 0+376	5	2018.03.22
35320-DWG-PP-104	TRANS CANADA WIDENING PLAN AND PROFILE STA. 10+000 TO STA. 10+170	6	2018.03.22
35320-DWG-PP-105	TRANS CANADA WIDENING PLAN AND PROFILE STA. 10+170 TO STA. 10+340	5	2018.03.22
35320-DWG-PP-106	TRANS CANADA WIDENING PLAN AND PROFILE STA. 10+340 TO STA. 10+510	6	2018.04.27
35320-DWG-PP-107	TRANS CANADA WIDENING PLAN AND PROFILE STA. 10+510 TO STA. 10+685	6	2018.03.22
35320-DWG-PP-108	SOLSQUA ROAD PLAN AND PROFILE	7	2018.04.27
35320-DWG-PP-109	REVISION DRIVEWAY PLAN AND PROFILE	6	2018.03.22
35320-DWG-PM-201	LINK ROAD PAVEMENT MARKINGS AND SIGNAGE STA. 0+000 TO STA. 0+120	5	2018.05.07
35320-DWG-PM-202	LINK ROAD PAVEMENT MARKINGS AND SIGNAGE STA. 0+120 TO STA. 0+240	4	2018.02.28
35320-DWG-PM-203	LINK ROAD PAVEMENT MARKINGS AND SIGNAGE STA. 0+240 TO STA. 0+380	5	2018.02.28
35320-DWG-PM-204	TRANS CANADA WIDENING MARKINGS AND SIGNAGE STA. 10+000 TO STA. 10+170	5	2018.02.28
35320-DWG-PM-205	TRANS CANADA WIDENING MARKINGS AND SIGNAGE STA. 10+170 TO STA. 10+340	6	2018.02.28
35320-DWG-PM-206	TRANS CANADA WIDENING MARKINGS AND SIGNAGE STA. 10+340 TO STA. 10+510	5	2018.02.28
35320-DWG-PM-207	TRANS CANADA WIDENING MARKINGS AND SIGNAGE STA. 10+510 TO STA. 10+685	4	2018.02.28
35320-DWG-PM-208	SOLSQUA ROAD PAVEMENT MARKINGS AND SIGNAGE	7	2018.05.07
35320-DWG-CR-301	RAILWAY CROSSING PLAN	4	2018.02.28
35320-DWG-DT-302	TRANS CANADA INTERSECTION DETAILS	4	2018.02.28
35320-DWG-DT-303	SOLSQUA ROAD INTERSECTION DETAILS	3	2018.04.27
35320-DWG-DT-304	LINK DRIVEWAY INTERSECTION DETAILS	2	2018.02.28
35320-DWG-TS-401	TYPICAL CROSS SECTIONS	7	2018.03.22
35320-DWG-TS-402	TYPICAL CROSS SECTIONS	6	2018.03.22
35320-DWG-TS-403	TYPICAL CROSS SECTIONS	5	2018.04.27
35320-DWG-RM-501	TRANS CANADA HIGHWAY REMOVAL PLAN STA. 10+000 TO STA. 10+360	5	2018.04.27
35320-DWG-RM-502	TRANS CANADA HIGHWAY REMOVAL PLAN STA. 10+360 TO STA. 10+685	3	2018.02.28
35320-DWG-RM-503	SOLSQUA ROAD REMOVAL PLAN	4	2018.04.27
35320-DWG-RM-504	EXISTING LINK ROAD REMOVAL PLAN	3	2018.02.28
35320-DWG-XS-601	CROSS SECTIONS - LINK ROAD	5	2018.04.27
35320-DWG-XS-602	CROSS SECTIONS - LINK ROAD	4	2018.03.22
35320-DWG-XS-603	CROSS SECTIONS - LINK ROAD	4	2018.03.22
35320-DWG-XS-604	CROSS SECTIONS - LINK ROAD	4	2018.03.22
35320-DWG-XS-605	CROSS SECTIONS - LINK ROAD	4	2018.03.22
35320-DWG-XS-606	CROSS SECTIONS - TRANS CANADA	4	2018.03.22
35320-DWG-XS-607	CROSS SECTIONS - TRANS CANADA	4	2018.03.22
35320-DWG-XS-608	CROSS SECTIONS - TRANS CANADA	4	2018.03.22
35320-DWG-XS-609	CROSS SECTIONS - TRANS CANADA	4	2018.03.22
35320-DWG-XS-610	CROSS SECTIONS - TRANS CANADA	4	2018.03.22
35320-DWG-XS-611	CROSS SECTIONS - TRANS CANADA	5	2018.04.27
35320-DWG-XS-612	CROSS SECTIONS - TRANS CANADA	4	2018.03.22
35320-DWG-XS-613	CROSS SECTIONS - TRANS CANADA	4	2018.03.22
35320-DWG-XS-614	CROSS SECTIONS - SOLSQUA ROAD	5	2018.04.27
35320-DWG-XS-615	CROSS SECTIONS - SOLSQUA ROAD	5	2018.04.27
35320-DWG-XS-616	CROSS SECTIONS - SOLSQUA ROAD	5	2018.04.27
35320-DWG-XS-617	CROSS SECTIONS - DRIVEWAY	4	2018.03.22
35320-DWG-XS-618	CROSS SECTIONS - DRIVEWAY	4	2018.03.22
TE-13031	ELECTRICAL DESIGN	3	2017.12.08



- GENERAL NOTES
1. ALL UNITS ARE METRIC (METRES) UNLESS NOTED OTHERWISE.
 2. ALL PROPERTY LINES ARE PROVIDED FOR INFORMATION ONLY.
 3. SHOULD THE CONTRACTOR FIND ANY DISCREPANCIES ON THE DRAWINGS, OR IN THE FIELD PRIOR TO BEGINNING WORK OR DURING CONSTRUCTION, THEY SHALL IMMEDIATELY NOTIFY THE ENGINEER.
 4. ALL CONSTRUCTION MATERIALS AND METHODS TO BE IN ACCORDANCE WITH BRITISH COLUMBIA 2016 STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION.
 5. NO WORK WILL BE DONE WITHIN THE CP RIGHT-OF-WAY WITHOUT PRIOR APPROVAL FROM CP.
 6. ALL CONSTRUCTION WITHIN THE CP RIGHT-OF-WAY SHALL MEET CURRENT CP STANDARD SPECIFICATIONS.
 7. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND VERIFYING ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
 8. THE CONTRACTOR SHALL TAKE NECESSARY PRECAUTIONS TO PREVENT DAMAGE TO EXISTING UTILITIES AND TREES.
 9. THE CONTRACTOR IS REQUIRED TO MEET ALL APPLICABLE FEDERAL, PROVINCIAL, AND LOCAL REGULATIONS CONCERNING PROJECT SAFETY & ASSUME FULL RESPONSIBILITY FOR SAFETY ON THE PROJECT.
 10. CROSSING PLANKS TO BE INSTALLED BY OTHERS.

LEGEND	
	EXISTING RIGHT OF WAY
	EXISTING CP RAIL TRACKS
	CP RAIL TRACKS
	EXISTING LANE EDGE
	LANE EDGE
	EXISTING SHOULDER EDGE
	SHOULDER
	BOTTOM OF DITCH
	FENCE
	ROAD CENTRE LINE
	LIMIT OF GRADING (BOF/TOC)
	BOTTOM OF FILL
	TOP OF CUT
	RIGHT OF WAY
	ONE POST ROAD SIGN
	TWO POST ROAD SIGN
	EXISTING POWER POLE
	PROPOSED POWER POLE
	INFORMATION DIRECTIONAL ARROWS
	PAINTED DIRECTIONAL ARROWS
	ASPHALT PAVEMENT - NEW CONSTRUCTION
	MILL AND INLAY 50mm
	GRAVEL SURFACE - NEW CONSTRUCTION
	REMOVE EXISTING PAVEMENT

May 07 , 2018 , 3:26pm Login name: P001877145 Drawing Name: C:\pwworking\h\p001877145\cns656578\35320-DWG-HIN-002_0.dwg

METRIC
DIMENSIONS ARE IN METRES AND/OR MILLIMETRES UNLESS OTHERWISE NOTED

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DATE: 2018.05.07	DATE: 2018.05.07
CHECKED BY: ST	PROJECT MANAGER: JP
DATE: 2018.05.07	DATE: 2018.05.07
HATCH PROJECT No: 352320	DWG SCALE(22X34):

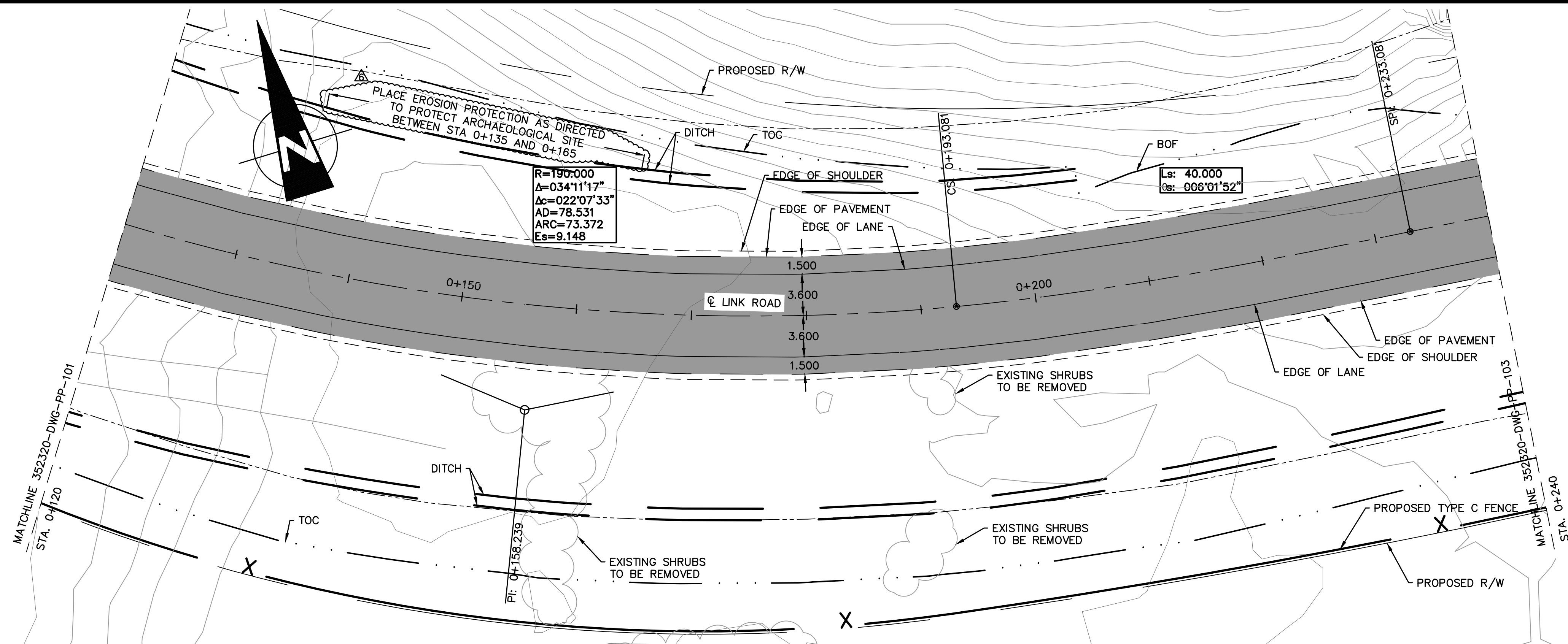
PROFESSIONAL SEALS

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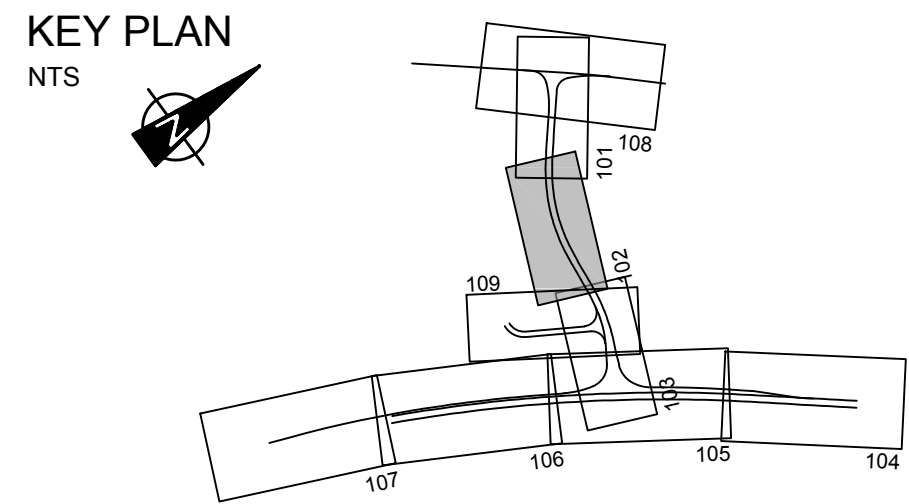
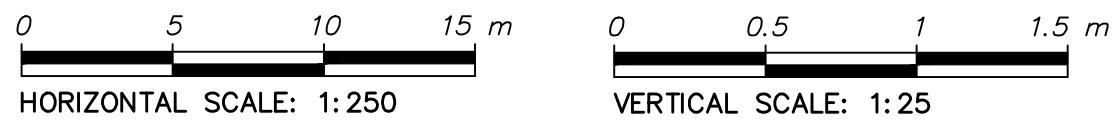
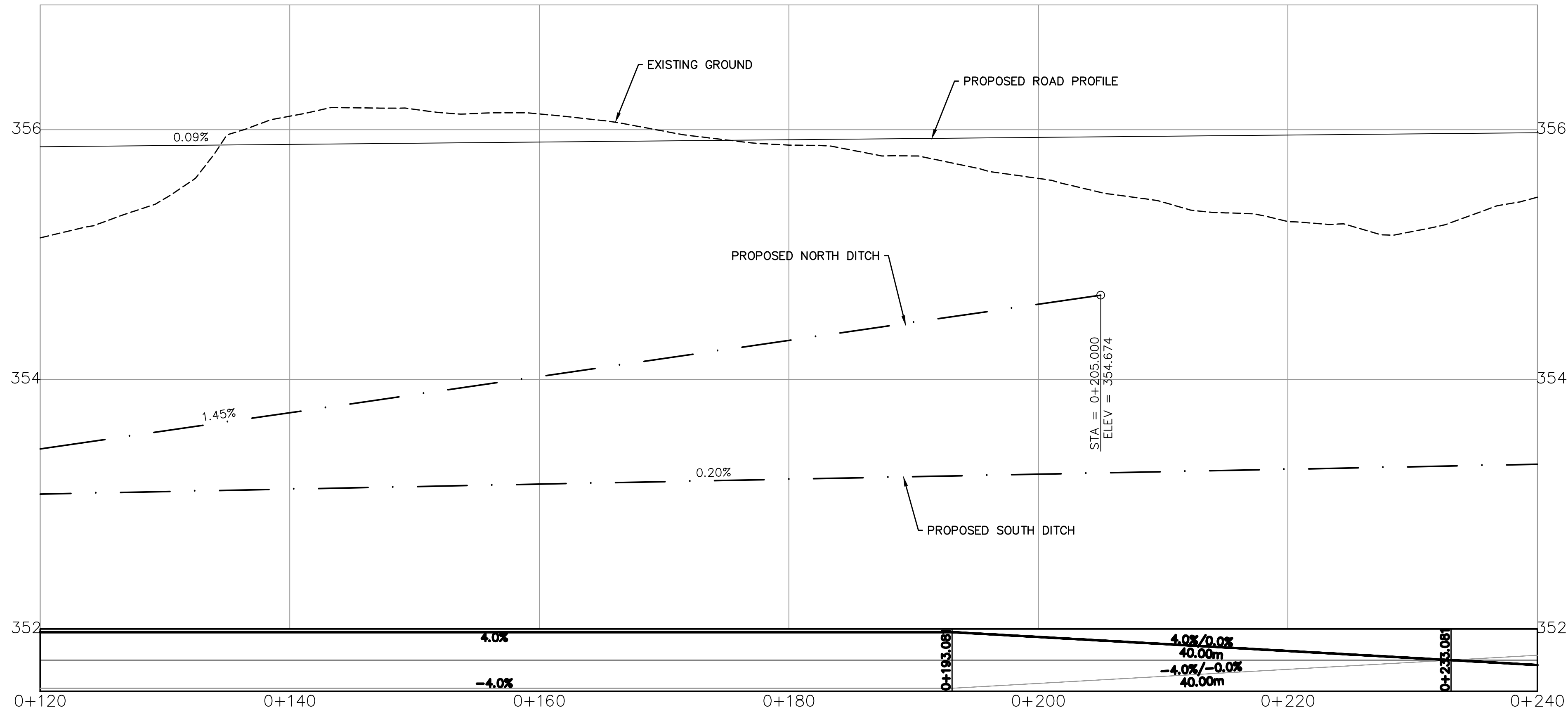
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1	2017.10.16	ISSUED FOR CONSTRUCTION	GP
0	2017.07.26	ISSUED FOR TENDER	K.M.M.
No.	DATE	REVISION	BY

**PROJECT SERVICES - CALGARY
ENGINEERING SERVICES**

MOUNTAIN DIVISION		SHUSWAP SUB.	
SOLSQUA CROSSING ROAD DRAWING LIST & LEGEND			
DWG. BY:	CHK BY:	OFFICE FILE:	
ENGINEER:		SCALE:	
L. PEREIRA MANAGER PROJECTS		DATE:	
		PLAN No.	
		352320-DWG-HIN-002	
		Rev.	9



LINK ROAD
DESIGN SPEED 60 km/h



HATCH

METRIC
DIMENSIONS ARE IN METRES AND/OR MILLIMETRES
UNLESS OTHERWISE NOTED

DESIGNED BY:
GP
DATE: 2018.05.07
CHECKED BY:
ST
DATE: 2018.05.07
HATCH PROJECT No:
352320
DRAWN BY:
AW
DATE: 2018.05.07
PROJECT MANAGER:
JP
DATE: 2018.05.07
DWG SCALE(22X34):
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PROFESSIONAL SEALS



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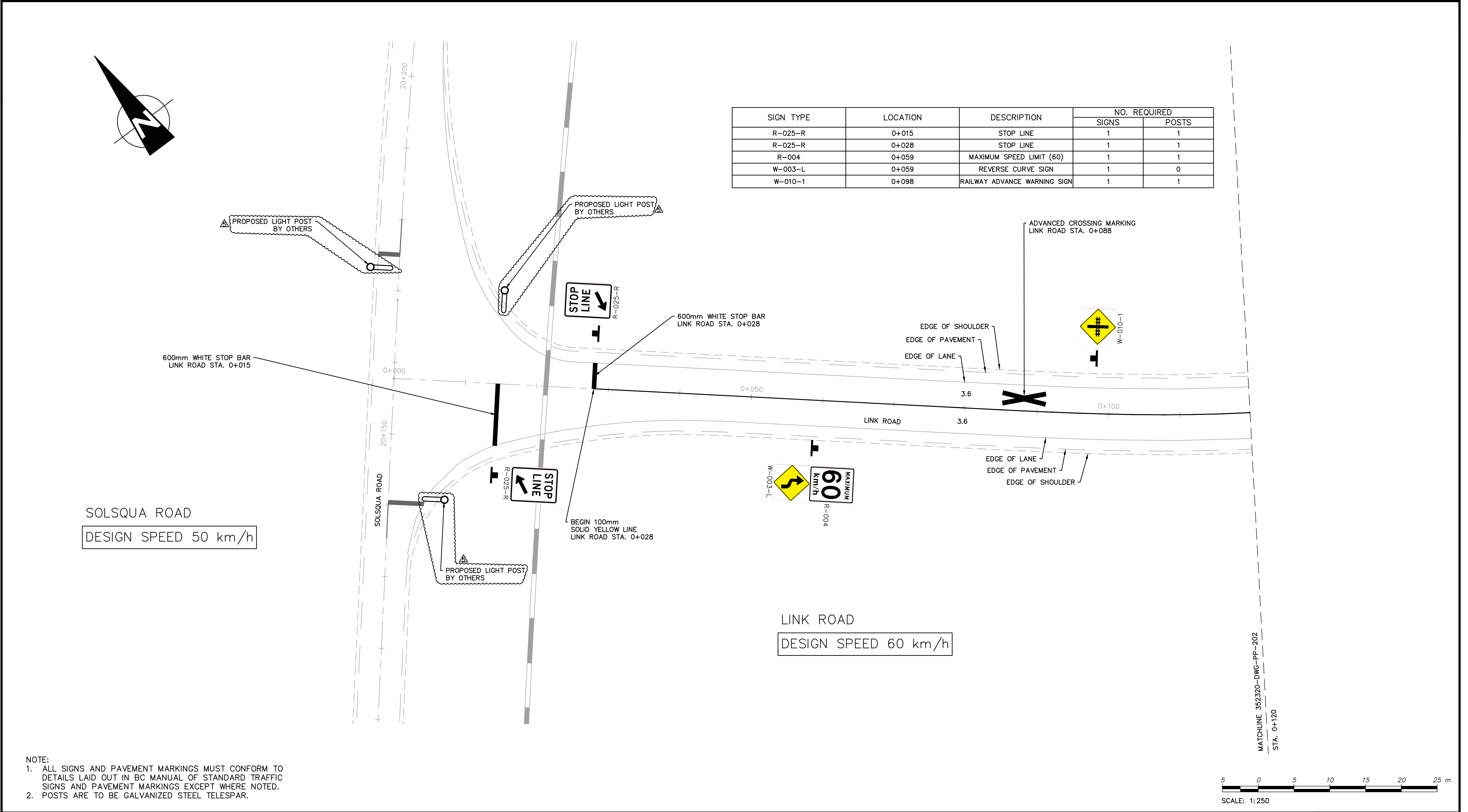
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3	2017.12.08	ISSUED FOR CONSTRUCTION - REVISED	GP
2	2017.11.06	ISSUED FOR CONSTRUCTION - REVISED	GP
1	2017.10.16	ISSUED FOR CONSTRUCTION	GP
0	2017.07.26	ISSUED FOR TENDER	K.M.M.

CP
PROJECT SERVICES - CALGARY
ENGINEERING SERVICES

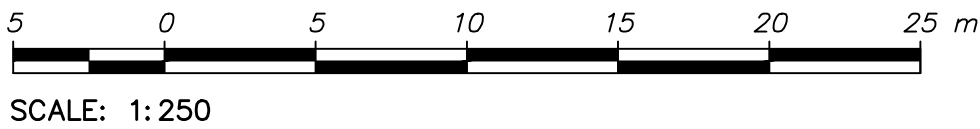
MOUNTAIN DIVISION SHUSWAP SUB.

SOLSQUA CROSSING ROAD
LINK ROAD PLAN & PROFILE
STA. 0+120 TO STA. 0+240

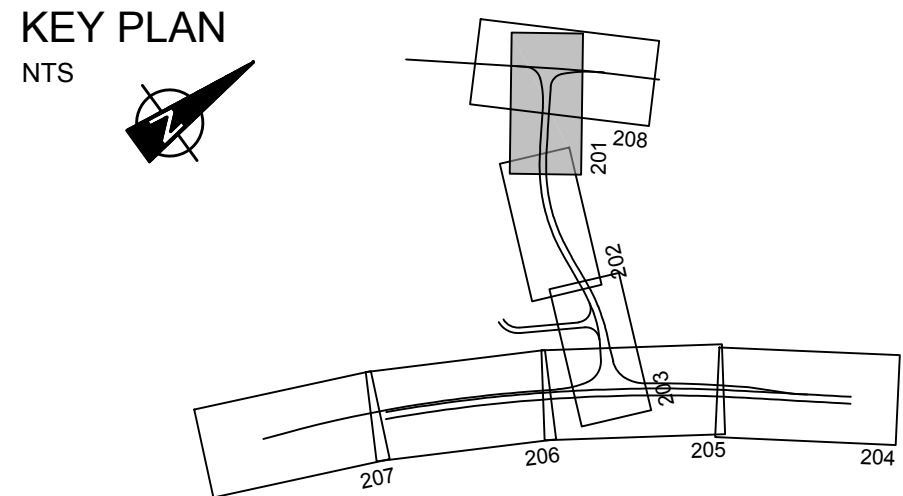
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ENGINEER:	SCALE:	DATE:
L. PEREIRA MANAGER PROJECTS	PLAN No. 352320-DWG-PP-102	Rev. 6



NOTE:
1. ALL SIGNS AND PAVEMENT MARKINGS MUST CONFORM TO DETAILS LAID OUT IN BC MANUAL OF STANDARD TRAFFIC SIGNS AND PAVEMENT MARKINGS EXCEPT WHERE NOTED.
2. POSTS ARE TO BE GALVANIZED STEEL TELESAPR.



