Relevant Excerpts from

Electoral Area E Official Community Plan Bylaw No. 840, Electoral Area E Zoning Bylaw No. 841, Lakes Zoning Bylaw No. 900 and Policy P-11

(See <u>Bylaw No. 840</u>, <u>Bylaw No. 841</u>, <u>Bylaw No. 900</u>, and CSRD Policy Manual for all policies and land use regulations)

Electoral Area E Official Community Plan Bylaw No. 840

3.5 Foreshore Environment

Foreshores are among the most sensitive natural environments, as they are where two ecosystems merge — the aquatic ecosystem and the terrestrial ecosystem. Foreshore environments experience a significant amount of pressure from human activity, including the impacts from watercraft use. Private boat docks are common throughout the Shuswap.

The cumulative shoreline of Electoral Area E lakes (Shuswap Lake, Mara Lake, Three Valley Lake, Griffin Lake, Clanwillian Lake and Victor Lake) is extensive. Settlement along these lakeshores is concentrated in the following locations: Annis Bay and Queest Village (Shuswap Lake), Swansea Point and Shandy Cove (Mara Lake), and Three Valley Gap Resort (Three Valley Lake). The CPR railway line is adjacent to the shoreline between Sicamous and Salmon Arm and Splatsin Indian Reserve #3 is located at the northwest portion of Mara Lake. The remaining shoreline is owned by the province. Individuals cannot build on or develop Crown land without provincial authorization.

3.5.1 Objectives

- .1 To maintain the unique physical and biological characteristics of the foreshore environment.
- .2 To maintain shoreline habitats to protect them from undesirable development.
- .3 To manage the foreshore to ensure appropriate use and prevent overdevelopment.

3.5.2 Policies

- .1 Non-moorage uses other than passive recreation are generally not acceptable on the foreshore. These include facilities such as beach houses, storage sheds, patios, sun decks, and hot tubs.
- .2 Prohibit docks and swimming platforms for semi-waterfront parcels and work with the province to help facilitate the removal of unauthorized docks.
- .3 Land owners must not alter the natural habitat and shoreline processes unless specifically authorized. The placement of fill and the dredging of aquatic land are not generally acceptable.
- .4 Encourage the applicable provincial agencies, when carrying out reviews of foreshore tenure applications, to take the objectives and policies of this OCP into consideration, with emphasis on the environmental sensitivity of the foreshore areas.
- .5 Private moorage owners and builders shall comply with the MoE's Best Management Practices for Small Boat Moorage on Lakes, and minor works policies published by Transport Canada, Navigable Waters Protection Division prior to construction of any foreshore moorage. Known private moorage contraventions may be reported to Transport Canada.
- .6 Encourage the federal and provincial government to provide the CSRD the opportunity to comment on land tenure applications.

.7 The CSRD shall:

- a. Implement the Foreshore and Water DPA, Riparian Areas Protection Regulation DPA and Lakes 100 m DPA (refer to sections 6.3 6.5);
- b. Continue to implement Lakes Zoning Bylaw No. 900 which sets out regulations pertaining to the placement of docks and private moorage buoys;
- c. Assess and strive to protect sensitive fish habitat when developing and operating CSRD waterfront parks and boat launches;
- d. 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;
- e. Encourage property owners to replace older, on-site sewage systems with newer technology to prevent potential contamination of the shoreline; and,
- f. Advise and expect property owners not to remove vegetation along the foreshore (without the proper approval) 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 (as updated from time to time).
- g. Direct commercial foreshore uses to the District of Sicamous.

4.13 Foreshore and Water (FW)

4.13.1 Objective

To acknowledge existing authorized private moorage uses and commercial marinas and provide limited opportunities for future moorage associated with residential development.

4.13.2 Policies

- .1 Lands within the Foreshore and Water designation are shown as "FW" on Schedule B.
- .2 Moorage, including docks and private moorage buoys on Shuswap and Mara Lake, shall be regulated by Lakes Zoning Bylaw No. 900. Moorage on all other applicable watercourses shall be regulated by the Electoral Area E Zoning Bylaw.
- .3 New development proposals in areas designated Foreshore and Water may require a development permit as per the requirements in section 6.3 of this Bylaw.
- .4 Dry land boat storage solutions are strongly preferred over floating or fixed docks for all new resort or multi-family residential developments.
- .3 Moorage proposals will be located away from or redesigned to avoid negative impacts on adjacent structures and uses, including other docks, marinas, beach access points, parks, utilities, water intakes, etc.
- .4 Support for new waterfront proposals should consider the provision of related public amenities such as dedicated moorage spaces and facilities for public use, dedicated public accesses to the foreshore (including boat launches), waterfront park dedication, or similar amenities which enable greater public access and use of the foreshore and water.
- .5 Moorage should be located away from or be designed to have minimal impact on fish and riparian habitat.

