

Notes of the Public Hearing held on Monday, May 27, 2019 at 6:30 PM at the Sorrento Memorial Hall, 1150 Passchendaele Road, Sorrento, BC regarding Lakes Zoning Amendment (CSRD) Bylaw No. 900-25.

PRESENT: Chair, Rhona Martin –Director, Electoral Area E
Christine LeFloch – Planner II, CSRD
Corey Paiement – Team Leader Planning Services, CSRD
Evan Chorlton – Development Services Summer Student, CSRD
Paul Demenok – Director, Electoral Area C
Jay Simpson – Director, Electoral Area F
17 members of the public (15 officially signed in)

The Chair called the Public Hearing to order at 6:32 PM and introduced the staff members and directors present. 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 amending Bylaw No. 900-25.

The Planner explained the legal requirements for notifications regarding the proposed bylaw amendment noting that ads had been placed in the May 10th and 17th, 2019 issues of the Shuswap Market News, and notices were posted on the CSRD website and social media. She further noted that notices were not mailed to all owners of property affected by the bylaw amendment because the Local Government Act does not require that notices be mailed to individual property owners if a bylaw amendment affects more than 10 properties owned by 10 different owners, and also due to the cost to do so. It was stated that the public hearing notes would be presented to the Board at the June Board meeting.

The Planner then gave a presentation on the proposed amendments to Bylaw No. 900. The presentation included details on the background and history of Bylaw No. 900, noting that it was created in response to public pressure on the CSRD to regulate buoys and docks on Shuswap Lake and was adopted in 2012. She outlined the proposed amendments to the bylaw which include increasing the allowable platform size for residential docks from 24 m² to 30 m², increasing the maximum allowable width for residential docks from 3 m to 3.05 m and the maximum allowable width of walkways from 1.5 m to 1.52 m. It was clarified that there is no regulated length for walkways and they are not included in the calculation of total platform size. The presentation included an overview of the bylaw amendment process with detailed information on the referral process, comments received from referral agencies and how they were addressed. It was noted that a further amendment was proposed to the bylaw at second reading based on comments received from the CSRD Operations Management Department who requested that the maximum platform size for docks in Foreshore Park zones be increased from 24 m² to 40 m², and that the rationale for this is that docks used in public parks are often in association with public boat launches used by non-waterfront residents and tourists and can get very busy so require a greater number of berths for loading and unloading of passengers. An overview of the public consultation process which included a public comment form available on the CSRD website from Sept 12 to Oct 12, 2018 was provided including a summary of the comments received. The Planner then indicated that following the public hearing the next steps would include preparing a report to the Board regarding the public hearing results, and that the bylaw may be amended and then given third reading or may be given third reading with no further changes, and the last step would be adoption of the bylaw. She noted that once adopted the bylaw would be in effect.

The Chair then opened the floor for comments.

██████████ Wilson Creek, Anstey Arm (water access only), stated that he is the President of the Shuswap Waterfront Owners Association (SWOA) and read out a written statement on behalf of SWOA which was submitted for the record. The two main concerns were regarding the safety of docks during all weather conditions and simplification of the application process for docks, minimizing costs for both the property owner and the CSRD. ██████████ noted

that information was provided by SWOA at a meeting in June of 2018 which he believes was not provided to the Board so it was provided again with his comments. This information is regarding the technical issues around siting of docks and safety considerations for docking, unloading and loading of boats. He noted that SWOA also provided information as part of the referral process. SWOA feels that the CSRD should have regulations that are consistent with the Provincial General Permission, but also stated that if the CSRD chooses to regulate dock size further then 37 m² should be the maximum size. They believe that the use of pre-owned boats to determine dock size is erroneous because when people sell a boat it is often because they intend to buy a larger one. They feel that docks need to be at least 10 feet longer than the length of the boat that will be moored at it. They also noted that most of the docks built on Shuswap Lake are larger than the proposed bylaw allows and have been built to be practical and safe. (Full comments are available as part of the public submissions document).

██████████ Galligan Road, had questions about grandfathering of docks and asked how this works. He also noted that some areas of the lake require a longer dock due to shallow water conditions.

The Planner explained that docks that have been in place since prior to adoption of Bylaw No. 900 that do not meet the regulations are considered lawfully non-conforming or grandfathered and further that if they do not meet the size proposed in the current amendments they would continue to be grandfathered. She noted that they would lose this lawfully non-conforming status only if they were to be destroyed or removed. At that point the owner would need to install a new dock that complies with the regulations or could apply to vary the bylaw if they wanted a larger one. She also noted that the length of walkways is not regulated because it is recognized that in many areas of the lake a long walkway is needed to push the dock out into deeper water.

