



BOARD REPORT

TO: Chair and Directors

File No: BL 900-9 PL20140127

SUBJECT: Electoral Area F: Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated July 20, 2018
5140 Squilax-Anglemont Road, Magna Bay.

RECOMMENDATION #1: THAT: "Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9", be given second reading, as amended this 16th day of August, 2018.

RECOMMENDATION #2: THAT: a public hearing to hear representations on Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9 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 Larry Morgan, as Director for Electoral Area 'F' being that in which the land concerned is located, or Alternate Director Bob Misseggers, if Director Morgan is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

SHORT SUMMARY:

This is a proposed amendment to Lakes Zoning Bylaw No. 900 to reflect a unique upland ownership circumstance. The owners of the upland property Lot 1, Section 8, Township 22, Range 10, W6M, K.D.Y.D., Plan 26006 are a community association. This association of upland property owners would like to amend the Multi Family 1 (FM1) zone to include a site-specific regulation for only that portion of the lake adjacent to their property.

After considerable consultation between the Association and the Ministry of Forests Lands, Natural Resource Operations, and Rural Development (MFLNRORD), the Association has amended their application to reduce the overall number of docks from 12 to 3. Therefore, this amended regulation would allow a total of 3 docks, together with the 61 mooring buoys, 1 swim platform and the boat launch facilities that currently exist on the Shuswap Lake foreshore and were part of the original application.

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 attached "2015-01-15_Board_DS_BL900-9_MMCPA.pdf", and "2017-11-16_Board_DS_BL900-9_MCPPA.pdf".

POLICY:

See attached "2015-01-15_Board_DS_BL900-9_MMCPA.pdf", and "2017-11-16_Board_DS_BL900-9_MCPPA.pdf".

FINANCIAL:

The rezoning is the result of a bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, and the owner does not bring the property into compliance, the Board may then wish 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 attached "2015-01-15_Board_DS_BL900-9_MMCPA.pdf", and "2017-11-16_Board_DS_BL900-9_MCPPA.pdf".

Update

See attached "2017-11-16_Board_DS_BL900-9_MCPPA.pdf".

At the Regular Board Meeting, dated November 16, 2017, staff presented the attached report outlining concerns with respect to the ownership of the buoys. The report recommended that as staff were unable to resolve this situation with the Meadow Creek Properties Park Association (MCPPA), that the Board consider giving the rezoning amendment bylaw no further readings. After hearing a representative of the MCPPA, the Board resolved to defer a decision on this matter until new information has been provided by the Association to staff.

The MCPPA held an Annual General Meeting recently, and the matter of buoy ownership and the CSRD's requirement for the Association to own the buoys was put to the assembled membership. While the discussion on this matter is not known, the result of the meeting is reflected in the attached letter from the MCPPA Directors, which states that the MCPPA is the owner of the 61 buoys. This information satisfies staff's concerns.

SUMMARY:

The MCPPA has satisfied staff concerns with respect to the private mooring buoys. As a result it is now appropriate for the Board to consider Bylaw No. 900-9 for second reading, as amended, and delegate a Public Hearing.

IMPLEMENTATION:

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommended the simple consultation process. Neighbouring property owners first became aware of the application for zoning amendments when the notice of development sign was posted on the property.

COMMUNICATIONS:

If the Board supports second reading, as amended, of Bylaw No. 900-9 and delegates a Public Hearing staff will proceed with notification of adjacent property owners and advertising the Public Hearing as set out in the Local Government Act.

Referral agencies have provided their comments and they have been attached "Agency_referral_responses_BL900-9.pdf".

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. Lakes Zoning Bylaw No. 900, as amended

Report Approval Details

Document Title:	2018-08-16_Board_DS_BL900-9_MCPPA.docx
Attachments:	<ul style="list-style-type: none">- BL900-9_Bylaw_Second_amended.pdf- 2015-01-15_Board_DS_BL900-9_MMCPA.pdf- 2017-11-17_Board_DS_BL900-9_MMCPA.pdf- Agency_referral_responses_BL900-9.pdf- MCPPA_E-mail_2018-07-17.pdf- Letter to CSRD July 2018.pdf- Maps_Plans_BL900-9.pdf
Final Approval Date:	Jul 30, 2018

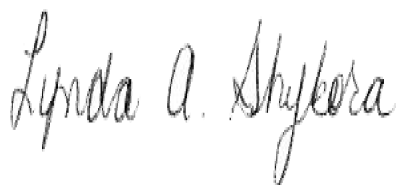
This report and all of its attachments were approved and signed as outlined below:

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

Corey Paiement - Jul 24, 2018 - 9:06 AM



Gerald Christie - Jul 30, 2018 - 10:18 AM



Lynda Shykora - Jul 30, 2018 - 2:18 PM



Charles Hamilton - Jul 30, 2018 - 3:59 PM



BOARD REPORT

TO: Chair and Directors

File No: BL 900-9

FROM: Dan Passmore
Senior Planner

Date: December 17, 2014

SUBJECT: Lakes Zoning Amendment (Meadow Creek Properties Park Association)
Bylaw No. 900-9

RECOMMENDATION #1: THAT:
"Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9" be read a first time this 15th day of January, 2015;

AND THAT:

the Board utilize the simple consultation process for Bylaw No. 900-9 and in accordance with Section 879 of the Local Government Act it be referred to the following agencies and First Nations:

- Area 'F' Advisory Planning Commission;
- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Environment;
- Department of Fisheries and Oceans;
- Ministry of Forests, Lands and Natural Resource Operations – Lands Branch;
- Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch;
- CSRD Operations Management; and
- All relevant First Nations Bands and Councils

APPROVED for Board Consideration:

Meeting Date: January 15th, 2015


Charles Hamilton, CAO

SHORT SUMMARY:

This is a proposed amendment to Lakes Zoning Bylaw No. 900 to reflect a unique upland ownership circumstance. The owners of the upland property Lot 1, Section 8, Township 22, Range 10, W6M, K.D.Y.D., Plan 26006 are a community association that had, as of their last Annual General Meeting, 63 active members, 3 associate members and 1 lifetime member. This association of upland property owners would like to amend the Multi Family 1 (FM1) zone to include a site-specific regulation for only that portion of the lake adjacent to their property. This regulation would allow a total of 61 mooring buoys, 12 docks, 1 swim platform and boat launch facilities that currently exist on the Shuswap Lake foreshore.

VOTING:	Unweighted Corporate	<input type="checkbox"/>	Weighted Corporate	<input type="checkbox"/>	Stakeholder	<input type="checkbox"/>
	LGA Part 26	<input checked="" type="checkbox"/>			(Weighted)	
	(Unweighted)					

BACKGROUND:

APPLICANT: Meadow Creek Properties Park Association

ELECTORAL AREA: 'F' (Celista)

CIVIC ADDRESS: 5140 Squilax-Anglemont Road

LEGAL DESCRIPTION: That part of Shuswap Lake adjacent to Lot 1, Section 8, Tp. 22, Rge 10, W6M, KDYD, Plan 26006

SIZE OF PROPERTY: 1.115 ha. (2.62 ac)

**SURROUNDING LAND
USE PATTERN:**

NORTH	Residential
SOUTH	Shuswap Lake
EAST	Residential
WEST	Residential

CURRENT USE: Upland – Boat Launches, volleyball courts, parking lot, picnic areas
Foreshore – 60 mooring buoys, 12 docks and 2 boat launches

PROPOSED USE: Upland – Boat Launches, volleyball courts, parking lot, picnic areas
Foreshore – 61 mooring buoys, 12 docks, 1 swimming platform and boat launch facilities

OCP DESIGNATION: SSA – Secondary Settlement Area

ZONING: FM1 – Multi-Family – 1

POLICY:**Electoral Area 'F' Official Community Plan Bylaw No. 830****3.2 Shoreline Environment***Objective 1*

To maintain the unique physical and biological characteristics of the shoreline environment.

Objective 2

To ensure that shoreline habitats are protected from undesirable development and unnecessary shoreline manipulation.

Objective 3

To manage the foreshore to ensure appropriate use and prevent overdevelopment.

Objective 4

To direct development to areas of least ecological sensitivity, particularly in relation to fish habitat.

Policy 1

Non-moorage uses are not acceptable on the foreshore, which include facilities such as beach houses, storage sheds, patios, sun decks, and hot tubs. Additionally, no commercial uses, long-term camping (as defined in the zoning bylaw), beach creation, sand importation, groyne construction, infilling, private boat launches, substrate disturbance (shore spawning) are acceptable on the foreshore. Houseboat activities on the foreshore will be directed to areas of least environmental and social impact (i.e. low fish habitat values, away from settlement areas).

Policy 2

Shoreline stabilization works and measures are subject to the following:

1. All shoreline stabilization works must adhere to the Ministry of Environment's "Best Management Practices for Lakeshore Stabilization".
2. Recognizing that a natural shoreline is often the best and least expensive protection against erosion, shoreline stabilization activities shall be limited to those necessary to prevent damage to existing structures or established uses on waterfront property. New development should be located and designed to avoid the need for shoreline stabilization.
3. Shoreline stabilization structures for extending lawn or gardens or providing space for additions to existing structures or new outbuildings are prohibited.
4. Stabilization works should be undertaken only when there is a justifiable level of risk to existing buildings, roads, services, or property, as deemed necessary by a qualified environmental professional (QEP). In such cases, the 'softest' stabilization measures should be applied.
5. Stabilization works and measures must be located within the property line of the waterfront parcel, above the natural boundary of the watercourse. Soft shoreline measures that provide restoration of previously damaged ecological functions may be permitted waterward of the natural boundary.

Policy 3

Private moorage is subject to the following:

1. Private moorage will not impede pedestrian access along the beach portion of the foreshore.
2. The siting of new private moorage shall be undertaken in a manner that is consistent with the orientation of neighbouring private moorage, is sensitive to views and other impacts on neighbours, and avoids impacts on access to existing private moorage and adjacent properties.
3. The zoning bylaw will set out other detailed provisions related to siting, setbacks, size, configuration, width, materials, and projections for private moorage.
4. The Integrated Land Management Bureau, in carrying out reviews of foreshore tenure applications will take the foregoing factors into consideration, with emphasis on the

environmental sensitivity of the foreshore areas, as well as ensuring an appropriate relationship with upland areas.

5. Private moorage owners and builders will refer to the Ministry of Environment's Best Management Practices for Small Boat Moorage on Lakes and the Ministry's BMPs for Boat Launch Construction and Maintenance on Lakes. As well, owners and builders will refer to minor works policies published by Transport Canada, Navigable Waters Protection Division prior to construction of any foreshore moorage (works).

Policy 4

The Regional District will:

1. Assess and protect sensitive fish habitat when implementing the boat launching facilities provisions of the Electoral Area F Parks Plan.
2. Work with the Integrated Land Management Bureau to investigate ways to best achieve the goals set out in this section, including investigation of the potential for the CSRD to secure a head lease for the foreshore.
3. 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.
4. Advise and expect property owners to replace older, on-site sewage systems with newer technology to prevent potential contamination of the shoreline.
5. Advise and require 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.

11.1 General Land Use

The Primary and Secondary Settlement Areas are delineated on Schedules B & C. This Plan directs growth and development to these areas. The Plan does not support significant growth and development outside the Primary and Secondary Settlement Areas.

11.2 Foreshore and Water Use

The property is associated with moderate fish habitat values, and therefore the following policies apply;

Policy 2 - The Foreshore and Water designation permits recreational watercraft use, commercial marinas and associated Water uses. These uses are subject to the policies of this Plan, including the Foreshore & Aquatic Development Permit Area, regulations of the zoning bylaw, and the regulations of tenuring government authorities.

Policy 3 - Commercial marinas must provide boat-launching facilities for their customers.

Policy 4 - In consideration of the high value fisheries habitat and the environmental sensitivity of the foreshore, structures such as wharves or buildings that require pilings will be very limited and subject to regulations by the relevant federal and provincial agencies.

Policy 5 - The Regional District may limit the number, size and shape of boat slips in the zoning bylaw. Mooring buoys will also be regulated within the zoning bylaw.

Policy 6 - The Regional District will work with ILMB to designate Shuswap Lake and Adams Lake as an application-only area under that agency's Private Moorage Crown Land Use Operation Policy.

11.7 Secondary Settlement Area

The subject property is designated as a Secondary Settlement Area (SSA), but no underlying designations were made to apply to this area in the OCP. Policies for the SSA designation are specific to the underlying designations. It is noted that the following designation and associated policy is available within an SSA;

11.12 Parks and Recreation (PK)

Policy 1

The Parks and Recreation designation includes federal, provincial, and regional parks, and associated park uses, as well as public and private recreation facilities.

Lakes Zoning Bylaw No. 900

The portion of the lake immediately adjacent to the subject property is currently zoned FM1 – Foreshore Multi-Family 1. The FM1 zone currently only allows a single floating dock and private mooring buoy per adjacent waterfront unit, and does not permit a group moorage facility. The adjacent upland property is currently owned by the Meadow Creek Properties Park Association and therefore does not have an adjacent waterfront unit on the property. Rather it is a vacant property reserved for the use of 176 upland title owners for park and recreation purposes.