May 07, 2018, 3:29pm
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Login name: P001877145



METRIC
DIMENSIONS ARE IN METRES AND/OR MILLIMETRES
UNLESS OTHERWISE NOTED

DESIGNED BY: GP	DRAWN BY: AW
DATE: 2018.05.07	DATE: 2018.05.07
CHECKED BY: ST	PROJECT MANAGER: JP
DATE: 2018.05.07	DATE: 2018.05.07

HATCH PROJECT No: 352320
DWG SCALE(22X34): 1:250

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4	2018.02.28	ISSUED FOR CONSTRUCTION - REVISED	GP
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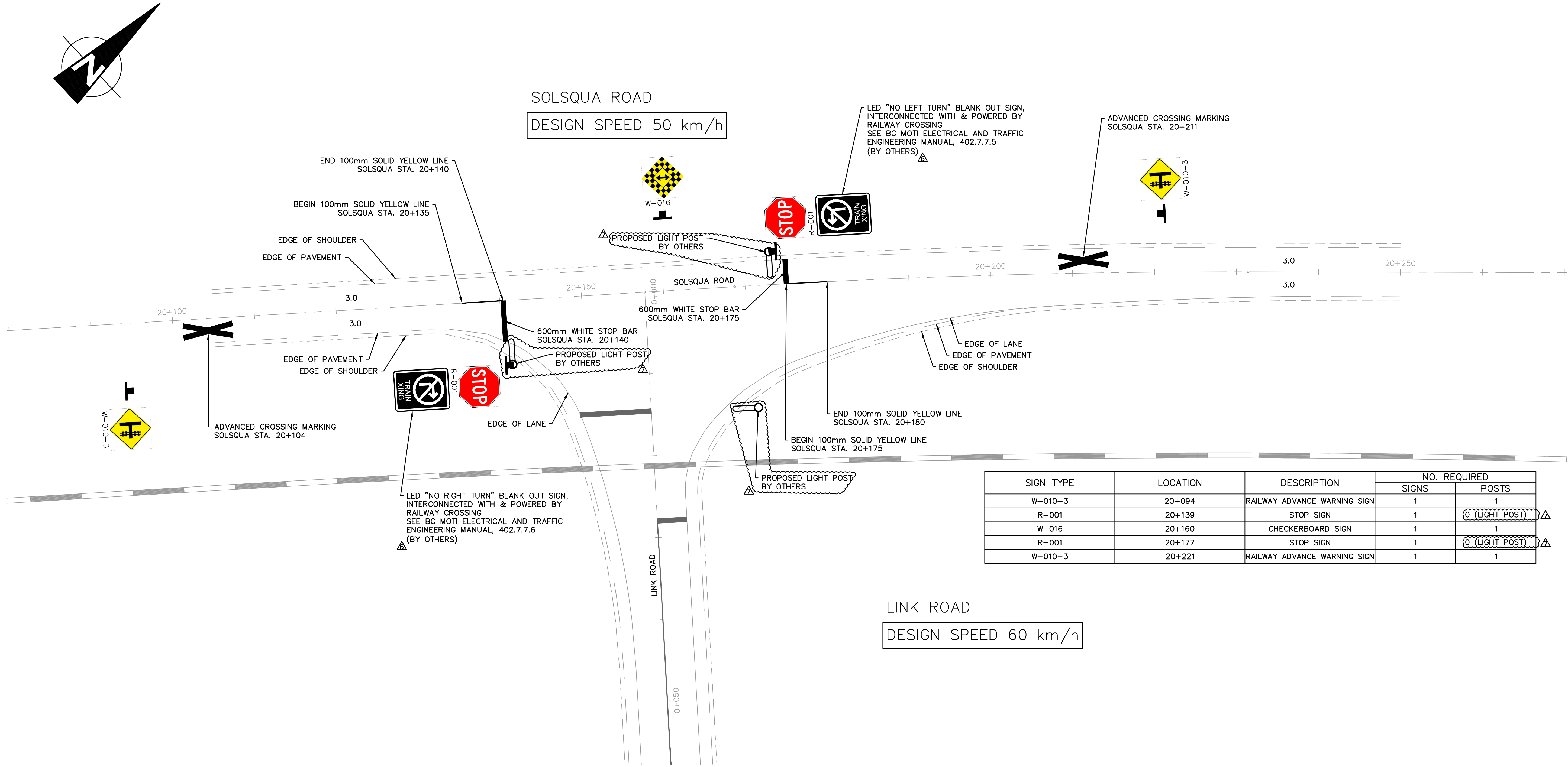
**PROJECT SERVICES - CALGARY
ENGINEERING SERVICES**

MOUNTAIN DIVISION

SHUSWAP SUB.

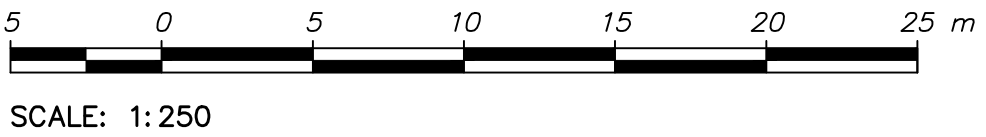
**SOLSQUA CROSSING ROAD
LINK ROAD PAVEMENT MARKINGS AND SIGNAGE
STA. 0+000 TO STA. 0+120**

DWG. BY:	CHK BY:	OFFICE FILE:
ENGINEER:	SCALE:	DATE:
L. PEREIRA MANAGER PROJECTS	PLAN No. 352320-DWG-PM-201	Rev. 5

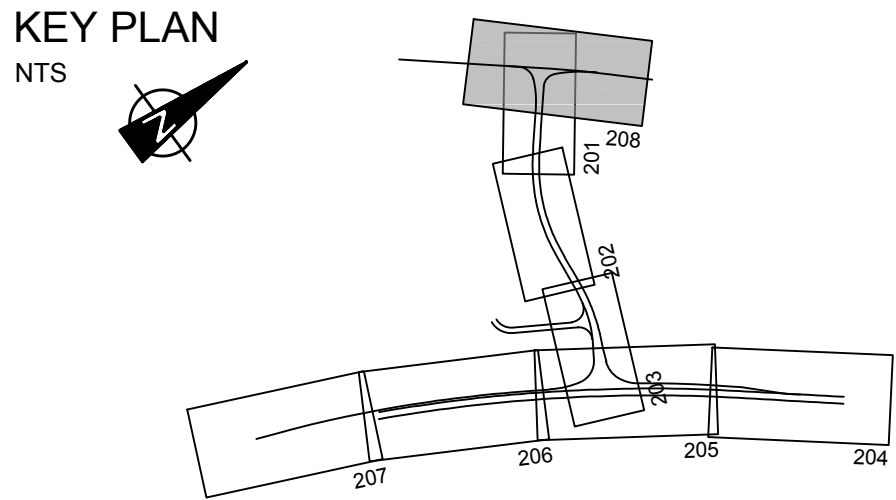


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			SIGNS	POSTS
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R-001	20+139	STOP SIGN	1	@ (LIGHT POST) Δ
W-016	20+160	CHECKERBOARD SIGN	1	1
R-001	20+177	STOP SIGN	1	@ (LIGHT POST) Δ
W-010-3	20+221	RAILWAY ADVANCE WARNING SIGN	1	1

- NOTE:
1. ALL SIGNS AND PAVEMENT MARKINGS MUST CONFORM TO DETAILS LAID OUT IN BC MANUAL OF STANDARD TRAFFIC SIGNS AND PAVEMENT MARKINGS EXCEPT WHERE NOTED.
 2. POSTS ARE TO BE GALVANIZED STEEL TELESAPR.



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METRIC
DIMENSIONS ARE IN METRES AND/OR MILLIMETRES
UNLESS OTHERWISE NOTED

DESIGNED BY: GP	DRAWN BY: AW
DATE: 2018.05.07	DATE: 2018.05.07
CHECKED BY: ST	PROJECT MANAGER: JP
DATE: 2018.05.07	DATE: 2018.05.07

HATCH PROJECT No: 352320 DWG SCALE(22X34): 1:250

PROFESSIONAL SEALS

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No.	DATE	REVISION	BY
7	2018.05.07	ISSUED FOR CONSTRUCTION - REVISED	GP
6	2018.04.27	ISSUED FOR CONSTRUCTION - REVISED	GP
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4	2018.01.26	ISSUED FOR CONSTRUCTION - REVISED	GP
3	2017.12.08	ISSUED FOR CONSTRUCTION - REVISED	GP
2	2017.11.06	ISSUED FOR CONSTRUCTION - REVISED	GP
1	2017.10.16	ISSUED FOR CONSTRUCTION	GP
0	2017.07.26	ISSUED FOR TENDER	K.M.M.

**PROJECT SERVICES - CALGARY
ENGINEERING SERVICES**

MOUNTAIN DIVISION

SHUSWAP SUB.

**SOLSQUA CROSSING ROAD
SOLSQUA ROAD PAVEMENT MARKINGS AND SIGNAGE
STA. 0+080 TO STA. 0+270**

DWG. BY:	CHK BY:	OFFICE FILE:
ENGINEER:	SCALE:	DATE:
L. PEREIRA MANAGER PROJECTS	PLAN No. 352320-DWG-PM-208	Rev. 7

CROSSING AT SOLSQUA ROAD

CP

LOCATION OF NEW PUBLIC CROSSING

MILE 40.10 ON CANADIAN PACIFIC'S SHUSWAP SUBDIVISION:



CROSSING PROTECTION

2 GATES AND 1 CANTILEVERS EQUIPPED WITH LED FLASHING LIGHTS, BELL, AND CONSTANT WARNING TIME EQUIPMENT



CROSSING PROTECTION CONT'D

“NO LEFT TURN” AND “NO RIGHT TURN” BLANK OUT SIGNS INSTALLED FOR BOTH EAST AND WESTBOUND TRAFFIC ALONG SOLSQUA ROAD ALONG WITH NEW INTERSECTION LIGHTING



THE NEW CROSSING IN ACTION





BOARD REPORT

TO:	Chair and Directors	File No: 3760 06
SUBJECT:	Electoral Area C: Building Amendment Bylaw No. 660-01	
DESCRIPTION:	<p>Report from Marty Herbert, Team Leader Building and Bylaw Services dated September 12, 2018.</p> <p>An amendment to Bylaw No. 660 to include Electoral Area C within the building regulation service area of the CSR D.</p>	
RECOMMENDATION:	<p>THAT: Building Amendment Bylaw No. 660-01 be read a first, second and third time this 20th day of September, 2018.</p>	

SHORT SUMMARY:

In order to begin communications, budgeting and staffing preparations for the implementation of building inspection in Electoral Area C, the existing Building Bylaw No. 660 needs to be amended to have the building regulations apply to Electoral Area C with a proposed effective date of March 4, 2019. Staff are recommending that Amendment Bylaw No. 660-01 be read a first, second and third time at the September 2018 Board meeting.

VOTING:	Unweighted Corporate	<input checked="" type="checkbox"/> LGA Part 14 (Unweighted)	<input type="checkbox"/> Weighted Corporate	<input type="checkbox"/> Stakeholder (Weighted)
----------------	-------------------------	-----------------------------------------------------------------	------------------------------------------------	----------------------------------------------------

BACKGROUND:

As previously requested by the Board, Development Services staff created information material and held open houses in Electoral Area C in June 2018 to inform residents about the pending introduction of building regulation inspection services in their area. The *Building Regulation Public Engagement Summary* Report presented to the Board July 19, 2018 outlined the community engagement that was undertaken and the next steps to implement Building Inspection Regulations for Electoral Area C.

Currently, the existing CSR D Building Regulation Bylaw No. 660 applies to Electoral Areas B, E and F. Previously Building Regulation Bylaw No. 660 had been created to replace the existing Building Regulation Bylaw No. 630 and have building regulation service apply to Electoral Areas B and E and the existing service area of Electoral Area F. Taxation to support the implementation of the expanded building regulation service area for Electoral Area C with a proposed effective date of March 4, 2019 requires both Building Regulation Bylaw No. 660 and the Sub-Regional Building Inspection Service Bylaw No. 5785 to be adopted by the end of October 2018.

POLICY:

There are no new associated policies required at this time for the proposed amendment to Building Bylaw No. 660.

FINANCIAL:

A sub-regional building inspection budget has been created for Electoral Areas B and E, which will be expanded to include Area C. Commencing in 2019, all properties within Electoral Area C will pay a property value tax based on land and improvements to fund building inspection service in Electoral Area C. The sub-regional building inspection budget, inclusive of Electoral Areas B, C, and E, will be drafted in the fall of 2018 with presentation to the Board during the Committee of the Whole Budget workshops in early 2019.

KEY ISSUES/CONCEPTS:

Amendment Bylaw No. 660-01 will add the boundaries of Electoral Area C as a participant in the CSRD Building Inspection Service effective March 4, 2019.

SUMMARY:

Feedback has now been received from Electoral Area C constituents and from the construction industry professionals in the service area. It is now appropriate to amend Building Bylaw No. 660 for the inclusion of Electoral Area C to participate in the CSRD Building Inspection Service effective March 4, 2019.

As mentioned earlier in this report, the Sub-Regional Building Inspection Service Amendment Bylaw No. 5785 to add Electoral Area C as a service participant is awaiting approval from the Inspector of Municipalities. When the Inspector's approval is received, both the Service Establishment Bylaw No. 5785 and the Building Bylaw Amendment Bylaw No. 660-01 will be brought back to the Board for consideration of adoption.

IMPLEMENTATION:

Building Regulation Bylaw No. 660 came into effect March 5, 2018 and applies to Electoral Areas B, E and F. With Bylaw No. 660 amended to include Electoral Area C, Building Permit applications will be required effective March 4th, 2019; any new construction from this date forward will be required to meet the regulations of Bylaw No. 660 and the BC Building Code in the service areas.

Staff will continue to work on implementing the new Building Regulation Inspection Service in Electoral Area C and will keep the Board informed as to its progress.

COMMUNICATIONS:

A summary of the public engagement and open houses held in Electoral Area C with regard to the implementation of building inspection in Area C are outlined in the attached report from Marty Herbert, Team Leader Building and Bylaw Services dated June 27, 2018. Although the formal public engagement is now complete, all of the material used for the open house engagement remains available for download on the CSRD's website and in hardcopy at the front counter at the CSRD office.

Additional communications will also be ongoing with other government agencies, e.g. Interior Health and BC Housing, as well as reaching out to those involved in the construction industry with updated informational brochures and face to face contact with CSRD building staff.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*

2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORTS/DOCUMENTS AVAILABLE FROM STAFF:

1. Neilson-Welch Consulting Inc. 2018-07-03 Memo.pdf
2. Neilson-Welch Consulting Inc. 2017-10-16 *Building Inspection Service Electoral Areas B, C and E*

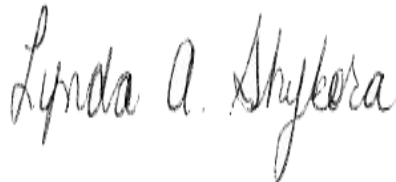
Report Approval Details

Document Title:	2018-09-20_Board_DS_BL660-01_CSRD.docx
Attachments:	- Map_BL660-01.pdf - 2018-07-19_Board_DS_EAC_Building_Regulation_Public_Meetings .pdf - BL660-01.pdf
Final Approval Date:	Sep 19, 2018

This report and all of its attachments were approved and signed as outlined below:



Gerald Christie - Sep 12, 2018 - 4:30 PM



Lynda Shykora - Sep 18, 2018 - 3:25 PM



Charles Hamilton - Sep 19, 2018 - 10:47 AM

COLUMBIA SHUSWAP REGIONAL DISTRICT**BUILDING AMENDMENT BYLAW NO. 660-01**

A bylaw to amend the "Columbia Shuswap Regional District Building Bylaw No. 660"

WHEREAS the Board of the Columbia Shuswap Regional District has adopted Bylaw No. 660;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 660;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. Bylaw No. 660 cited as "Columbia Shuswap Regional District Building Bylaw No. 660" is hereby amended as follows:

AMENDMENT

1. Part 3: Scope and Exemptions, Section 3.1 is hereby deleted in its entirety:

3.1 "This bylaw applies to the geographical area, including land, the surface of water, air space, buildings and structures, in Electoral Areas 'B' and 'E' and the areas of Electoral Area 'F' identified on Appendix E".

and is hereby replaced with the following:

3.1 "This bylaw applies to the geographical area, including land, the surface of water, air space, buildings and structures, in Electoral Areas 'B', 'C' and 'E' and the areas of Electoral Area 'F' identified on Appendix E".

2. Part 15: Interpretation, Appendices Section 15.6 Appendices is hereby amended by replacing Appendix E with the Schedule A attached to and forming part of this bylaw.

3. Part 16: In Force is hereby deleted in its entirety and is hereby replaced by the following:

- "16.1 Columbia Shuswap Regional District Building Bylaw No. 660 comes into force on March 5, 2018.
- 16. 2 "Columbia Shuswap Regional District Building Amendment Bylaw No. 660-01 comes into force on March 4, 2019."

CITATION

4. This bylaw may be cited as "Columbia Shuswap Regional District Building Amendment Bylaw No. 660-01."

READ a first time this _____ day of _____, 2018.

READ a second time this _____ day of _____, 2018.

READ a third time this _____ day of _____, 2018.

BL660-01

Page 2

ADOPTED this _____ day of _____, 2018

CORPORATE OFFICER

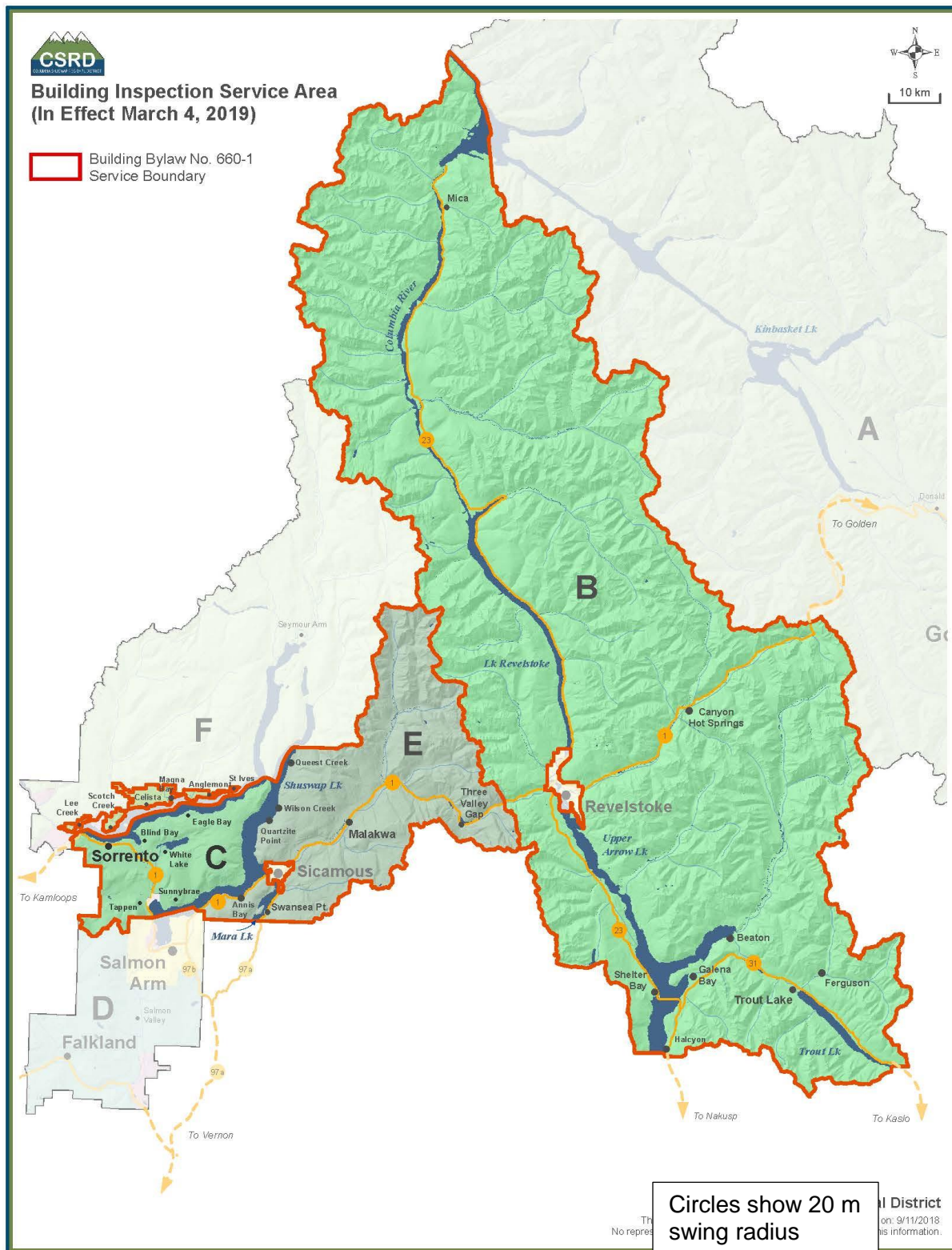
CHAIR

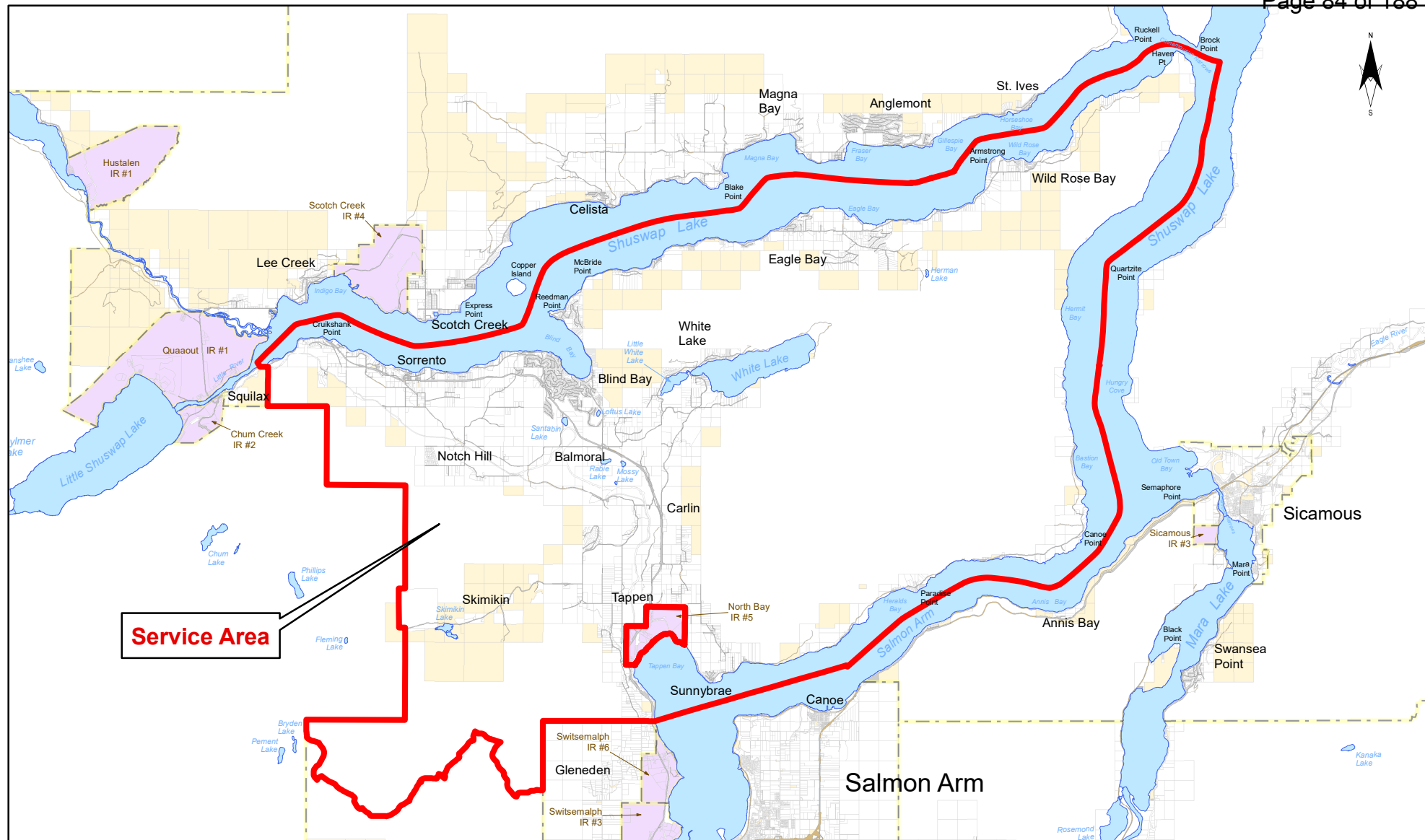
CERTIFIED a true copy of Bylaw No. 660-01
as adopted.

Corporate Officer

BL660-01
Schedule A attached to and
forming part of Bylaw No. 660-01

**Columbia Shuswap Regional District
BUILDING BYLAW NO. 660
Appendix E – Service Area**





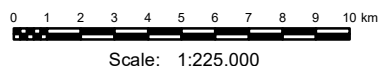
Legend

- CSRD Boundary
- Parcel Boundary
- Crown Land
- Native Land
- Road
- Water

Schedule A

Proposed Sub-Regional Building Inspection Service Area

Building Inspection - Area C



Columbia Shuswap Regional District
555 Harbourfront Drive NE
Salmon Arm, BC V1E 4P1

Date: July 18, 2018
Nad 83 CNT Datum
UTM Zone 11

The information on this map was compiled by the CSRD for regulatory and internal reference purposes only. No representation or warranty is made as to the accuracy of the information.



BOARD REPORT

TO: Chair and Directors

File No: BL900-22
PL20170149

SUBJECT: Electoral Area C: Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

DESCRIPTION: Report from Erica Hartling, Development Services Assistant, dated September 6, 2018.

3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, Sunnybrae

RECOMMENDATION #1: THAT: "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be read a third time as amended this 20th day of September, 2018.

RECOMMENDATION #2: THAT: "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be adopted this 20th day of September, 2018

SHORT SUMMARY:

The owners originally applied to amend the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to recognize 8 private mooring buoys and a shared dock adjacent to the common property of Strata Plan KAS2305 located in Sunnybrae in Electoral Area C. The revised proposal is to rezone the water adjacent to Strata Plan KAS2305 from FR1 Foreshore Residential 1 to FM2 Foreshore Multi-Family 2 zone, and to add a special regulation to recognize the existing shared dock and 7 private mooring buoys within the zone.

The Board gave third reading to Bylaw No. 900-22 at its meeting held August 16th, 2018 and also resolved that the applicant be required to provide the CSR D with the documentation regarding the final locations of the private mooring buoys within the zone area confirmed with a map, and confirmation that the buoys and dock have been tagged with identification and 'BL900-22'. The applicant recently applied for a Foreshore and Water Development Permit and is also required to tag the private mooring buoys with DP725-155 in addition to BL900-22. The applicant has provided a surveyed site plan and photo evidence of the tagged dock and buoys.

VOTING:	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

POLICY:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" and "BL725_Policies_BL900-22.pdf" attached.

FINANCIAL:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

KEY ISSUES/CONCEPTS:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf", "2018-04-19_Board_DS_BL900-22_Gray-Ulry.pdf", "2018-08-16_Board_DS_BL900-22_Gray-Ulry.pdf, and "Maps_Plans_Photos_BL900-22.pdf" attached.

At the August 16th, 2018 Board Meeting, staff recommended that the adoption of Bylaw No. 900-22 be withheld until: proof of the actual location of the buoys is submitted to the CSRD; proof that each of the buoys have been tagged with identification and "BL900-22"; and, proof that the dock has also been tagged on both the land and water sides. The Board agreed with the staff recommendation and gave the Bylaw third reading with the abovementioned conditions.

The applicant recently applied for a Foreshore and Water Development Permit for the required relocation of their buoys and was also required to tag the buoys with "DP725-155" in addition to "BL900-22". The Development Permit No. 725-155, as a technical delegated development permit, was issued by staff in order for the owner to relocate the buoys to the final locations but registration of the development permit notice on title is pending adoption of Bylaw No. 900-22. The owners have met the third reading requirements of Bylaw No. 900-22 and have submitted to the CSRD office an updated surveyed site plan, GPS coordinates, and photo confirmation of the tagged dock and buoys, dated September 1, 2018. Staff have updated the dock and buoy locations map in Bylaw No. 900-22 with the buoy location data that the owners provided.

SUMMARY:

DS staff is recommending Bylaw No. 900-22 be given third reading, as amended, and adoption for the following reasons:

- The applicant has provided staff with the required documentation of the buoy locations and photo evidence showing the tagged dock and buoys.