██████████ Parker Road, asked how many buoys are permitted per property.

The Planner explained that most properties are permitted one buoy, while properties with more than 30 m of lake frontage are permitted to have two buoys. She further explained that owners in Areas C and F are required to apply for a Development Permit prior to buoy installation and that currently owners in Area E are not required to do this because there is no Official Community Plan in place, but that we expect this to change within the next few years once the OCP bylaw is adopted. She also noted that in addition to the Development Permit requirement owners must also adhere to the zoning regulations contained in Bylaw No. 900 along with federal regulations which require that private mooring buoys be white with an orange stripe and must have the owner's name, contact info and the letters PRIV on them.

██████████ Wilson Creek (boat access only), said that he had taken note of the size of docks as he boated in from his property for the meeting, and while he did not take measurements he feels that a lot of docks are larger than the proposed 30 m². He thinks that local waterfront owners know best due to experience so why not use common sense and look at what they have built and formulate a bylaw that accommodates those docks. He noted that people get confused with regulations so there should be just one set of rules and suggested that the provincial regulations be used.

██████████ Express Point Crescent, said that boarding and unboarding of vessels can be very dangerous and that docks need to be appropriate to boat length for safety reasons. Also noted a preference for 12 feet wide vs 10 feet wide docks and that wider walkways are necessary for accommodating older and disabled people. He feels that shoreline and topography will dictate what dock design is appropriate.

Director Demenok asked the Planner to explain the differences between Lakes Zoning Bylaw No. 900 and the Provincial General Permission.

The Planner explained that the Provincial General Permission requires that docks be a maximum of 3 m wide with a walkway no more than 1.5 m wide and may extend no further than 42 m into

the lake from the point where the dock begins. She noted that provided an owner meets these regulations they do not need to make application to the Province. It is only if they do not meet these regulations that an application for a Specific Permission is required. She also explained that the CSRD zoning regulations regulate whether a dock can be floating or fixed and this generally depends on the residential density of the area. Higher density residential areas such as Scotch Creek allow floating docks only, and this is to ensure that public access for beach walking is maintained. She noted that in lower density areas including water access only areas, fixed and floating docks are permitted so owners have the option of using a fixed dock if safety is a concern. The bylaw generally regulates size and setbacks as well. If an owner wishes to construct a dock that doesn't meet the requirements they may apply for a variance or in some cases a rezoning may be required.

██████████ Galligan Road, stated that BC Assessment is valuing docks as improvements. Discussion ensued around that issue. It was suggested that questions about assessments should be directed to BC Assessment.

██████████ Eagle Bay Road, asked for clarification about maximum dock length in Bylaw No. 900.

The Planner explained that length of a dock is not specifically regulated, but the maximum platform size being proposed is 30 m² and the maximum allowable width is 3.05 m which would translate to roughly 10 m of length.

██████████ Squilax-Anglemont Road thinks that docks need to be able to accommodate more than one boat.

██████████ St. Ives Road, stated that the number of people present at the public hearing is not representative of the concerns about the bylaw. She felt that holding the public hearing on a Monday night was not a good idea and thinks that it should have been held on a weekend so that owners who reside out of town during the week are able to attend. She also feels that the bylaw may not address all of the safety concerns.

██████████ Branch Road asked why the CSRD decided to implement Bylaw No. 900.

The Chair explained that there was strong public interest in regulations over the lake due to the proliferation of docks and buoys, along with safety issues. She noted that there was a mixture of both lakefront residents and other residents, along with Provincial and Federal agencies who were interested in this and requested that the CSRD do something. She emphasized that there were many meetings and discussion that occurred prior to the bylaw being implemented.

██████████ stated that he was on the Advisory Planning Commission when Bylaw No. 900 was being created. He noted that at that time everyone visiting the lake seemed to be dropping buoys and it was getting out of control.


Director Demenok explained that Transport Canada is currently doing enforcement of their regulations and that the CSRD is not involved in this project. He explained that the legal requirements for the CSRD to remove buoys makes it very challenging and costly. A discussion ensued around the federal requirements for private mooring buoys until the Chair redirected the discussion to matters related to the proposed amendments.

The Chair called once for further comments or discussion.

██████████ St. Ives Road stated that he has extensive experience on lakes and the ocean and has been a First Responder. He feels that larger docks are safer.

The Chair called a second and third time for further submissions or questions regarding amending Bylaw No. 900-25. Hearing none, she thanked everyone for coming and declared the public hearing closed at 7:28 PM.

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



Director Rhona Martin
Public Hearing Chair



Christine LeFloch
Planner II, CSRD