Staff are proposing to amend the FM1 zone to include both site specific uses and density for the lake adjacent to the subject property to allow the existing facilities which have been constructed, and to allow for the potential of a larger group moorage facility in future to cater to the Associations members.

FINANCIAL:

The rezoning is the result of a bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, and the owner does not bring the property into compliance, the Board may then wish 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:

Sewage Disposal

The property is not serviced by any sewage disposal system. This is a requirement for development of property within a Secondary Settlement Area.

Water Supply

The property currently has a pumphouse situated on it which supplies the Meadow Creek community water system. This property does not have a water supply. Secondary Settlement Area policies require connection to a community water system for a property to be developed.

Access

Primary access to this property and the boat launches is from Squilax-Anglemont Road. There are currently 2 driveways for the boat launches as well as an access for the community water system pump house on the east side of the property. There is a gravel parking lot available.

Section 219 Covenant KM40855

This covenant was registered in 1998. The covenant is against the title of the subject property in favour of 176 upland property owners. The covenant restricts the use of the subject property to park and recreational use and does not permit subdivision of the property.

Section 219 Covenant K50406

This covenant was registered in 1975. The covenant is granted to the Crown. The covenant is to limit the subject property's use to a park, either private or public, and that the use of the park will be interpreted as if the lands were zoned as a park area by the appropriate governmental agencies.

Statutory Building Scheme K24715

This statutory building scheme (SBS) was registered in 1975. The SBS includes a schedule of restrictions that impact on development of the individual lots within the development, but does not contain any restrictions specific to the subject property.

Statutory Building Scheme L17117

This SBS was registered in 1976, as a modification to the original SBS K24715, noted above. The SBS modifies a front line setback requirement for those properties fronting Squilax-Anglemont Road to 15'.

Riparian Area Regulations

The applicant is not proposing any additional work on the upland property, and therefore no development would be happening within 30.0 m upland of the highwater mark and so a RAR DP is not required.

Meadow Creek Properties Park Association (MCPPA)

MCPPA is a non-profit society that has been constituted to hold title to the upland property and to manage and maintain the property. Membership in the MCPPA is restricted to owners of the 176 upland titles, and then only if they become members through payment of membership dues. Becoming a member of the MCPPA provides free access to the facilities and amenities of the subject property, including the beach.

In the absence of any CSRD regulation over the upland property and the lake surface, the MCPPA did not regulate or actively manage either the placement of buoys or the placement of private docks in the water. As the upland property owner, it would have been the MCPPA's responsibility to ensure that any works done in the lake received the appropriate permissions from the authority having jurisdiction. In the case of groynes constructed along the shoreline, permission under Section 9 of the Water Act would be required from the MFLNRO. In the case of docks, a license from MFLNRO, for a dock, together with permission under Section 9 of the Water Act from MFLNRO would have been required.

After the adoption of amendments to Electoral Area 'F' Official Community Plan Bylaw No. 830, requiring a DP for water use and the adoption of Lakes Zoning Bylaw No. 900, a process of application through CSRD for a DP was also required. 2 of the members who have constructed docks in the foreshore have applied for DP 830-69 and DP 830-70.

Should the proposed rezoning amendment be approved by the CSRD Board, permissions for the docks will be required from MFLNRO. The owner has made application for a Development Permit for both the docks and the buoys. This DP cannot be issued until this rezoning has been adopted. Additionally, staff intends to send a referral to MFLNRO to ascertain if the Province would permit the existing docks.

Docks and Buoys

11 of the existing docks were placed in the lake by certain of the members of the MCPPA. It is uncertain to CSRD staff whether these members obtained permission from the MCPPA to do so. It is certain that these members did not obtain licenses from the Province to place these docks. It is also certain that the MCPPA in the name of these members as the upland property owner did not obtain permission from the Province to place the docks. CSRD staff note that, as of the date of writing this report, only the upland property owner immediately adjacent to the lake has the right to apply to the Province for permission to have a dock. It is uncertain how the Province will regard the ownership of these docks when reviewing any license applications.

The twelfth dock was placed by the association near to the boat launch facilities. Similarly to the 11 others, no authority to place the dock was obtained from the Province.

It is also uncertain how the MCPPA will manage these 11 existing privately owned docks in future, where membership in the Association grants all members access to MCPPA facilities. CSRD staff are under the impression that each of the docks was installed by a specific member of the association at their cost, and therefore it would seem that the docks are an exception to the rights of membership to use all facilities. To this date the MCPPA appears to have taken a hands-off approach to placement and management of both the docks and the buoys. Although, the MCPPA as part of their application has pledged to initiate some sort of a sharing scheme, but only for certain of the existing buoys.

By taking a hands-off approach the MCPPA has allowed private ownership of certain facilities and amenities under its responsibility as upland owner. This may have compromised the MCPPA's ability to manage these facilities and seek approvals moving forward. It may also compromise their existing constitution. As such, it is difficult for CSRD staff to accept that the MCPPA will be able to assert its duty to manage these facilities in an effective fashion in the future as the upland owner.

IMPLEMENTATION:

Consultation Process

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application for zoning amendments when a notice of development sign is posted on the subject property.

Referral Process

The following list of referral agencies is recommended:

- Area 'F' Advisory Planning Commission;
- Interior Health Authority;
- Ministry of Transportation and Infrastructure;
- Ministry of Environment;
- Department of Fisheries and Oceans;

- Ministry of Forests, Lands and Natural Resource Operations – Lands Branch;
- Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch;
- CSRD Operations Management; and
- All relevant First Nations Bands and Councils.

SUMMARY:

The applicant has applied to amend Bylaw No. 900 to allow some site specific uses within the lake that are already existing. Staff are recommending that the Board give the proposed amending bylaw first reading and forward the bylaw to referral agencies.

LIST NAME OF REPORTS / DOCUMENTS:

1. Maps: Location, Orthophotos, OCP	Attached to Agenda Summary: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
2. Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-09	Attached to Agenda Summary: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
3. Application	Attached to Agenda Summary: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

DESIRED OUTCOME:

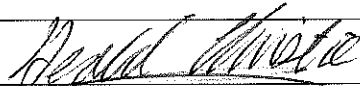
That the Board endorse staff recommendations.

BOARD'S OPTIONS:

1. *Endorse recommendations. Bylaw No. 900-09 will be given first reading and will be sent out to the referral agencies.*
2. *Decline first reading, Bylaw No. 900-09 will be defeated. The current FM1 zone will apply and bylaw enforcement action will continue.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

COMMUNICATIONS:

If the bylaw is given first reading it will be forwarded to the referral agencies. Agency comments will be provided with a future Board report.

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Development Services	12/18/14	