IMPLEMENTATION:

See "2018-04-19_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

COMMUNICATIONS:

See "Agency_Referral_Responses_BL900-22.pdf" and "2018-04-19_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Lakes Zoning Bylaw No. 900

COLUMBIA SHUSWAP REGIONAL DISTRICT

LAKES ZONING AMENDMENT (GRAY-ULRY) BYLAW NO. 900-22

A bylaw to amend the "Lakes Zoning Bylaw No. 900"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No. 900;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 900;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. Bylaw No. 900 cited as "Lakes Zoning Bylaw No. 900" is hereby amended as follows:

A. TEXT AMENDMENT

1. Schedule A, Zoning Bylaw Text, Part 4 Zones, Section 4.7, Foreshore Multi-Family 2 Zone, is hereby amended by adding the following therefor:

- i) Subsection .2 (b) Site Specific Density:

"For the surface of the *lake* adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, the maximum number of berths is 2 and private mooring buoys is 7, which is more particularly shown on the diagram below:

Gray / Ulry Dock and Buoys

as submitted by Norm Gray
on September 11, 2017
via email of CAD (.dwg) file

ammended using data
submitted by client showing
PROPOSED NEW locations
August 27, 2018 and
September 6, 2018

Legend

- Dock Cable Anchor
- Neighbours Buoys
- Gray Buoys
- Ulry Buoys
- A** Neighbour - Blue
- B** 3970 - (Gray #1)
- C** 3970 - (Gray #2)
- D** 3970 - (Gray #3) - NEW location
- E** REMOVED
- F** Neighbour - Bastion Village
- G** 3972 - (Ulry #1) - NEW location
- H** 3972 - (Ulry #2)
- I** 3972 - (Ulry #3) - NEW location
- J** 3972 - (Ulry #4)
- K** Neighbour - Robert
- L** Neighbour - Party Boat



Units of Measurement: Metres

● to ● Shoreline Length	89.1
● to ● West - Shore to End	250.0
● to ● East - Shore to End	250.0
B to West Boundary Line	5.5
J to East Boundary Line	5.5

Circles show 20 m
swing radius

This data in this map was derived from the submitter's own data.
The CSRD does not warrant the map, or its features, are either
spatially or temporally accurate. The CSRD provides the map
without any warranty of any kind, either express or implied.

ii) Subsection .2 (c) Size of Dock:

"For the surface of the lake adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, the minimum setback of private mooring buoys is 5 m from the side boundaries of the zone."

B. MAP AMENDMENT

1. Schedule B, Zoning Maps, is hereby amended by:

- i) rezoning that part of Shuswap Lake lying adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, which part is more particularly shown hatched on Schedule 1 attached hereto and forming part of this bylaw, from FR1 – Foreshore Residential 1 to FM2 – Foreshore Multi-Family 2.

BL 900-22

PAGE 2

2. This bylaw may be cited as "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22."

READ a first time this 16th day of November, 2017.

READ a second time this 19th day of April, 2018.

PUBLIC HEARING held this 20th day of June, 2018.

READ a third time, as amended, this 16th day of August, 2018.

READ a third time, as amended, this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

CORPORATE OFFICER

CHAIR

CERTIFIED a true copy of Bylaw No. 900-22
as read a third time.

CERTIFIED a true copy of Bylaw No. 900-22
as adopted.

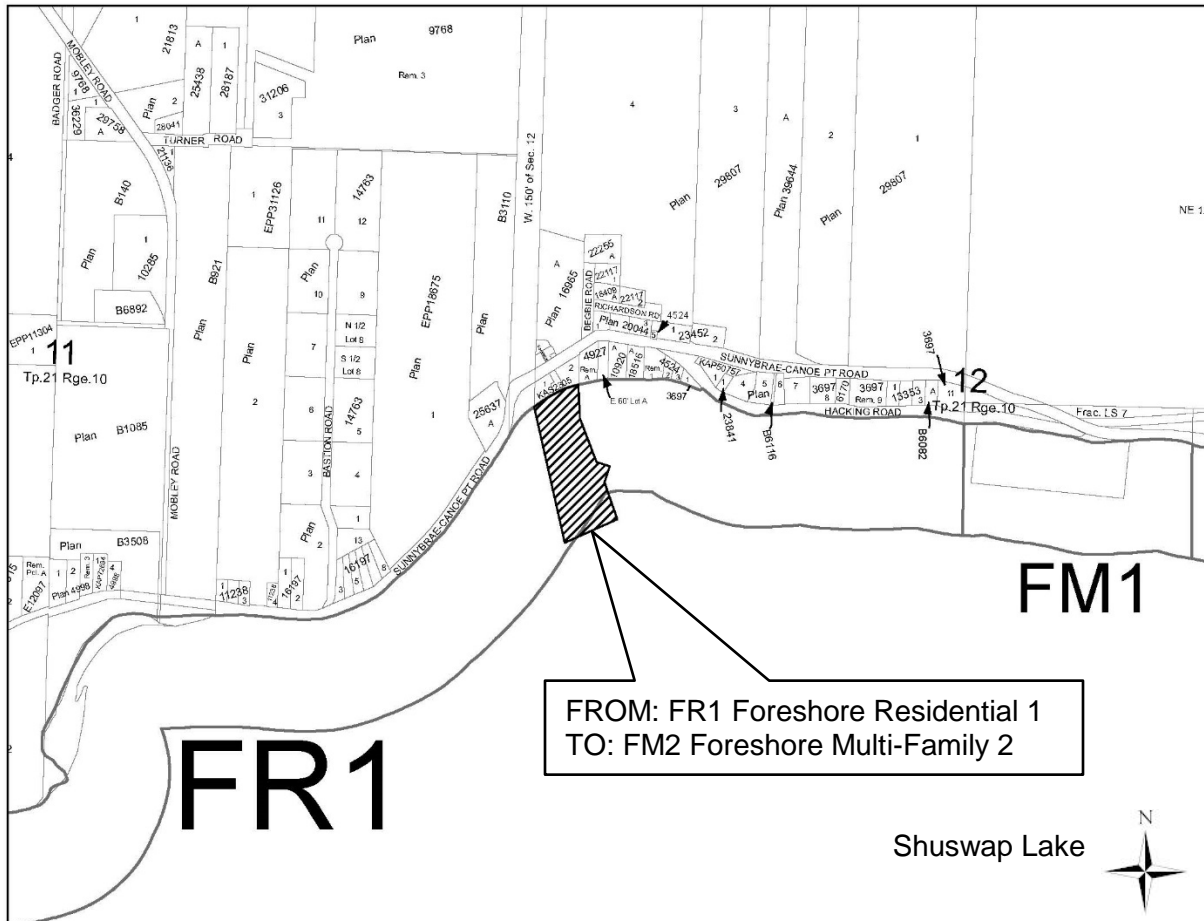
Corporate Officer

Corporate Officer

SCHEDULE 1

LAKES ZONING AMENDMENT (GRAY-ULRY)

BYLAW NO. 900-22





BOARD REPORT

TO: Chair and Directors

File No: BL900-22 PL20170149

SUBJECT: Electoral Area C: Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

DESCRIPTION: Report from Jennifer Sham, Planner, dated July 20, 2018.
3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, Sunnybrae

RECOMMENDATION #1: THAT: the Board give "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" third reading, as amended, this 16th day of August, 2018.

RECOMMENDATION #2: THAT: adoption of "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be withheld until documentation has been received regarding the final locations of the buoys within the zone area confirmed with a map, and confirmation that the buoys and dock have been tagged with identification and 'BL900-22'.

SHORT SUMMARY:

The owners originally applied to amend the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to recognize 8 private mooring buoys and a shared dock adjacent to the common property of Strata Plan KAS2305 located in Sunnybrae in Electoral Area C. The revised proposal is to rezone the water adjacent to Strata Plan KAS2305 from FR1 Foreshore Residential 1 to FM2 Foreshore Multi-Family 2 zone, and to add a special regulation to recognize the existing shared dock and 7 private mooring buoys within the zone.

VOTING:	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

POLICY:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" and "BL725_Policies_BL900-22.pdf" attached.

FINANCIAL:

This rezoning application is the result of a bylaw enforcement action (regarding the dock). If the Board does not adopt the proposed amending bylaw, and the owners do not bring the property into compliance, the Board may choose to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

A public hearing was held on June 20, 2018 at the Sunnybrae Community Hall in Sunnybrae. Twenty-four members of the public, including the applicants, were in attendance. Prior to the close of the public hearing, 23 written submissions were received: 16 in favour, 7 opposed. See "Public_Submissions_BL900-22.pdf" and "Public_Hearing_Notes_BL900-22.pdf" attached.

Since the public hearing, after hearing the concerns from the public, the owners have revised their site plan by proposing to remove one of the eight existing lawfully non-conforming buoys, shifting the remaining buoys within the proposed zone to allow for more room between them, and adjusting the east and west zone boundaries to reduce the size of the proposed zone. See "BL900-22_third_amended.pdf" attached.

Staff is recommending that the adoption of Bylaw No. 900-22 be withheld until: proof of the actual location of the buoys is submitted to this office; proof that each of the buoys have been tagged with identification and "BL900-22"; and, proof that the dock has also been tagged on both the land and water sides. The owners have been made aware of these requirements and have indicated that an accurate plan will be submitted showing the locations of all the buoys after the proposed adjustments have been made. Staff will replace the current dock and buoy locations map in the bylaw with the updated map, and will present Bylaw No. 900-22 to the Board at a future Board meeting for third reading, as amended, and adoption.

Revised Proposal

To rezone the water adjacent to Strata Plan KAS2305 from FR1 Foreshore Residential 1 to FM2 Foreshore Multi-Family 2 zone, and to add a special regulation to recognize the existing dock and 7 private mooring buoys within the zone.

SUMMARY:

DS staff is recommending BL900-22 be given third reading, as amended, for the following reasons:

- This application is the result of bylaw enforcement action regarding the walkway width of the dock. The owners have applied to recognize the existing shared dock, which is not permitted in the FR1 zone, and the existing private mooring buoys, which exceeds the permitted number in both the FR1 and FM2 zones. One shared dock for the strata will have less environmental impact on the foreshore area than the two docks permitted in the current FR1 zone;
- The 8 existing private mooring buoys have lawfully non-conforming status (uses pre-date the adoption of Bylaw No. 900) and the owners are not required to remove any buoys; however, in response to the public comments, the owners are offering to remove one of the buoys. The revised site plan shows an overall reduction of buoys (associated with this strata) in the bay by 1 buoy; and,
- By adjusting the proposed zone boundaries, there will be more zone area for the property owner of the adjacent property to the east to place an additional private mooring buoy (Foreshore and Water Development Permit required).

IMPLEMENTATION:

See "2018-04-19_Board_DS_BL900-22_Gray-Ulry.pdf" attached. If the Board gives BL900-22 third reading, as amended, staff will not bring this bylaw back for adoption until the required documentation/proof has been received.

COMMUNICATIONS:

See "Agency_Referral_Responses_BL900-22.pdf" and "2018-04-19_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Lakes Zoning Bylaw No. 900

Report Approval Details

Document Title:	2018-08-16_Board_DS_BL900-22_Gray-Ulry.docx
Attachments:	<ul style="list-style-type: none"> - BL900-22_ThirdAmended.pdf - 2018-04-19_Board_DS_BL900-22_Gray-Ulry.pdf - BL900-22_Second.pdf - 2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf - BL900-22_First.pdf - BL725_Policies_BL900-22.pdf - Public_Hearing_Notes_BL900-22.pdf - Public_submissions_BL900-22.pdf - Agency_Referral_Responses_BL900-22.pdf - Maps_Plans_Photos_BL900-22.pdf
Final Approval Date:	Aug 2, 2018

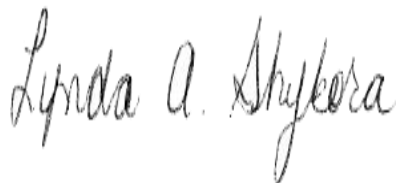
This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Corey Paiement was completed by workflow administrator Tommy Test

Corey Paiement - Aug 1, 2018 - 4:43 PM



Gerald Christie - Aug 2, 2018 - 11:32 AM



Lynda Shykora - Aug 2, 2018 - 2:43 PM



Charles Hamilton - Aug 2, 2018 - 3:33 PM

COLUMBIA SHUSWAP REGIONAL DISTRICT

LAKES ZONING AMENDMENT (GRAY-ULRY) BYLAW NO. 900-22

A bylaw to amend the "Lakes Zoning Bylaw No. 900"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No.900;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 900;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

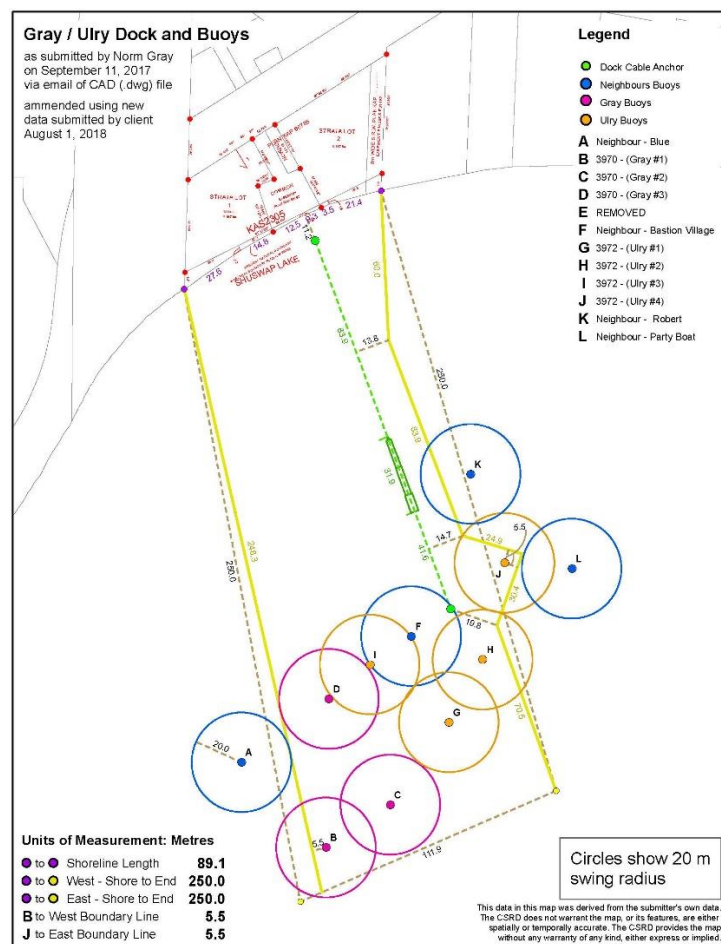
1. Bylaw No. 900 cited as "Lakes Zoning Bylaw No. 900" is hereby amended as follows:

A. TEXT AMENDMENT

1. Schedule A, Zoning Bylaw Text, Part 4 Zones, Section 4.7, Foreshore Multi-Family 2 Zone, is hereby amended by adding the following therefor:

i) Subsection .2 (b) Site Specific Density:

"For the surface of the *lake* adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, the maximum number of berths is 2 and private mooring buoys is 7, which is more particularly shown on the diagram below:



ii) Subsection .2 (c) Size of Dock:

"For the surface of the lake adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, the minimum setback of private mooring buoys is 5 m from the side boundaries of the zone."

B. MAP AMENDMENT

1. Schedule B, Zoning Maps, is hereby amended by:

- i) rezoning that part of Shuswap Lake lying adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, which part is more particularly shown hatched on Schedule 1 attached hereto and forming part of this bylaw, from FR1 – Foreshore Residential 1 to FM2 – Foreshore Multi-Family 2.

2. This bylaw may be cited as "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22."

READ a first time this 16th day of November, 2017.

READ a second time this 19th day of April, 2018.

PUBLIC HEARING held this _____ day of _____, 2018.

READ a third time, as amended, this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

CORPORATE OFFICER

CHAIR

CERTIFIED a true copy of Bylaw No. 900-22
as read a third time.

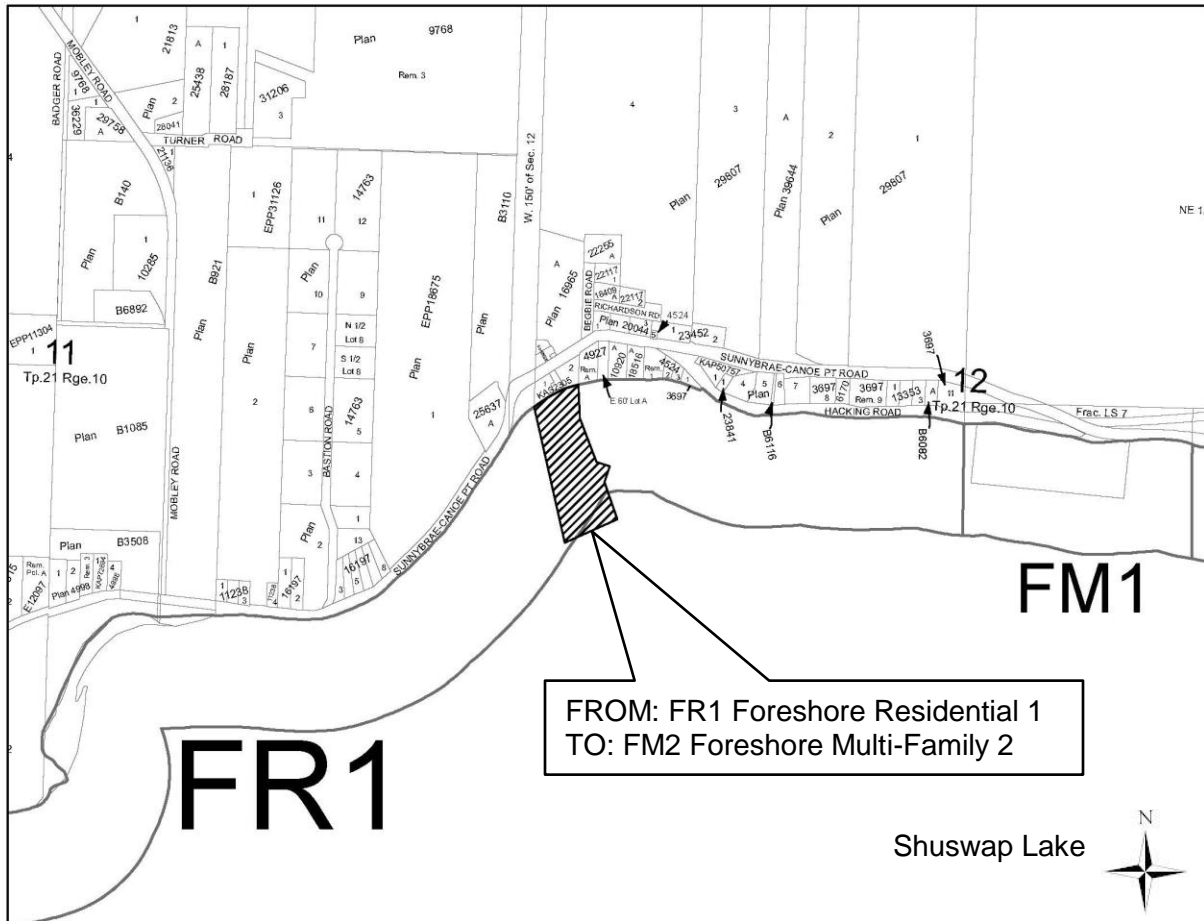
CERTIFIED a true copy of Bylaw No. 900-22
as adopted.

Corporate Officer

Corporate Officer

SCHEDULE 1

LAKES ZONING AMENDMENT (GRAY-ULRY) BYLAW NO. 900-22





BOARD REPORT

TO:

Chair and Directors

File No:	BL900-22 PL20170149
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SUBJECT:

Electoral Area C: Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

DESCRIPTION:
Report from Jennifer Sham, Planner, dated April 4, 2018.
3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, Sunnybrae
**RECOMMENDATION
#1:**
THAT: "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be read a second time this 19th day of April, 2018.
**RECOMMENDATION
#2:**

THAT: a public hearing to hear representations on "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be held;

AND THAT: notice of the public hearing be given by staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT: the holding of the public hearing be delegated to Director Paul Demenok, as Director of Electoral Area C being that in which the land concerned is located, or Alternate Director Arnie Payment, if Director Demenok is absent, and the Director of Alternate Director, as the case may be, give a report of the public hearing to the Board.

SHORT SUMMARY:

The owners would like to amend the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to recognize 8 private mooring buoys and a shared dock adjacent to the common property of Strata Plan KAS2305 located in Sunnybrae in Electoral Area C. The proposal is to rezone the water adjacent to Strata Plan KAS2305 from FR1 Foreshore Residential 1 to FM2 Foreshore Multi-Family 2 zone, and to add a special regulation to recognize the existing dock and 8 private mooring buoys within the zone.

VOTING:
Unweighted
Corporate
☐
LGA Part 14
(Unweighted)
☒
Weighted
Corporate
☐
Stakeholder
(Weighted)
☐
BACKGROUND:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

POLICY:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" and "BL725_Policies_BL900-22.pdf" attached.

FINANCIAL:

This rezoning application is the result of a bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, and the owners do not bring the property into compliance, the Board may choose to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

Proposal

To rezone the water adjacent to Strata Plan KAS2305 from FR1 Foreshore Residential 1 to FM2 Foreshore Multi-Family 2 zone, and to add a special regulation to recognize the existing dock and 8 private mooring buoys within the zone.

SUMMARY:

DS staff is recommending BL900-22 be given second reading and delegation of a public hearing for the following reasons:

- Staff did not receive any objections to this bylaw from the responding referral agencies;
- One shared dock for the strata will have less environmental impact on the foreshore area than the two permitted in the current zone;
- Bylaw No. 725 policies regarding waterfront development support this proposal; and,
- The owners are proposing to recognize uses that pre-date the adoption of Bylaw No. 900.

IMPLEMENTATION:

CSRD Policy P-18 regarding Consultation Processes- Bylaws, staff recommended the simple consultation process. Neighbouring property owners first became aware of the application when a notice of application sign was posted on the property on December 11, 2017. Staff received one written submission from a neighbour with concerns about an existing easement and water pump on the subject property.

See "Public_Submission_BL900-22.pdf" attached.

COMMUNICATIONS:

See "Agency_Referral_Responses_BL900-22.pdf" attached.

Bylaw No. 900-22 was sent out to the following referral agencies for comments:

Advisory Planning Commission C

Recommended approval

Interior Health Authority

Recommended that the dock and moorage area location be reviewed to determine if a drinking water intake is within 30 meters of this proposal. The depth and location of the water intake can be of concern to a drinking water supply system since water quality may be affected by the boating activity in the dock and moorage area.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Any further works in and about a stream require an application under Section 11 of the Water Sustainability Act and docks must follow the general permission guidelines. It is the proponent's responsibility to ensure his/her activities are in compliance with all relevant legislation, including the Water Sustainability Act and the Wildlife Act.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch
No known archaeological sites recorded on either of the subject properties.

Transport Canada

No concerns with the proposed bylaw amendment. The existing dock and moorings were installed without first having obtained authorization under the Navigation Protection Act, as a result they are considered unlawful. The proponent will be required to submit a Notice to the Minister, which applies in this instance even if the structures are pre-existing. Once the Notice to the Minister of Transport has been received and assessed, an authorization with applicable terms and conditions will be issued.

CSRD Operations Management

No concerns

CSRD Financial Services

Interests unaffected

No response from the following agencies or First Nations Bands:

- Ministry of Environment
- Department of Fisheries and Oceans
- FrontCounterBC
- Neskonlith Indian Band
- Little Shuswap Indian Band
- Adams Lake Indian Band

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

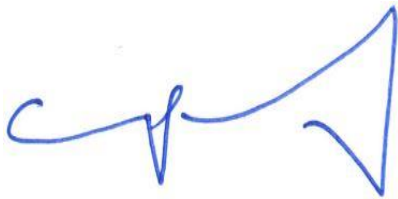
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Lakes Zoning Bylaw No. 900

Report Approval Details

Document Title:	2018-04-19_Board_DS_BL900-22_Gray-Ulry.docx
Attachments:	<ul style="list-style-type: none"> - BL900-22_Second.pdf - 2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf - BL900-22_First.pdf - BL725_Policies_BL900-22.pdf - Public_Submission_BL900-22.pdf - Agency_Referral_Responses_BL900-22.pdf - Maps_Plans_Photos_BL900-22.pdf
Final Approval Date:	Apr 9, 2018

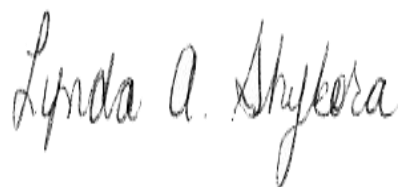
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Apr 5, 2018 - 4:33 PM



Gerald Christie - Apr 5, 2018 - 8:38 PM



Lynda Shykora - Apr 6, 2018 - 3:09 PM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Apr 9, 2018 - 11:31 AM

COLUMBIA SHUSWAP REGIONAL DISTRICT**LAKES ZONING AMENDMENT****(GRAY-ULRY) BYLAW NO. 900-22**

A bylaw to amend the "Lakes Zoning Bylaw No. 900"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No.900;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 900;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. Bylaw No. 900 cited as "Lakes Zoning Bylaw No. 900" is hereby amended as follows:

A. TEXT AMENDMENT

1. Schedule A, Zoning Bylaw Text, Part 4 Zones, Section 4.7, Foreshore Multi-Family 2 Zone, is hereby amended by adding the following therefor:

i) Subsection .2 (b) Site Specific Density:

"For the surface of the *lake* adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, the maximum number of berths is 2 and private mooring buoys is 8."

ii) Subsection .2 (c) Size of Dock:

"For the surface of the lake adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, the minimum setback of private mooring buoys is 5 m from the side boundaries of the zone."

iii) Subsection .2 (d) Location and Siting:

"For the surface of the lake adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, the minimum setback between Buoy I and Buoy J, as shown on Schedule 2 of Bylaw No. 900-22, is 18 m."

B. MAP AMENDMENT

1. Schedule B, Zoning Maps, is hereby amended by:

i) rezoning that part of Shuswap Lake lying adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, which part is more particularly shown hatched on Schedule 1 attached hereto and forming part of this bylaw, from FR1 – Foreshore Residential 1, to FM2 – Foreshore Multi-Family 2.

BL 900-22

PAGE 2

2. This bylaw may be cited as "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22."

READ a first time this 16th day of November, 2017.

READ a second time this _____ day of _____, 2018.

PUBLIC HEARING held this _____ day of _____, 2018.

READ a third time this _____ day of _____, 2018.

ADOPTED this _____ day of _____, 2018.

