

COLUMBIA SHUSWAP REGIONAL DISTRICT

Notes of the Public Hearing held on Wednesday September 5, 2018 at 6:00 p.m. at the The North Shuswap Community Hall (Celista) at 5456 Squilax-Anglemont Road, Celista, BC regarding proposed Bylaw No. 900-9.

PRESENT: Chair Bob Missegghers – Electoral Area F Alternate Director
Dan Passmore – Senior Planner, Development Services
15 members of the public

Chair Missegghers called the Public Hearing to order at 6:01 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 (Meadow Creek Properties Park Association.) Bylaw No. 900-9.

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 its October 18, 2018 meeting. The Planner explained the notification requirements set out in the Local Government Act and noted the Public Hearing was placed in the Shuswap Market News on August 24 and 31, 2018.

The Planner provided background information regarding this application and reviewed the purpose of the bylaws.

The Chair opened the floor for comments.

██ asked the Planner to give a history of Bylaw No. 900.

The Planner described in general terms the situation that led to the Board directing staff to create the Bylaw, the public meetings and finally public hearings throughout the process and advised that it was finally adopted on August 16, 2012.

██ questioned the proliferation of buoys in the lake and asked how the Bylaw was enforced

The Planner advised that Bylaws are enforced on a complaint driven basis and that recently the Board had adopted changes to the Policy governing Bylaw Enforcement refining the basis for further action on a given complaint to establish priorities.

██ advised that he had complained about buoys, but was told by Bylaw Enforcement staff that they were not going to take action on his complaint due to inadequate resources.

The Planner asked for further details regarding this situation.

[REDACTED] advised that he didn't remember who had told him this, but that it was frustrating.

The Planner advised that he understands the concern. He went on to explain how staff first try to work out the issues with an offending party and that this process has resulted in a number of situations where the owner has made the appropriate applications to bring the offending situation into compliance, much like the current application. He advised that the current application came about because of Bylaw Enforcement, and has taken 5 years to get to the point of this Public Hearing. He noted that a number of amendments have been made to the Bylaw over the years to bring non-conforming situations into compliance. He also noted that he was not aware of a single circumstance where staff has asked the Board to approve taking bylaw enforcement on a buoy issue to the next level, being Court action.

[REDACTED] asked how many buoys and docks MCPPA are entitled to under the Bylaw.

The Planner advised that the FM1 zone only permits 1 floating dock and one private mooring buoy.

[REDACTED] asked if the current proposed bylaw amendment would not set a precedent that would encourage the proliferation of buoys.

The Planner advised that the buoys are present in the water and the current bylaw's purpose was to regularize the buoys already present. He advised that during the process of consideration of the adoption of Bylaw No. 900, no one from MCPPA questioned either the number of docks or buoys that would be permitted after adoption, and as a result the Bylaw was adopted without considering the number in place.

[REDACTED] questioned what the regulations were regarding buoys and docks placed in areas in front of public access points to the lake.

The Planner advised that public accesses to the lake are technically owned by and are under the jurisdiction of the Province under the Ministry of Transportation. Since the Province is the owner, they would be the only owner permitted to install either a dock or a buoy. Sometimes the Ministry grants a License of Occupation to Local Government (the CSRD), who then would be able, if they chose, to install a dock or buoys. However, all such public accesses have been zoned FP Foreshore Park zone, and as such a dock or a buoy are not a permitted use. The CSRD would need to rezone in order to permit such a use.

[REDACTED] advised that she lives beside a public access and has noted that buoys and docks have been placed in that area and that nothing seems to be done about it.

The Chair advised that it would be helpful if when a complaint is made that the complainee take a picture of the offending buoy.

The Planner advised that the real problem in taking action against most buoys in the lake was that the buoys were not in compliance with current Navigation Canada

given buoy has no ownership information, the CSRD would have difficulty finding the owner to enforce the bylaw.

The Chair advised that the best way to resolve issues with buoys and docks was to bring them into compliance.

[REDACTED] noted that boats have registration numbers on them and that ownership information could be obtained from the registration numbers of boats moored to buoys.

The Planner noted that the ownership of a boat tied to a buoy does not constitute proof of ownership of a buoy.

[REDACTED] requested the Planner explain the notion of "grandfather status" as it applies to buoys.

The Planner explained that a buoy would enjoy grandfather status if it was placed prior to the adoption of bylaws regulating such things. In the case of buoys, when Electoral Area F Official Community Plan Bylaw No. 830 was adopted in June 2009, it included a requirement for a Development Permit to be issued prior to placing a buoy. So if a buoy were placed after that date without a DP, it would not necessarily enjoy grandfather status. In the case of Bylaw 900 the adoption date was August 2012, which if the buoy was placed after would simply be illegal. He advised that in establishing the date a buoy was placed, the CSRD would need documentation from the owner proving that the buoy was placed prior to these dates to enjoy grandfather status.

[REDACTED] asked how many buoys the proposed bylaw would allow.

The Planner advised that 61 buoys are proposed in the bylaw.

[REDACTED] asked how many of those 61 buoys were considered grandfathered.

The Planner advised that 2 applications for Development Permits for buoys had been received by the CSRD after initiation of the bylaw enforcement action. This would tend to indicate that at least 2 were placed after 2009, and that the rest may be able to be considered grandfathered, but that the CSRD had not established through receiving the appropriate documentation from the owners whether this was the case. So at most those figures were probable, but not confirmed, pending the outcome of the amending bylaw.

[REDACTED] asked what measures the MCPPA was required to undertake to manage the buoys and ensure they complied.

[REDACTED] stated that the MCPPA had been working in good faith with the Government to resolve the outstanding compliance issues. He noted that the property owned by MCPPA consists of more than 1,600 ft of lake frontage, and that given that amount of room, the total of 61 buoys was not large. He finished by advising that the MCPPA would be policing the situation and would not permit any additional buoys or docks.

The Planner acknowledged that the MCPPA had been working diligently with both the Province and the CSRD to resolve outstanding issues with the lakeshore and that the current proposed bylaw was the result.

[REDACTED] questioned why the public complaint driven system should be used for public access points and buoys placed in this area.

The Planner advised that while the CSRD bylaw enforcement staff do patrol the Lake, they are focused on issues where complaints have been made.

[REDACTED] advised that the MCPPA has been actively working to ensure their property is in compliance.

[REDACTED] noted that he is aware of 2 docks placed in the public access allowances and advised that these docks were not on MCPPA property. He noted that MCPPA owned the area between Camel and Belvedere Road only, and not those public access points, and therefore the MCPPA should not need to deal with compliance in those areas.

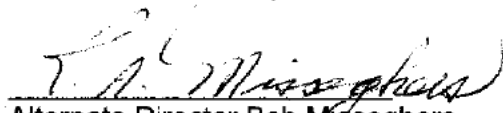
[REDACTED] advised that the process to this point has brought attention to illegal situations through MCPPA seeking compliance. He advised that the MCPPA has a map showing buoy ownership, and that this would be used to manage mooring off their property.


[REDACTED] advised that when he purchased his property in Meadow Creek that he thought he had also purchased a buoy. He questioned whether the individual property owners own the various buoys.

The Planner advised that at their last Annual General Meeting, the Association had dealt with the issue of Buoy ownership and had issued a letter to the CSRD that the Association were the de facto owner of the buoys, and would assign use as the Association sees fit.

Hearing no further representations or questions about proposed Bylaw No. 900-9 the Chair called three times for further submissions before declaring the public hearing closed at 6:50 p.m.

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


Alternate Director Bob Missegheers
Public Hearing Chair


Dan Passmore
Senior Planner