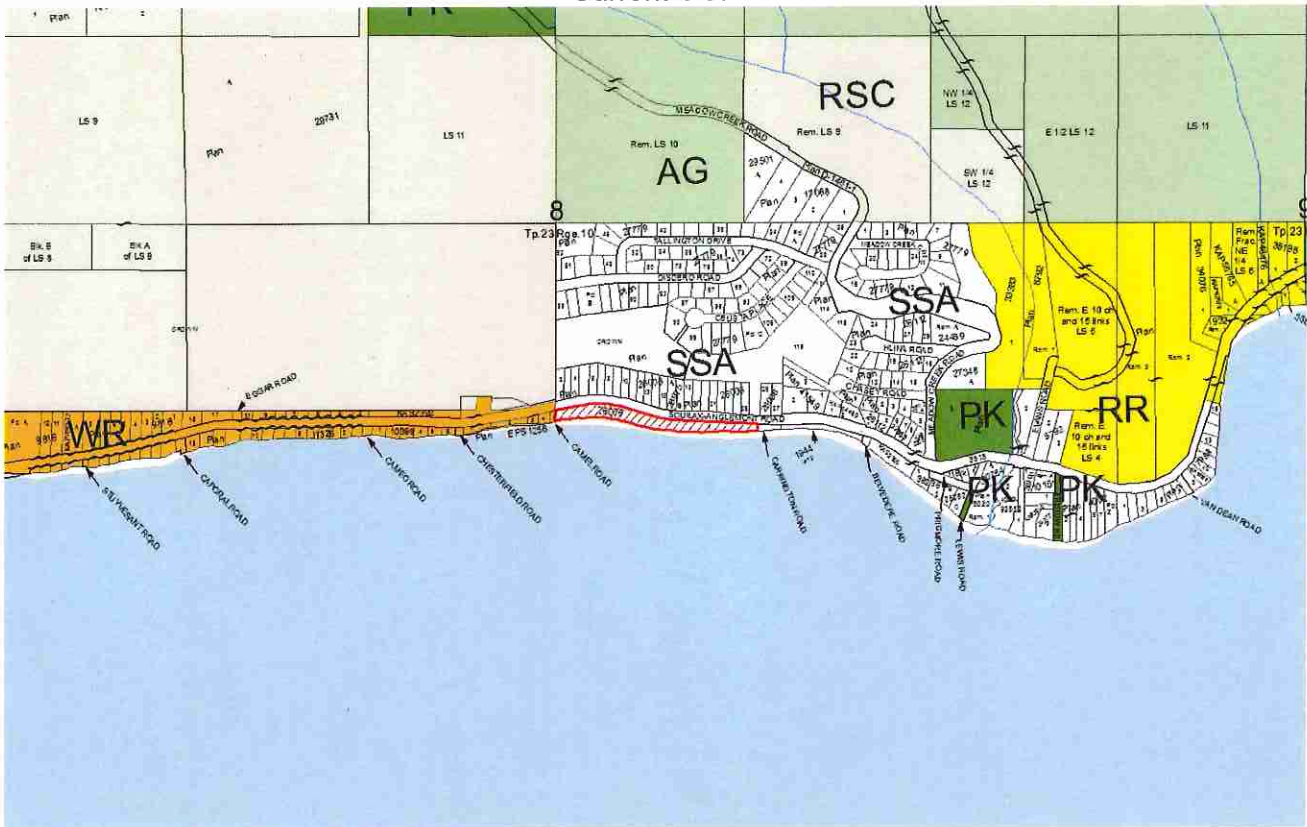
Orthophoto – 1:10,000



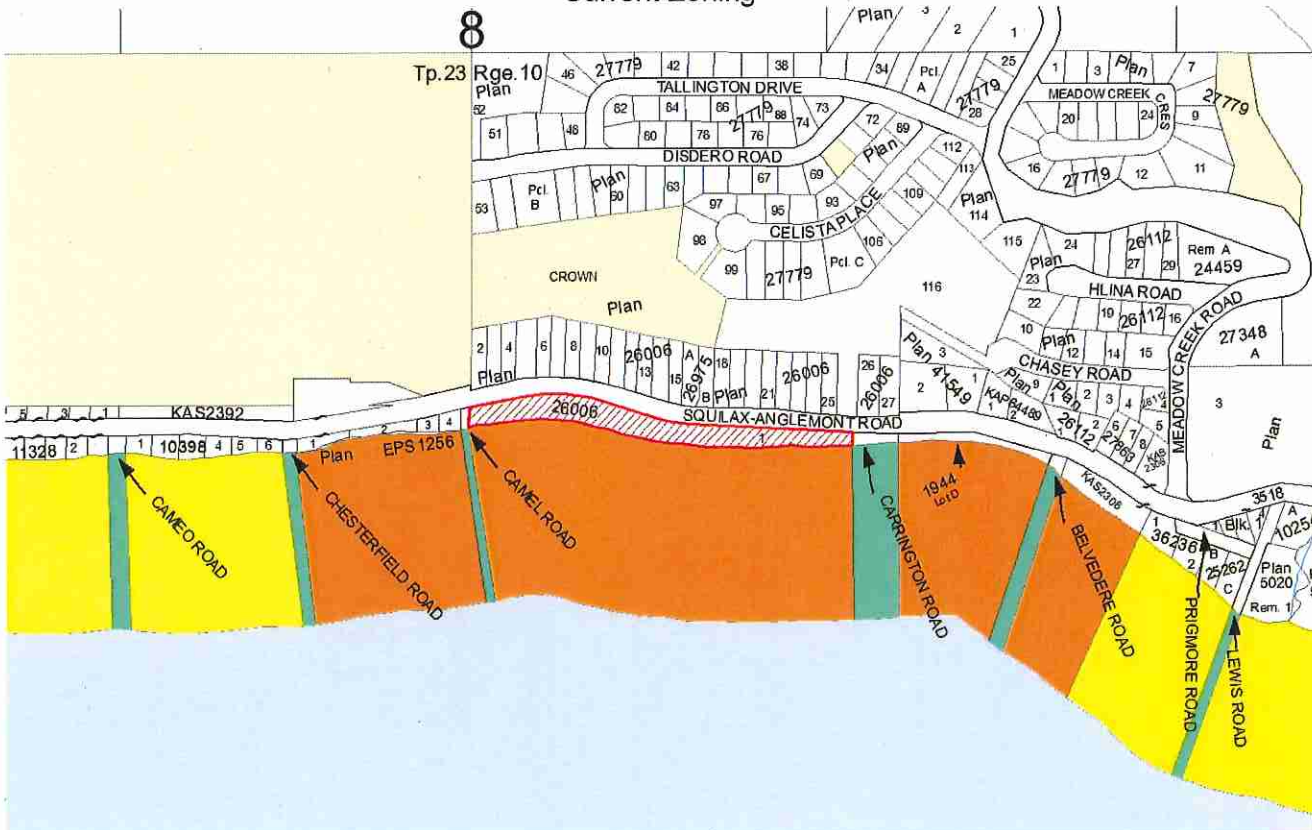
Orthophoto – 2013 Foreshore



Current OCP



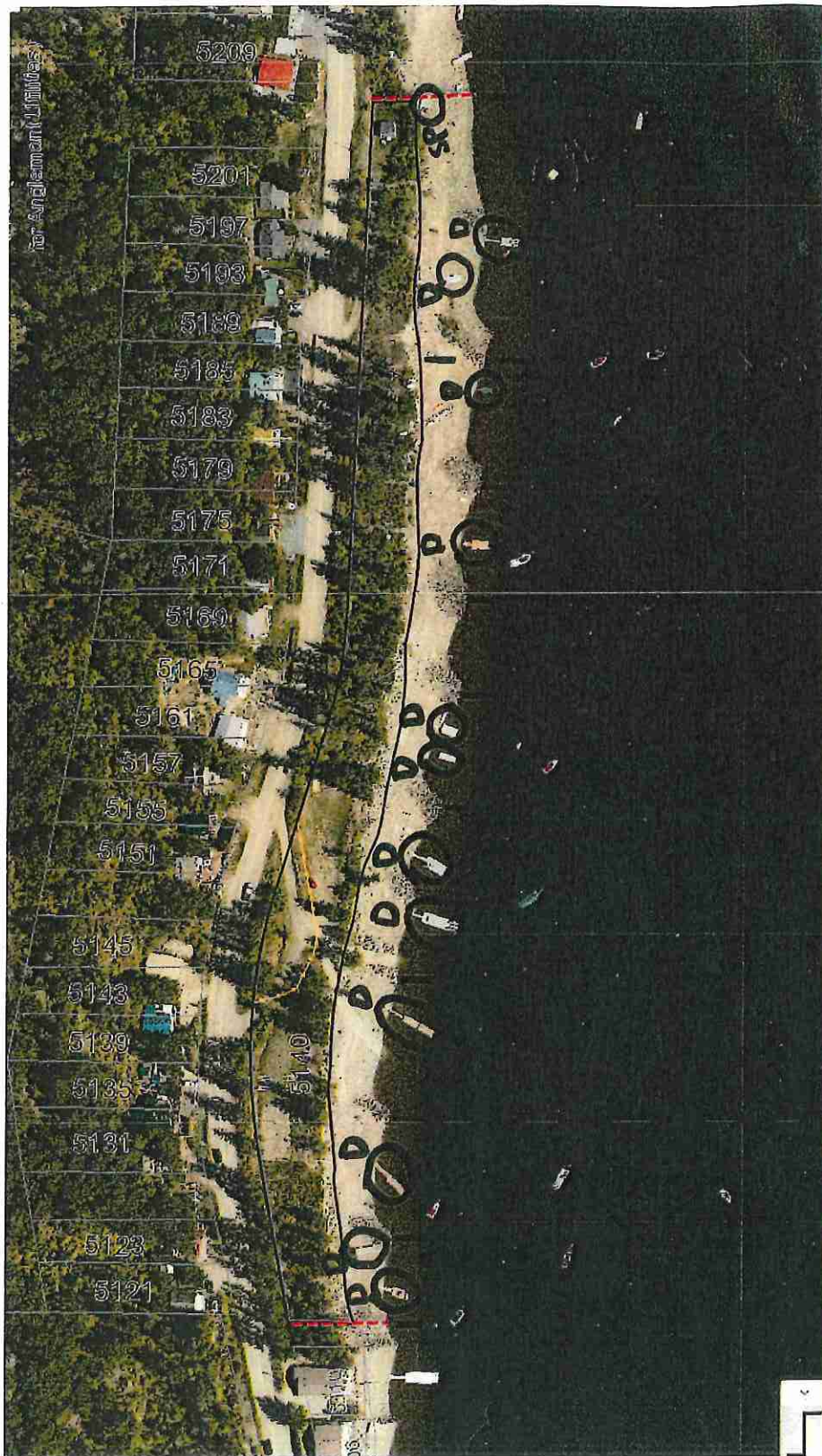
Current Zoning



August 14, 2014 Bylaw Enforcement Foreshore Inventory

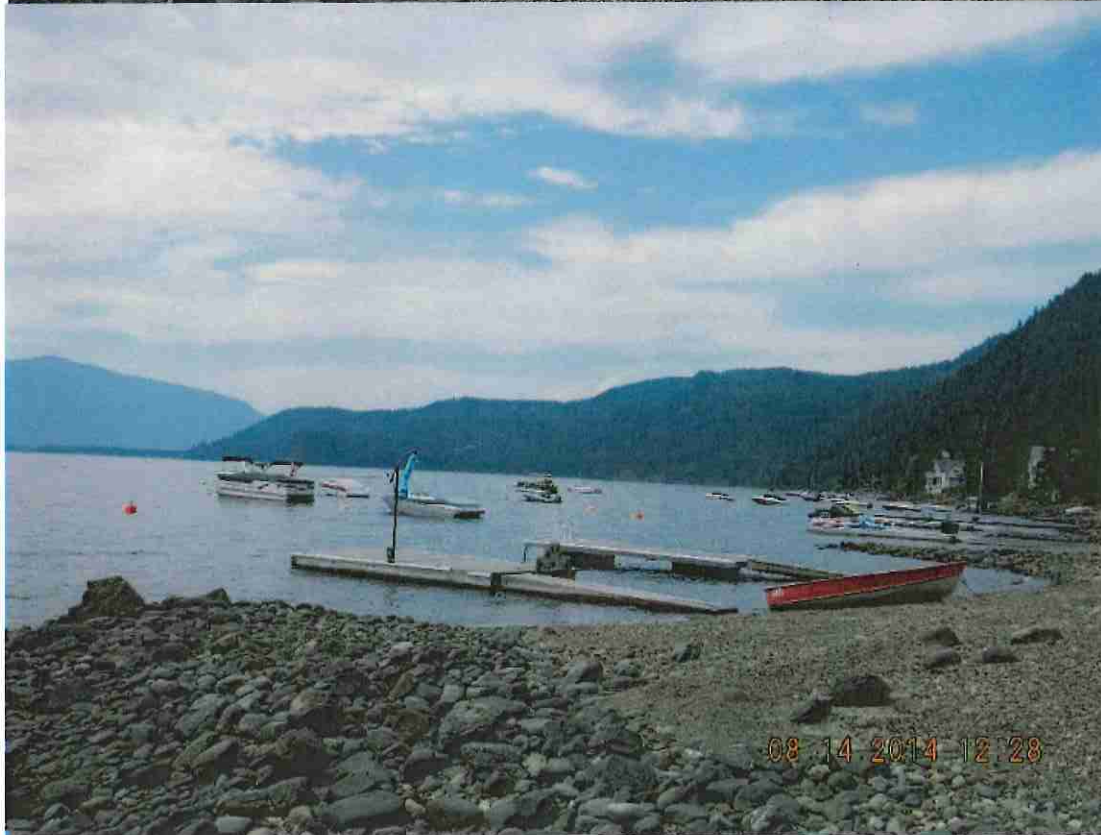
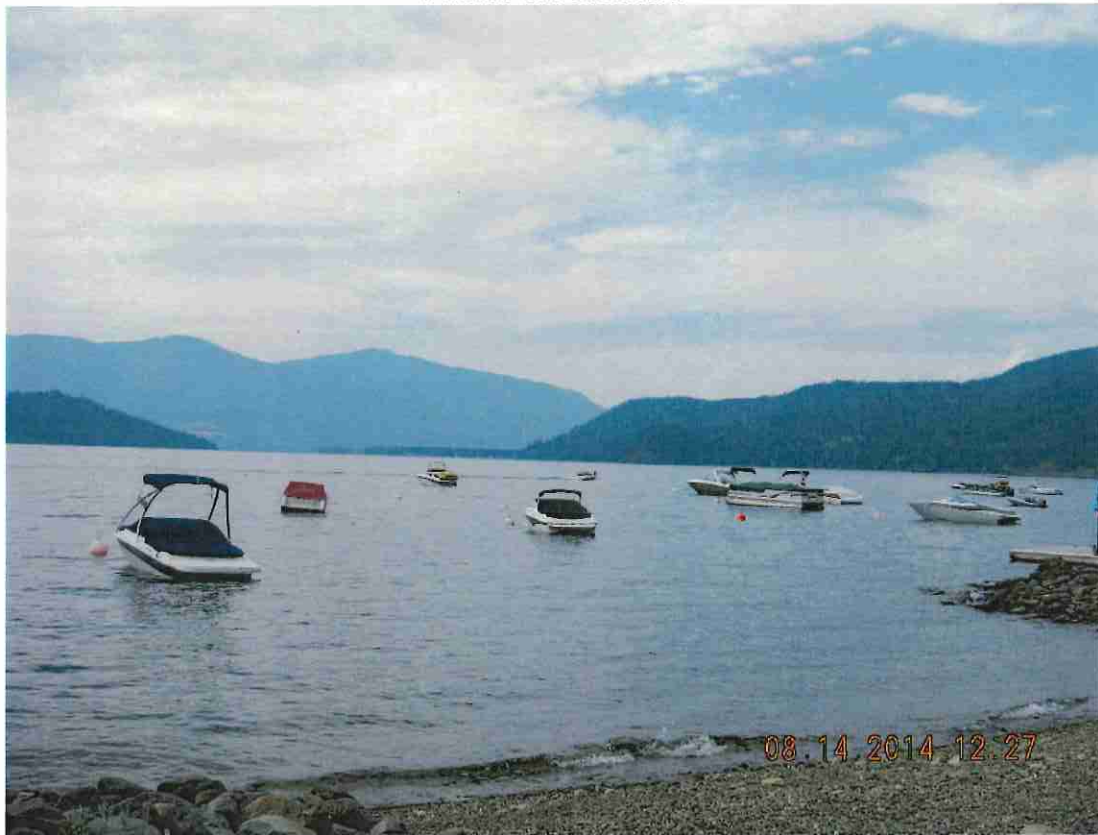
COPY

Meadow Creek - August 14, 2014 Inventory - 61 Buoys
 - 12 Docks
 - 2 Swimming platforms (SP)

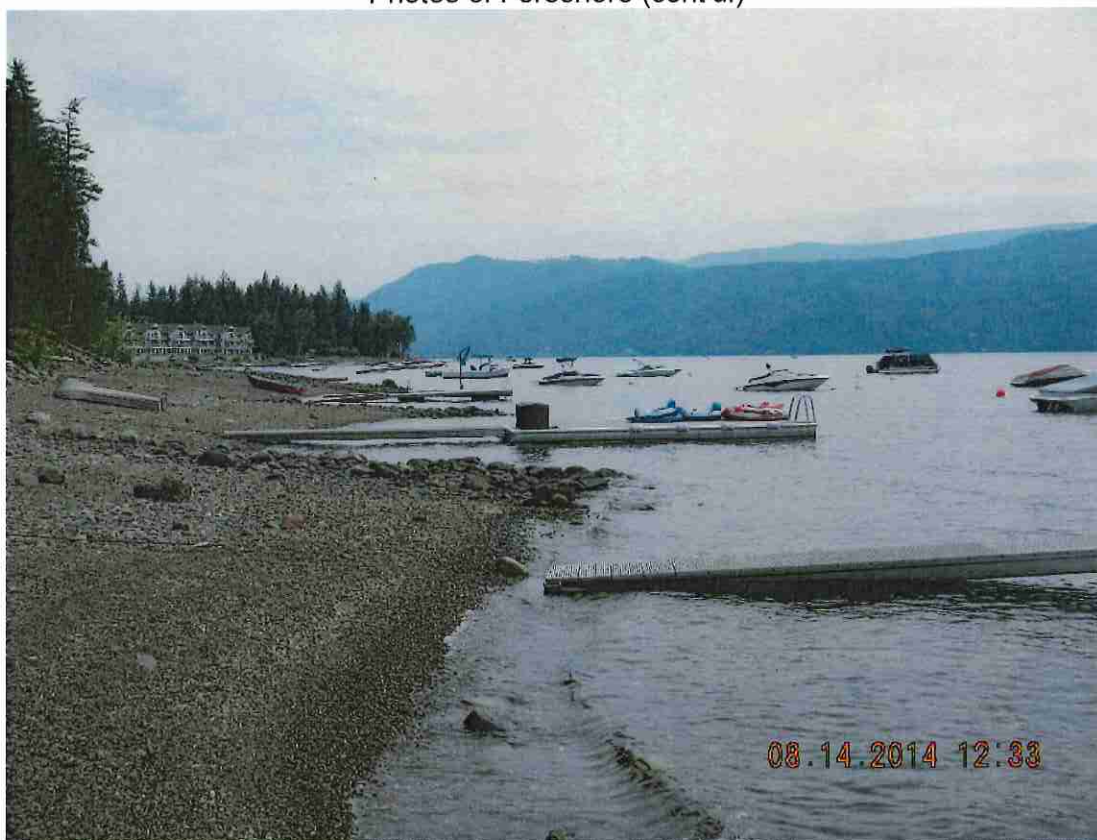


CAMEL ROFF ACCESS.	GRID 10	GRID 9	GRID 8	GRID 7	GRID 6	GRID 5	GRID 4	GRID 3	GRID 2	GRID 1	CADWATER RD - ACCESS
- Nothing of concern @ time, closer to S110	- 2 Docks - S123 - 2 Buoys	- 1 Dock - 7 Buoys	- 1 Dock - no moorage swimming lounging	- 1 Dock - private use @ own risk	- 1 Dock - private - red light - 3 Buoys	- 2 Docks - 6 Buoys S165 private	- 5 Buoys	- 1 Dock - 3 Buoys	- 1 Dock - 7 Buoys	- 2 Docks - 2 SP - 15 Buoys	- 2 Docks - 1 Buoy for certain 2 on prop.