CORPORATE OFFICER

CHAIR

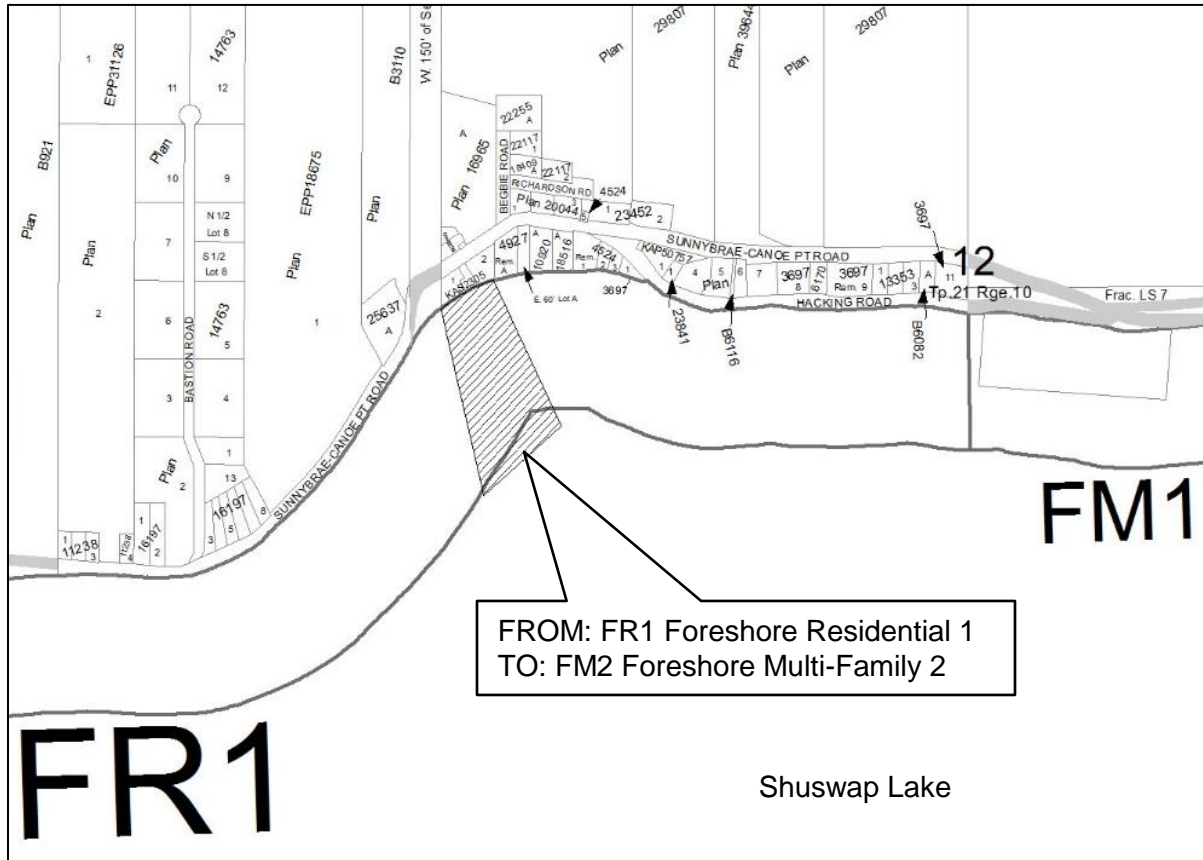
CERTIFIED a true copy of Bylaw No. 900-22
as read a third time.

CERTIFIED a true copy of Bylaw No. 900-22
as adopted.

Corporate Officer

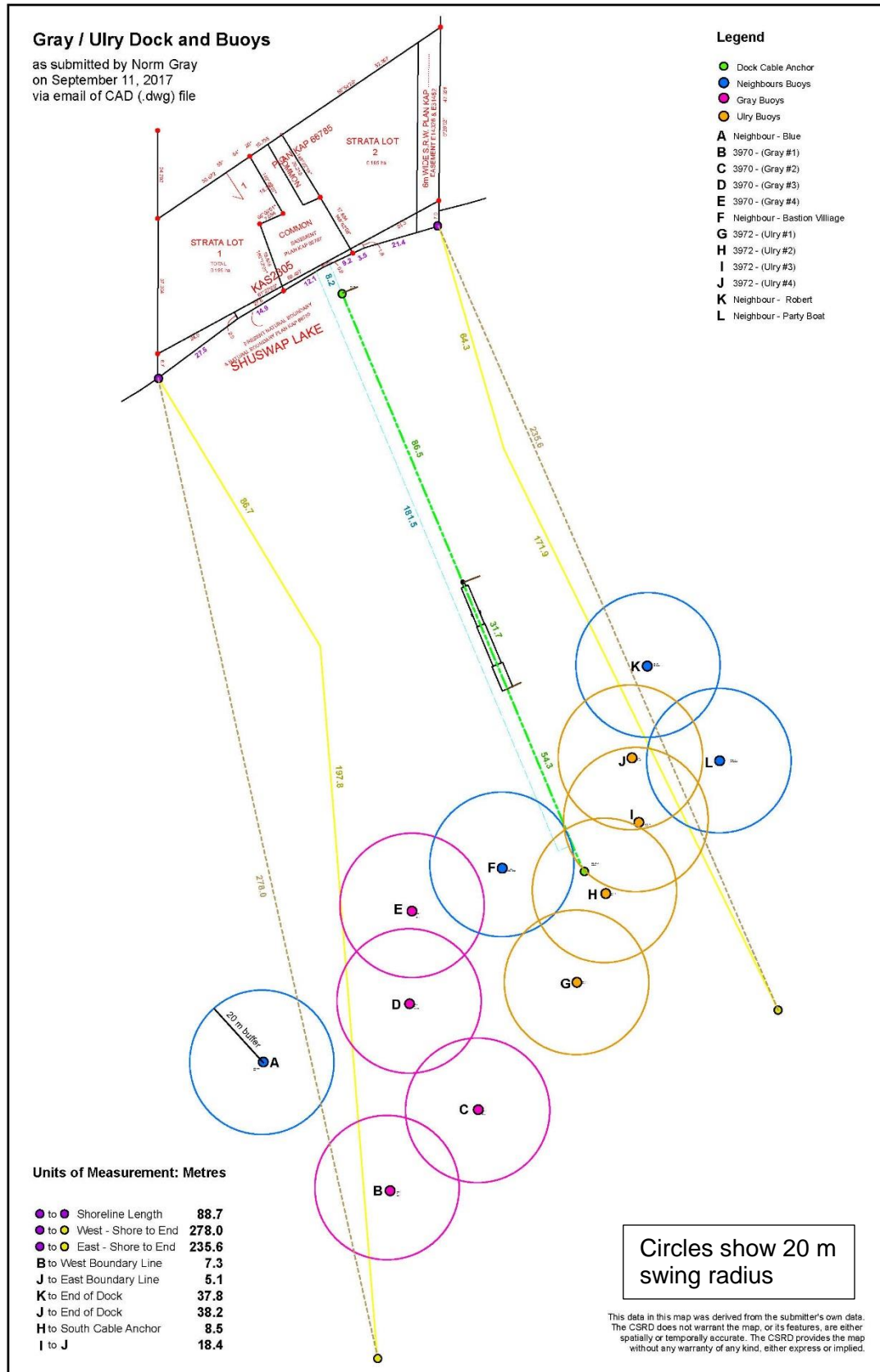
Corporate Officer

**LAKES ZONING AMENDMENT (GRAY-ULRY)
BYLAW NO. 900-22**



SCHEDULE 2

LAKES ZONING AMENDMENT (GRAY-ULRY) BYLAW NO. 900-22





BOARD REPORT

TO:	Chair and Directors	File No: BL900-22 PL20170149
SUBJECT:	Electoral Area C: Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22	
DESCRIPTION:	Report from Jennifer Sham, Planner, dated October 24, 2017. 3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, Sunnybrae	
RECOMMENDATION:	<p>THAT: "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be read a first time this 16th day of November, 2017;</p> <p>AND THAT: The Board utilize the simple consultation process for Bylaw No. 900-22 and it be referred to the following agencies and First Nations:</p> <ul style="list-style-type: none"> • Advisory Planning Commission C; • Interior Health Authority; • Ministry of Environment; • Ministry of Forests, Lands, Natural Resource Operations and Rural Development; • Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch; • Department of Fisheries and Oceans; • FrontCounterBC; • Transport Canada; • CSR D Operations Management; • CSR D Financial Services; and, • All relevant First Nations Bands and Councils. 	

SHORT SUMMARY:

The owners would like to amend the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to recognize 8 private mooring buoys and a shared dock adjacent to the common property of Strata Plan KAS2305 located in Sunnybrae in Electoral Area C. The proposal is to rezone the water adjacent to Strata Plan KAS2305 from FR1 Foreshore Residential 1 to FM2 Foreshore Multi-Family 2 zone, and to add a special regulation to recognize the existing dock and 8 private mooring buoys within the zone.

VOTING:	Unweighted Corporate	<input type="checkbox"/>	LGA Part 14 (Unweighted)	<input checked="" type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder (Weighted)	<input type="checkbox"/>
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BACKGROUND:

REGISTERED OWNER(S):

KAS2305

Strata Lot 1 = Norman Gray & Bonnie Gray

Strata Lot 2 = Lloyd Ulry & Gloria Ulry

APPLICANT:

Gloria Ulry

AGENT:

Gloria Ulry

ELECTORAL AREA:

C

LEGAL DESCRIPTIONS:

Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V

PID(S):

KAS2305

Strata Lot 1 = 024-932-213

Strata Lot 2 = 024-932-221

CIVIC ADDRESS:

KAS2305

Strata Lot 1 = 3965, 3967 & 3970 Sunnybrae-Canoe Point Road, Sunnybrae

Strata Lot 2 = 3972 Sunnybrae-Canoe Point Road, Sunnybrae

SURROUNDING LAND USE PATTERN:

North = Sunnybrae-Canoe Point Road, Bastion Mobile Village Mobile Home Park

South = Shuswap Lake

East = Residential

West = Lakeview Estates Mobile Home Park

CURRENT & PROPOSED USE:

Residential

PARCEL SIZE:

KAS2305

Strata Lot 1 = 0.195 ha

Strata Lot 2 = 0.165 ha

Common = 0.12 ha

DESIGNATION:

Electoral Area C Official Community Plan Bylaw No. 725

SSA Secondary Settlement Area

RR Rural Residential

FW Foreshore Water (Moorage)

ZONE:

Lakes Zoning Bylaw No. 900
FR1 Foreshore Residential 1

PROPOSED ZONE:

Lakes Zoning Bylaw No. 900
FM2 Foreshore Multi-Family 2

AGRICULTURAL LAND RESERVE:

0%

SITE COMMENTS:

Development Services (DS) staff visited the subject properties on October 12, 2017. Strata Lot 1, KAS2305 includes 3965, 3967, and 3970 Sunnybrae-Canoe Point Road: two dwellings to the north of Sunnybrae-Canoe Point Road and one to the south. Strata Lot 2, KAS2305 includes 3972 Sunnybrae-Canoe Point Road but there are 2 single family dwellings on this lot. The common area includes lands on both sides of Sunnybrae-Canoe Point Road. At the time of the site visit, the lake level was low; however, staff was unable to account for all the buoys associated with this application in the water. Prior to adoption of this bylaw, all the buoys will be tagged and documented as a condition of rezoning. See "Maps_Plans_Photos_BL900-22.pdf".

POLICY:

Electoral Area C Official Community Plan Bylaw No. 725 (Bylaw No. 725)
SSA Secondary Settlement Area
RR Rural Residential
FW Foreshore Water (Moorage)

If this bylaw amendment application is successful, a Foreshore and Water Development Permit will be required.

See "BL725_Policies_BL900-22.pdf" attached.

Lakes Zoning Bylaw No. 900
FR1 Foreshore Residential 1

1.1 Definitions

BERTH is a moorage space for a single vessel at a fixed or floating dock.

GROUP MOORAGE FACILITY is one or more multi-berth fixed or floating docks providing communal moorage to an adjacent multi-dwelling unit or multi-parcel residential development, including a strata or shared interest development.

PRIVATE MOORING BUOY is a small floating structure used for the purpose of boat moorage, typically composed of rigid plastic foam or rigid molded plastic and specifically manufactured for the intended use of boat moorage, but does not include a fixed or floating dock or swimming platform.

Part 3 General Regulations**3.3 Berths**

.1 the number of total berths shall be calculated by counting each:

- (a) Dedicated moorage space for a single vessel at a fixed or floating dock to a maximum of 10 m (32.81 ft) of linear length on its longest side; and,

- (b) 10 m (32.81 ft) of linear length of a fixed or floating dock that may be used for the mooring of a single vessel.

FRI Foreshore Residential 1

Permitted uses: floating dock, including removable walkway, that is accessory to a permitted use on an adjacent waterfront parcel; private mooring buoy(s) that is accessory to a permitted use on an adjacent waterfront parcel or an adjacent semi-waterfront parcel; boat lift(s) that is accessory to a permitted use on an adjacent waterfront parcel.

Density:

Dock: 1 floating dock per adjacent waterfront parcel;

Private mooring buoys: 1 per adjacent semi-waterfront parcel; 1 per adjacent waterfront parcel with a lake boundary less than 30 m; 2 per adjacent waterfront parcel with a lake boundary of more than 30 m.

Size:

Floating dock must not exceed 24 m² in total upward facing surface area (not including removable walkway)

Floating dock surface must not exceed 3 m in width for any portion of the dock.

Removable walkway surface must not exceed 1.5 m in width for any other portion of the walkway.

Location and siting:

Minimum setback of a floating dock, private mooring buoy or boat lift accessory to an adjacent waterfront parcel (and adjacent semi-waterfront parcel in the case of private mooring buoys) is as follows:

- 5 m from the side parcel boundaries of that waterfront parcel (and semi-waterfront parcel in the case of private mooring buoys), projected onto the foreshore and water.
- 6 m from a Foreshore Park zone or park side parcel boundaries projected onto the foreshore and water.

Additional setbacks for private mooring buoys:

- 20 m from any existing structures on the foreshore or water.
- 50 m from any boat launch ramp or marina.

See "Maps_Plans_Photos_BL900-22.pdf".

FINANCIAL:

This rezoning application is the result of a bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, and the owners do not bring the property into compliance, the Board may choose to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

The agent states that the existing dock has been in its current location since 1997. No licence of occupation or dock licence has ever been issued by the province for this dock; therefore, the Lakes Zoning Bylaw No. 900 did not recognize the dock. In 2015, the owners of Strata Lot 1 & 2 of KAS2305 replaced a portion of the existing dock, without a development permit, and a bylaw enforcement complaint was received. Upon receiving an application for a development permit, DS staff determined that the floating dock was providing communal moorage to the adjacent strata properties, and group moorage facility was not a permitted use in the FR1 zone. Further, the owners also stated that they had

8 existing private mooring buoys associated with the strata lots. Through a series of meetings between the owners and DS staff, the owners of KAS2305 submitted an application to rezone the water adjacent to KAS2305 to bring the property into compliance with Bylaw No. 900.

According to the dock plans supplied by the owners, the floating dock is 21.81 m² while the two walkways are 24.57 m² and 30.72 m² each. The total length of the dock and walkway is 33.48 m. The existing floating dock has 2 berths and is 7.15 m in length. The agent has indicated that the walkway exceeds the Provincial General Permission maximum width of 1.5 m at 2.1 m. Staff has informed the owners that a Provincial Specific Permission is required for this variance. The agent states that when she contacted FrontCounterBC, staff would not accept their Specific Permission application because the CSRD's rezoning process must be completed before the Specific Permission is issued.

As part of this application, the owners have indicated that they would like to also recognize the 8 private mooring buoys associated with the strata lots (4 buoys per strata lot) that existed before the adoption of Bylaw No. 900. The proposed bylaw amendment will create a zone boundary extending from the shoreline into Shuswap Lake that includes the dock and the 8 private mooring buoys. Bylaw No. 900 zone boundary currently only extends 200 m into Shuswap Lake in this area. This proposal will also extend the zone boundary 250 m into Shuswap Lake to include all 8 existing private mooring buoys. Further, this bylaw amendment will include a variance to the minimum setback area for the side parcel boundaries to the side zone boundaries, and the distance between Buoy I and Buoy J, as shown on Schedule 2 of Bylaw No. 900-22. Due to the curvature in the bay shoreline, the existing dock and buoys would be outside of the zone boundaries and would require a 0 m setback variance, if the setback was measured from the side parcel boundaries of the waterfront parcel projected onto the foreshore and water. Staff propose to measure the side boundaries from the proposed zone boundaries, and no variance is required for the existing dock or buoys. Of the buoys in the bay within the proposed zone area, two are within 20 m of one another; a variance has been included in this bylaw amendment to allow Buoy I and Buoy J (as shown on Schedule 2) to be within 18 m of each other. See "Maps_Plans_Photos_BL900-22.pdf" and "BL900-22_first.pdf".

The current FR1 zone allows 1 floating dock per adjacent waterfront parcel and 1 private mooring buoy per adjacent waterfront parcel having a lake boundary length of less than 30 m; the maximum width of the walkway must not exceed 1.5 m. The proposed FM2 zone allows a group moorage facility with 20 berths and 2 private mooring buoys; this zone does not have a maximum width for a walkway, but the floating dock surface must not exceed 3 m in width for any portion of the dock. The existing dock is 3.05 m in width; however, through the development permit process, the Manager of DS is able to issue a Development Permit with a minor variance.

Section 2.3.2.7 of Bylaw No. 725 states that the Regional District will encourage waterfront owners to consider shared docks in the interests of having one larger lock that extends into deep water, rather than a number of individual docks that are in relatively shallow water with higher fish habitat values. The existing dock is providing moorage for up to 4 dwelling units associated with KAS2305. If this rezoning is adopted, the owners of KAS2305 will be permitted one dock with 2 berths, and 8 private mooring buoys; no additional docks or buoys will be permitted.

SUMMARY:

DS staff is recommending BL900-22 be given first reading and sent to the referral agencies listed below for the following reasons:

- One shared dock for the strata will have less environmental impact on the foreshore area than the two permitted in the current zone;
- Bylaw No. 725 policies regarding waterfront development support this proposal; and,
- The owners are proposing to recognize existing uses that pre-date the adoption of Bylaw No. 900.

IMPLEMENTATION:

CSRD Policy P-18 regarding Consultation Processes- Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application when a notice of application sign is posted on the property.

Referral Process

The following list of referral agencies is recommended:

- Advisory Planning Commission C;
- Interior Health Authority;
- Ministry of Environment;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- Department of Fisheries and Oceans;
- FrontCounterBC;
- Transport Canada;
- CSRD Operations Management;
- CSRD Financial Services; and,
- All relevant First Nations Bands and Councils:
 - Neskonalith Indian Band;
 - Little Shuswap Indian Band; and,
 - Adams Lake Indian Band.

COMMUNICATIONS:

If the Board gives Bylaw No. 900-22 first reading, the bylaw will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report, prior to delegation of a public hearing.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area C Official Community Plan Bylaw No. 725

2. Lakes Zoning Bylaw No. 900

Report Approval Details

Document Title:	2017-11-16_Board_DS_BL900-22_Gray-Ulry.docx
Attachments:	<ul style="list-style-type: none">- BL900-22_First.pdf- BL725_Policies_BL900-22.pdf- Maps_Plans_Photos_BL900-22.pdf
Final Approval Date:	Nov 7, 2017

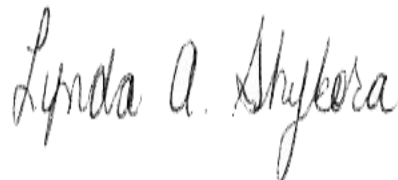
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Nov 6, 2017 - 1:19 PM



Gerald Christie - Nov 7, 2017 - 8:15 AM



Lynda Shykora - Nov 7, 2017 - 8:37 AM



Charles Hamilton - Nov 7, 2017 - 8:43 AM

COLUMBIA SHUSWAP REGIONAL DISTRICT**LAKES ZONING AMENDMENT****(GRAY-ULRY) BYLAW NO. 900-22****A bylaw to amend the "Lakes Zoning Bylaw No. 900"**

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No.900;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 900;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. Bylaw No. 900 cited as "Lakes Zoning Bylaw No. 900" is hereby amended as follows:

A. TEXT AMENDMENT

1. Schedule A, Zoning Bylaw Text, Part 4 Zones, Section 4.7, Foreshore Multi-Family 2 Zone, is hereby amended by adding the following therefor:
 - i) Subsection .2 (b) Site Specific Density:

"For the surface of the *lake* adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, the maximum number of berths is 2 and private mooring buoys is 8."
 - ii) Subsection .2 (c) Size of Dock:

"For the surface of the lake adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, the minimum setback of private mooring buoys is 5 m from the side boundaries of the zone."
 - iii) Subsection .2 (d) Location and Siting:

"For the surface of the lake adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, the minimum setback between Buoy I and Buoy J, as shown on Schedule 2 of Bylaw No. 900-22, is 18 m."

B. MAP AMENDMENT

1. Schedule B, Zoning Maps, is hereby amended by:
 - i) rezoning that part of Shuswap Lake lying adjacent to Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot shown on Form V, which part is more particularly shown hatched on Schedule 1 attached hereto and forming part of this bylaw, from FR1 – Foreshore Residential 1, to FM2 – Foreshore Multi-Family 2.

BL 900-22

PAGE 2

2. This bylaw may be cited as "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22."

READ a first time this _____ day of _____, 2017.

READ a second time this _____ day of _____, 2018.

PUBLIC HEARING held this _____ day of _____, 2018.

READ a third time this _____ day of _____, 2018.

ADOPTED this _____ day of _____ 2018.

CORPORATE OFFICER

CHAIR

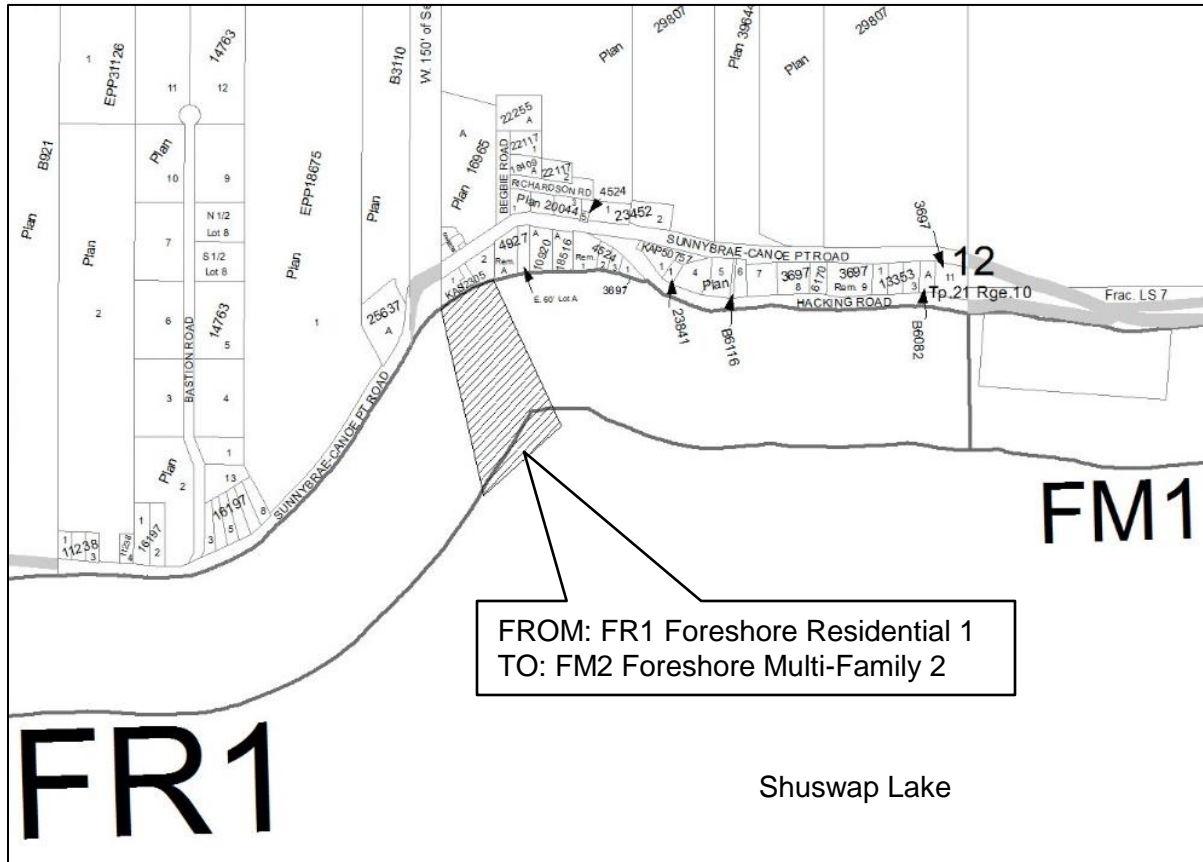
CERTIFIED a true copy of Bylaw No. 900-22
as read a third time.

CERTIFIED a true copy of Bylaw No. 900-22
as adopted.

Corporate Officer

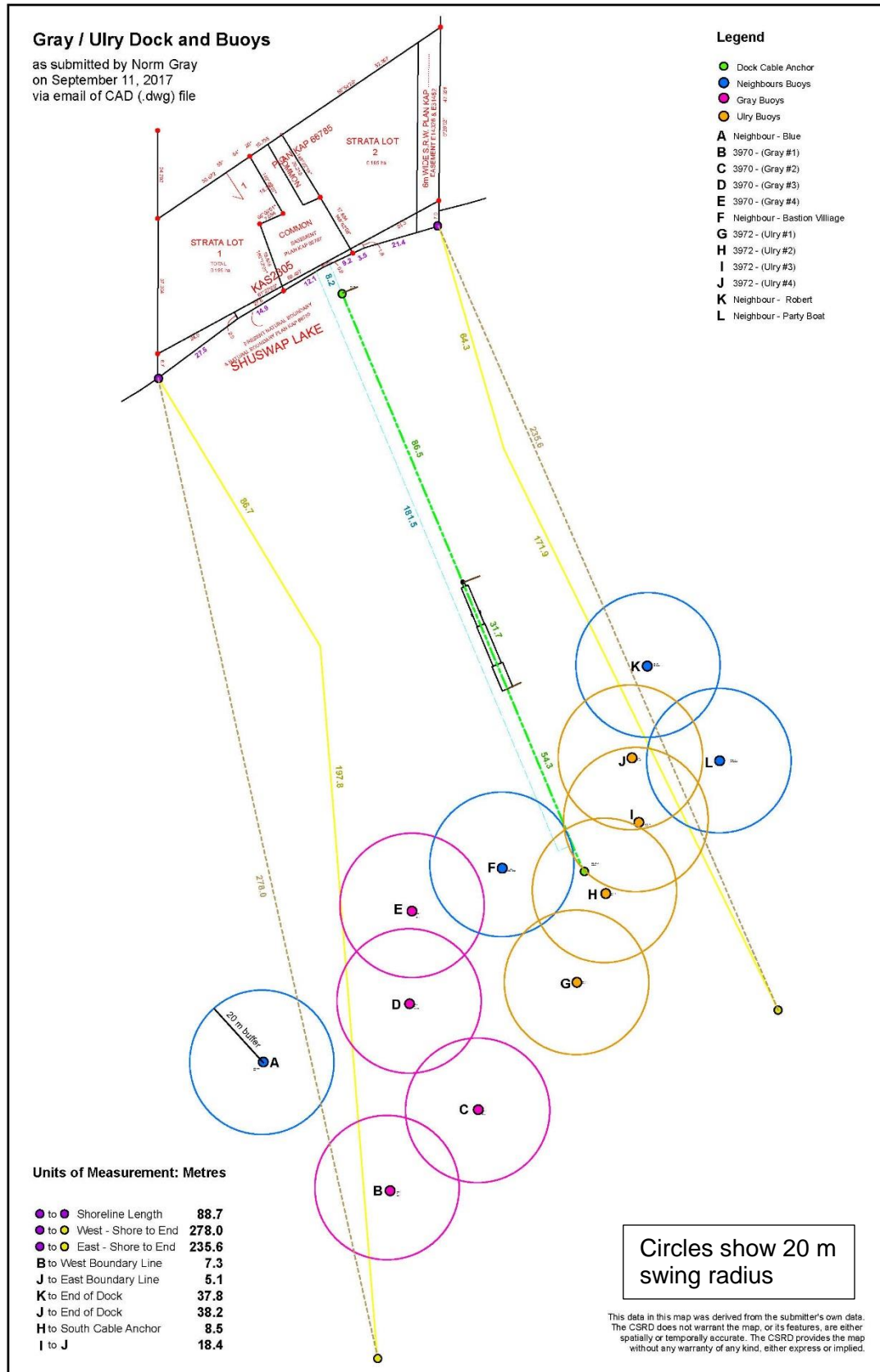
Corporate Officer

**LAKES ZONING AMENDMENT (GRAY-ULRY)
BYLAW NO. 900-22**



SCHEDULE 2

LAKES ZONING AMENDMENT (GRAY-ULRY) BYLAW NO. 900-22



Electoral Area C Official Community Plan Bylaw No. 725

Section 2. Protecting Our Lake Community

2.3 Shoreline Environment

Shorelines are among the most sensitive natural environments, as they are where two ecosystems merge — an aquatic ecosystem and a terrestrial ecosystem. Shoreline environments experience a significant amount of pressure from human activity, including the impacts from watercraft use. Private boat docks are common throughout the South Shuswap.

