

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.

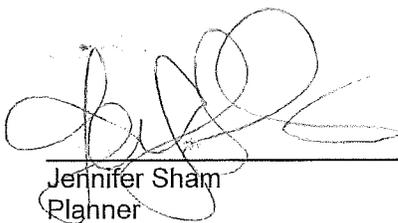
Ms. Ulry said that they were trying to register the buoys and want the licensing in place first.

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 [redacted] and that Staff attended the adjacent property at [redacted] 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 [redacted].

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.

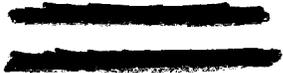
There are a number of omissions and inaccuracies in the Development Application Form, and accordingly in the Board Report. If time permits we will make a written submission in that regard but unfortunately due to other projects and the short time frame we have not been able to address that issue prior 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

A redacted signature consisting of two thick, black horizontal bars.



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.

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- 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.

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- 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.

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- 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.

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- 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



June 20, 2018

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

I am the owner of _____, and have several objections to the proposed amendment.

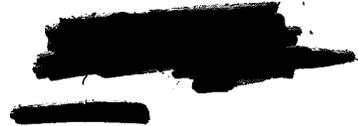
The zone outlined in Schedule 1 of proposed Bylaw 900-22 does appear to infringe upon the lakefront area defined by the extension of my property lines into the foreshore region. That could affect the future placement on my own buoys.

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 _____, 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.



2018-06-20 10:00:00 AM

BL900-22 Public Hearing Notes
Appendix 5



High
water
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