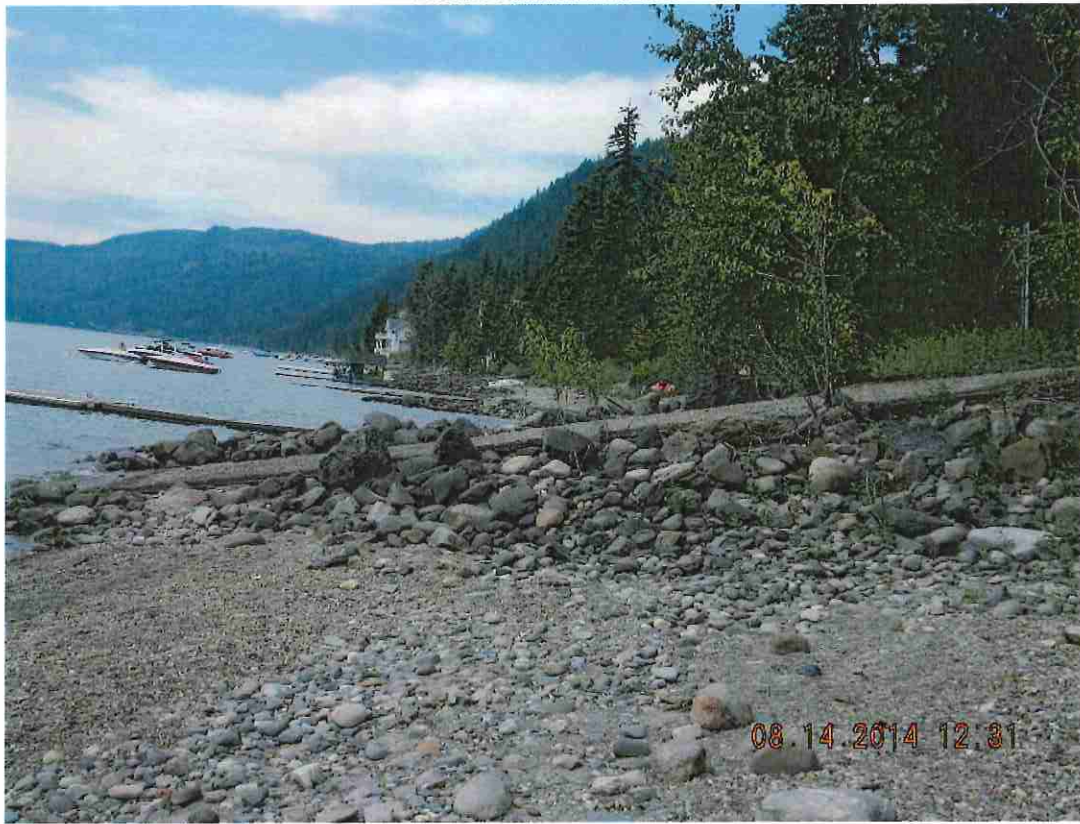
Photos of Foreshore



Photos of Foreshore (cont'd.)



Boat Launch Photos



COLUMBIA SHUSWAP REGIONAL DISTRICT

LAKES ZONING AMENDMENT

(MEADOW CREEK PROPERTIES PARK ASSOCIATION) BYLAW NO. 900-9

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, is hereby amended by deleting the FM1 Foreshore Multi-Family 1 zone in its entirety and replacing it with the following:

FM1

4.6 FM1 Foreshore Multi-Family 1

.1 Permitted Uses:

- (a) *Floating dock(s)*, including *removable walkway*, that is accessory to an adjacent *waterfront unit*.
- (b) *Private mooring buoy(s)* that is accessory to an adjacent *waterfront unit*.
- (c) *Boat lift(s)* that is accessory to an adjacent *waterfront unit*.
- (d) *Boat launch*.

.2 Site Specific Permitted Uses:

- (a) In addition to the permitted *uses* in this zone, *group moorage facility* comprised of no more than one *fixed* or *floating dock*, including *permanent* or *removable walkways*, is only a permitted *use* on the surface of the *lake* in conjunction with Lot 1, Section 8, Tp. 22, Rge 10, W6M, KDYD, Plan 26006.
- (b) *Private mooring buoy(s)* that is accessory to the use of Lot 1, Section 8, Tp. 22, Rge 10, W6M, KDYD, Plan 26006

.3 Regulations:

COLUMN 1 MATTER REGULATED	COLUMN 2 REGULATION
(a) <u>Density</u> maximum number of docks and private mooring buoys:	<ul style="list-style-type: none"> ○ <i>Dock</i>: 1 floating dock per adjacent waterfront unit. ○ <i>Private mooring buoys</i>: 1 per adjacent waterfront unit.
(b) <u>Site Specific Density</u> maximum number of floating docks, group moorage facility, berths and private mooring buoys where different from (a):	<ul style="list-style-type: none"> ○ For the surface of the <i>lake</i> adjacent to Lot 1, Section 8, Tp. 22, Rge 10, W6M, KDYD, Plan 26006, the maximum number of floating docks is 11; the maximum number of group moorage facilities is 1; the maximum number of berths in the group moorage facility is 22 ; and the maximum number of private mooring buoys is 61. {Meadow Creek Properties Park Association}
(c) <u>Size</u> of dock and walkway:	<ul style="list-style-type: none"> ○ <i>Floating dock</i> must not exceed 24 m² (258.33 ft²) in total upward facing surface area (not including <i>removable walkway</i>). ○ <i>Floating dock</i> surface must not exceed 3 m (9.84 ft) in width for any portion of the dock. ○ <i>Removable walkway</i> surface must not exceed 1.5 m (4.92 ft.) in width for any other portion of the walkway.
(d) <u>Size</u> group moorage facility where different from (c)::	<ul style="list-style-type: none"> ○ <i>dock</i> surface must not exceed 3 m (9.84 ft) in width for any portion of the dock. ○ <i>Removable walkway</i> surface must not exceed 1.5 m (4.92 ft.) in width for any other portion of the walkway.

(e) Location and Siting of dock, private mooring buoys or boat lifts:

The minimum setback of a *floating dock, private mooring buoy or boat lift* accessory to an adjacent *waterfront unit or waterfront parcel* is as follows:

- 5 m (16.4 ft) from the side *parcel* boundaries of that *waterfront parcel*, projected onto the *foreshore* and water.
- 5 m (16.4) from adjacent *waterfront units*, projected onto the *foreshore* and water.
- 6 m (19.69 ft) from a Foreshore Park (FP) zone or *park* side *parcel* boundaries projected onto the *foreshore* and water.

Additional setbacks for *private mooring buoys*:

- 20 m (65.62 ft) from any existing structures on the *foreshore* or water.
- 50 m (164.04 ft.) from any *boat launch* ramp or *marina*.

2. This bylaw may be cited as "Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9."

READ a first time this _____ day of _____, 2015.

READ a second time this _____ day of _____, 2015.

PUBLIC HEARING held this _____ day of _____, 2015.

READ a third time this _____ day of _____, 2015.

ADOPTED this _____ day of _____ 2015.

CORPORATE OFFICER

CHAIR

CERTIFIED a true copy of Bylaw No. 900-9
as read a third time.

CERTIFIED a true copy of Bylaw No. 900-9
as adopted.

Corporate Officer

Corporate Officer



BOARD REPORT

TO: Chair and Directors

File No: BL 900-9 PL20140127

SUBJECT: Electoral Area F: Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated September 12, 2017
5140 Squilax-Anglemont Road, Magna Bay.

RECOMMENDATION: THAT: "Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9", be given no further readings this 16th day of November, 2017.

SHORT SUMMARY:

This is a proposed amendment to Lakes Zoning Bylaw No. 900 to reflect a unique upland ownership circumstance. The owners of the upland property Lot 1, Section 8, Township 22, Range 10, W6M, K.D.Y.D., Plan 26006 are a community association. This association of upland property owners would like to amend the Multi Family 1 (FM1) zone to include a site-specific regulation for only that portion of the lake adjacent to their property.

After considerable consultation between the Association and the Ministry of Forests Lands, Natural Resource Operations, and Rural Development (MFLNRORD), the Association has amended their application to reduce the overall number of docks from 12 to 3. Therefore, this amended regulation would allow a total of 3 docks, together with the 61 mooring buoys, 1 swim platform and the boat launch facilities that currently exist on the Shuswap Lake foreshore and were part of the original application.

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 attached "2015-01-15_Board_DS_BL900-9_MMCPA.pdf".

POLICY:

See attached "2015-01-15_Board_DS_BL900-9_MMCPA.pdf".

FINANCIAL:

The rezoning is the result of a bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, and the owner does not bring the property into compliance, the Board may then wish 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 attached "2015-01-15_Board_DS_BL900-9_MMCPA.pdf".

Update

CSRD staff forwarded the referral response received from MFLNRORD, and dated January 29, 2015 to the association. The association began a long consultation with MFLNRORD which resulted in MFLNRORD ultimately looking favourably on the reduction of the total number of docks to 3. As a result of this, the Association gave members that currently had docks, other than the 3, until September 30, 2017 to remove the extra 9 docks. In an interesting twist MFLNRORD gave the Meadow Creek Properties Park Association (MCPPA) until September 1, 2017 to have the docks removed. Bylaw Enforcement staff have visited the site after this deadline in early October, and advise that the docks have not been removed.

A central concern of staff was regarding ownership and therefore management of the moorage facilities (both docks and buoys). The MCPPA has subsequently reported that the Society membership will have ownership of the 3 docks. The docks will be used for loading and unloading of boats and therefore not for overnight moorage, but only day moorage. The docks will be available to all members of the Association on a first come first serve basis. The buoys are all owned by members and the MCPPA will be able to allow other members who have a boat but no buoy to use a buoy that is not being used while they visit the Lake.

Should the buoys remain under private ownership, they will still remain illegal except those that are proven by buoy owners to be non-conforming, because they were not placed by the upland property owner, the MCPPA. The buoys cannot be considered as belonging to semi-waterfront property owners.

Private Mooring Buoys placed in Shuswap Lake adjacent to the MCPPA property prior to the adoption of Lakes Zoning Bylaw No. 900 in August 2012 are considered non-conforming, and it is only those buoys placed after the adoption of the bylaw that are considered illegal, despite not being placed by a waterfront or semi-waterfront property owner. For the proposed zoning bylaw amendment to recognize the buoys, this issue will need to be addressed. If the MCPPA does not step in and take ownership, the bylaw will need to consider allowing buoys which are not owned by waterfront or semi-waterfront property owners. This precedent may impact future applications.

In their protracted communications with the MFLNRORD it has come to light that the Province has registered a Notation of Interest for public use (a UREP) in 1996 (Reserve No. 963009, which extends 50 m into the lake) for the foreshore fronting the MCPPA property. The purpose of the UREP was to reserve the area of the lake adjacent to the MCPPA property as open for public use. Officials with MFLNRORD have speculated that the Reserve was reflective of the covenant reserving the upland property owned by MCPPA as park use only. All works on the foreshore, either sanctioned by the MCPPA or not since this time which serve a private interest are therefore in violation of the UREP. The MCPPA, had they been active with the Lands Branch in securing tenures for structures in the foreshore would likely have become aware of this issue.

In terms of any privately owned buoys which may trespass into the 50 m UREP, staff has posed that question to MFLNRORD who have responded that they would really not have any jurisdiction within the UREP or other legislation to take action against the encroaching buoy owners. Rather they are restricting their jurisdiction to the docks only.

MFLNRORD has indicated that it is willing to look favourably on 3 docks remaining on the MCPPA waterfront, provided ownership of the docks is with the MCPPA. The MCPPA is aware of this caveat, and will apply for permits for these 3 docks. However, they will not manage the docks use, but rather

will leave them to be used on a first come first served basis. Further, they have advised that they will still not take action with respect to private buoys, except through some nebulous sharing concept.