Though much of the upland of Shuswap and White Lake is privately owned, the Provincial Crown owns nearly all areas located between the high and low watermarks of lakes, streams and rivers. Individuals cannot build on, or develop, aquatic Crown land without the Province's authorization. If an owner of the adjacent upland property proposes to construct moorage, a licence of occupation for moorage is required from the Integrated Land Management Bureau.

2.3.1 Objectives

- .1 To maintain the unique physical and biological characteristics of the shoreline environment.
- .2 To maintain shoreline habitats to protect them from undesirable development.
- .3 To manage the foreshore to ensure appropriate use and prevent overdevelopment.

2.3.2 Policies

- .1 Non-moorage uses other than passive recreation are not acceptable on the foreshore. These include facilities such as beach houses, storage sheds, patios, sun decks, and hot tubs. Additionally, no commercial uses, including houseboat storage or camping, are acceptable on the foreshore.
- .2 Land owners must not alter the natural habitat and shoreline processes unless specifically authorized. The placement of fill and the dredging of aquatic land are not generally acceptable.
- .3 Encourage the Integrated Land Management Bureau, when carrying out reviews of foreshore tenure applications, to take the foregoing objectives and policies into consideration, with emphasis on the environmental sensitivity of the foreshore areas, as well as ensuring an appropriate relationship with upland areas.
- .4 Private moorage owners and builders will comply with the Ministry of Environment's Best Management Practices for Small Boat Moorage on Lakes, and minor works policies published by Transport Canada, Navigable Waters Protection Division prior to construction of any foreshore moorage (works).
- .5 Encourage Government agencies with mandates for protecting the environmental integrity of lakes in the South Shuswap to carry out scientific research and water quality testing to determine whether the quality of lake water near the shoreline is deteriorating, and if it is, to determine the cause(s) of the deterioration, and take steps toward correcting the situation.

The Regional District will:

- .6 Assess and strive to protect sensitive fish habitat when implementing the boat launching facilities provisions of the Electoral Area C Parks Plan;
- .7 Encourage waterfront owners to consider shared docks in the interests of having one larger dock that extends into deep water, rather than a number of individual docks that are in relatively shallow water with higher fish habitat values;

- .8 Advise and expect property owners to replace older, on-site sewage systems with newer technology to prevent potential contamination of the shoreline;
- .9 Advise and expect property owners not to remove vegetation along the shoreline that could result in erosion, loss of food and nutrients for fish, and loss of shade for young fish; landowners must refer to the Ministry of Environment's Best Management Practices for Hazard Tree and Non Hazard Tree Limbing, Topping or Removal; and
- .10 Implement Lakes Zoning Bylaw 900 which sets out regulations pertaining to the placement of docks and buoys

3.6 Waterfront Development

3.6.1 Objective

- .1 To maintain the near shore areas of Shuswap Lake, White Lake and Little White Lake ecologically intact by focusing development away from the shoreline and by minimizing impacts from moorage facilities.

3.6.2 Policies

- .1 New waterfront development will only be supported if it:
 - a) Is residential in nature;
 - b) Has maximum densities of:
 - i. 1 unit / 1 ha (1 unit /2.47 ac) on the waterfront in Secondary Settlement Areas and the Sorrento Village Centre; or
 - ii. 1 unit / 2 ha (1 unit / 4.94 ac) in all other areas;
 - c) Creates lots each with a minimum of 30 m of water frontage;
 - d) Is located a minimum of 50 m away from the natural boundary of Shuswap Lake, White Lake and Little White Lake: Development Permit Areas may apply, see Section 12 of this plan; and
 - e) Provides adequate moorage subject to the moorage policies in Section 3.7.
- .2 Development on waterfront parcels should be clustered to minimize impact on the landscape and preserve natural open space. Applications that do not include Section 219 covenants to prohibit additional subdivision, protect natural areas from further development and address other site specific considerations will not be supported.

3.7 Foreshore Water (FW) (Moorage)

3.7.1 Objective

- .1 To acknowledge existing permitted private moorage uses and commercial marinas and provide limited opportunities for future moorage associated with residential development.

3.7.2 Policies

- .1 Moorage, including docks, private moorage buoys and boat lifts, may be considered only for new fee-simple waterfront parcels.
- .2 New development proposals on the waterfront parcel will provide a maximum of 1 moorage space per:
 - a) New waterfront parcel created; or
 - b) 30m of water frontage of the parent parcel; and

Each moorage space shall be calculated as 10 m linear length of dock that may be used for mooring a single vessel.

- .3 Dry land boat storage solutions are strongly preferred over floating or fixed docks for all new or redeveloped waterfront properties.
- .4 Moorage proposals will be located away from or redesigned to avoid negative impacts on adjacent structures and uses, including other docks, marinas, beach access points, parks, utilities, water intakes, etc.
- .5 Support for new waterfront proposals should consider the provision of related public amenities such as dedicated moorage spaces and facilities for public use, dedicated public accesses to the foreshore (including boat launches), waterfront park dedication, or similar amenities which enable greater public access and use of the foreshore and water.
- .6 Moorage should be located away from or be designed to have minimal impact on fish and riparian habitat. The Shuswap Watershed Mapping Project data, as updated from time to time on the Community Mapping Network (www.cmnbc.ca), should be referenced to help determine habitat values (other government data sources may also be utilized).

12.2 Foreshore and Water Development Permit Area

.1 Purpose

The Foreshore and Water Development Permit Area is designated under the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity.

.2 Justification

The Foreshore and Water Development Permit Area arises from the growing impact that structures, including (but not limited to) docks, swimming platforms, and private mooring buoys, are having on the lakes in the Electoral Area. Evidence of these impacts is documented in the Shuswap Watershed Mapping Project, which was completed in conjunction with Fisheries & Oceans Canada, the BC Ministry of Environment and environmental consultants.

The intent of the Foreshore and Water Development Permit Area is to:

- .1 Allow for the proper siting of structures on the foreshore and swimming platforms in the water to prevent or minimize negative impacts on lake ecology, including fish habitat; and,
- .2 Complement the Riparian Areas Regulation (RAR) and Shuswap Lake 100 m Development Permit Areas, recognizing the important and sensitive interrelationship of these shoreline areas.

.3 Area

The Foreshore and Water Development Permit Area extends from the lake's natural boundary across the entire area of Shuswap Lake, White Lake and Little White Lake. In the case of Shuswap Lake, the DPA extends to the Electoral Area 'C' boundary.

.4 Exemptions

A Foreshore and Water DPA is not required for the following:

- .1 Structures and works associated with a public park use;

- .2 Installation and maintenance of utilities and utility corridors;
- .3 Subdivision;
- .4 Commercial and multi-family moorage facilities, including marinas and strata moorage structures, requiring Provincial tenure. (*Rationale: these facilities undergo Provincial review and are referred to other government agencies, including Fisheries and Oceans Canada, through that process, thus satisfying the intent of this Development Permit Area*);
- .5 Maintenance and alterations of existing structures, except:
 - a. alterations which increase the size of the existing structures;
 - b. removal and reconstruction of existing structures; or
 - c. replacement docks and swimming platforms, as defined by the guidelines below; or,
- .6 Land alterations that will demonstrably increase environmental values (e.g. creation of additional fish habitat).

.5 Guidelines

For all relevant guidelines, the Shuswap Watershed Atlas, based on the Shuswap Watershed Mapping Project, will be referenced to determine an area's Aquatic Habitat Index Rating, known fish rearing and spawning areas, natural features such as stream deltas and vegetation, etc.

.1 For new and replacement docks and for new and replacement swimming platforms

These guidelines apply to the first-time placement of a dock or to the replacement of an existing dock or swimming platform. Docks will be considered 'replacement docks' and 'replacement swimming platforms' if more than 75% of the materials will be replaced within a 3 year period.

Docks and swimming platforms shall:

- a. minimize impact on the natural state of the foreshore and water whenever possible;
- b. not use concrete, pressure-treated wood (i.e. creosote), paint or other chemical treatments that are toxic to many aquatic organisms, including fish, and severely impact aquatic environments;
- c. use untreated materials (e.g. cedar, tamarack, hemlock, rocks, plastic, etc.) as supports for structures that will be submerged in water. Treated lumber may contain compounds that can be released into the water and become toxic to the aquatic environment;
- d. use only treated lumber that is environmentally-friendly for structures that are above water;
- e. be made by cutting, sealing and staining all lumber away from the water using only environmentally-friendly stains. All sealed and stained lumber should be completely dry before being used near water;
- f. have plastic barrel floats that are free of chemicals inside and outside of the barrel before they are placed in water;
- g. avoid the use of rubber tires as they are known to release compounds that are toxic to fish;
- h. be sited in a manner which minimizes potential impacts on fish spawning and rearing habitat areas;
- i. be sited in a manner which minimizes potential impacts on water intakes and other utilities; and,
- j. avoid aquatic vegetation and minimize disturbance to the lakebed and surrounding aquatic vegetation by positioning the dock or swimming platform in water deep enough to avoid grounding and to prevent impacts by prop wash in the case of docks. A minimum 1.5 m (4.92 ft) water depth at the lake-end of the dock is recommended at all times.

.2 For new private mooring buoys

These guidelines apply to the first-time placement of a private mooring buoy, including its anchoring system.

Private mooring buoys shall:

- a. avoid aquatic vegetation and minimize disturbance to the lakebed and surrounding aquatic vegetation;
- b. use helical (versus block) anchors whenever possible;
- c. use only materials intended for boat moorage, such as rigid plastic foam or rigid molded plastic, which do not contain chemicals that are toxic to aquatic organisms;
- d. be sited in a manner which minimizes potential impacts on fish spawning and rearing habitat areas; and,
- e. be sited in a manner which minimizes potential impacts on water intakes and other utilities.

.3 For other land alterations

Proposed land alterations not listed in the exemptions section and not including new and replacement docks and new private mooring buoys shall be accompanied by a written submission from a qualified environmental professional outlining the proposed alteration, expected impacts on the foreshore or water environment and any mitigation efforts which should accompany the proposed alterations.

COLUMBIA SHUSWAP REGIONAL DISTRICT

Notes of the Public Hearing held on Wednesday June 20, 2018 at 6:00 PM at the Sunnybrae Community Hall, Sunnybrae-Canoe Point Road, Sunnybrae, BC regarding proposed Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22.

PRESENT: Chair Paul Demenok – Electoral Area C Director
Jennifer Sham – Planner, Development Services
Erica Hartling – Development Services Assistant
24 members of the public including the applicants

Chair Demenok called the Public Hearing to order at 6:00 PM. Following introductions, the Chair advised that all persons who believe that their interest in property may be affected shall be given the opportunity to be heard or to present written submissions pertaining to the proposed Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22.

The Planner explained the requirements of Section 470 of the Local Government Act and noted that the Public Hearing Report will be submitted to the Board for consideration at a future Board meeting. The Planner explained the notification requirements set out in the Local Government Act and noted the Public Hearing notice was advertised in the Shuswap Market News on June 8 and 15, 2018.

The Planner provided background information regarding this application, reviewed the purpose of the bylaws, and summarized the referral agencies' responses and written submissions received before the public hearing. Additional written submissions were received at the public hearing.

The Chair opened the floor for comments.

[REDACTED], is an adjacent property owner and showed maps of the area, handed out copies of his written submission including a photo, and read out the written submission in opposition of the proposed bylaw amendment. Reasons for the opposition include: his inability to place buoys due to the number of existing buoys in the bay, the location of a number of the buoys in front of the neighbouring foreshore; alleged moving of buoys in the bay; lack of identification on the buoys; anchors for seedoos at the shoreline; proximity of the buoys to other buoys in the bay; the location of the dock on the east side of the gravel spit; general foreshore right and public interest; the number of buoys requested for the development; and the bylaw amendment "infringes on our foreshore rights". See Appendix 1 attached.

[REDACTED] is an adjacent property owner who stated that the access to their dock in the bay is from the east. The subject dock is located on the east side of the gravel spit. [REDACTED] suggested that the dock be moved to the other side of the spit. A letter from her daughter was submitted in opposition of the proposed bylaw amendment and this letter was read out loud. The concerns in the letter included boating safety, increased boat traffic, and useable space in the bay. See Appendix 2 attached.

Gloria Ulry, 3977 Sunnybrae-Canoe Point Road, is one of the applicants. Ms. Ulry explained that the subject property was purchased in 2001 with the same number of boats as now. The property was previously used as a campground and then changed to a strata. Ms. Ulry stated that the purpose of this bylaw amendment application is to be in compliance with the regulations. Ms. Ulry clarified that any movement of any buoys was due to storms and no new buoys have been placed in the bay. Ms. Ulry further explained that the dock is registered with BC Assessment and that the buoys were placed in the water before the Lakes Zoning Bylaw No. 900 was adopted. Ms. Ulry stated that they come into the bay from the east side because the bay is shallow and deeper water is needed. The applicants submitted a written submission in response to some of the comments from the public in written submissions received at the CSRD office. See Appendix 3 attached.

Norm Gray, 3970 Sunnybrae-Canoe Point Road, is one of the applicants. Mr. Gray stated that the gravel spit was created in the 1980s and goes 90 degrees from the shoreline - the dock is on the east side of that spit. Mr. Gray stated that there is a substantial difference in the water depth from the east and west of that spit; to move the dock in and out, a pickup truck is used on the gravel spit. Mr. Gray clarified that when the property was a campground, there were 4 buoys on the east side and 3 on the west side of the gravel spit - the 4th buoy on the west side of the spit was placed in 2011.

The Chair stated that the current bylaw would allow 2 buoys per parcel and asked if they could comply with this, resulting in a total of 4 buoys.

Ms. Ulry replied that anyone who does not have foreshore property should have to pull their buoys out. Further, Ms. Ulry stated that they would have to accept the Board's decision but the additional 2 buoys each are grandfathered in, so the total would remain 8 buoys as it is now.

The Chair asked what if the Board permits 8 buoys with the condition that they had to be moved.

Mr. Gray stated that there is no space to move the buoys.

Ms. Ulry stated that they could work with the neighbours.

Mr. Gray added that they have not had any issues in the neighbourhood since 1997.

Ms. Ulry stated that they have not been asked to move the buoys but they would be happy to work with the neighbours.

Mr. Gray stated that the spoke with _____ but the next day he placed 2 buoys in the bay - Copper Island placed the buoys.

_____ stated that the _____ have tried to register their buoys and if the CSRD would allow them to do this, this would "all go away".

_____ questioned whether any consideration to wildlife, riparian, and the known salmon habitat has been made - her concerns are more on the environmental side of things including disruption to sensitive wildlife areas.

████████████████████ stated he has an objection to the proposal because the properties are in a bay and the pie shaped [zone area] should be fair. ██████████ stated that the proposed zone appears to widen from the shoreline into Shuswap Lake. ██████████ submits a written submission. See Appendix 4 attached.

████████████████████ stated that Mr. Gray was aware that Copper Island was correcting his dock anchor and pointed to the area on the map.

████████████████████ owns the Mobile Home Park north of the subject properties, and has an easement on the subject property. ██████████ is opposed to the proposal. The water intake servicing the 22 mobile homes has been there since the 1980s according to ██████████, and since then, more buoys have been added around the intake. ██████████ said that Interior Health has concerns about the water intake and the houseboat. Further, he states that the Ulry's buoys are located over the water intake and that they have a huge wharf that sometimes restricts his tenants' access. ██████████ shows and submits a photo of the foreshore area. See Appendix 5 attached.

Ms. Ulry stated that the legal easement on the property gives the Mobile Home Park users access to the lake, and in return, the Mobile Home Park provides the strata with water. Any damage to the water intake would affect the strata. Ms. Ulry stated that there have never been any concerns with the usage of their boats in the past. Further, regarding the wharf, it would have been pulled onto the foreshore during high water and they have not restricted people from using the foreshore.

████████████████████ stated that she is a year-round resident and in front of her, there are 7 buoys. Although she does not own a boat, she stated that all the neighbours are respectful and approach the shoreline slowly. ██████████ stated that this has worked for the past 25 years and does not see why it cannot continue to work.

Mr. Gray wanted to set the record straight regarding his houseboat – he does not dump grey or blackwater in the lake. Mr. Gray does not know how deep the water intake is, but it is past the drop off in the bay and all the buoys are located before the drop off.

████████████████████ stated that he is responsible for that water intake and since it was installed, more buoys have been placed in the bay.

████████████████████ address unknown, is friends with the ██████████ and is tired of watching her friends get used by their neighbours.

████████████████████ stated he applied for a dock permit and asked if it transfers to a new owner.

Planner responded that the zone would not change with the change in ownership of the land. Further, she responded that there are Provincial regulations and CSRD/local government regulations that are different. If a Development Permit was issued for a dock, it is registered on title and goes with the land – does not matter if the ownership changes, but the conditions of the permit still must be met. Planner offered to research ██████████ permit after the public hearing.

████████████████████ said that BC Assessment recognized his dock and it has a separate folio number and asked if this meant his dock was registered. Further, he asked if he wanted to repair his dock, where would he get permission from.

Planner responded that repairing the dock is permitted, but if a new or replacement dock is required, a Development Permit through the CSRD is needed.

██████████ stated that the submitted photo [from the ██████████] is self-explanatory.

Ms. Ulry stated that the lake promotes boating and to see boats is not a bad thing. She stated that this is not a marina and that this has existed for 26 years.

██████████ stated that the photo submitted showed buoys without boats, but if the buoys were all in use, there is a wall of boats.

Ms. Ulry stated that the buoys existed before they purchased the property and that the view she has is the same as everyone else in the bay.

██████████ asked why the buoys were not marked with identification.

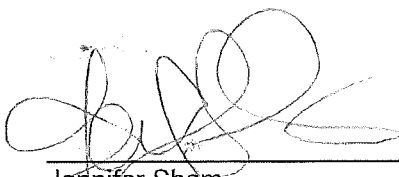
Ms. Ulry said that they were trying to register the buoys and want the licensing in place first.

Hearing no further representations or questions about proposed Bylaw No. 900-22 the Chair called three times for further submissions before declaring the public hearing closed at 7:26 PM.

CERTIFIED as being a fair and accurate report of the public hearing.



Director Paul Demenok
Public Hearing Chair



Jennifer Sham
Planner

BL900-22 Public Hearing Notes Appendix 1

CSRD Columbia Shuswap Regional District

June 20, 2018

PUBLIC HEARING SUBMISSION –

LAKES ZONING AMENDMENT (GRAY-ULRY) BYLAW No. 900-22

Submitted by

Response to Development Application: Gloria & Lloyd Ulry / Norman & Bonnie Gray
Site: Strata Lots & Easement located at 3970 & 3972 Sunnybrae-Canoe Point Rd, Tappen

RESPONSE TO APPLICATION

We are the adjacent landowners and we oppose the noted application.
REASONS FOLLOW:

The Amendment and Variances requested have a very negative and punitive effect on our property and foreshore.

Note: Application as submitted is for Foreshore Multiple Family FM1

Note: No application has been submitted for FM2 nor does the foreshore support it.

1. The application applies for registration of an oversize dock and 8 buoys to serve the single parcel strata lots at 3970 & 3972 Sunnybrae-Canoe Point Road which has 288 feet of waterfront. To facilitate this request the applicants have applied to locate most of the buoys in front of the adjacent 113 feet of foreshore at 3974 Sunnybrae Road. WE ARE DEFINITELY OPPOSED TO THIS.
2. Our zoning is FR1. Under Bylaw 900 we qualify for a dock and two buoys. Our dock is recognized by BC Assessment and we would like to register the two buoys as well.
3. On October 5, 2017 we attended at CSRD to request a registration of our existing buoys. We were told that NO buoys could be registered to that address because there were too many in front of our property already. We were NOT told of the existing application to register those buoys to the adjacent property.

4. On October 12, 2017 CSRD staff visited the Subject Property applying for Amendment Bylaw 900-22. In the Board report Staff indicated that they were "unable to account for all the buoys associated with this application". The Ulrys and Grays over the years have placed various buoys in various positions in the water to satisfy their needs. When asked to move them from the foreshore at 3974 Sunnybrae they have adamantly refused.
5. On June 8th, 2018 we, [REDACTED] checked each of the 8 buoys and none of them had the name Ulry or Gray. Most had no identification. The applicants take the position that these 8 buoys are grandfathered as being in place in August 2012. The applicants have not produced any proof to support this statement. Their names are not even on buoys let alone any legal identification as required by the Federal Private Buoy Regulations. Shuswap Lake is governed by these regulations.
6. On April 25, 2018 we noted there are at least 4 additional anchors and buoys at the shoreline (pictures available) ready to be placed in the water for seadoos etc. Not mentioned in the Board Report is a "wash house" with laundry, bathroom & shower facilities to service three RV sites numbered 12, 13, and 14.
7. On May 5th 2018 we hired Copper Island Diving to put a regulation buoy on our boat anchor. As with the CSRD they too refused to position our buoy in its existing location, citing proximity to other buoys. We had them move it further out in the water as a temporary measure until we regain use of our foreshore. WE OPPOSE A VARIANCE IN THE PROXIMITY OF THE BUOYS TO ONE ANOTHER.
8. The main purpose for Copper Island Diving to be there was to re-establish the position of the dock cable and anchor. It had been moved approximately 60 feet towards the shore. Neighbours opinion was that the ice had moved the 1500 pound anchor. Copper Island found that to be doubtful. Cost to us was about \$3000.00.
9. The CSRD created a diagram (see Board Report) for the Grays & Ulrys to show where their existing buoys and dock are located. It presents a picture of a very crowded shoreline – and conveniently our dock has not been placed on the diagram. CSRD Staff, and the diagram itself, indicate that it is not accurate. Yet it is being presented as verification of buoys that the applicants state were in the water – in those positions – prior to August of 2012 when Bylaw 900 was passed.
10. We oppose the granting of the Dock variance as presented. The dock is situated on a gravel spit and positioned on the east side (see Board Report photos) so that access and egress by water is

always through our foreshore. The dock should be repositioned to allow access to the west side, within the subject foreshore in order to be compliant with Bylaw 900. WE OPPOSE THE DOCK VARIANCE IN ITS PRESENT POSITION.

11. We have been aware of Zoning Amendment Bylaw No 900-22 for approximately one month and received formal notice dated June 4, 2018 for a June 20th Public Hearing. The Grays and Ulrys on the other hand have been working on this with the CSRD for over 2 years and have had copious assistance.

12. The Board Report indicates that the Desired Outcome is that the "Board endorse the CSRD staff recommendation". We are appalled and amazed that Staff has recommended a Bylaw Amendment favouring the applicant when it requires that the applicant use all of the foreshore allocated to the adjacent landowner. Note again that we were denied a request to register two buoys on October 5th, 2017 for and that Staff attended the adjacent property at. on October 12th, 2017 to formulate a report for the 900-22 Amendment Application.

13. We were told that Notice of Public Hearing is sent for "land within 100 meters of your property" and is only required to be sent 15 days prior to the hearing. This application is to have buoys registered against our property and we should have been notified of the Application immediately and certainly prior to a staff recommendation to reallocate our foreshore rights. CSRD Staff has given zero consideration to the effect the granting of Bylaw Amendment 900-22 will have on the.

14. As an upland owner with 113 ft of waterfront we are entitled to two buoys and a dock. The Ulrys & Grays are fully aware that we have never wanted their boats anchored on our foreshore and they have in fact refused to move them. The Gray / Ulry 288 ft. single parcel strata is entitled to two buoys and one dock. By Ms. Ulry's own admission the water is a shallow shoal. As such it does not comfortably support the requested 8 buoys. WE OPPOSE THE GRANTING OF 8 BUOYS.

We essentially have a bylaw complaint. We requested dialogue with the Ulrys and Grays through an email to Jennifer Sham, CSRD Planner. Norman Gray has spoken with us. Although we have not spoken or communicated with the Ulrys, indications are that the Ulry position is that they are entitled to all that they have requested and will make no concessions. Our request is that all buoys, docks, moorings etc. that are on the foreshore without written permission of the upland owner should be removed. We reserve the right to revise this complaint as information comes available.

There are a number of omissions and inaccuracies in the Development Application Form, and accordingly in the Board Report. If time permits we will make a written submission in that regard but unfortunately due to other projects and the short time frame we have not been able to address that issue prior to the Hearing. There are also pertinent Provincial and Federal guidelines that govern foreshore rights and time has not permitted that we address those in this response.