5.2 Sicamous-to-Armstrong Rail Trail Corridor

In 2014, Splatsin Band Chief and Council successfully negotiated with CP Rail to purchase 11.7 ha of the discontinued railway corridor between Sicamous and Armstrong. This includes a 1.5 km section south of Sicamous along the shores of Mara Lake, and a 6 km section south of Enderby. In December 2017, the Regional District of North Okanagan (RDNO) and CSRD purchased the remaining sections of the CP Rail corridor, excluding the sections already owned by the Splatsin.

Through a Memorandum-of-Understanding, the three owners (Splatsin, RDNO and CSRD) have developed a joint agreement to develop, operate and maintain the 50 km rail-trail corridor.

This public corridor will be used for non-motorized active transportation and recreational purposes with the intent to connect to the Okanagan Rail Trail and Kettle Valley Trail. The greenway trail corridor travels along the west side of Mara Lake, the Shuswap River, and Fortune Creek passing through forests, lake vistas, farmland, and a series of rural communities. It is home of the Splatsin of the Secwépemc Indigenous Nation who are working with all the communities along the corridor to build relationships and tell the story of its place within Secwépemc First Nation Territory. 9.3 km of this corridor is located within Electoral Area E.

5.2.1 Objectives

- 1. Protect environmental, agricultural, and Secwépemc cultural values, and create tourism and transportation benefits for the region, through the development of the entire abandoned Sicamous-to-Armstrong rail corridor as a continuous non-motorized greenway for walking & cycling.
- 2. Advocate linking the Sicamous-to-Armstrong Rail Trail Corridor with the Okanagan Rail Trail.

5.2.3 Policies

- .1 The Sicamous-to-Armstrong Rail Trail Corridor is designated "PK" in Schedule B of this Bylaw. Relevant Parks and Trails policies are contained within Section 4.12.
- .2 Continue to work collaboratively with the project partners to complete the development of the Sicamous-to-Armstrong Rail Trail Corridor.
- .3 Ensure the Sicamous-to-Armstrong Rail Trail Corridor remains continuous, and developed, operated and maintained for its use as a non-motorized continuous recreational trail, particularly for pedestrian and bicycle transportation.
- .4 Recognize future potential use of the Sicamous-to-Armstrong Rail Trail Corridor as a continuous multi-modal regional transportation corridor.

6.3 Foreshore and Water Development Permit Area

6.3.1 Authority

"Foreshore and Water Development Permit Area" (Foreshore and Water DPA) is designated pursuant to section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity;

6.3.2 Area Designated

The Foreshore and Water DPA corresponds with lands designated Foreshore and Water (FW) on Schedule B of this OCP and includes Shuswap Lake, Mara Lake, Griffin Lake, Three Valley Lake, Clanwilliam Lake, Victor Lake, and the Eagle River.

The Foreshore and Water DPA extends from the natural boundary of the above listed watercourses across the entire area of each watercourse.

In the case of Shuswap Lake, Mara Lake, and the Eagle River, the Foreshore and Water DPA extends to the Electoral Area E boundary.

6.3.3 Justification

The Foreshore and Water DPA arises from the growing impact that docks, swimming platforms, and private mooring buoys are having on foreshore and water areas within the Plan area. These features can be detrimental to foreshore and aquatic environments which support fish habitat.

Lakes Zoning Bylaw No. 900 was implemented to regulate the use, siting, density and of docks, swimming platforms, and private mooring buoys. Establishing a development permitting process and best practices for the placement of these structures will reduce potential negative impacts to foreshore and water areas.

The construction, placement and use of private moorage facilities (docks, boat ways/ramps or boat lifts) on Crown land is also regulated through the provincial *Lands Act* and requires authorization from the Ministry of Forest, Lands and Natural Resource Operations. Private mooring buoys are federally regulated under the *Navigable Water Protection Act* and must be installed in accordance with Transport Canada regulations and specifications.

