

PUBLIC HEARING NOTES

Bylaw No. 900-20

Notes of the Public Hearing held on Wednesday June 19, 2019 at 7:02 PM at the Sunnybrae Community Hall, 3595 Sunnybrae-Canoe Point Road, Tappen, BC regarding Lakes Zoning Amendment (Totem Pole Resort) Bylaw No. 900-20

PRESENT: Chair Paul Demenok – Electoral Area C Director
Jennifer Dies – Electoral Area C Alternate Director
Erica Hartling – Planner I, CSRD
8 members of the public (all owners of K-46 - Totem Pole Resort)

Chair Demenok called the Public Hearing to order at 7:02 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 (Totem Pole Resort) Bylaw No. 900-20 (BL900-20).

The Planner explained that this hearing has been called under Section 464 of the Local Government Act and that the board cannot adopt a zoning bylaw amendment unless it has held a public hearing. She noted that the Public Hearing report is expected to be submitted to the Board for consideration at its meeting on July 18, 2019 and that the Public Hearing Information Package containing all relevant background information was available for review if anyone wished to look at it. The Planner described the notification requirements and noted the Public Hearing notice was advertised in the Shuswap Market News on June 7 and June 14, 2019. The Planner reviewed the purpose of the bylaw and summarized the referral agencies' responses.

The Chair opened the floor for comments.

████████████████████ Sunnybrae-Canoe Point Road, referred to a written public submission that was signed by six of the K-46 strata owners (including himself) with concerns over BL900-20. ██████████ attended the meeting on behalf of the other five owners and noted that they recommend that the application be deferred until the Strata Council/Buoy Committee/Totem Pole Resort (the "Strata") is able to communicate the full extent of the application and the impact on all owners of K46. The owners are concerned that water depth, moorage swing radius of 10 m, boat length and the individual costs have not been addressed and that a comprehensive buoy management plan is essential for the compliance of this application. ██████████ asked if the site plan that has been presented with the Board Report is set in stone. He also asked about two mooring buoys north of the Strata's foreshore zone and if they were proposed as part of the application and to be permitted in their locations.

The Planner clarified that the final private mooring buoy locations can be determined at the time of a Foreshore and Water Development Permit after third reading of the bylaw and before bringing the bylaw back to the Board for adoption. The Planner noted that the Strata

is working on a draft management plan that they intend to present to the strata owners, which may address many of the issues and concerns [REDACTED] raised. The Planner also noted that the Strata confirmed with her that the two buoys to the north of the Strata's foreshore zone are no longer in the water and she informed the Strata that they would not be permitted to reinstall the two buoys in their original location, as they are no longer considered legal non-conforming.

[REDACTED] Sunnybrae-Canoe Point Road, [REDACTED] of Totem Pole Resort K-46 and asked about the process and steps of the bylaw amendment. [REDACTED] had concerns with the communication from the Strata and recognised that they work hard but some owners feel they are not informed on the Strata's decisions. He noted that there are mooring issues to be considered with regard to boat length, storms, and collision of boats.

The Chair and the Planner answered some questions about the site plan and also clarified the bylaw amendment application procedures and process. The Planner updated the strata owners/public members that if the Board gives the bylaw third reading then staff will recommend that adoption of the bylaw be withheld until documentation has been received regarding the final locations of the buoys within the zone area confirmed with a map and GPS coordinates, and confirmation that the buoys have been tagged with identification and the development permit number and bylaw number.

The strata owners and the Chair had a discussion about the location of Totem Pole Resort on Shuswap Lake and how storms impact it as it is situated on a point. The owners noted that the positions of the existing buoys are impacted from storms on both sides and the buoys require heavier and sturdier anchors to keep them from moving.

[REDACTED] Sunnybrae-Canoe Point Road, [REDACTED] of Totem Pole Resort K-46 and is the President of the Resort (i.e. K-46 Totem Pole Resort applicant/representative). [REDACTED] spoke on behalf of the Strata and confirmed that the Strata wants to move and install buoys in a safe and professional manner and that there will be a management/maintenance plan that is currently being worked on and will be presented to the strata owners. The Strata recognises that there are varying water levels and they are seeking professional help to install and relocate the proposed buoys. She let the owners know that before Copper Island can install and relocate the buoys they want to make sure the Strata has been issued a development permit from the CSRD. She confirmed that the Strata wants to make placement fair for more owners and an equal opportunity for all owners to have a mooring buoy and still comply will all regulations. She confirmed that the Strata will not complete the work of the foreshore and water development permit and adoption of BL900-20 without the support of the owners.

[REDACTED] Sunnybrae-Canoe Point Road, [REDACTED] of Totem Pole Resort K-46 and asked if the Strata is willing to educate the strata owners and that she wished for

education over a period of time. [REDACTED] responded and promised that all owners will have the opportunity to speak and be heard and there will be a town hall meeting for the owners and that Copper Island will hopefully be there to speak to the owners as well.

[REDACTED] commented that he understands that if the Strata has a set plan then they can get the permit and has no doubt that the CSRD has to setup rules but he is trying to understand the entire process.

Some of the owners who currently have private mooring buoys south of the Strata's foreshore zone noted that they do not have the equipment to move the chain or adjust it and asked what a permit would do for them. [REDACTED] answered that the buoys would no longer be considered illegal or legal non-conforming and would just simply be legal under BL900-20 and under the permit they would be moved and updated with the proper tags, floats and GPS location.

[REDACTED] Sunnybrae-Canoe Point Road, [REDACTED] of Totem Pole Resort K-46 and noted that he has a buoy outside the resort foreshore zone. He said he has never done anything wrong or moved it and why does he have to move it now. [REDACTED] asked if he had to move his buoy to be within the Strata's foreshore zone. Some other owners had concerns about moving their buoy and wanted to understand what legal non-conforming means. The Planner explained what legal non-conforming is and when a buoy would lose that status and simply be considered illegal. The owners asked if their buoys had to be moved into the Strata's foreshore zone boundary as part of the application and the Chair and the Planner confirmed that yes, the buoys outside the boundary identified in the site plan must be moved as part of the application.

Hearing no further representations or questions about amending Bylaw No. 900-20 the Chair called three times for further submissions before declaring the Public Hearing closed at 7:47 PM.

CERTIFIED as being a fair and accurate report of the Public Hearing.

Original Signed by

Director Paul Demenok
Public Hearing Chair



Erica Hartling
Planner I