SUMMARY:

Staff are concerned that the MCPA has not enforced their deadline for removal of the additional docks, and has not put forth a management plan for these assets that is realistic. Further, staff are concerned that private non waterfront or semi-waterfront property owners will continue to own private mooring buoys and that this ownership would be recognized in Lakes Zoning Bylaw No. 900, despite the fact that Bylaw No. 900 does not otherwise permit this use. As a result, staff are recommending that the Board consider giving Bylaw No. 900-9 no further readings, so that bylaw enforcement actions can commence.

IMPLEMENTATION:

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommended the simple consultation process. Neighbouring property owners first became aware of the application for zoning amendments when the notice of development sign was posted on the property.

COMMUNICATIONS:

If the Board supports the staff recommendation, the applicant will be advised and the matter will be referred back to Bylaw Enforcement staff for further action.

If the Board supports second reading of Bylaw No. 900-21 and delegates a Public Hearing staff will proceed with notification of adjacent property owners and advertising the Public Hearing as set out in the Local Government Act.

Referral agencies have provided their comments and they have been attached as Appendix B to this report.

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. Lakes Zoning Bylaw No. 900, as amended
2. Maps, Plans, and Photos

Report Approval Details

Document Title:	2017-11-16_Board_DS_BL900-9_MCPPA.docx
Attachments:	<ul style="list-style-type: none">- 2015-01-15_Board_DS_BL900-9_MMCPA.pdf- BL900-9 BylawSecondasamendedg.pdf- Agency_referral_responses_BL900-9.pdf- Maps_Plans_BL900-9.pdf
Final Approval Date:	Nov 6, 2017

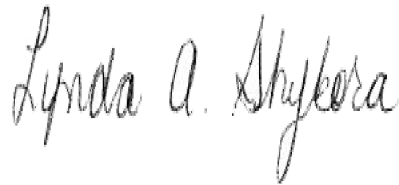
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Nov 3, 2017 - 9:56 AM



Gerald Christie - Nov 6, 2017 - 7:19 AM



Lynda Shykora - Nov 6, 2017 - 11:47 AM



Charles Hamilton - Nov 6, 2017 - 1:39 PM

APPENDIX 'B'

Agency Referral Responses

Area 'F' Advisory Planning Commission	Recommended denial.
Interior Health Authority	<p>The location and number of mooring buoys, docks, swimming platforms, and boat launches would be reviewed solely for the potential risk to the drinking and recreational water quality.</p> <p>Interior Health would be concerned with:</p> <ul style="list-style-type: none"> • A lake intake within this area that is part of a community drinking water supply system (Celista Water System). • A swimming area if there was a potential concern with the recreational water quality. • Facilities within the park/picnic area that have been established or could be established for park users.
Ministry of Transportation and Infrastructure	No response.
Ministry of Environment	No response.
Department of Fisheries and Oceans	No response.
Ministry of Forests, Land and Natural Resource Operations - Lands Branch	<p>Preliminary thoughts. January 27, 2015.</p> <p>We may consider legalizing 1 dock and 1 boat launch ramp. It is our hope that in doing so, it may encourage the Association to entertain the prospect of 1 group moorage structure, which would align with our current policies and guidelines.</p> <p>We are not in support of legalizing all 12 docks and 2 boat launches for the following reasons:</p> <ul style="list-style-type: none"> • Does not align with current policy. • None of the docks currently meet with today's standards. • Currently a UREP (or Notation of Interest for public use) is in place, it was established in 1996 for this section of foreshore which specifically states that this area remain open to public use. • The UREP was established in response to the lack of lake access by local and periphery residents. • We issue tenures when it is in the best interest of the public – we question that this application is not in the best interest of the public (as previously mentioned)

	<p>but whether it is in the best interest of the Association members, given that 11 of the docks are privately owned.</p> <ul style="list-style-type: none"> • It is my opinion that legalizing 12 docks and boat ramps will essentially privatize the beach for the exclusive use of the private park – or at the very least give that perception to local users – thus indirectly excluding public use even if the Association does not impede public access.
Ministry of Forests, Land and Natural Resource Operations - Lands Branch	<p>Email to MCPPA May 10, 2017.</p> <p>Thank you for letter indicating your wish to keep 6 of the 12 docks.</p> <p>We received your application in October of 2014 to legalize 12 existing docks and 2 boat launches fronting a privately owned park in Shuswap Lake. After extensive in-house reviews, on-site meetings inclusive with local government and environment staff we reached the following decision.</p> <p>We would consider legalizing 3 moorage facilities for your group. One servicing each boat launch and a group moorage structure.</p> <p>The decision was made based on the following:</p> <ol style="list-style-type: none"> 1) The foreshore is fronting one lot that has a restricted covenant of being used as a park, either public or private 2) A reserve was placed on the foreshore fronting the park to withdraw the opportunity for any privately owned works (docks) – the foreshore has and is still being managed for the enjoyment of the public (not just the private park owners) 3) 12 docks hinders the ability of the public to use the beach or their perception that it is available for their use 4) There are few opportunities for local residents in that area to access a public beach 5) Some of the present structures do not meet the standards of a dock that would be authorized under any of our policies <p>Present direction still remains that we will only allow 3 moorage structures and the existing boat launches.</p> <p>While I sympathize with the position you are in being the liaison between your large membership and the authorizing agencies, I will recommend that you send me your new designs for our consideration by September 1, 2017. Failure to</p>

	do so will result in a disallowance of your application. Further, the situation will be reported to Compliance and Enforcement who may ultimately remove all structures at your expense.
Ministry of Forests, Land and Natural Resource Operations - Lands Branch	<p>Clarification to MCPPA June 29, 2017.</p> <p>I have attached a copy of the reserve (UREP) for your information.</p> <p>As for determining who has the legal right to request that the docks be removed, I'm not sure I can rephrase as it is kind of a moot point considering that ALL THE DOCKS ARE IN TRESPASS AGAINST THE CROWN. I'm sorry for the caps, but it seems like the point is being missed that all the docks fronting the park are trespassing against the Crown.</p> <p>If your application is unsuccessful because your group refuses to comply by not removing those docks then the CROWN will hold MCPPA responsible for financing the removal of those docks. You are correct that any repercussions will fall on the MCPPA as they are the upland title holder. Please be aware that if your members refuse to remove their docks, then you will not receive the appropriate authorization from the Province and I suspect will not receive your rezoning based on the fact that you are not compliant (but I would let Dan speak to that).</p> <p>Given that you have triggered the process, be assured that if you fail to comply, I will be sending this file (all 3 years) to C&E for removal of the trespass structures. There really isn't any other outcome at this point.</p> <p>I guess what I'm saying is whether or not MCPPA has the legal authority to request that the docks be removed, the Province does, and all docks will be removed at MCPPA's expense. For clarification, the wording of "May and ultimately" is used because I do not have control over another business line (C&E) and professionally would not commit them to take an action. I can only explain the process and infer the consequences that will likely arise.</p>
Ministry of Forests, Land and Natural Resource Operations – Habitat Branch (Ecosystems Biologist)	<p>Removal of structures that do not comply with shoreline management guideline for fish and fish habitat; Shuswap, Mara and Little Shuswap Lakes. The area in question overlaps known Lake Trout shore spawning habitat and has docks that do not comply with the guidelines noted above, therefore recommends removal of the non-compliant docks prior to rezoning approval.</p> <p>See attached letter.</p>

<p>Transport Canada - Navigation Protection Program</p>	<p>The purpose of the Navigation Protection Act (NPA) is to regulate works and obstructions that risk interfering with navigation in the navigable waters listed on the schedule to the Act. It is the responsibility of the Navigation Protection Program (NPP) to administer and enforce the NPA.</p> <p>Please be advised that the Order Amending the <i>Minor Works and Waters (Navigable Waters Protection Act) Order</i> came into effect on March 31, 2014. The Order allows for works to be constructed if they meet the criteria for the applicable class of works, as well as specific terms and conditions for construction.</p> <p>Upon initial screening, we have determined that the above-noted work(s), although proposed to be constructed on a body of water listed on the schedule, may not require notice to the Minister as they appear to meet a class of works as defined in the order.</p>
<p>Ministry of Forests, Land and Natural Resource Operations- Archaeology Branch</p>	<p>According to Provincial records there are no known archaeological sites recorded on the subject property. However, archaeological potential modeling for the area indicate it has potential to contain unknown archaeological sites.</p> <p>Archaeological sites (both recorded and unrecorded) are protected under the <i>Heritage Conservation Act</i> and must not be altered or damaged without a permit from the Archaeology Branch. Given the potential to contain unknown archaeological sites, an Eligible Consulting Archaeologist (ECA) should be engaged prior to any land-altering activities to determine if development activities are likely to impact unknown archaeological sites. An Eligible Consulting Archaeologist is one who is able to hold a Provincial heritage permit that allows them to conduct archaeological studies. Ask an archaeologist if he or she can hold a permit, and contact the Archaeology Branch (250-953-3334) to verify an archaeologist's eligibility. Consulting archaeologists can be contacted through the BC Association of Professional Archaeologists (www.bcapa.ca) or through local directories. If the archaeologist determines that development activities will not impact any archaeological deposits, then a site alteration permit is not required. I am informing you of this archaeological potential so proponents are aware of the potential risk for encountering a site if they choose to conduct any land-altering activities on the property. Proponents should contact an archaeologist prior to</p>

	<p>development to conduct an in-field assessment and/or detailed review of the development area. However, the Archaeology Branch is not requiring the proponent conduct an archaeological study or obtain a permit prior to development in this area. In this instance it is a risk management decision for the proponent(s).</p> <p>If any land-altering development is planned and proponents choose not to contact an archaeologist prior to development, owners and operators should be notified that if an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction. If an archaeological site is encountered during development and the appropriate permits are not in place, proponents will be in contravention of the <i>Heritage Conservation Act</i> and face possible fines and likely experience development delays while the appropriate permits are obtained..</p>
CSRD Operations Management	<p>Team Leader Utilities – Utilities has no concerns, however it should be noted the privately owned Celista community water system utilizes this same property for its lake intake and could have some concerns.</p> <p>Team Leader Community Services – Concern if fuel is being dispensed from docks. Celista FD must be consulted to complete pre-incident planning for fire suppression on docks. Consideration to access for firefighting apparatus to dock area required.</p> <p>Team Leader Environmental Health – No concerns.</p> <p>Community Parks and Recreation Operator – Concerns for public access below high water, in that a public lake access (Highway Right-of-Ways) border both ends of this property to allow the public a pedestrian access to the lake. The beach is, of course, public and 60 or 61 docks become unnecessary barriers to public access without without constant detouring into private property. The lake zoning bylaw encourages multi-family properties to support one/few dock with slips further from shore. This approach would minimize public access above high water. Does their proposal reduce the 2 boat launches to a single boat launch facility as implied by boat launch facilities? Intentions unclear, please clarify if 2 existing boat launches are to be reduced to one single facility.</p>

	Manager Operations Management – No concerns.
Adams Lake Indian Band	No response.
Coldwater Indian Band	No response.
Cooks Ferry Indian Band	No response.
Esh-kn-am Cultural Resources Management Services	No response.
Lower Similkameen Indian Band	No response.
Neskonlith Indian Band	No response.
Nlaka'pamux Nation Tribal Council	No response.
Okanagan Indian Band	No response.
Okanagan Nation Alliance	No response.
Penticton Indian Band	No response.
Siska Indian Band	No response.
Splats'in First Nation	No response.
Simpcw First Nation	At this time, we have no concerns with the bylaw amendments.

BC900-09



<input type="checkbox"/> CAO <input type="checkbox"/> Works <input type="checkbox"/> JDS <input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Agenda <input type="checkbox"/> Reg Board <input type="checkbox"/> In Camera <input type="checkbox"/> Other Mtg	Ownership: File #
JAN 29 2015		
<input type="checkbox"/> Ec Dev <input type="checkbox"/> IT <input type="checkbox"/> Parks <input type="checkbox"/> SEP <input type="checkbox"/> HR <input type="checkbox"/> Other	RECEIVED <input type="checkbox"/> Staff to Report <input type="checkbox"/> Staff to Respond <input type="checkbox"/> Staff Info Oly <input type="checkbox"/> Dir Mailbox <input type="checkbox"/> Dir Circulate	Ask Sent: <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input type="checkbox"/> Email

January 29, 2015

File: 58000-35-08
Your File: 900-9

Columbia Shuswap Regional District
431 Hudson Ave. NE.
Salmon Arm, BC

Attention: Dan Passmore

Re: Meadow Creek Properties Park Association Referral

The Ecosystems Section of the Ministry of Forests, Lands and Natural Resource Operations (FLNR) provides the following response to the above noted referral.