6.3.4 Objectives

The objectives of the Foreshore and Water DPA are to:

- .1 Establish a permitting process for the placement of docks, swimming platforms, and private mooring buoys to ensure proper use, density and siting in accordance with Lakes Zoning Bylaw No. 900.
- .2 Ensure the siting of docks, swimming platforms, and private mooring buoys prevent or minimize negative impacts on foreshore and aquatic environments.
- .3 Complement, Riparian Areas Protection Regulation DPA and Lakes 100 m DPA, recognizing the important and sensitive interrelationship of foreshore and water areas with adjacent upland areas.

6.3.5 Activities requiring a permit

A Foreshore and Water DP must be obtained prior to the:

- .1 Installation of new docks, swimming platforms, and private mooring buoys; and,
- .2 Replacement of docks, swimming platforms, and private mooring buoys

within the Foreshore and Water DPA.

Docks, swimming platforms and private mooring buoys include the following components:				
Dock	Swimming platform	Private Mooring Buoy		
Floating platform	Floating platform	Floating buoy		
Chains or cables	Chains or cables	Chains or cables		
Anchors for floating dock	Anchors	Anchor		
Piling(s) for a fixed dock	Or piling(s) for a fixed swimming platform			

6.3.6 Exemptions

Notwithstanding Section 6.3.5, a Foreshore and Water DP is not required for the following:

- .1 Maintenance and alterations of legal or non-conforming docks, swimming platforms and private mooring buoys, except:
 - a. Alterations which increase the size of docks, swimming platforms and private mooring buoys; and
 - b. Replacement or reconstruction of docks, swimming platforms and private mooring buoys, as defined by the guidelines below.
- .2 Commercial and group moorage facilities, including marinas and strata moorage structures, requiring provincial tenure. (*Rationale: these facilities undergo provincial review and are referred to other government agencies, including Fisheries and Oceans Canada, CSRD, through that process, thus satisfying the intent of this DPA*).
- .3 Works conducted by the CSRD or its agents where appropriate measures have been undertaken to satisfy the applicable DPA guidelines.

6.3.7 Guidelines

These guidelines apply to both new installation and replacement of docks, swimming platforms and private mooring buoys (structures).

- 1. For existing structures, it needs to be determined if the dock, swimming platform, or private mooring buoy is non-conforming and lawful. To be considered lawfully non-conforming, the property owner will need to provide evidence it was installed prior to the adoption of Lakes Zoning Bylaw No. 900. Examples of evidence may include pictures, orthophotos, installation receipts, affidavits, etc.).
- 2. Lawfully non-conforming docks, swimming platforms and private mooring buoys may be maintained and certain components may be able to be replaced up to 75% over a 3 year period.

4.8 RR1 Rural Residential 1 Zone

.1 Purpose

To accommodate single detached dwellings on smaller parcels.

Permitted Principal Uses

single detached dwelling

Permitted Secondary Uses

accessory use
agriculture (on parcels 2 ha or larger)
agriculture, limited (on parcels less than 2 ha)
bed and breakfast
home occupation
secondary dwelling unit

Regulations Table

All agricultural *uses* must have a *setback* of at least 5 m from any *parcel boundary* and be contained by a *fence*.

COLUMN 1 MATTER REGULATED	COLUMN 2 REGULATION
(a) Minimum parcel size created by subdivision	1 ha
(b) Minimum parcel width created by subdivision	30 m
(c) Maximum parcel coverage	30%
(d) Maximum number of single detached dwellings per parcel	One
(e) Maximum number of secondary dwelling units per parcel	Must comply with section 3.15 of this <i>Bylaw</i>
(f) Maximum height for principal buildings	11.5 m
(g) Maximum height for accessory buildings and structures:	■ 6 m on <i>parcels</i> less than or equal to 0.4 ha
	■ 8 m on <i>parcels</i> greater than 0.4 ha

(h) Maximum floor area of a secondary dwelling unit	115 m²
(i) Maximum floor area of an accessory building	 150 m² on parcels less than or equal to 0.4 ha
	 200 m² on parcels greater than 0.4 ha, but less than or equal to 2 ha
(j) Maximum floor area of a home occupation	Shall be in accordance with Section 3.16 of this <i>Bylaw</i> .
(k) Minimum setback from: front parcel boundary rear parcel boundary interior side parcel boundary exterior side parcel boundary	5 m 5 m 2 m 5 m
(I) Servicing standard:	onsite sewerage systemonsite water system

Lakes Zoning Bylaw No. 900

1.1 Definitions

FIXED DOCK is a structure *use*d for the purpose of mooring boat(s) which may include multiple *berths* and may have permanent links to the shore and lakebed, such as piles or fixed decks.

