

Lakes Zoning Bylaw No. 900

Bylaw Administration Update and Next Steps



Development Services

Overview of Lakes Zoning Bylaw No. 900

- Adopted in 2012 in response to concerns about the proliferation of docks and buoys on Shuswap and Mara Lakes
- Regulates the use, size and siting of docks, buoys and swimming platforms in Electoral Areas C (South Shuswap), E (Rural Sicamous) and F (North Shuswap)
- It applies to new installation and the replacement of all or part of these types of structures
- Similar zoning regulations and development permit requirements in Electoral Area B (Rural Revelstoke) – Bylaw Nos. 850 and 851

Role of Provincial and Federal Governments

- Docks are also regulated by the Provincial Government – Ministry of Forest, Lands, Natural Resource Operations and Rural Development
 - Recent Provincial changes to the Provincial Private Moorage Program – General Permissions
- Buoys are also regulated by the Federal Government – Transport Canada
 - Prevent navigation hazards
 - Regulate type of buoy float

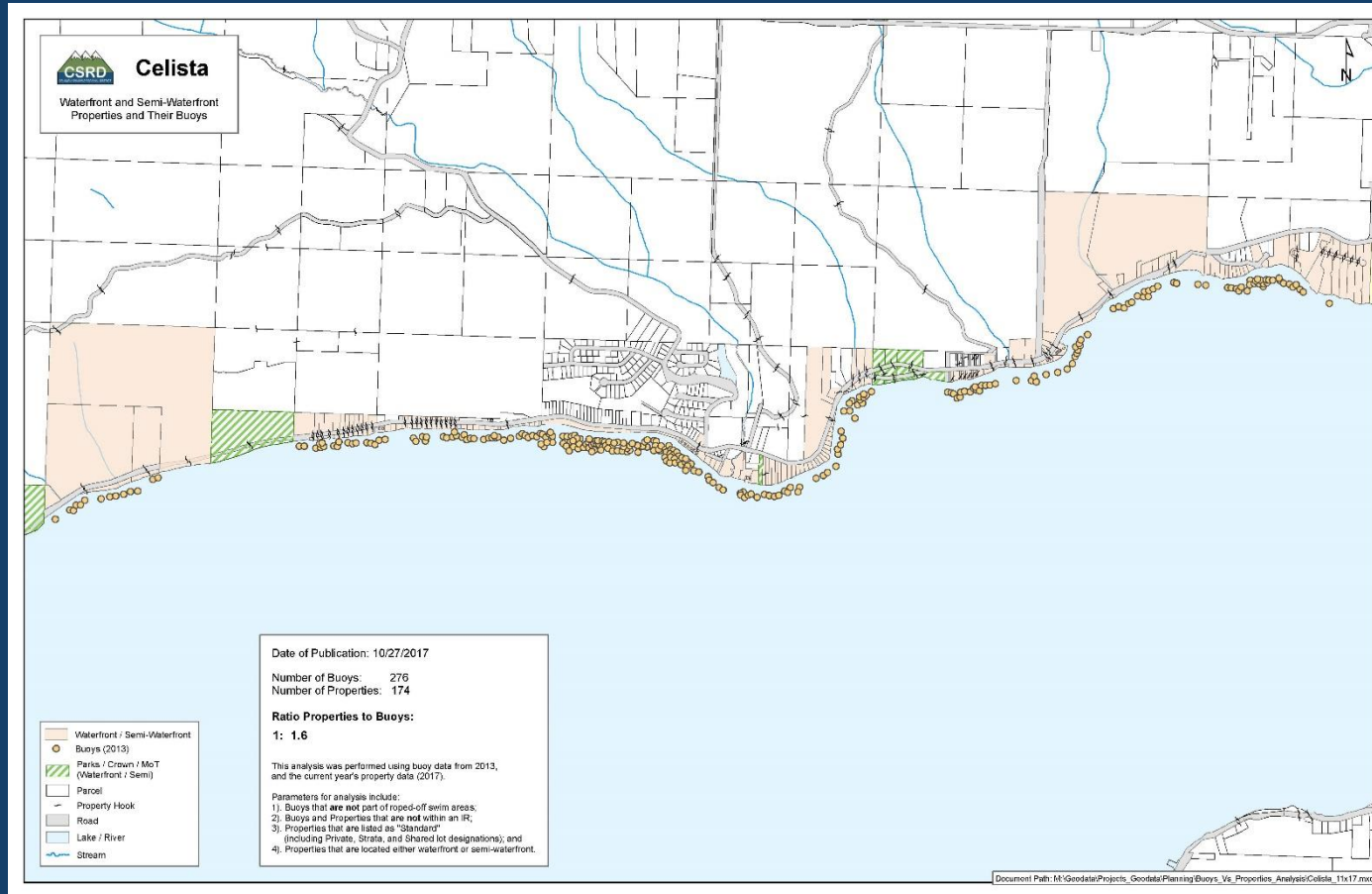
Docks and Buoys Situation – A Snapshot

- Buoys in the North Shuswap (2013)
- Bylaw Enforcement Files for Docks and Buoys (2013 - 2017)
- Foreshore and Water Development Permits Issued (2013 - 2017)