We have determined that this proposal presents a risk to fish and fish habitat. The proposal area occurs along shoreline identified as Lake Trout shore spawning habitat with known use. Because the proposal occurs in an identified sensitive site, on non-vegetated foreshore, at a shore spawning site, the *Shoreline Management Guidelines for Fish and Fish Habitat; Shuswap, Mara and Little Shuswap Lakes* prescribes following DFO best management practices, without requiring a fish habitat review. The *DFO Dock and Boathouse Construction In Freshwater Systems Operational Statement* prescribes a minimum distance of 50 m of un-disturbed shoreline between adjacent docks. The proposal area has a shoreline for approximately 450 m and can therefore accommodate no more than 8 docks without exceeding these guidelines based on the presence of other in water structures in the form of concrete boat ramps at each end of the proposal area.

Based on the submitted proposal many of the docks do not adhere to the guidelines for floating docks in the *Shoreline Management Guidelines for Fish and Fish Habitat; Shuswap, Mara and Little Shuswap Lakes*. Docks B, D, E, and F exceed the 24 m² limitation on total dock size, docks A, E, F, and H exceed the 3m limitation on dock width. The summary table describing the construction details of the existing docks indicated in the proposal was not found, so assessment of dock construction was based on the supplied photographs. Docks B, E, F, G, H, J, K, and L are not constructed with deck spacing to allow light penetration or float distribution to allow migration of juvenile fish. The grounding exhibited by many of the docks in the photographs will also impede movements of juvenile fish along the shore. Solid concrete boat launches are not recommended as they reduce the amount of potential shore spawning and rearing habitat

Ministry of
Forests, Lands and
Natural Resource Operations

Resource Management
Thompson Okanagan Region
1259 Dalhousie Drive
Kamloops, BC V2C 5Z5

Telephone: (250) 371-6200
Facsimile: (250) 828-4000

for Lake Trout. Boat launches should be constructed with breaks that allow exposure to the natural foreshore substrate.

Based on these considerations it is recommended that all docks in the proposal not be licensed. To minimize impacts to Lake Trout habitat it is recommended that docks A, B, D, E, F, G, H, J, K, and L be removed as soon as possible. Remaining docks should be maintained so that the dock structure is floating in a minimum 1.5 m of water without any gangway grounding. Due to the proximity of the two boat launches it is recommended that one launch be removed, and the area rehabilitated. The remaining boat launch should be upgraded to a design that maintains access to the foreshore substrate for juvenile fish.

If a decision is reached that the docks are to be removed the proponent should be advised:

1. Existing roads and trails should be used whenever practicable, and any new temporary access must be deactivated upon completion of works.
2. Proponents should be reminded that it is their responsibility to understand and comply with relevant Sections of Provincial and Federal legislation.
 - Water Act – Section 9 if any works occur below high water marks of rivers, streams, lakes or wetlands the proponent must submit an application under the Water Act.
 - Wildlife Act – Section 34 provides protection for birds, eggs, and nests during the breeding season and nests of eagles, peregrine falcons, gyrfalcon, osprey, heron, and burrowing owls year round.
 - Federal Fisheries Act – Sections 35 to 42 – Fisheries Protection and Pollution Prevention

If the above noted conditions are not included in the permit or authorization, please inform the undersigned in writing.

If you have any other questions or require further information please feel free to contact me.

Sincerely,

Bevan Ernst
Ecosystem Biologist
Ministry of Forests, Lands and Natural Resource Operations
Thompson Okanagan Region
250 371 6273
Bevan.Ernst@gov.bc.ca

COLUMBIA SHUSWAP REGIONAL DISTRICT

LAKES ZONING AMENDMENT

(MEADOW CREEK PROPERTIES PARK ASSOCIATION) BYLAW NO. 900-9

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, is hereby amended by deleting the FM1 Foreshore Multi-Family 1 zone in its entirety and replacing it with the following:

4.6 FM1 Foreshore Multi-Family 1

FM1

.1 Permitted Uses:

- (a) *Floating dock(s)*, including *removable walkway*, that is accessory to an adjacent *waterfront unit*.
- (b) *Private mooring buoy(s)* that is accessory to an adjacent *waterfront unit*.
- (c) *Boat lift(s)* that is accessory to an adjacent *waterfront unit*.
- (d) *Boat launch*.

.2 Site Specific Permitted Uses:

- (a) In addition to the permitted *uses* in this zone, *group moorage facility* comprised of no more than one *fixed* or *floating dock*, including *permanent* or *removable walkways*, is only a permitted *use* on the surface of the *lake* in conjunction with Lot 1, Section 8, Tp. 22, Rge 10, W6M, KDYD, Plan 26006.
- (b) *Private mooring buoy(s)* that is accessory to the use of Lot 1, Section 8, Tp. 22, Rge 10, W6M, KDYD, Plan 26006

.3 Regulations:

COLUMN 1 MATTER REGULATED	COLUMN 2 REGULATION
(a) <u>Density</u> maximum number of <i>docks</i> and <i>private mooring buoys</i> :	<ul style="list-style-type: none"> ○ <i>Dock</i>: 1 <i>floating dock</i> per adjacent <i>waterfront unit</i>. ○ <i>Private mooring buoys</i>: 1 per adjacent <i>waterfront unit</i>.
(b) <u>Site Specific Density</u> maximum number of <i>floating docks</i> , <i>swimming platforms</i> and <i>private mooring buoys</i> where different from (a):	<ul style="list-style-type: none"> ○ For the surface of the <i>lake</i> adjacent to Lot 1, Section 8, Tp. 22, Rge 10, W6M, KDYD, Plan 26006, the maximum number of floating docks is 3; the maximum number of swimming platforms is 1; and the maximum number of private mooring buoys is 61. {Meadow Creek Properties Park Association}
(c) <u>Size</u> of <i>dock</i> and <i>walkway</i> :	<ul style="list-style-type: none"> ○ <i>Floating dock</i> must not exceed 24 m² (258.33 ft²) in total upward facing surface area (not including <i>removable walkway</i>). ○ <i>Floating dock</i> surface must not exceed 3 m (9.84 ft) in width for any portion of the dock. ○ <i>Removable walkway</i> surface must not exceed 1.5 m (4.92 ft.) in width for any other portion of the walkway.
(d) <u>Size</u> <i>group moorage facility</i> where different from (c)::	<ul style="list-style-type: none"> ○ <i>dock</i> surface must not exceed 3 m (9.84 ft) in width for any portion of the dock. ○ <i>Removable walkway</i> surface must not exceed 1.5 m (4.92 ft.) in width for any other portion of the walkway.

<p>(e) <u>Location and Siting of dock, private mooring buoys or boat lifts:</u></p>	<p>The minimum setback of a <i>floating dock, private mooring buoy or boat lift</i> accessory to an adjacent <i>waterfront unit or waterfront parcel</i> is as follows:</p> <ul style="list-style-type: none">○ 5 m (16.4 ft) from the side <i>parcel</i> boundaries of that <i>waterfront parcel</i>, projected onto the <i>foreshore</i> and water.○ 5 m (16.4) from adjacent <i>waterfront units</i>, projected onto the <i>foreshore</i> and water.○ 6 m (19.69 ft) from a Foreshore Park (FP) zone or <i>park side parcel</i> boundaries projected onto the <i>foreshore</i> and water. <p>Additional setbacks for <i>private mooring buoys</i>:</p> <ul style="list-style-type: none">○ 20 m (65.62 ft) from any existing structures on the <i>foreshore</i> or water.○ 50 m (164.04 ft.) from any <i>boat launch</i> ramp or <i>marina</i>.
-------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

2. This bylaw may be cited as "Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9."

READ a first time this _____ 15 _____ day of _____ January _____, 2015.

READ a second time, as amended, this _____ day of _____, 2017.

PUBLIC HEARING held this _____ day of _____, 2017.

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

ADOPTED this _____ day of _____ 2017.

CORPORATE OFFICER

CHAIR

CERTIFIED a true copy of Bylaw No. 900-9
as read a third time.

CERTIFIED a true copy of Bylaw No. 900-9
as adopted.

Corporate Officer

Corporate Officer

Dan Passmore

From: Meadow Creek <meadowcreekproperty@gmail.com>
Sent: Tuesday, July 17, 2018 1:44 PM
To: Dan Passmore; Gerald Christie
Subject: MCPPA
Attachments: Letter to CSRD July 2018.docx

Good Afternoon,

It was voted on at our AGM that the association continue with the development permit application with regards to amending our zoning.

I have attached a letter indicating that the association members agreed to allow the association to own the 61 buoys. I hope this completes our requirements and we can move on to our second reading.

Please send me an email reply that this is the case.

Thank you





Meadow Creek Properties Park Assc.
5140 Squilax Anglemont Road Celista,
BC V0E 1M6
Email meadowcreekproperty@gmail.com

Attention: Dan Passmore
Columbia Shuswap Regional District

The Meadows Creek Properties Park Association would like to confirm that the association owns and maintains all structures on the foreshore fronting lot 1.

These structures include but not limited to three docks, two boat launches, 61 buoys, two parking areas, and two porta potties.

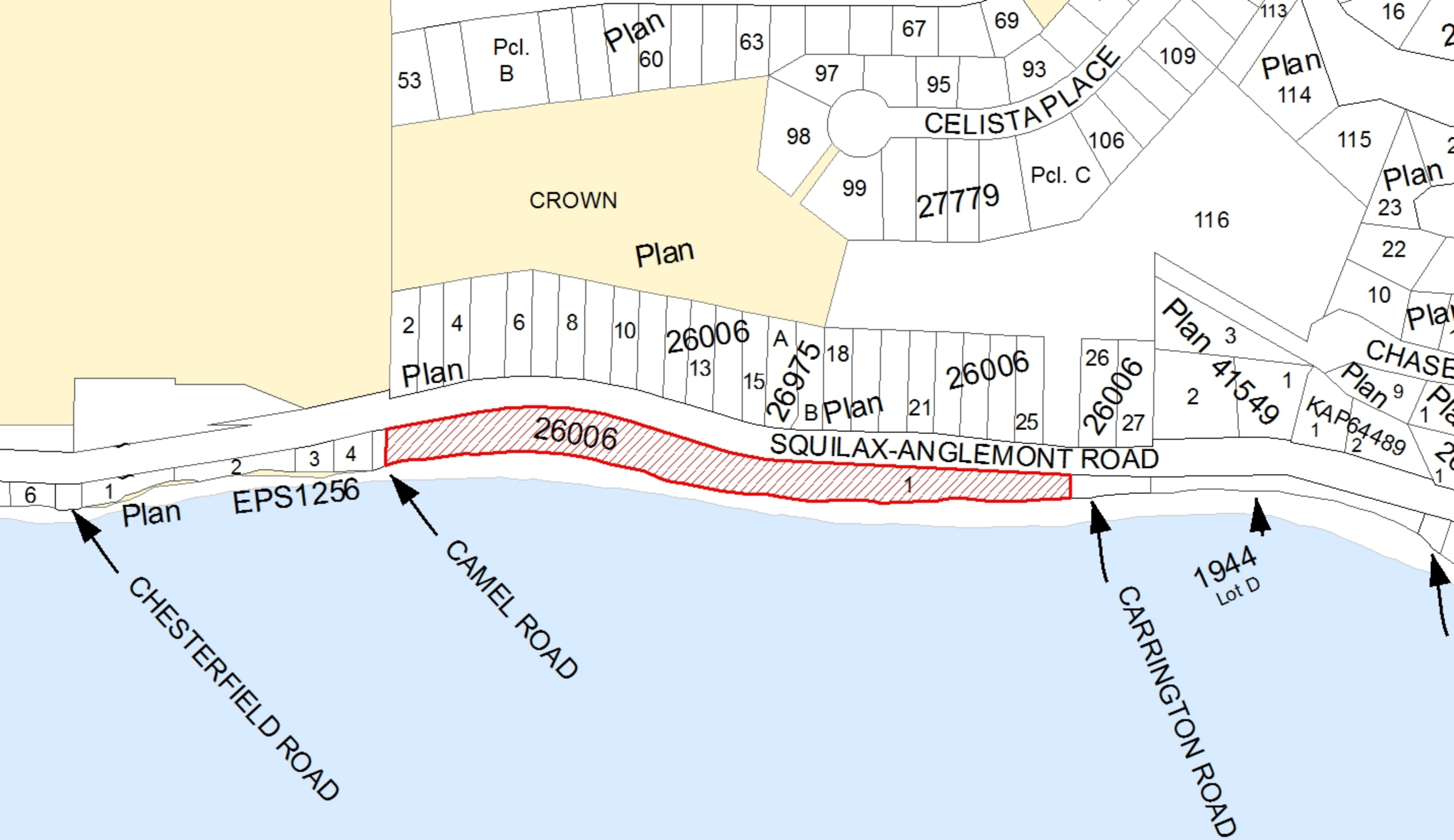
The lands file for our application is 3412915 which indicate the association is applying for a Crown Tenure to license our three docks, two boat launches.