FLOATING DOCK is a structure *use*d for the purpose of mooring boat(s) which may include multiple *berths* but which does not include permanent physical links to shore or lakebed, except cables.

FORESHORE is the land between the *natural boundary* of a *lake* and the water.

LAKE is Adams Lake, Humamilt Lake, Hunakwa Lake, Little White Lake, Mara Lake, Shuswap Lake or White Lake.

PARCEL is any lot, block or other area in which land is held or into which it is subdivided and includes strata lots, but does not include a *highway*.

PERMANENT WALKWAY is a structure *used* for providing pedestrian access to and from a *fixed* or *floating dock* with permanent physical links to shore, and may include piles, elevated fixed decks and fixed ramps.

PRIVATE MOORING BUOY is a small floating structure *used* for the purpose of boat moorage, typically composed of rigid plastic foam or rigid molded plastic, and specifically manufactured for the intended *use* of boat moorage, but does not include a *fixed* or *floating dock* or *swimming platform*.

REMOVABLE WALKWAY is a structure *used* for providing pedestrian access to and from a *fixed* or *floating dock* with no permanent physical links to shore.

SEMI-WATERFRONT PARCEL is a parcel that is only separated from the natural boundary of a lake by a highway or a railway line.

SHARED WATERFRONT PARCEL includes *waterfront* and *semi-waterfront* parcels, and also includes parcels which are separated from the *natural boundary* of a *lake* only by common property associated with that parcel.

SWIMMING PLATFORM is a floating structure *used* for non-motorized recreational activities, such as swimming, diving and sun-bathing, but not boat mooring. {see Section 3.4}

USE is the *use* that land, including the surface of the water, buildings and structures are put to and if not in *use* then the *use* for which they are designed or intended to be put.

WATERFRONT PARCEL is a parcel having a boundary, including a point, in common with the natural boundary of a lake.

WATERFRONT UNIT is a *dwelling unit* on a *shared waterfront parcel* which has no strata lot (other than common property), *dwelling unit* or portion of a *dwelling unit*, or improved *highway* or *park*, directly between it and the *natural boundary* of a *lake*.

3.1 Uses and Structures Permitted in Each Zone

- .1 The following *use*s and structures are permitted in each zone, unless expressly prohibited in the zone:
 - (a) navigation and accessory uses to navigation;
 - (b) passive recreation;
 - (c) swimming platform, subject to the limitations set out in section 3.4;
 - (d) public utility;
 - (e) park and accessory uses to a park; and
 - (f) accessory use.

3.2 Uses and Structures Expressly Prohibited in Each Zone

- .1 For clarity, the following *uses* are expressly prohibited in each zone:
 - (a) residential use;
 - (b) boathouses and other covered structures;
 - (c) all other uses and structures not expressly permitted in section 3.1 or in each zone.

3.4 Swimming Platforms

- .1 One swimming platform is allowed per waterfront parcel, semi-waterfront parcel, or waterfront unit in the FM1 zone, subject to regulations (a) thru (e) in .2 of this section.
- .2 Swimming platforms:
 - (a) must be accessory to a permitted use on the adjacent waterfront parcel, semi-waterfront parcel or waterfront unit:

- (b) must only be used for passive recreation;
- (c) must not be used for boat mooring;
- (d) must not be greater than 10 m² (107.64 ft²) in surface area;
- must have minimum setbacks of:5 m (16.4 ft) from the side *parcel* boundaries of the adjacent *waterfront parcel* or *semi-waterfront parcel*, 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.

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 Regulations

	COLUMN 1 MATTER REGULATED	COLUMN 2 REGULATION	
	(a) Density maximum number of docks and private mooring buoys:	 Dock: 1 floating dock per adjacent waterfront unit. Private mooring buoys: 1 per adjacent waterfront unit. 	
BL900-25	(b) <u>Size</u> of <i>dock</i> and <i>walkway</i> :	 Floating dock must not exceed 33.45 m² (360 ft²) in total upward facing surface area (not including removable walkway). Floating dock surface must not exceed 3.05 m (10 ft) in width for any portion of the dock. Removable walkway surface must not exceed 1.52 m (5 ft.) in width for any other portion of the walkway. 	