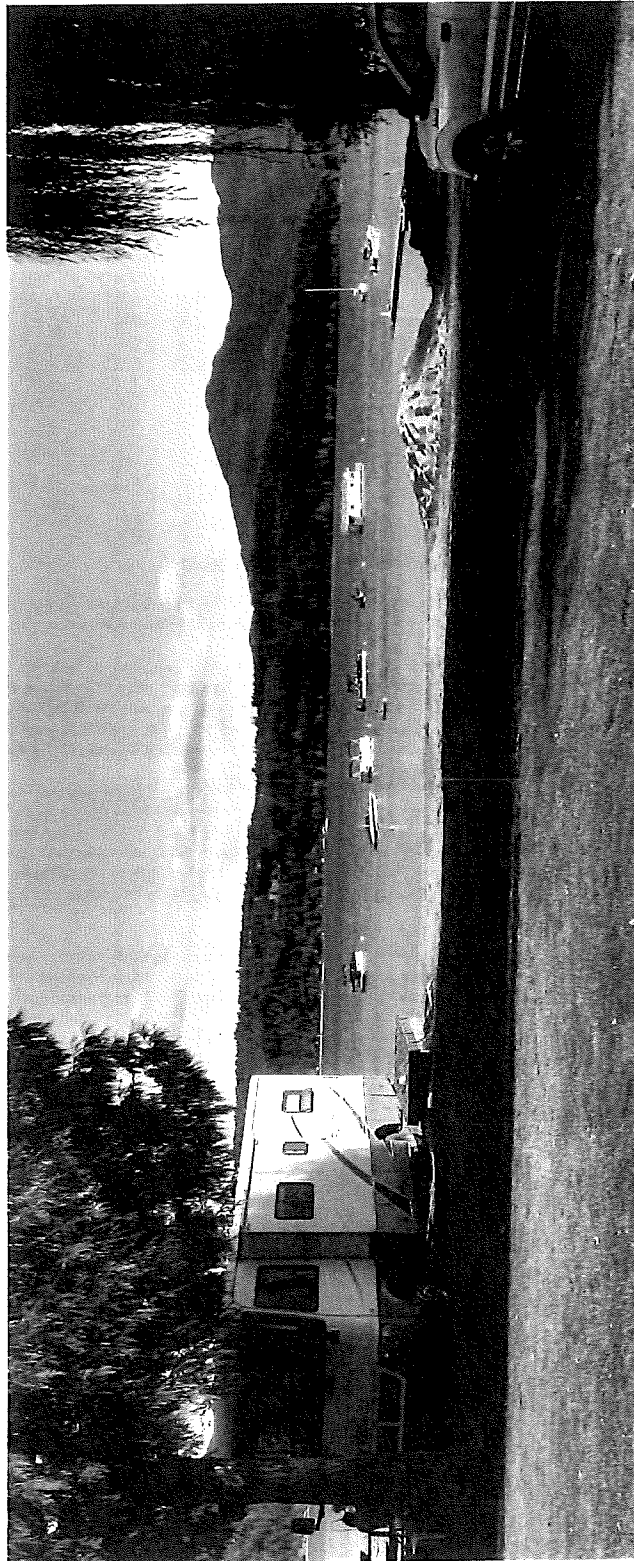
We oppose the application for Lakes Zoning Amendment (Gray-Ulry) Bylaw 900-22 as it infringes on our foreshore rights. At the very least the Grays and Ulrys should reapply for an amendment / variance using their own parcel entitlement within the Bylaw 900 guideline.

The CSRD Decision should reflect a fair and equitable model that can be used by all waterfront owners moving forward. As we understand it that is the intended mandate of the extensive hours involved in the creation of Bylaw 900.

We rely on the CSRD to uphold Bylaw 900 which by every indication was created to resolve exactly such issues as are involved in the Lake Zoning Amendment Bylaw 900-22.

Respectfully submitted, as signed





BL900-22 Public Hearing Notes
Appendix 2



June 12, 2018

To whom it may concern,

Re: LAKES ZONING AMENDMENT (GRAY-ULRY) BYLAW No. 900-22

I am [REDACTED] Tappen
BC, and have spent the last 27 years vacationing at our home on the lake every summer with my family.

Each year, we find there seems to be more boats moored than the previous year. In the past, the amount of boats moored has not presented too many problems, but is more of a nuisance when trying to navigate coming and going from our dock. However, we came to know and trust the habits of the permanent boat owners and everyone was respectful of each other with regards to safety, docking, approaching the shorelines at appropriate speeds and more importantly, awareness of children playing in the water and jumping off the docks.

However, in the last 5 years it seems there are new boats moored each week and we have run into some issues with boaters speeding away from the dock, moving at high speeds around the boats already on buoys, being disrespectful of other boaters trying to navigate pulling waterskiers and young children tubing and a general disregard for boating safety. We have to be very mindful for ourselves and more so for our children while we are boating, swimming, paddleboarding or kayaking as the boating activity has increased.

The waterfront bay in question does not have enough useable space to safely moor the requested amount of boats. To allow enough buoys for temporary tenants to moor their boats will inhibit the use of the bay and compromise people's safety based on the volume of traffic and the close proximity of all the buoys.

For safety reasons, we are strongly opposed to granting 8 buoys on the foreshore at 3974 Sunnybrae Road.

Sincerely,

[REDACTED]


BL900-22 Public Hearing Notes
Appendix 3

June 20, 2018

Lake Zoning Amendment (Gray-Ulry) Bylaw 900-22

Response to the opposition letters sent in regard to our Lake Zoning Amendment application.

The following is a summary of the concerns stated and our response to those concerns.

 (Bullets align to the letter submitted)

1. Four buoys rather than 1 buoy per property

- The bylaw for Single Family 1 zoning indicates that 1 buoy is allowed per property. This designation also allows 2 buoys if the lake boundary length is 30 M or greater. This is greater than the one buoy as listed by
- The application for lake zoning prompted the request by the Gray's and the Ulry's to ask for an exception that would allow their 4 buoys per property to be given legal conformance
- The Ulry property on lot 2 of the strata has 4 dwellings and the Gray property on lot 1 of the strata has a duplex, a house and a cabin.
- The buoys themselves regardless of the application decision will stay in place as legal non-conforming buoys so nothing will change in terms of buoy location or numbers.
- We do not always have all buoys occupied but when we are all on property those buoys are necessary.
- An approximately 30 minute drive, each way, to the marina to use the boats we have been using off the end of our dock for several years seems an unreasonable option for an owner of lake front property.
- We would not be requesting the licensing of the total number of buoys if that was not our need and our past use. Since our application was posted multiple buoys have been dropped down our shoreline.

June 20, 2018

- There are not many multiple dwelling properties on this section of the lake so it is unlikely that that an individual will be requesting licensing of multiple buoys.
- If this zoning application is denied the buoys remain legal non-conforming and nothing changes from the way we have operated for many years.
- The CSRD has approved several exceptions to the current bylaw as listed on pages 16 and 17 of the Lake Zoning Bylaw No.900.
- Historically, our properties have had the buoys in question in place for more than 17 years and were also part of the Bastion Bay Campground prior to the land subdivision and registration of the strata. During this time period we have never had a collision or a near miss with those operating motorized or non-motorized water craft, kayakers, paddle boarders and swimmers in the area
- Our children and grand children also kayak, paddleboat and swim in this area and as licensed and responsible boat operators we take care when navigating the waters most especially in the no wake zone. The lives of our children are precious and we believe in safe water practices to ensure their safety and the safety of others on the water. We have in fact performed a few rescues on the lake over our time here.
- The density of our property will not change whether the application is approved or not approved as the buoys are legal nonconforming. We simply seek to license our dock and buoys and rezone the lake front to the proper zoning.

2. Zoning to FM2

- After being reported for an oversize dock we began the process of seeking a variance. The dock met the requirement for size; the walkway was 20 inches wider than allowable. We sought a variance on the width.

June 20, 2018

- After submitting the paperwork for the variance and paying our fees, we learned that the water in front of our strata was zoned single family
- Both lots in the strata have multiple dwellings and we have been confused about why a previous campground and a registered strata would be deemed single family.
- In order to comply with the bylaws we were required to make an application for rezoning to Foreshore Multifamily 2 which is why we are at this point in the application process.
- Norm Gray attended public meetings regarding buoys and docks and does not recall discussions concerning the zoning of water, which we were informed happened in 2012.
- The Ulry's are out of province summer residents who did not receive any notification of zoning but were told after the fact that it was advertised in the local paper.
- Had either party known they could speak to the zoning, both parties would have done so.
- At the end of hacking road there is a series of cabins that began as trailers on the side of the hill. The lake front in this area is zoned Foreshore Multi -Family 1 so there is in fact other property in this area zoned Multi Family.
- With the new bylaws for zoning and inspection coming into play in 2019 this property would not be acceptable as a site for a high density condominium. The riparian area would not allow for a large development nor is there enough property lakeside to meet bylaws in place and those that may be coming. Residents might need to be more worried about two mobile home parks across the highway that have the room for development into condominiums creating a significant amount of road traffic to the area.

June 20, 2018

- We are not changing the density of this property. We will continue as we have for the past 17 years. We are adding nothing in terms of density to the application just seeking to license what is.

[REDACTED]

- Most of the input listed by [REDACTED] is not relevant to our application. Those items we will not comment on.
- Concern has been raised about contamination of the drinking water. The water provided to our Strata is part of an easement set up during the sale of the mobile home property. This agreement allowed the water treatment system to remain on the Strata property. This treatment facility provides water for both the mobile home park and the Strata property and therefore any contribution to decreasing the quality of our drinking water would be foolish.
- We will state again that we will not be changing anything that has been in place since the strata was formed in 2001. We have not increased the number of buoys and in fact one of the buoys in the area is a legal non-conforming buoy placed in the water by the [REDACTED] who do not have lake front property.
- The Ulry property is a family property that is occupied by family gatherings for less than 2 months of the year.
- Claims of increased turbidity in the water and its affect on the water system being caused by our buoys, dock and boating traffic is interesting. The buoys and dock have been present for over 17 years and this is the first time we have heard this turbidity claim. We have had less people on site during this time period than any other year since the strata was formed. How can the turbidity then be attributed to the number of buoys and people on the property.
- Turbidity rises in the spring due to run off from the mountains and streams and there is a plywood plant just down the lake. The unusually high water of the past two years may also have affected turbidity. These could account for the possible water issues.

June 20, 2018

- Norm Gray and [redacted] are long serving members of the local fire department and therefore responsible citizens in the area
- Our friends and family have supported the Easter egg hunts and community breakfasts and suppers down at the Sunnybrae Seniors and Community Hall.
- We love the lake and wish to balance keeping it a thriving, healthy lake with the many water activities we have enjoyed on this lake since we were teens.

Thank you for the opportunity to speak to the concerns.

Norma and Bonnie Gray

Lloyd and Gloria Ulry

BL900-22 Public Hearing Notes
Appendix 4

[REDACTED]

June 20, 2018

Re: Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

I am the owner of [REDACTED], and have several objections to the proposed amendment.

The zone outlined in Schedule 1 of proposed Bylaw 900-22 does appear to infringe upon the lakefront area defined by the extension of my property lines into the foreshore region. That could affect the future placement on my own buoys.

The shape of the proposed rezoning area is increasing with size as it extends out into the lake, taking up a disproportionate width of the deeper lakeshore which is the best mooring area. This seems unfair to me. The 'slice' should be getting smaller as you move out into the lake, not bigger.

I'm concerned with how the rezoning will affect the placement of buoys in my neighbours' properties at [REDACTED], and perhaps create a cascade of buoys being moved east into the area in front of my property in order to accommodate the proposed rezoning. I don't see how that will be addressed going forward.

While we have never had problems with the usage of the dock and buoys by the current owners of the Gray-Ulry properties, we can see problems in the future with new owners of the properties and future development. Since the amendment is permanent, this could become a problem down the road.

I therefore oppose the application as presented.

[REDACTED]

BL900-22 Public Hearing Notes
Appendix 5



High
water
7

Jennifer Sham

From: [REDACTED]
Sent: June 18, 2018 10:50 AM
To: Jennifer Sham; Director Demenok
Subject: Public hearing submission - bylaw No. 900-22

Categories: CityView Planning Attachment

To whom it may concern,

Sunnybrae Bible Camp shares an interest in the proposed bylaw change. We are in favor of the proposed change.

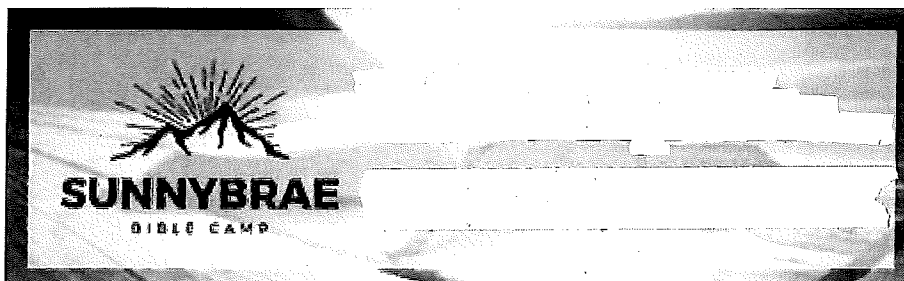
Basis for our decision.

- We are neighbors.
- We are friends with many of the interested parties and like to afford the same courtesies so often afforded to us.
- We share the same waterfront. For whatever reason our guests love to paddle through the spattering of boats there.
- The unique properties of water, gentle sloping topography, and the exposed rock of Bastion means that we really do share even the airspace. We hear everything that goes on in that particular bay.
- SBC is in favor of the clarifying values that come with an OCP. It is time for compliance to have its way out here, be it by enforcement or by amending land designations.

Feel free to further inquire,

I will be attending the meeting this coming Wednesday.

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership:
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File #
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg.	
JUN 18 2018		
<input type="checkbox"/> Ec Day	<input type="checkbox"/> Staff to Report	Ack Sent:
<input type="checkbox"/> IT	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Fax
<input type="checkbox"/> Parks	<input type="checkbox"/> Staff info Only	<input type="checkbox"/> Mail
<input type="checkbox"/> SEP	<input type="checkbox"/> Dir Mailbox	<input type="checkbox"/> Email
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Circulate	
<input type="checkbox"/> Other		



Jennifer Sham

From: [REDACTED]
Sent: June 18, 2018 8:22 AM
To: Jennifer Sham
Subject: Re: Bylaw No. 900-22 (Gray-Ulry)

Categories: CityView Planning Attachment

My brother [REDACTED] is the registered owner of the lot at [REDACTED], and I am the registered owner of the mobile home on it, and am a full-time resident. [REDACTED] received notification but I didn't.

I want to go on public record as saying that I have no objection to this application. At the present, you can sit in my house and look out at the lake and see 7 buoys directly in front of me, including 2 belonging to the [REDACTED], which they moved there just recently. I have never complained or told anyone to move their buoys. (I don't own a boat or a buoy).

It doesn't matter where you put buoys, they'll be in front of someone.

Where they are has worked for 25 years, and it can continue to do so. I find the Ulrys and Grays to be good, responsible neighbours, whose boating use respects the rules and other users.

I'm afraid any objections would have more to do with vindictiveness and a power struggle rather than any practical or logical reasons.

PS: My brother [REDACTED] has been travelling and is expected to be here today, and may also send you an email.

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda: _____	Ownership:
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File #
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg.	
JUN 18 2018		
PHB x3		
<input type="checkbox"/> Ec Day	Received	Ack Sent:
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<input type="checkbox"/> SEP	<input type="checkbox"/> Staff info Only	<input type="checkbox"/> Email
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Mailbox	
<input type="checkbox"/> Other	<input type="checkbox"/> Dir Circulate	

BL900-22

CV PL20170000149

From: [REDACTED]
To: [Planning Public Email address](#)
Subject: Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22
Date: Monday, June 18, 2018 8:11:03 AM

Greetings from Sunnybrae! I am writing in regards to the zoning amendment which has been put forward. My family of 4 has lived in the Sunnybrae region for the past (nearly) four years, and in that time, we have never encountered any issues with the buoys or dock in question. We would speak in favour of ruling on the side of the amendment, and ask the CSRD to consider bringing this matter to a close quickly and favourable. Please approve this rezoning request.

Thank you for your work on our behalf!

[REDACTED]

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership:
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File #
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg	
<p><i>PHB-mr x3</i> JUN 18 2018</p>		
<input type="checkbox"/> Ec Dev	RECEIVED	Ask Sent:
<input type="checkbox"/> IT	<input type="checkbox"/> Staff to Report	<input type="checkbox"/> Fax
<input type="checkbox"/> Parks	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Mail
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<input type="checkbox"/> HR	<input type="checkbox"/> Dir Mailbox	
<input type="checkbox"/> Other	<input type="checkbox"/> Dir Circulate	

BL900-22
PL20170000149

From: [REDACTED]
To: [Planning Public Email address](#)
Subject: Support for - Lake Zoning Amendment (Gray-Ulry) – Bylaw No. 900-22
Date: Monday, June 18, 2018 8:06:41 AM

To whom it may concern at the CSRD:

I am writing this letter in support of the **Lake Zoning Amendment (Gray-Ulry) – Bylaw No. 900-22.** I live in Sunnybrae and with the many times I have been on the lake with a boat, I have never encountered a problem with the buoys or the dock referenced in this amendment. Thank you for considering my support on this matter.

Kind regards,
[REDACTED]

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership:
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File #
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg	
JUN 18 2018		
YHB-n ² x3		
<input type="checkbox"/> Ec Dev	RECEIVED	Ask Sent:
<input type="checkbox"/> IT	<input type="checkbox"/> Staff to Report	<input type="checkbox"/> Fax
<input type="checkbox"/> Parks	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Mail
<input type="checkbox"/> SEP	<input type="checkbox"/> Staff Info Oly	<input type="checkbox"/> Email
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Mailbox	
<input type="checkbox"/> Other	<input type="checkbox"/> Dir Circulate	

BL900-22
CV: PL20170000149

From: [REDACTED]
To: [Planning Public Email address](#)
Subject: Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22
Date: Monday, June 18, 2018 8:01:04 AM

To whom it may concern,
 I'm writing this on behalf of the Grays to let you know that we have never had any issues with the buoys or the dock that is mentioned in the amendment. Thank you

[REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

Sent from my iPhone

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda	Ownership: File #
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mig	
<p><i>PHB-m² x 3</i> JUN 18 2018</p>		
<input type="checkbox"/> Ec Dev	RECEIVED	
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<input type="checkbox"/> Parks	<input type="checkbox"/> Staff to Respond	
<input type="checkbox"/> SEP	<input type="checkbox"/> Staff Info Oly	
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Mailbox	
<input type="checkbox"/> Other	<input type="checkbox"/> Dir Circulate	

BL900-22
CV: PL20170000149

From: [REDACTED]
To: [Planning Public Email address; isham@csrd.bc.ca](mailto:Planning.Public.Email.address@isham@csrd.bc.ca)
Subject: public hearing No 900-22
Date: Monday, June 18, 2018 7:44:35 AM

"Public Hearing Submission-Bylaw 900-22"

[REDACTED]

We were kids when we first starting camping at this property and learning to master water sports behind our parent's boat. In 2001 my parents purchased the property. My 3 children now get to enjoy the lake front property in BC. We are in support of the Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22.

We have a trailer on Pad 2 of this property and also own a boat. Along with the many other boaters on the lake we enjoy spending time on the water tubing with the kids, surfing and swimming.

Spending the summers out in the area with my family, friends, and kids and our neighbors the Grays and their children has been like having a little piece of heaven. We work hard to maintain the property together and we play together. We are out on the water almost every day unless it is raining. My husband and I both have our boaters license we are respectful when navigating the water and respectful of the property of the other land owners. We believe we are good neighbors.

In the past four years my family has had to deal with constant harassment concerning an easement on our property that is not being impacted by this application. Since the application has become public we have seen animosity in our neighborhood that we were unaware was present prior to the active lobbying of someone who does not own lake front property.

We are unable to attend the public meeting due to work and kids in school.

The Ulrys and Gray family are simply applying to be able to license/approve what has already been in place for over 20 years. This will hopefully put to rest future reporting of our property to the many agencies governing the lake. Thank you for listening and hope my kids and us can enjoy for many years to come.

Respectfully,

[REDACTED]

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Jennifer Sham

From: Marianne Mertens
Sent: June 19, 2018 1:00 PM
To: Jennifer Sham
Cc: Planning Public Email address
Subject: FW: Gray's

For your public hearing binder

From: [REDACTED]
Sent: Tuesday, June 19, 2018 11:44 AM
To: Planning Public Email address <Plan@csrd.bc.ca>
Subject: Gray's

Hello,

We are neighbors to the Gray's in Sunnybrae and we just wanted to write a quick note to say that we haven't experienced any problems with their docks or bouys and we are right next to them on the lake.

Thank you,

[REDACTED]

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Jennifer Sham

From: Marianne Mertens
Sent: June 19, 2018 11:34 AM
To: Jennifer Sham
Cc: Planning Public Email address
Subject: FW: Submission for hearing on BL900-22, PL20170149
Attachments: Lake Photo House Boat.JPG

Hi Jenn, here is one for your public hearing binder

From: [REDACTED]
Sent: Tuesday, June 19, 2018 10:49 AM
To: Planning Public Email address <Plan@csrd.bc.ca>
Subject: Submission for hearing on BL900-22, PL20170149

To whom it may concern,

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda:	Ownership:
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We would like to express our objection to the zoning amendment noted above. We have a family property a few doors down at [REDACTED]. The line of sight view from the front of our property is directly out through some of the multiple buoys in question, as can be seen by the attached picture which shows an existing older house boat which is moored on one of the buoys. The reasons for our objection are as follows:

1. The application would include permitting of eight mooring buoys for the property. We are in a quiet part of the lake, and the majority of our neighbors have only one buoy per property.
 - o The lower density makes it safe for everyone, including our kids, to swim, use paddleboards and kayaks in front of their properties.
 - o While the application appears to be about eight existing buoys, it has not been our experience to see that many boats moored in that section of the lake.
 - o We are concerned that permitting this significant number of buoys would set a precedent that would change the nature of our section of the lake.
 - o It also seems unnecessary, as there is a marina directly across the lake for those who do not have lake access. We object to the approval for eight buoys as it is a significant increase to the current one buoy per property bylaw and norm.
2. We are more concerned about the potential rezoning to multi-family. This application seeks to bring the existing situation into compliance, but if the property is rezoned, what prevents a future owner from redeveloping the property into higher density development, such as condos?
 - o Multi family development would completely alter the nature of our quiet cove. There are no other multi family lakefront developments on this section of the lake, but allowing one sets a precedent that others will try to follow.
 - o If the property was rezoned, and a future owner decided to redevelop the property into a high density condo development, neighbors will not have the opportunity to comment on such a development.
 - o Even if comments were allowed, opposition to a multi-family development on a currently zoned multi-family property will not be taken seriously as it is within the land use permitted by the zoning. Our family has experience with this type of rezoning ending up in a high density

development years down the road, at a previous lakefront property we owned on a different lake.

- o High density development on this part of the lake will have a negative environmental impact. This cove is special because it is quiet and has an abundance of fish fry which attract golden and bald eagles, osprey, herons and loons, which feed directly in this small cove. The nearby marsh with cat tails also contains numerous winged birds and water fowl, which frequent the cove as well. I personally have seen over 20 loons, return to fish as a group over several days, within 10 meters of the end of our dock. Numerous times, I have seen osprey and eagles dive from the air to catch fish in this cove. Prior to rezoning to multifamily an environmental impact assessment should be done.

It seems that in trying to bring the current situation into compliance, risks are created through rezoning and setting new precedents for development in the area. These developments would have a serious detrimental impact on the cove both for current residents and for the environment, and therefore we must object to the application.

Sincerely,

[REDACTED]



Jennifer Sham

From: Marianne Mertens
Sent: June 19, 2018 7:36 AM
To: Jennifer Sham
Cc: Planning Public Email address
Subject: FW:

Hi Jenn this came in for your

From: [REDACTED] [mailto:
Sent: Monday, June 18, 2018 4:32 PM
To: Planning Public Email address <Plan@csrd.bc.ca>
Subject:

Public Hearing Submission – Bylaw 900-22”

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[REDACTED]

We are summer residents at the listed property. We have been celebrating summer on this property for over 17 years. During this time, we have enjoyed the use of the dock and buoys and the lake for recreation and relaxation. There are four dwellings on this property and we each own a boat. The use of the lake front up until now has been very amenable. We have not had the neighbors over complaining about the buoys moored or boat traffic in and out of the dock. We are respectful of other boaters and work hard to be cooperative neighbors. If we have had a small issue we usually talk to the parties involved. If the neighbors fence is falling over while they are off property we mend and repair as we can. Our only real problem happened when neighbors were practicing their golf swing and one of the balls hit the side of our boat. After discussing the concerns, the direction of play changed and there was not another incident. When storms come up we check the safety of all boats in the bay and if any swing loose or are in trouble we come to their aide.

The lake in this location is quite shallow at times and the water levels raise and lower from spring to fall. The changing levels do require buoys to be located quite far from shore. We have navigated both the changing lake scape and boat moorings when occupied or empty without accident for over 17 years. Without the four buoys on it would be most troubling to unload and load boats daily. Having to do so would defeat the purpose of having lake front property.

Our boats are in the water for a very short time every year. We have not had an issue with the neighbors until the sign for rezoning was erected. We are unable to make the public meeting and want our voice of support to be counted.

Our hope is that this lake zoning amendment will pass the third reading.

[REDACTED]

Jennifer Sham

From: Marianne Mertens
Sent: June 19, 2018 4:46 AM
To: Jennifer Sham
Subject: FW: Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

-----Original Message-----

From: [REDACTED] m]
 Sent: Monday, June 18, 2018 3:21 PM
 To: Planning Public Email address <Plan@csrd.bc.ca>
 Subject: Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

Dear CSRD Committee,
 I don't see any reason why the bouys or dock mentioned in this amendment should be a problem. I'd be happy for them to be able to go ahead with their plans.
 Respectfully,
 [REDACTED]

Sent from my iPhone

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Jennifer Sham

From: [REDACTED] <[REDACTED]>
Sent: June 18, 2018 9:05 PM
To: Planning Public Email address; Jennifer Sham; Director Demenok
Subject: Bylaw 900-22 Site Specific Rezoning

Dear Jennifer Sham

RE: Norm and Bonnie Gray and Lloyd and Gloria Ulry Rezoning application

As residents of [REDACTED] in Sunnybrae Properties, [REDACTED] unequivocally support this application. As regular users of our limited waterfront in Tappen Sunnybrae we believe an organized usage model recognizing 25 years of responsible stewardship by the applicants is appropriate.

Sincerely
 [REDACTED]

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Jennifer Sham

From: [REDACTED]
Sent: June 18, 2018 4:04 PM
To: Jennifer Sham
Subject: Bylaw # 900-22

To whom it may concern.

I live at [REDACTED] We have lived here for 14 years and have been involved with this bylaw process from when the dock complaint was filed. I feel that this has been a witch hunt from the beginning. It amazes me that 1 or 2 parties can create such animosity in a neighborhood. Our family has used this dock and beach for 14 years. We support this bylaw change and hope that the planning department can see through the false claims against the Grays/Ulrys.

Please feel free to contact me.