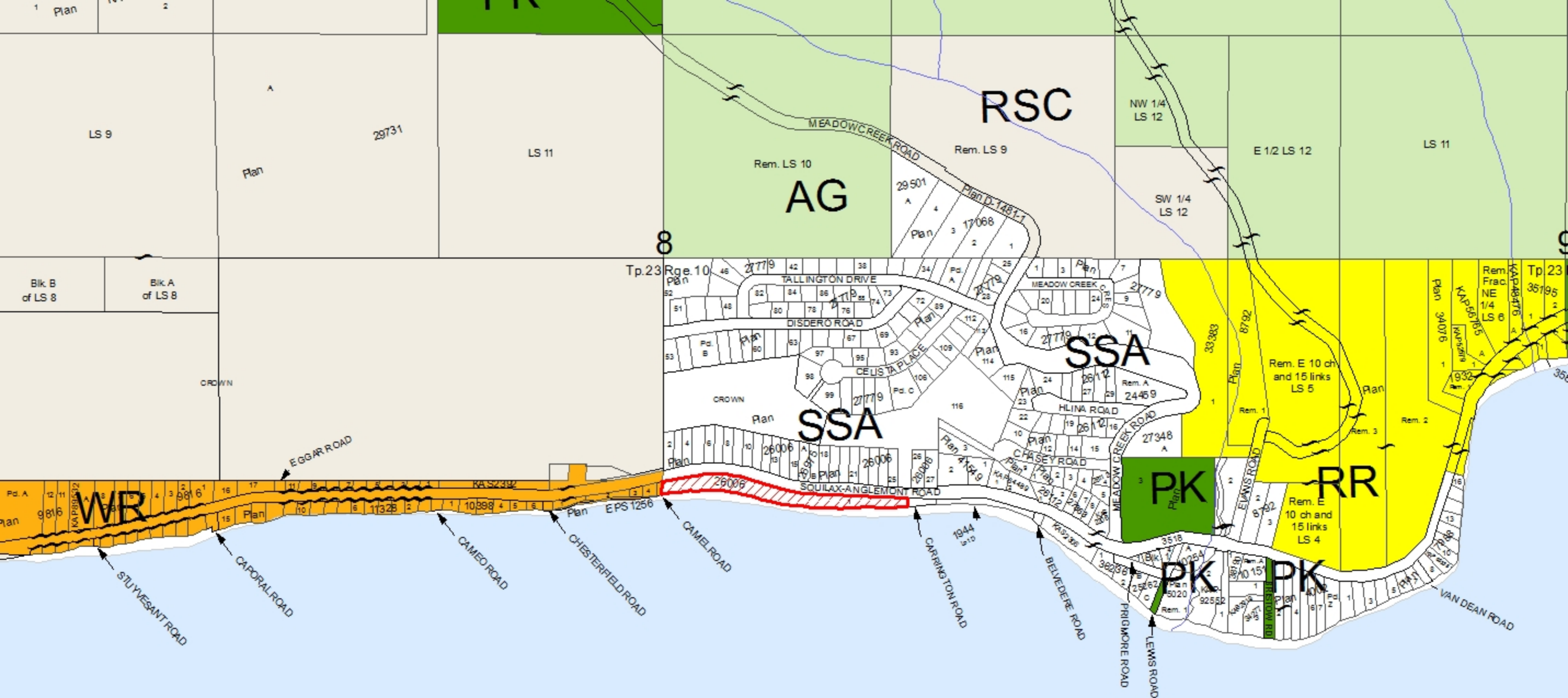
At this point we wish to continue with our application with the CSRD to amend our zoning and obtain a development permit for our structures on the foreshore fronting lot 1.

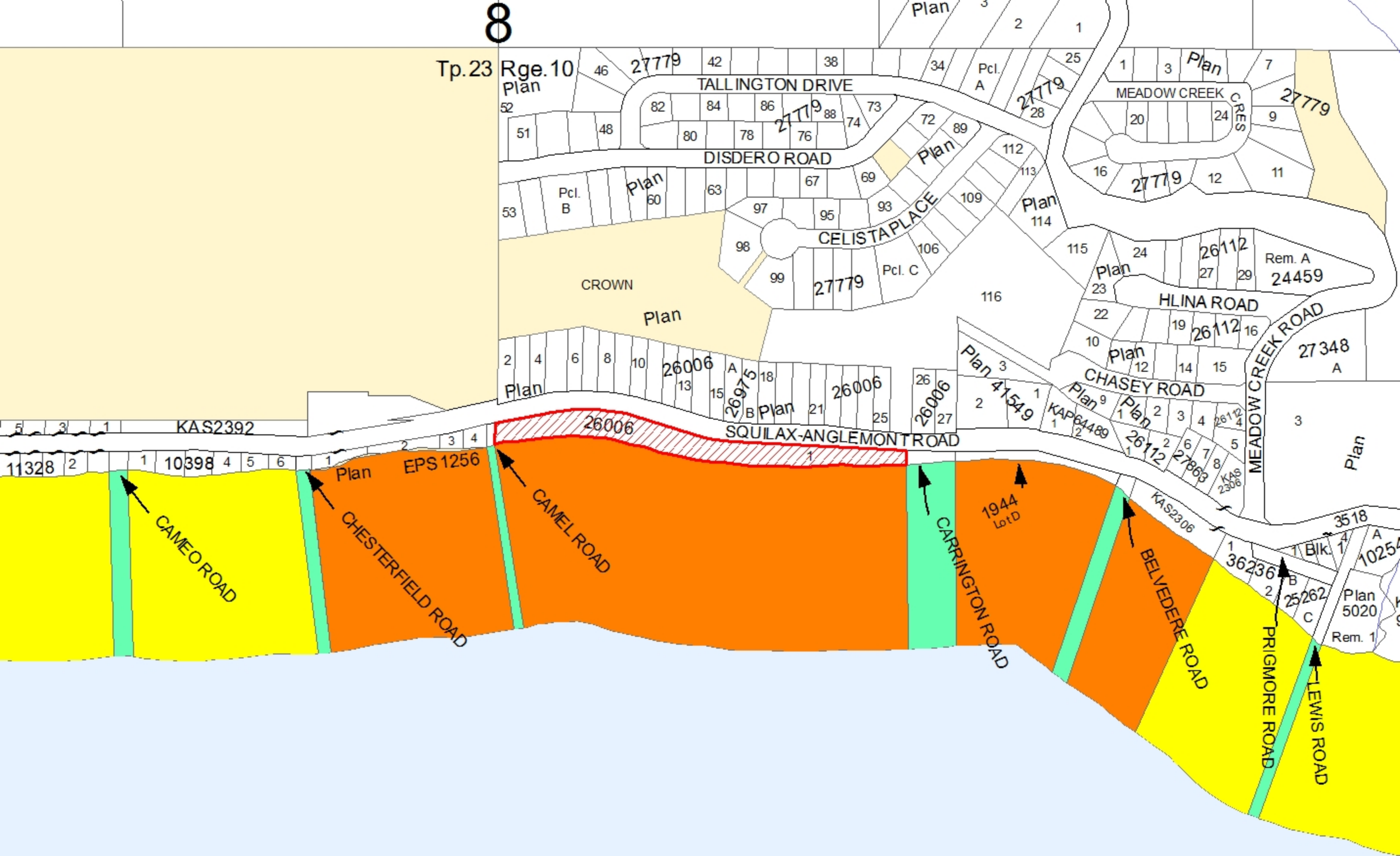
Thank you for your effort in this matter

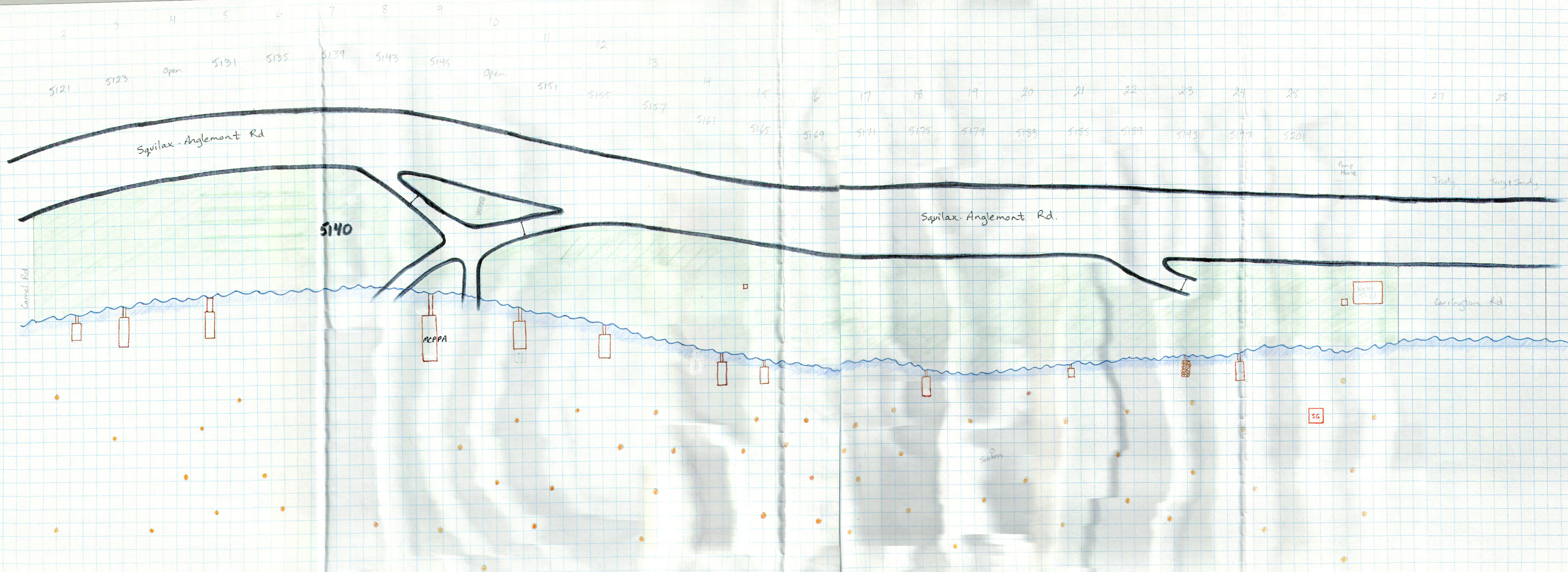
The Directors
MCPA
July 17, 2018











Dan Passmore

From: [REDACTED]
Sent: Thursday, August 31, 2017 2:41 PM
To: Crown Lands Kamloops; Dan Passmore
Subject: MCPPA
Attachments: docks 002.jpg

Good Afternoon,

As you both know we have been in the process of removing docks to get down to three. I have attached a diagram showing where the three are going to be located. As a membership we have given the dock owners until September 30, 2017 to remove their docks.

The three that are remaining are as follows:

Dock 1: gangway 6.7m long and 1 m wide
floating portion: 15.5m long and 2.4m wide

Dock 2: gangway 4.5 m long and 1 m wide
floating portion: 12.2 m long and 3.0 m wide

Dock 3: gangway 4.5 m long and 1 m wide
floating portion: 7.0 m long and 2.6 m wide

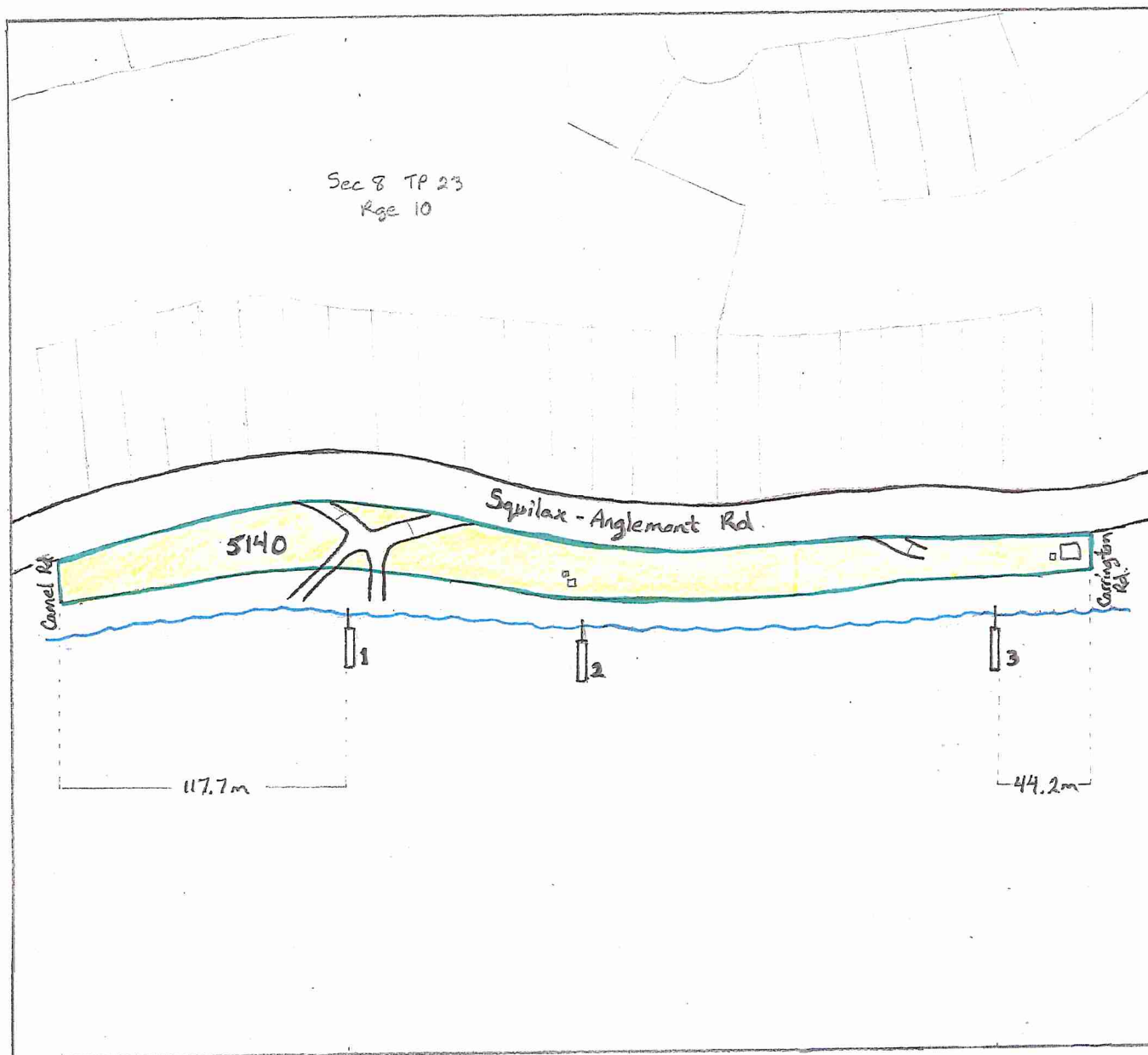
Thank you for your time

[REDACTED]