Buoys in the North Shuswap (2013)

- A map inventory and analysis of buoys (2013) in the foreshore of the five North Shuswap communities
 - 965 waterfront and semi-waterfront properties
 - 1,495 buoys
- Likely many more buoys installed since 2013
- A similar analysis could be undertaken for docks
- Handout buoy maps for the five North Shuswap communities

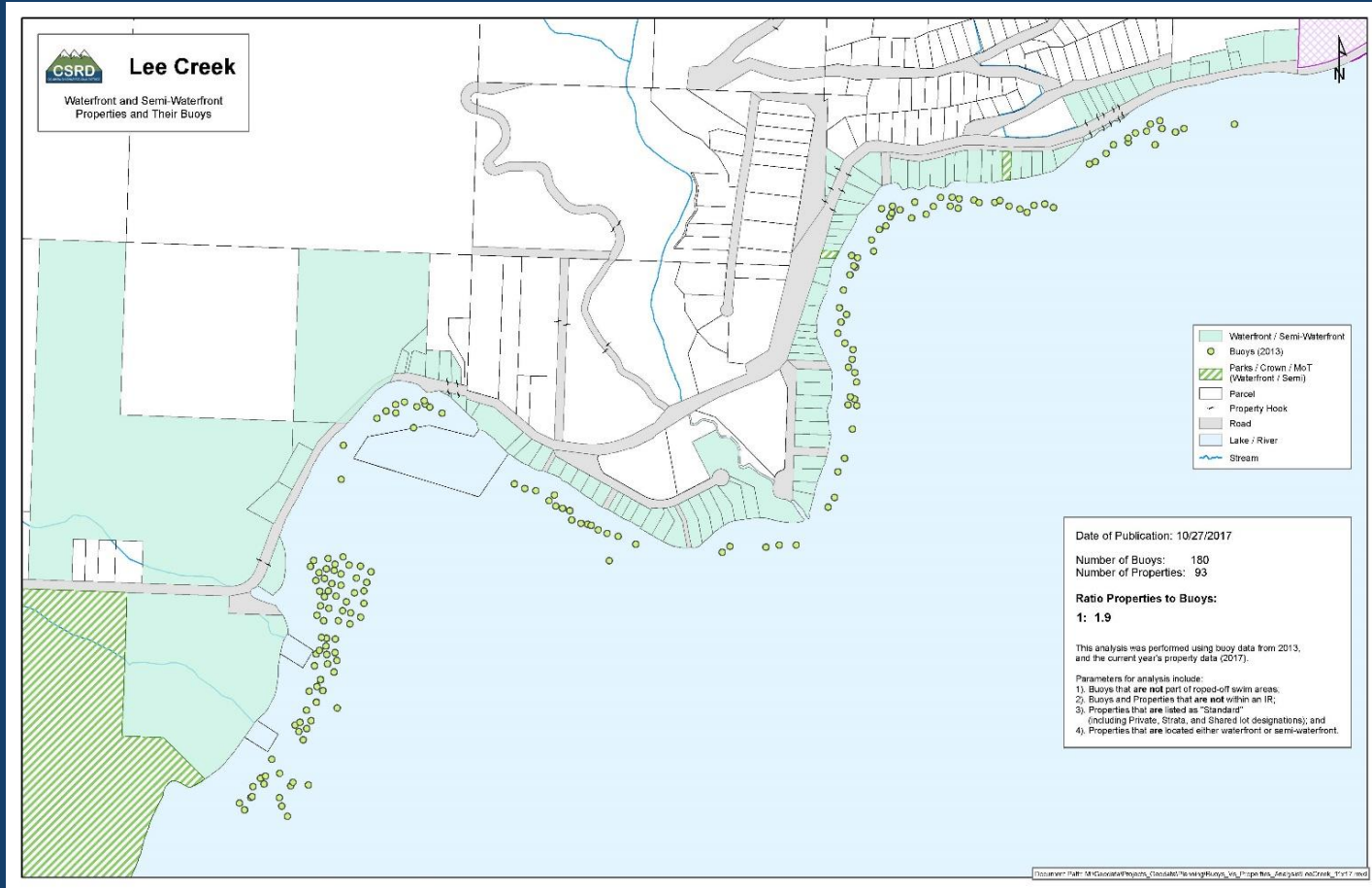
Celista Map - Buoy Inventory and Analysis (2013)