(c) <u>Location and</u> <u>Siting</u>

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:

- o 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.
- o 50 m (164.04 ft.) from any boat launch ramp or marina.

4.9 FG1 Foreshore General 1

FG1

.1 Permitted Uses:

- (a) Floating or fixed dock, including permanent or removable walkway that is accessory to a permitted use on an adjacent waterfront parcel.
- (b) *Private mooring buoy(s)* that is accessory to a permitted *use* on an adjacent *waterfront parcel* or an adjacent *semi-waterfront parcel*.
- (c) Boat lift(s) that is accessory to a permitted use on an adjacent waterfront parcel.

.2 Regulations

COLUMN 1	COLUMN 2	
MATTER REGULATED	REGULATION	
(a) <u>Density</u>	Dock: 1 <i>floating</i> or <i>fixed dock</i> per adjacent <i>waterfront parcel</i> .	

maximum
number
of berths and
private mooring
buoys:

- Private mooring buoys:
 - (a) 1 per adjacent semi-waterfront parcel.
 - (b) 1 per adjacent waterfront parcel having a lake boundary length less than 30 m (98.43 ft).
 - (c) 2 per adjacent waterfront parcel having a lake boundary length 30 m (98.43 ft) or more.

(b) Size

of dock and walkway:

- Floating or fixed dock must not exceed 33.45 m² (360 ft²) in total upward facing surface area (not including permanent or removable walkway).
- Floating or fixed dock surface must not exceed 3.05 m (10 ft) in width for any portion of the dock.
- Permanent or removable walkway surface must not exceed 1.52 m (5 ft.) in width for any other portion of the walkway.

(c) 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 parcel (and adjacent semi-waterfront parcel in the case of private mooring buoys) is as follows:

- 5 m (16.4 ft) from the side parcel boundaries of that waterfront parcel (and semi-waterfront parcel in the case of private mooring buoys), projected onto the foreshore and water.
- o 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:

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

POLICY P-11 - CONSISTENT USE OF UPLAND/ADJACENT FORESHORE AND AQUATIC CROWN LAND

PURPOSE

- 1. The Province of BC is responsible for the issuance of leases, licences, and general and specific permissions as they pertain to the development of the Foreshore and Aquatic Crown Land.
- 2. The Columbia Shuswap Regional District (CSRD), where deemed appropriate, has enacted land use bylaws which regulate the Use of land, including the surface of water.
- 3. The CSRD receives referrals from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, requesting comments on proposed development of the Foreshore and Aquatic Crown Land.
- 4. In British Columbia, the Province owns nearly all freshwater Foreshore and Aquatic Crown Land. Land adjacent to Foreshore may be privately owned, but in common law the public retains the privilege or "bare licence" to access the Foreshore.
- 5. The Use of Foreshore and Aquatic Crown Land has an impact on the Use of the adjacent upland.
- 6. As the CSRD is a waterfront and upland owner, the CSRD must provide consent to the Province of BC for any Foreshore or Aquatic Crown Land application prior to the Province granting approvals for these adjacent lands.

DEFINITIONS

Aquatic Crown land is all the land, including the foreshore, from the natural boundary of streams, rivers, and lakes, out to the limits of provincial jurisdiction.

Foreshore is the land between the natural boundary of a stream, river, or lake, and the water.

Natural Boundary is the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water is so common and usual and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

Use is the use that land, including the surface of the water, buildings and structures are put to and if not in use then the use for which they are designed or intended to be put.

POLICY

It is the policy of the CSRD that, where land use regulations are in place, the Province of BC be advised of the uses permitted in accordance with the CSRD's bylaws, and that any development of land, including the surface of the water, must be compatible with the uses permitted in such land use bylaws.

Upland/Foreshore Policy P-11

Where the proposed use of the foreshore and aquatic crown land is not consistent with the permitted use as regulated in the CSRD's land use bylaws, the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be requested to decline to issue the licence, lease, general or specific permission;. Alternatively, a landowner may request the CSRD to amend the land use bylaw(s) to be consistent with the proposed use of the foreshore or aquatic crown land, provided that any amendment is within the Board's legislative discretion and nothing in this policy shall limit or fetter such discretion. If CSRD

regulations allow for the proposed use of the lands, and any CSRD required permits have been granted, the Province of BC may issue the license, lease, general or specific permission.

September 1985

Amended August 15, 2019