[REDACTED]

[REDACTED]

<input type="checkbox"/> CAO <input type="checkbox"/> Works <input type="checkbox"/> DS <input type="checkbox"/> Fin/Adm	<input type="checkbox"/> Agenda <input type="checkbox"/> Reg Board <input type="checkbox"/> In Camera <input type="checkbox"/> Other Mtg	Ownership: File #
SEP 05 2017		
<input type="checkbox"/> Ec Dev <input type="checkbox"/> IT <input type="checkbox"/> Parks <input type="checkbox"/> SEP <input type="checkbox"/> Other	RECEIVED <input type="checkbox"/> Staff to Report <input type="checkbox"/> Staff to Respond <input type="checkbox"/> Staff Info Only <input type="checkbox"/> Dir. Mailbox <input type="checkbox"/> Dir. Circulate	Ask Sent: <input type="checkbox"/> Fax <input type="checkbox"/> Mail <input checked="" type="checkbox"/> Email



iMapBC Mapping

Legend

- ☐ Integrated Cadastral Fabric
- ☐ Integrated Cadastral Fabric
- ☐ Integrated Cadastral Fabric Ownership
- Survey Parcels - Tantalus
- Land Act Surveyed Rights o
- Tantalus - Legal Descriptions
- Land Act Survey Parcels - T
- Descriptions
- TileCache
- ☒ Subject Property
- 5140 Squilax - Anglemont Rd
- ☐ Application Area

0 0.05 0.10 km

1: 2,500

Copyright/Disclaimer

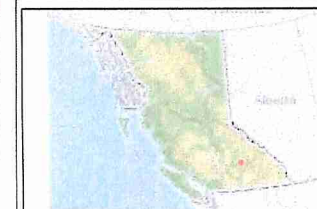
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Datum: NAD83

Projection: NAD_1983_BC_Environment_Albers

Key Map of British Columbia





Province of
British Columbia

MINISTRY OF
ENVIRONMENT
LANDS AND PARKS

BC
Lands

Thompson-Okanagan Region
478 St. Paul Street
Kamloops, B.C. V2C 2J6
Telephone: (604) 828-4800
Fax: (604) 828-4809

Our File: 3407684
Reserve No.: 963009

March 4, 1996

Your Contact is: Lynne Totten, Examiner
Telephone: 828-4834

BC Lands
Ministry of Environment, Lands and Parks
478 St. Paul St
Kamloops BC V2C 2J6

Re: Notice of Establishment - Land Act - Notation of Interest

The Crown land described as unsurveyed foreshore or land covered by water being part of the bed of Shuswap Lake, Kamloops Division of Yale District as shown outlined in red on sketch attached and containing approximately 2.6 hectares is established as a Notation of Interest for public recreation purposes.

Yours truly,

Authorized Representative

cc: Surveyor General Branch, Victoria

attach.

EX2RS (94/02)

TAS ENT'D MAR 13 1996



5193 CMT. station
for Right of Way

5213
5209

5201
5197
5193

5189
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5182

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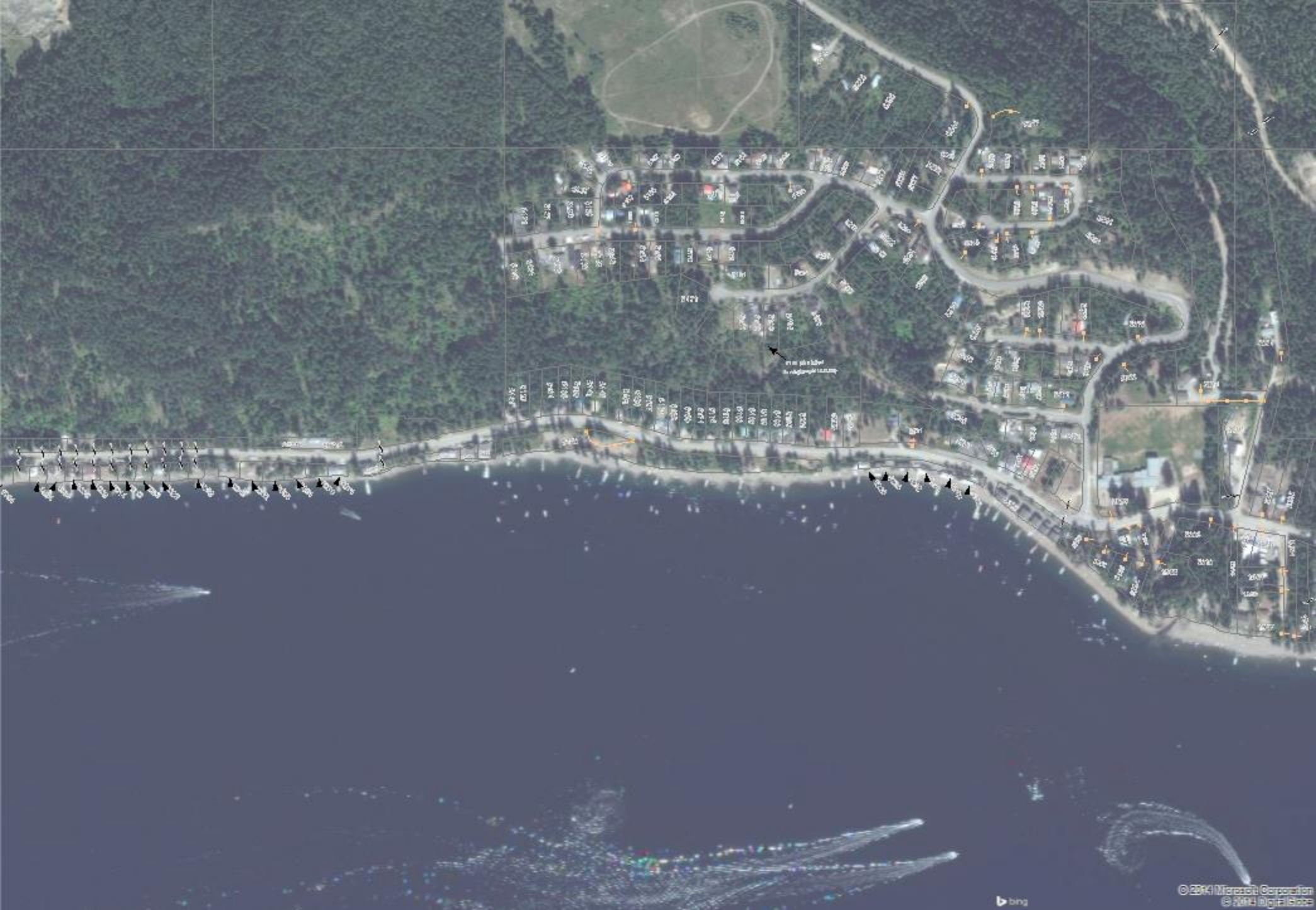
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5218

5140

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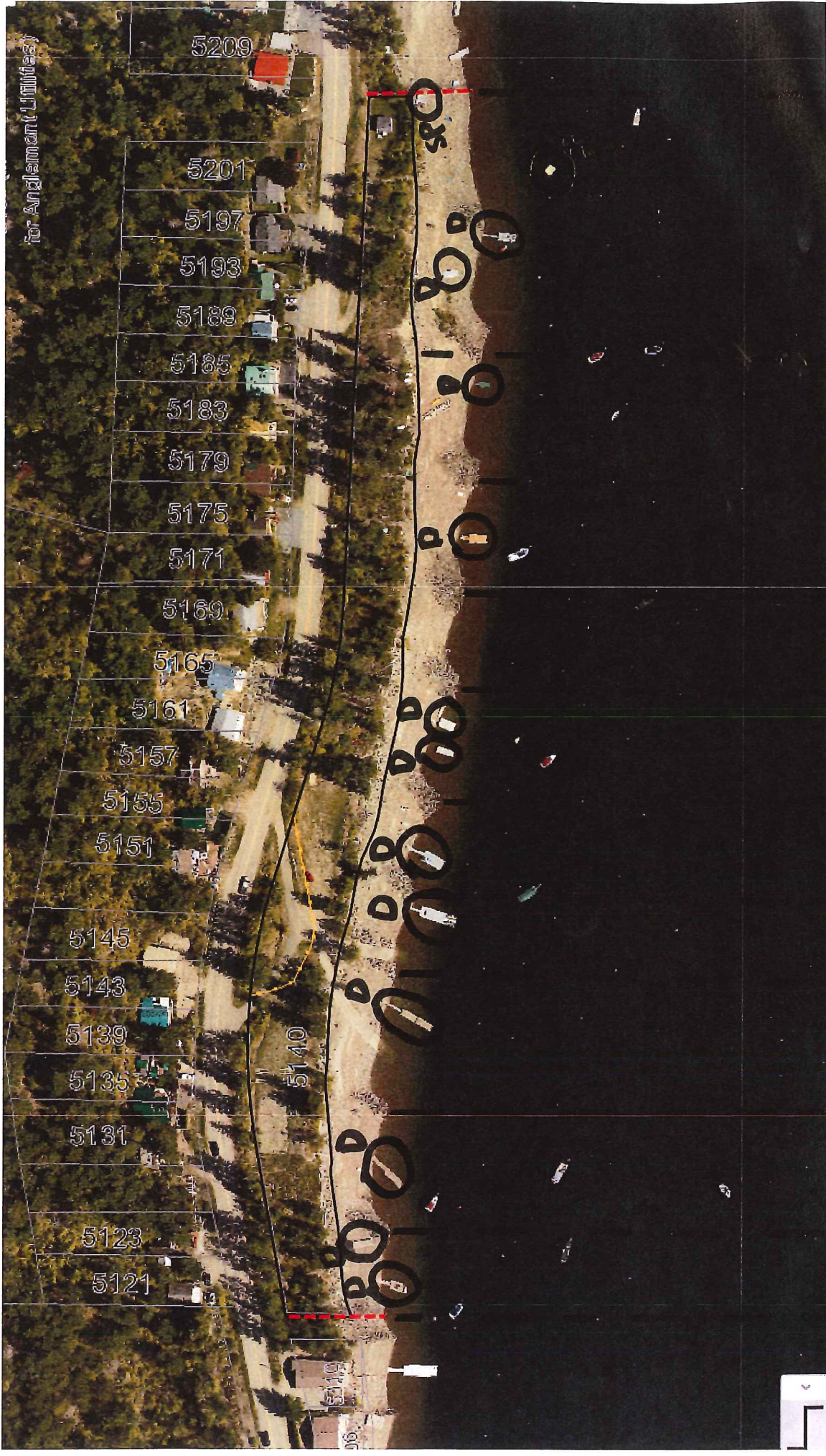
5100



COPY

Inventory - 61 Buoy
 - 12 Docks
 - 2 Swimming platforms (SP)

Meadow Creek - August 14, 2014



GRID 1	GRID 2	GRID 3	GRID 4	GRID 5	GRID 6	GRID 7	GRID 8	GRID 9	GRID 10	CAMEL ROF
2 DOCKS 2 SP 15 BUOYS	1 DOCK 7 BUOYS	1 DOCK 8 BUOYS	5 BUOYS	2 DOCKS 6 BUOYS 5165 Private	1 DOCK private reducing 8 BUOYS	1 DOCK private use @ own risk 2 BUOYS	1 DOCK no moorage swimming lounging 1 Buoy	1 DOCK 7 BUOYS	2 DOCKS 5123 2 BUOYS	CAMEL ROF Access. - nothing of concern @ time closer to 5110

CARDINGTON
 RD - Access
 2 DOCKS
 1 Buoy
 for certain
 2 on prop.