Celista - Meadow Creek



Lee Creek Map - Buoy Inventory and Analysis (2013)



Lee Creek - Gateway and Cottonwoods



197 Bylaw Enforcement Files Created – Docks and Buoys

Year	Electoral Area C	Electoral Area E	Electoral Area F	Yearly Total
2013	10	4	11	25
2014	13	5	28	46
2015	53	6	22	81
2016	13	7	10	30
2017	6	2	7	15
EA TOTAL	95	24	78	

Note: A file may have been created for each buoy in an area where multiple buoys were subject to a complaint

Foreshore and Water Development Permits Issued

- Electoral Areas C and F
- 40 Dock/Buoy Permits have been issued over 5 years (2013-2017)
- Average 8 per year:

Year	Electoral Area C	Electoral Area F	Yearly Total
2013	0	5	5
2014	5	0	5
2015	10	4	14
2016	6	3	9
2017	3	4	7
EA TOTAL	24	16	

Explanation of the Challenges of Administering and Enforcing Bylaw No. 900

- CSRD Bylaw Enforcement Policy A-69
 - Docks/buoys are Class 2 violations
 - 2 written complaints required and low priority for investigation and enforcement
- Receiving enough written information in a complaint to identify the location and determine ownership
- Researching the location of the complaint (review air photos, etc.)
- Completing a site visit to identify the dock/buoy in the field
- Determining if the dock/buoy is compliant or not
- Confirming if the dock/buoy is lawfully nonconforming or not
- Determining ownership of the dock/buoy

Explanation of the Challenges of Administering and Enforcing Bylaw No. 900 continued

- Contact the owner of the dock/buoy; may be initially by phone but one or more follow-up letters from Bylaw Enforcement Officer may be required
- Demand letter from the CSRD's solicitor may be required
- Property owner has opportunity to seek approval (rezoning and/or development variance permit) for a non-compliant dock/buoy
- Deadlines for property owner to contact staff, make a complete application to seek approval, or remove non-compliant dock/buoy
- Deadlines are rarely adhered to and often require follow-up by Bylaw Enforcement staff
- Complete application(s) may or may not be submitted in a timely manner

Explanation of the Challenges of Administering and Enforcing Bylaw No. 900 continued

- Staff review and processing of application(s) and Board consideration of approval
- Staff follow-up to ensure any conditions of approval adhered to or continue bylaw enforcement if approval not given by Board
- MTI Ticketing for an offence related to Bylaw No. 900 is an option for Bylaw Enforcement Officers, however tickets need to be issued to owner in person
- Final enforcement tool is a statutory injunction applied for by the CSRD's solicitor

Buoys are Difficult to Administer and Enforce

- It is very difficult to identify a buoy in the field that is subject to a complaint
 - Often there is too many and there is no way to accurately pinpoint its location relative to a waterfront or semi-waterfront property
 - Buoys may move over time and seasonally
 - It is very difficult to identify the ownership of a buoy
 - Buoys may be placed by people who are not waterfront or semi-waterfront property owners
 - There are many lawfully non-conforming buoys
- Costs to follow-up enforcement through to a statutory injunction are large
- Transport Canada may get involved if a buoy is considered a navigation hazard - this is very rare.

Docks are Easier to Administer and Enforce

- A dock can usually be identified in the field because there are fewer of them
- Docks are usually related to a waterfront property
- Due to the expense of a dock, a dock owner can usually be determined or the dock owner may come forward as part of an investigation
- The Province may get involved if a dock is installed without the necessary permit(s) or is contrary to the General Permissions – this does occur

Considerations for Future Lake Zoning Priorities

- Buoys – Consider not regulating buoys
 - Non-compliant buoys are difficult to locate and determine ownership
 - Many buoys are considered lawfully non-conforming
 - Enforcement is not effective and costs exceed benefit
 - Time and costs of buoy enforcement could be shifted to other enforcement priorities, including docks

Considerations for Future Lake Zoning Priorities

- Docks – Continue to Regulate
 - consider increasing the maximum dock area permitted
 - Provincial changes to the Provincial Private Moorage Program – General Permissions do not establish a maximum dock length or area
 - The 24m² maximum permitted dock surface area was established based on the Provincial and Federal maximum surface area requirements
 - CSRD could consider increasing the maximum surface area of a dock permitted from 24 m² to a larger area.
 - It is recommended that there be a maximum dock surface area