Thank you

[REDACTED]
[REDACTED]
[REDACTED]

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Jennifer Sham

From: [REDACTED] .ca>
Sent: June 18, 2018 11:47 AM
To: Planning Public Email address
Subject: Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

To Whom it may concern,

My name is [REDACTED]. I have lived and worked in the Sunnybrae area since January 2016. Although I do not own property here I do consider it my home. I have lived on [REDACTED] road quite close to the Gray's and currently rent [REDACTED]. In both locations I have never had any issues with the way the Gray's use their lake property or the lake. From my perspective I see no need to limit them in any way from what they are asking in the amendment.

Thank you for inviting the voice of the community into your decisions.

[REDACTED]
Millar College of the Bible
Sunnybrae Campus
 3915 Sunnybrae – Canoe Point Road
 Tappen, BC V0E 2X1

www.millarcollege.ca

MILLAR

Sunnybrae Campus

The vision of Millar College of the Bible is to develop passionate, relevant servants of Jesus Christ who are shaped by the entire scriptures.

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Jennifer Sham

From: [REDACTED]
Sent: June 18, 2018 9:58 AM
To: Planning Public Email address
Subject: Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

To Whom it May Concern,

My name is [REDACTED] and I live at [REDACTED] in Tappen. I am writing to speak to the Lake Zoning Amendment, Bylaw No. 900-22, and that I have never encountered any issues with the buoys or the dock mentioned in the bylaw amendment.

Thank you,

[REDACTED]
 Millar College of the Bible
 Sunnybrae Campus
 3915 Sunnybrae – Canoe Point Road
 Tappen BC V0E 2X1

www.millarcollege.ca



The vision of Millar College of the Bible is to develop passionate, relevant servants of Jesus Christ who are shaped by the entire scriptures.

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Jennifer Sham

From: [REDACTED]
Sent: June 18, 2018 9:26 AM
To: Planning Public Email address
Subject: Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

Dear CSRD,

I just want to send off a quick not to say that I have never encountered any issues with the buoys or the dock mentioned in the bylaw amendment (re: Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22). I think it would be awesome if they would be able to be granted permission the amendment.

Thank you for you consideration,

[REDACTED]
 [REDACTED]

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Jennifer Sham

From: [REDACTED]
Sent: June 18, 2018 8:41 AM
To: Jennifer Sham
Subject: Fw: Public Hearing Submission - Bylaw No. 900-22

On Monday, June 18, 2018 9:32 AM, [REDACTED] <[REDACTED]> wrote:

We are writing in support of the Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22.

We have a [REDACTED] and have been enjoying time with our family on this property for over 20 years. During this time, the dock and buoys in the amendment have been in place and used by friends and family of the Gray's and Ulry's.

As safe boaters, we are always aware of the location of other boats and use common sense and good judgement when navigating throughout the Bastion By area.

We abide by the rules for approaching docks and land and adhere to the "No Wake" Zones. Keeping the lake and the property in healthy conditions in very important to us.

We do spend time on the lake nearly every day and have not to our knowledge had issues with the buoys and dock.

As the depth of the water and the change in water levels fluctuate in the area, it does require the buoys to be set quite far from the shore.

In addition, we were quite surprised to find out that our multi-family property was zoned with single-family water. Multi-family use has been the practice for as long as we have been coming to this area of the Shuswap, first as a camper and then now as a summer resident.

For us and our family members, the summer season is one for rest and relaxation and the pleasure of time spent touring the lake in our boat.

We absolutely enjoy our time spent at our lake property, the Town of Salmon Arm, and all the area has to offer in amenities such as golfing, rodeos, the Blues Festival, and all other activities.

We sincerely hope that the above Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22 is approved.

Respectfully,

[REDACTED]
 [REDACTED]

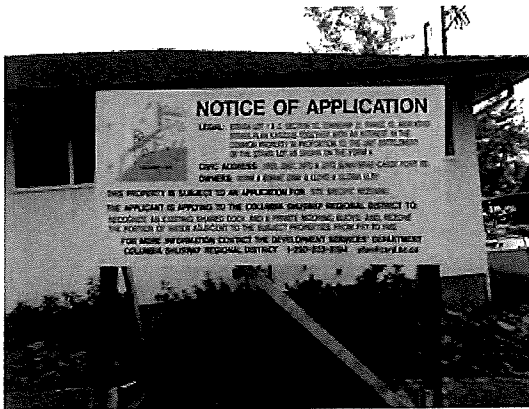
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Jennifer Sham

From: Marianne Mertens
Sent: June 20, 2018 8:14 AM
To: Jennifer Sham
Cc: Planning Public Email address
Subject: FW: Application for Site Specific Rezoning W6M, KDYD Strat Plan KAS2305 of 3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, from zone FR1 to FM2

BL900-22

From: [REDACTED]
Sent: Tuesday, June 19, 2018 7:41 PM
To: Planning Public Email address <Plan@csrd.bc.ca>
Subject: Re: Application for Site Specific Rezoning W6M, KDYD Strat Plan KAS2305 of 3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, from zone FR1 to FM2



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Re: Application for Site Specific Rezoning of Strata Lot 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD Strat Plan KAS2305 of 3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, from zone FR1 to FM2

To whom it may concern,

As nearby lakefront neighbours at [REDACTED] we write to express our concerns and objections to the above rezoning application. It is our understanding that this application is submitted to bring into compliance a situation which is currently not in compliance with current zoning bylaws for this region. We feel that to approve this rezoning application could result in future unwanted and unsuitable development to the fragile ecosystem of this area. We believe that a better, more suitable solution would be for the CSRD to "grandfather" the deviant use by the current owner, by granting a letter of understanding to the owners that they will be permitted to keep their current configuration even though not in alignment with the current zoning applied to their property. As long as the current configuration is maintained, and any future owners are given said letter by the present owners to allow their ongoing use of same configuration, this would be a reasonable solution. Rezoning the property to multi-family could result in unwanted and unsuitable development. We believe that the same rules for buoys should be applied to these four properties as apply to all other properties in this area, and that buoys should be for personal use only, not for commercial purposes.

Thank you for addressing our concerns and giving consideration to alternate, and what we believe are less contentious, more suitable solutions to retain the beauty and natural balance of this area.

Regards,

[REDACTED]

Jennifer Sham

From: Marianne Mertens
Sent: June 20, 2018 8:11 AM
To: Jennifer Sham
Cc: Planning Public Email address
Subject: FW: Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

-----Original Message:

From: [REDACTED]
Sent: Tuesday, June 19, 2018 5:40 PM
To: Planning Public Email address <Plan@csrd.bc.ca>
Subject: Lake Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

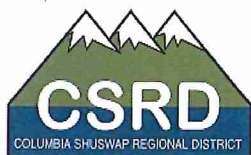
To whom it may concern,

My name is [REDACTED] and I live at [REDACTED]. Our lake access is in the same corner of the Lake as the property being considered in the mentioned by law. We have lived here for 6 years and have never had any concern or issue. We use the lake extensively and with small kids we tend to stay in our little bay area. The buoys and dock are not an issue.

Thanks,
 [REDACTED]

Sent from my iPhone

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COLUMBIA SHUSWAP REGIONAL DISTRICT

P.O. Box 978 SALMON ARM, BC V1E 4P1

Telephone: 1-250-832-8194 Fax: 1-250-832-3375

Staff Contact: Jennifer Sham
jsham@csrd.bc.ca

BYLAW NO.:900-22

RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Approval Recommended Subject to Conditions Below.

☐ No Objections

☒ Interests Unaffected by Bylaw.

☐ Approval not Recommended Due To Reasons Outlined Below.

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda: _____	Ownership: _____
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File # _____
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg.	
APR 05 2018		
<input type="checkbox"/> Ec Day	<input type="checkbox"/> Received	<input type="checkbox"/> Ack Sent: _____
<input type="checkbox"/> IT	<input type="checkbox"/> Staff to Report	<input type="checkbox"/> Fax
<input type="checkbox"/> Parks	<input type="checkbox"/> Staff to Respond	<input type="checkbox"/> Mail
<input type="checkbox"/> SEP	<input type="checkbox"/> Staff info Only	<input type="checkbox"/> Email
<input type="checkbox"/> HR	<input type="checkbox"/> Dir Mailbox	
<input type="checkbox"/> Other	<input type="checkbox"/> Dir Circulate	

Signed By: J. Sham

Title Manager, Financial Services

Date: April 4/18

Agency CSRD



COLUMBIA SHUSWAP REGIONAL DISTRICT

Columbia Shuswap Regional District Electoral Area 'C' Advisory Planning Commission Minutes

Date: 26-March-2018
Time: 7 pm
Location: Upper Level
Cedar Centre
2316 Lakeview Drive, Blind Bay

Members Present:

Steve Wills	Chair
Simon Brown	Vice-Chair
Cal Cosh	Secretary
Ted Vlooswyk	Member
Alan Cook	Member
Brian Morris	Member
Reg Walkers	Member
Millie Barron	Member

Director, Electoral Area 'C': Paul Demenok

Members Absent:

Glenn Johanson Member

Staff: None

Guests: Gloria Ullay, Lloyd Ullay, Nadine Gray, Tim Thompson, Jordie Wiens, Edith Rizzi

0360 50
 BL900-22 PL20170000149
 4051 00 26 CE20140000104 & CE 20150000086
 BL701-85 PL20160000064
 BL725-11 PL20170000240

4050 02 73 CE20150000245
 DVP701-79 PL20180000037
 DP725-139 PL20180000036
 DP725-137 PL20180000028

7 pm - Call to order
 Moved Walters / Barron

unanimous

Notes on the proceedings:

1. Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

Civic Address: 3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, Sunnybrae

Legal Description: Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V

Owner/Agent: Gloria Ulry

Short Summary: The owners would like to amend the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to recognize 8 private mooring buoys and a shared dock adjacent to the common property of Strata Plan KAS2305 located in Sunnybrae in Electoral Area C. The proposal is to rezone the water adjacent to Strata Plan KAS2305 from FR1 Foreshore Residential 1 to FM2 Foreshore Multi-Family 2 zone, and to add a special regulation to recognize the existing dock and 8 private mooring buoys within the zone.

Moved Morris / Walters

carried

Against : Barron

Notes on the proceedings

The agent for the application outlined the application and both the reasons for this change and the general workings of the sites. The proposed change will resolve issues related to the walkway for the dock as the regulations are different for a multi-family dock. The shallow nature of the Bay requires a long walk way. The proposed changes will include recognition of the existing dock and the 8 buoys associated with 2 strata lots. The agent outlined the number of residential units in place for each of the two strata lots.

The Commission discussed the steps the applicants had followed and clarified the ownership of the buoys as outlined on the maps and photos in the supporting materials. Each of the two strata lots has three cottages / houses and a single serviced RV site.

The Commission did note additional buoys in the area with uncertain links to properties in the area.

The Commission supported the rezoning application and thanked the applicants for their attendance and the details of their plans.

2. South Shuswap Zoning Amendment (Thompson) Bylaw No. 701-85 and Electoral Area C Official Community Plan Amendment (Thompson) Bylaw No. 725-11

Civic Address: 2009 Eagle Bay Road

Legal Description: Amended Lot 24 (C32100F), Section 20, Township 22, Range 10, West of the 6th

Meridian, Kamloops Division Yale District, Plan 6612

Owner/Agent: Tim and Tracy Thompson

Shuswap Zoning Amendment (Thompson) Bylaw No. 701-85 and Electoral Area C Official Community Plan Amendment (Thompson) Bylaw No. 725-11

Short Summary: The owner of the subject property at 2009 Eagle Bay Road has applied for an OCP/Rezoning Amendment to allow a Commercial use of the property. The owner would like to operate the existing single family dwelling on the lakeshore portion of the subject property as a weekly vacation rental and to utilize the area upland of Eagle Bay Road for a printing and retail sales shop, boat storage and for a Recreational vehicle and a Park Model.

The application outlined a number of questions and needs for additional information and data from other agencies and owners. The Commission felt the application need much additional data and considered the matters as a planning direction and felt the question at this meeting was a matter of principle and considered the vote as an indication of approval in principle.

Moved : Morris / Walters

Carried

Against:

Vlooswyk

Notes on the proceedings

Tim Thompson was in attendance and outlined the application and what brought this to the current situation. He indicated there is no commercial boat storage involved and that the 3 boats on the site are owned by himself and his brother. The desire to provide a serviced RV site needs to be clarified. The concept is for using the home as a vacation rental, seasonal accommodation for the owner in the upland park model and for the development of a double garage / shop on the upland portion of the property to house a printing shop and to utilize the existing Yurt as a gallery and for retail sales of the prints / pictures produced in the on site shop.

The Commission felt the application required additional information, copies of relevant agreements and an overall review of the total site.

In particular the Commission felt the relationship between the existing dock and the expanded docks at Finz – next door should be reviewed; the water and septic systems for the entire site – all of the buildings needs clarification and much bigger than just this application the issue of vacation rentals is a matter that seems to need additional clarification in the area zoning.

3. Development Permit 725-139 and Development Variance Permit 701-79

Civic Address: 3107 Trans Canada Highway

Legal Descriptions: Parcel A (Plan B6049) of the SE ¼, Section 8, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District (PID: 006-268-978)

Owner/Agent: 1133071 BC Ltd. c/o Mr. Jordie Wiens

Short Summary: The subject property is located in Blind Bay of Electoral Area C and is subject to the

0360 50
 BL900-22 PL20170000149
 4051 00 26 CE20140000104 & CE 20150000086
 BL701-85 PL20160000064
 BL725-11 PL20170000240

4050 02 73 CE20150000245
 DVP701-79 PL20180000037
 DP725-139 PL20180000036
 DP725-137 PL20180000028

Electoral Area C Official Community Plan Bylaw No. 725 and the regulations of South Shuswap Zoning Bylaw No. 701. The property is designated commercial and therefore requires a form and character Development Permit. The owner is applying to vary the front parcel line and exterior side parcel line setback for a new gas pump canopy structure.

That DP 725-139 – for the reduced set backs for the planned developments (the new canopy)

Moved Morris / Cook unanimous

That DVP 701-79 – for the form and character permit for the new canopy

Moved Cosh / Brown unanimous

Notes on the proceedings

Jordie Wiens was in attendance and outlined the development of the New Balmoral Store and Chevron Station. The existing building has been upgraded and is expected to be retained in use for some time – with a longer term plan to replace. In the short term the plans call for the introduction of a Chevron branded canopy over the new pumps and this canopy will extend into the set back area between the site and the Highway – MOTI has reviewed the plans and has indicated approval will follow.

The Commission extend congratulations to Jordie for the great progress to date and welcomed the new business in the area.

4. Development Permit 725-137

Civic Address: 4162 Galligan Road

Legal Description: Lot 1, Section 4, Township 23, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Plan 43738

Owner/Agent: Elizabeth Anne Robertson Shepherd / Nadine Mayer, Triton Docks Short Summary: The applicant is proposing to install a dock on the foreshore adjacent to the subject property. A Development Permit is required for all dock and buoy installations. The proposed dock exceeds the size requirements outlined in Lakes Zoning Bylaw No. 900 by more than 10%. As such the Development Permit must be approved by the Regional District Board in accordance with Development Services Procedures Bylaw No. 4001.

Moved Barron / Vlooswyk unanimous

Notes on the proceedings

No applicant in attendance.

This was explained as the recurring problem that exists with the Imperial measurement from the standard manufacture of docks and the metric specifications of the bylaw.

Adjournment.


COLUMBIA SHUSWAP REGIONAL DISTRICT

P.O. Box 978 SALMON ARM, BC V1E 4P1

Telephone: 1-250-832-8194 Fax: 1-250-832-3375

Staff Contact: Jennifer Sham
jsham@csrd.bc.ca

BYLAW No:

900-22

RESPONSE SUMMARY

☐ Approval Recommended for Reasons Outlined Below

☐ Interests Unaffected by Bylaw

☒ Approval Recommended Subject to Conditions Below

☐ Approval not Recommended Due To Reasons Outlined Below

☐ No Objections

Thank you for the opportunity to review the rezoning which will recognize an existing shared dock and existing 8 private mooring buoys associated with the 2 Lot Strata development.

Interior Health would recommend that the dock and moorage area location be reviewed to determine if a drinking water intake is within 30 meters of this proposal. The depth and location of the water intake can be of concern to a drinking water supply system since water quality may be affected the boating activity owing to the dock and moorage area.

<input type="checkbox"/> CAO	<input type="checkbox"/> Agenda:	Ownership:
<input type="checkbox"/> Works	<input type="checkbox"/> Reg Board	File #
<input type="checkbox"/> DS	<input type="checkbox"/> In Camera	
<input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Other Mtg.	
JAN 02 2017		
<input type="checkbox"/> Ec Day	<input type="checkbox"/> Received	Ack Sent:
<input type="checkbox"/> IT	<input type="checkbox"/> Staff to Report	<input type="checkbox"/> Fax
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<input type="checkbox"/> Other	<input type="checkbox"/> Dir Circulate	

Signed By: *J. Sham*

Title Environmental Health Officer

Date: December 28, 2017

Agency Interior Health


COLUMBIA SHUSWAP REGIONAL DISTRICT

P.O. Box 978 SALMON ARM, BC V1E 4P1
 Telephone: 1-250-832-8194 Fax: 1-250-832-1083

FILE NO.

PL20170000149 BL900-22

DATE RECEIVED:

Nov 22, 2017

OPERATIONS MANAGEMENT

Comments: Marianne Mertens

Terry Langlois
 Team Leader Utilities

No concerns

Derek Sutherland
 Team Leader
 Protective Service

No Concerns

Sean Coubrough
 Fire Services Coordinator

No concerns

Ben Van Nostrand
 Team Leader
 Environmental Health

No Concerns

Ryan Nitchie
 Team Leader
 Community Services

No Concerns

Darcy Mooney
 Manager
 Operations Management

no concerns

P.O. Box 978 SALMON ARM, BC V1E 4P1
Telephone: 1-250-832-8194 Fax: 1-250-832-3375
Staff Contact: Jennifer Sham
jsham@csrd.bc.ca

BYLAW NO.:900-22

☐ Approval Recommended for Reasons Outlined Below
☐ Interests Unaffected by Bylaw.
☒ Approval Recommended Subject to Conditions Below.
☐ Approval not Recommended Due To Reasons Outlined Below.
☐ No Objections

Once the Notice to the Minister of Transport has been received and assessed, an authorization with applicable terms and conditions will be issued.

Agency Transport Canada



December 18, 2017

Applicant File Number: **900-22**

Columbia Shuswap Regional District
PO Box 978
Salmon Arm, BC V1E 4P1

Attention: Jennifer Sham

Re: Rezoning existing shared dock at 3965, 3967, 3970, and 3972 Sunnybrae-Canoe Point Road, Sunnybrae

The Ecosystems Section of the Ministry of Forests, Lands, Natural Resource Operations & Rural Development (FLNRORD) has reviewed the above noted referral. We understand that the application is for rezoning an existing dock.

1. Any further works in and about a stream require an application under Section 11 of the Water Sustainability Act and docks must follow the general permission guidelines. The following links contain additional information:

<http://www.frontcounterbc.gov.bc.ca/guides/water/changes-in-about-stream/overview/>

<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/crown-land/crown-land-uses/residential-uses/private-moorage>

2. It is the proponent's responsibility to ensure his/her activities are in compliance with all relevant legislation, including the *Water Sustainability Act* and the *Wildlife Act*.

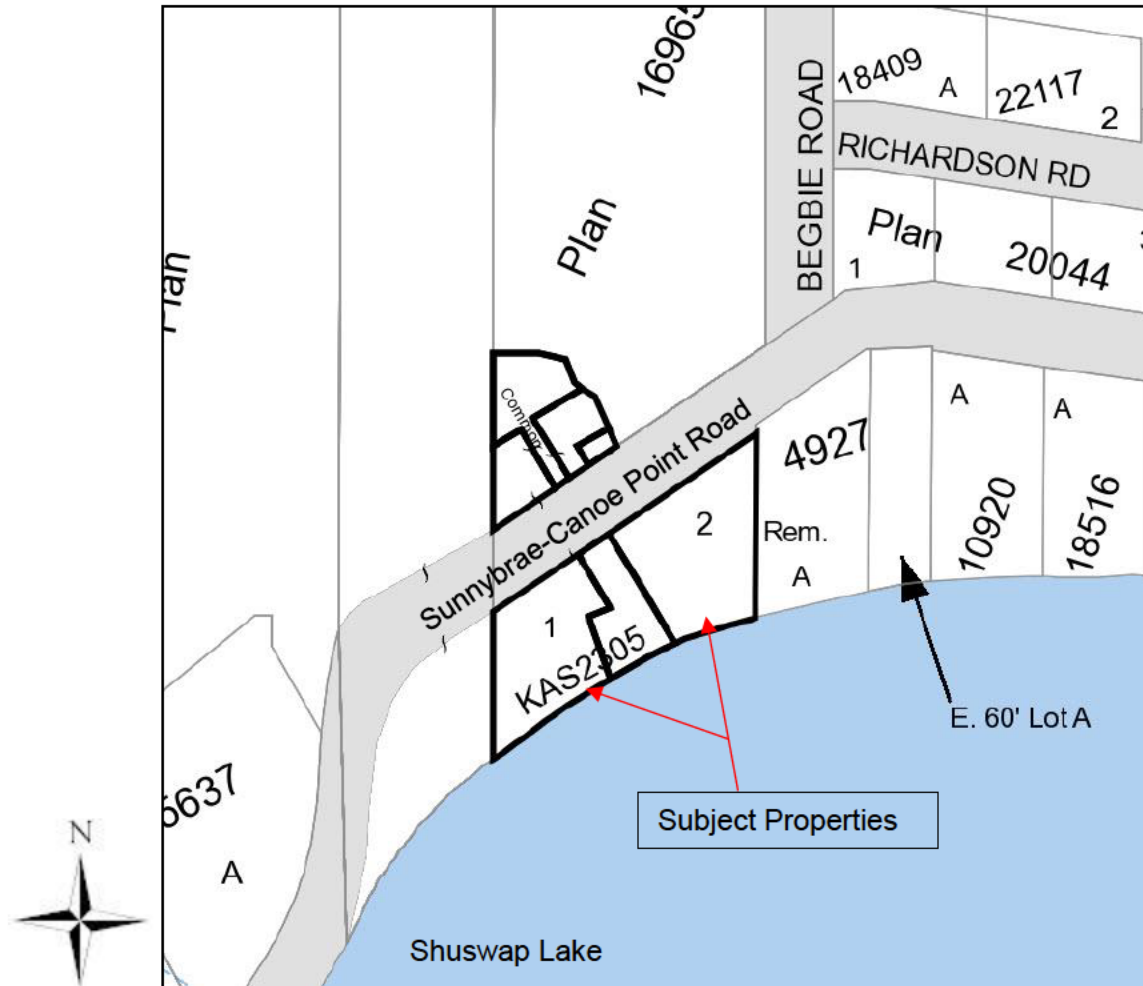
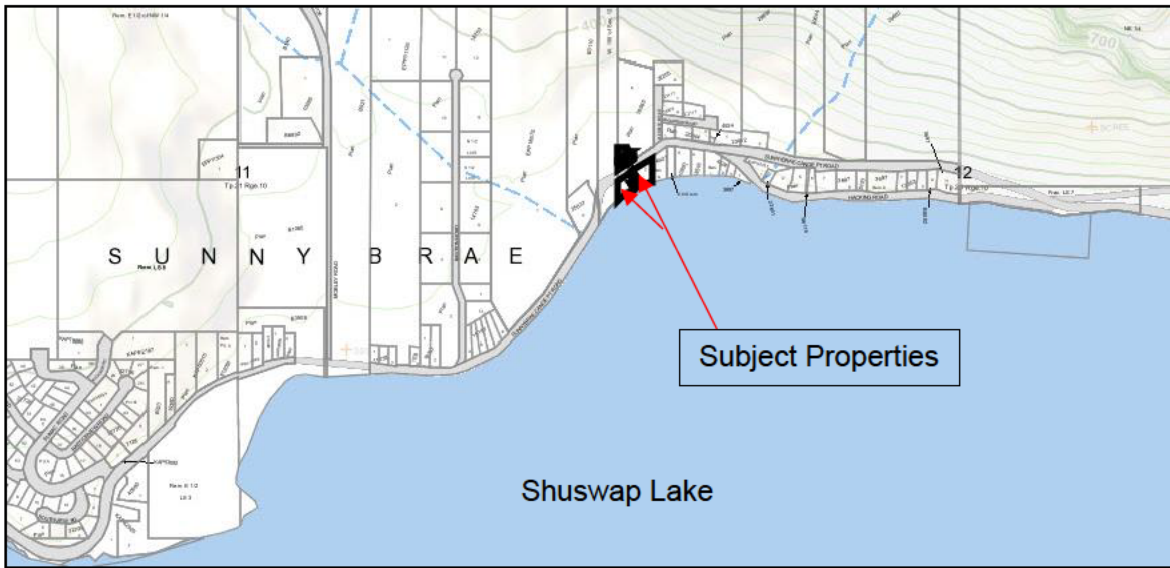
Please contact the undersigned if you cannot follow the recommendations provided in this referral response at *Robyn.Reudink@gov.bc.ca* or 250-371-6246 or if you have further questions or require additional information.

Sincerely,

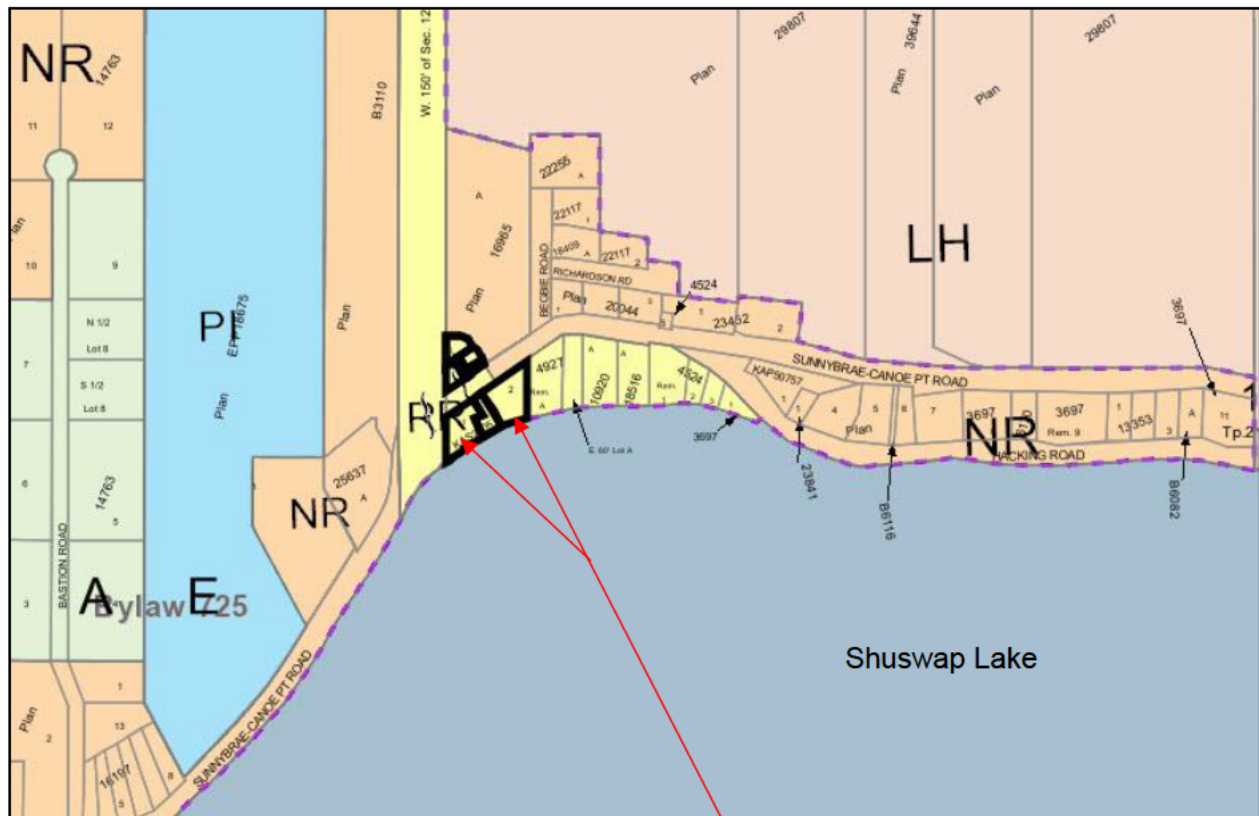
Robyn Reudink
Ecosystems Biologist
Thompson Okanagan Region

Kamloops, BC

Location

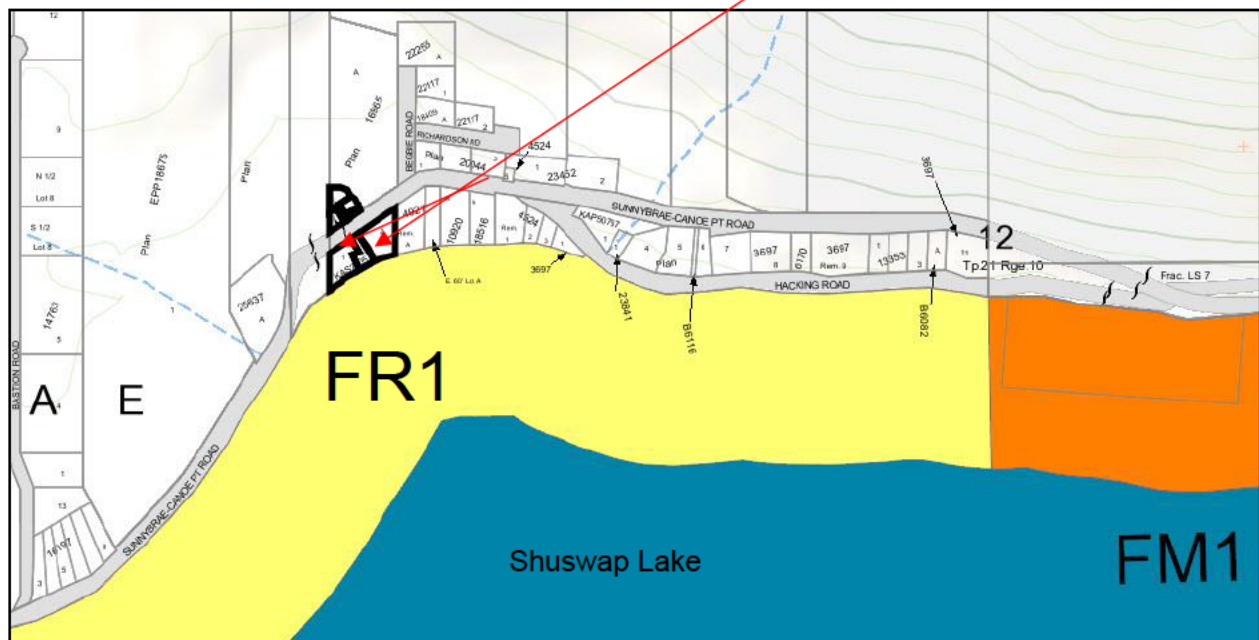


OCF

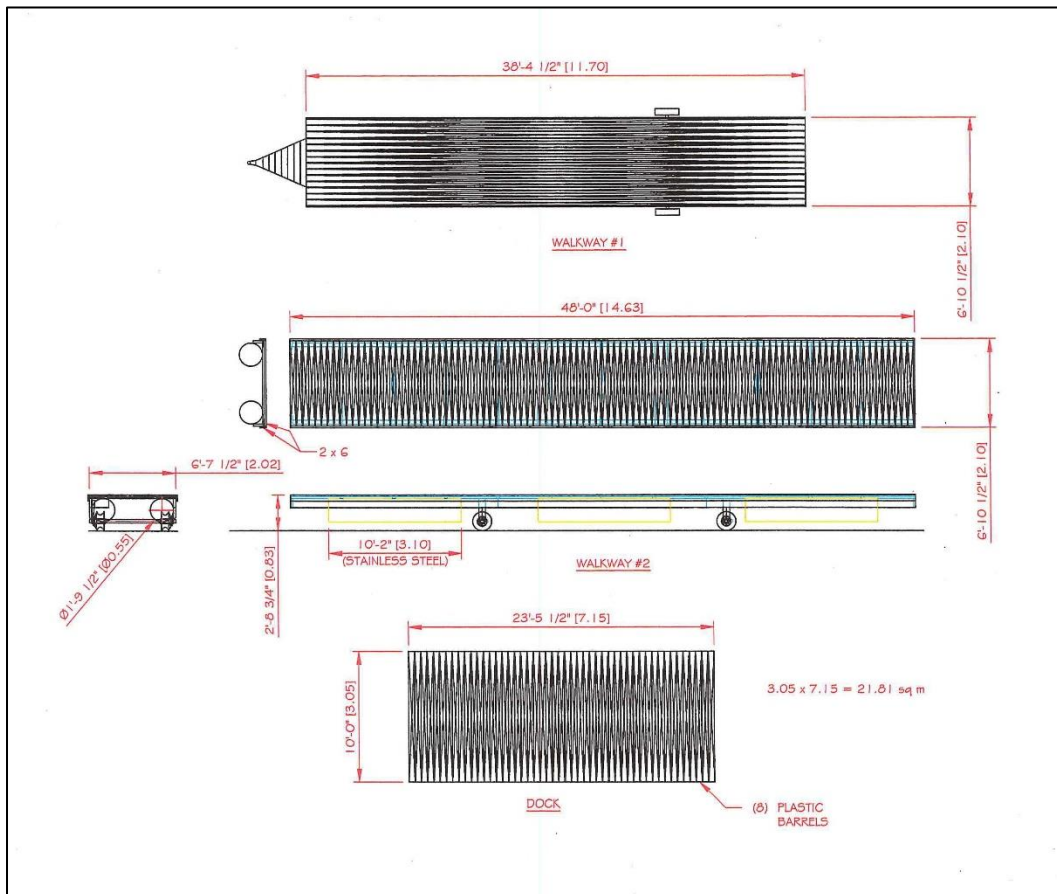
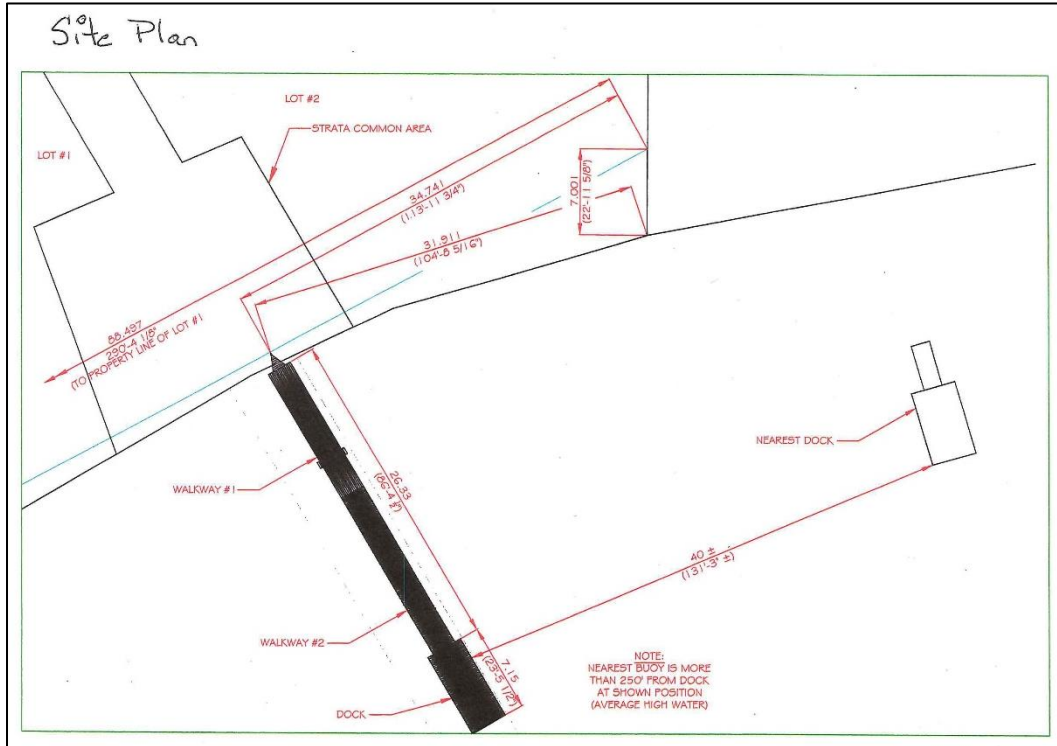


Subject Properties

Lakes Zoning



Site Plan

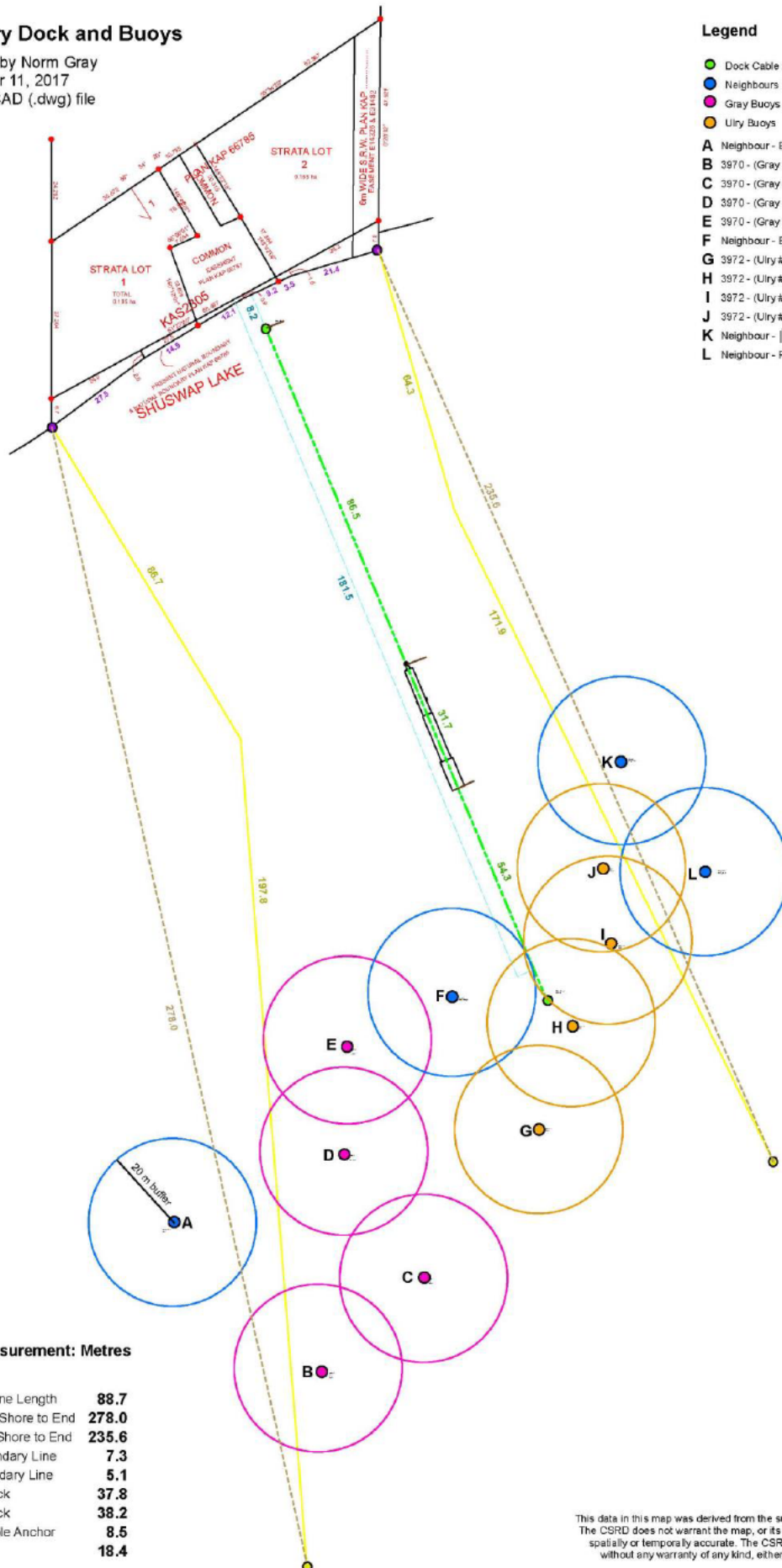


Gray / Ulry Dock and Buoys

as submitted by Norm Gray
on September 11, 2017
via email of CAD (.dwg) file

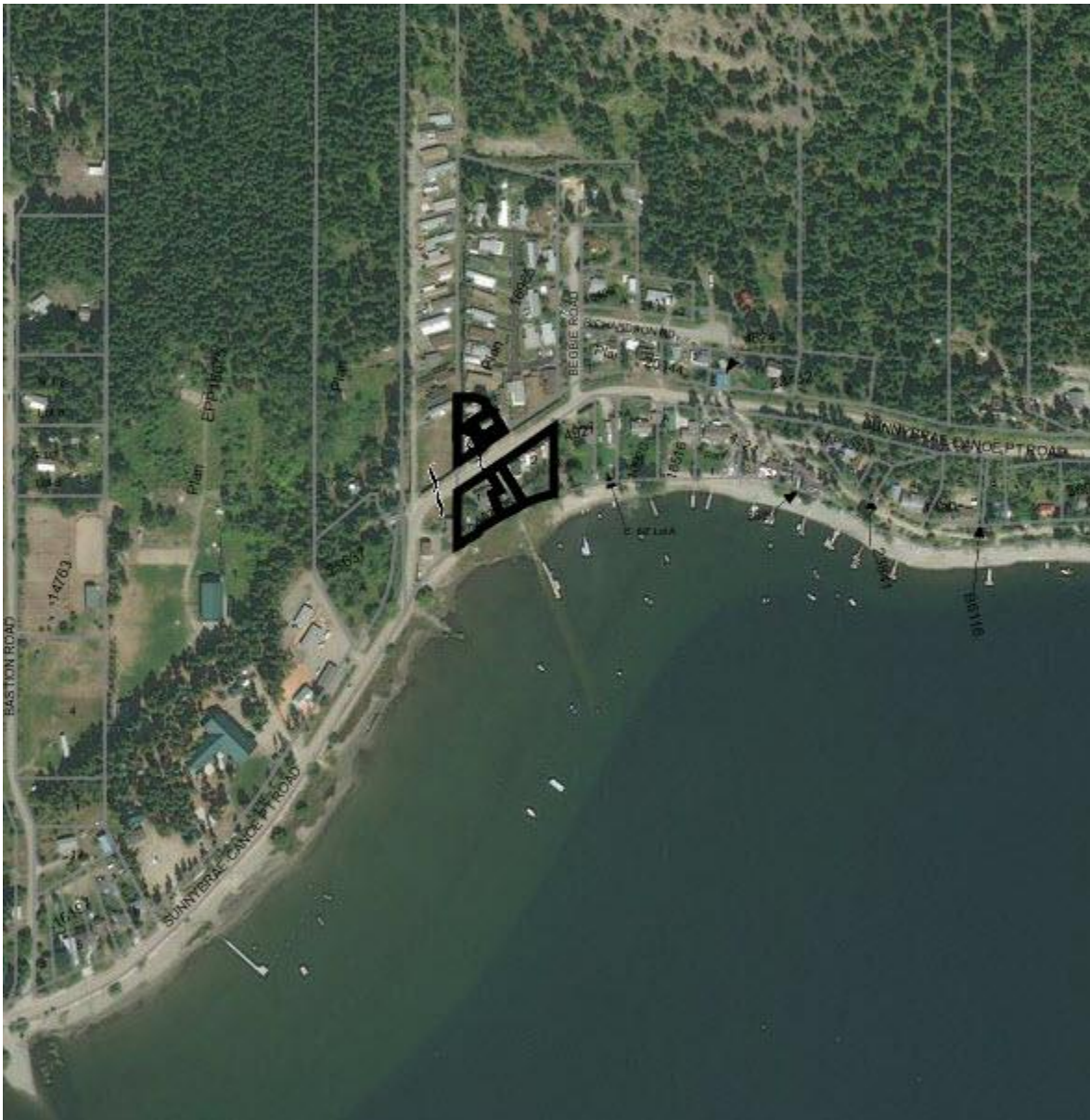
Legend

- Dock Cable Anchor
- Neighbours Buoys
- Gray Buoys
- Ulry Buoys
- A Neighbour - Blue
- B 3970 - (Gray #1)
- C 3970 - (Gray #2)
- D 3970 - (Gray #3)
- E 3970 - (Gray #4)
- F Neighbour - Bastion Village
- G 3972 - (Ulry #1)
- H 3972 - (Ulry #2)
- I 3972 - (Ulry #3)
- J 3972 - (Ulry #4)
- K Neighbour - [Redacted]
- L Neighbour - Party Boat

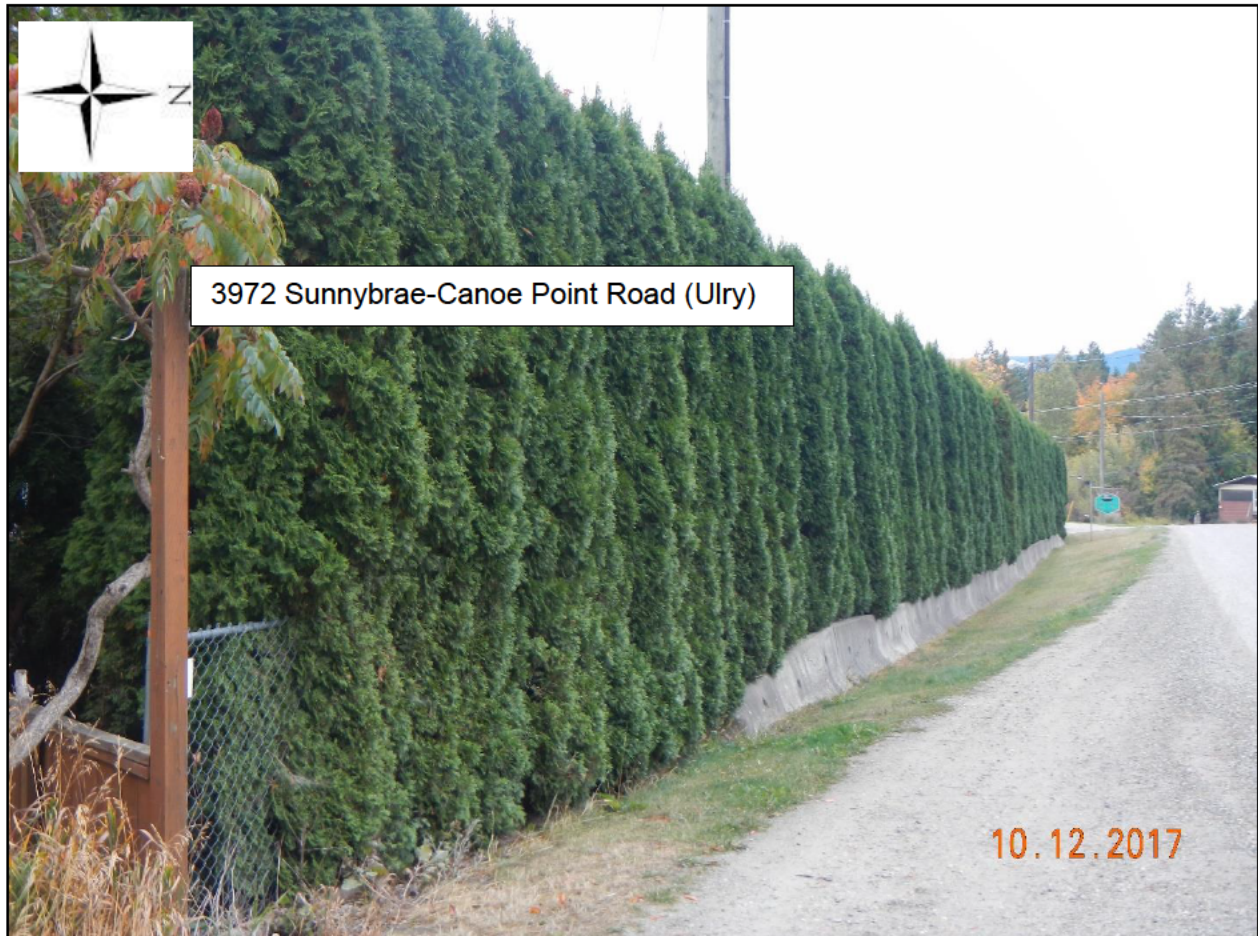
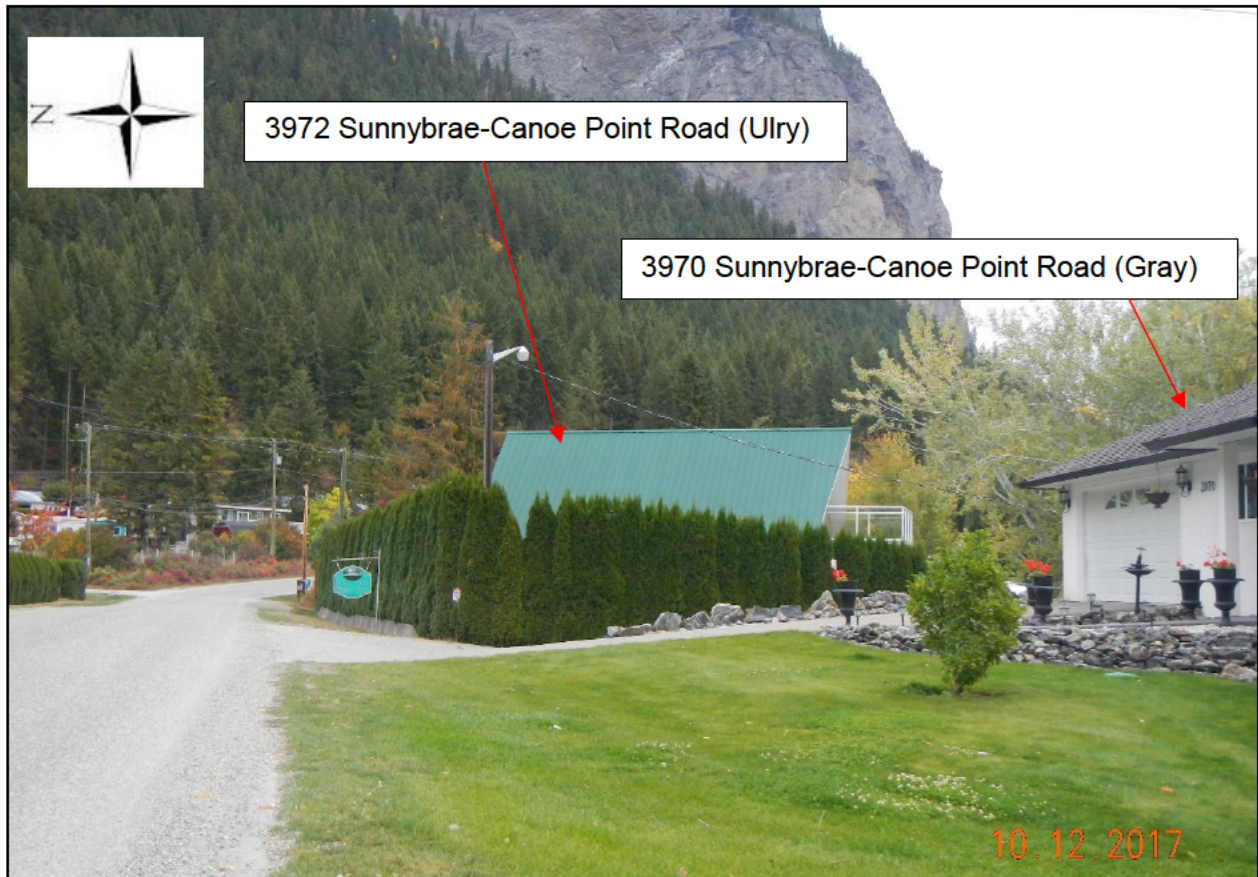


This data in this map was derived from the submitter's own data. The CSRD does not warrant the map, or its features, are either spatially or temporally accurate. The CSRD provides the map without any warranty of any kind, either express or implied.

Orthophoto



Photos





















Gray/Ulry

Docks and Buoys

As submitted by Norm Gray
Aug 1; Aug 27; Sept 6, 2018
 as surveyed points from shore

Ammended to include
 points M and N
 as submitted by

August 28, 2018
 as GPS points
 included in
 DP 725-156
 application

Legend

- Dock Cable Anchor
South GPS: 50.77104, -119.27152
- Neighbours Buoys
- Gray Buoys
- Ulry Buoys
- [REDACTED] Buoys

- A** Neighbour - Blue
GPS: 50.77046, -119.27268
- B** 3970 - (Gray #1)
GPS: 50.77017, -119.27219
- C** 3970 - (Gray #2)
GPS: 50.77033, -119.27183
- D** 3970 - (Gray #3)
GPS: 50.77060, -119.27205
- E** 3970 - (Gray #4) REMOVED
- F** Neighbour - Bastion Village
GPS: 50.77094, -119.27174
- G** 3972 - (Ulry #1)
GPS: 50.77106, -119.27120
- H** 3972 - (Ulry #2)
GPS: 50.77086, -119.27133
- I** 3972 - (Ulry #3)
GPS: 50.77088, -119.27218
- J** 3972 - (Ulry #4)
GPS: 50.77121, -119.27122
- K** Neighbour - [REDACTED] (is M)
GPS: 50.77153, -119.27143
- L** Neighbour - Party Boat
GPS: 50.77120, -119.27084
- [REDACTED] (DP 725-156 Application)
- M** Dock Anchor/Buoy
GPS: 50.77158, -119.27141
- N** Buoy
GPS: 50.77079, -119.27123

