

September 17, 2017

Dear Christine LeFloch,

The Public Hearing Notice for the Amendment to Bylaw No. 900-19 states that attendees to this meeting should be 'anyone who believes that their interest in property is affected by the proposed bylaw amendment', and while one could perhaps argue that our waterfront property in Sorrento is not directly affected one can make a strong argument that it affects all lakeshore users. My family has owned property on Shuswap Lake, where I live year round, since 1945. As waterfront owners we are very privileged to have unlimited access to the lake and all of the pleasures that it offers from swimming to beach walking to bird watching. I'm deeply troubled by suggestions like this proposed Lake Zoning bylaw amendment because such changes will set a precedent for further installations of fixed docks along the Shuswap's foreshore, foreshore which is in fact Crown Land and so open to public access. I daily walk my dogs on the foreshore in all seasons and am increasingly faced with bigger and obstructive docks. I'm fit and have no mobility challenges and yet am at times challenged to make my way along the shore.

For multiple generations my family have acted as custodians to a piece of undisturbed forest on the waterfront, at the same time we have through the years witnessed the massive changes to the Shuswap area. While on one level like many I don't like to see those changes that the ever growing local population brings, on another I realize that these changes are inevitable. However, I cannot stress enough the need for responsible change that respects the lake's fragile ecosystems. We share this lake with many species including critical salmon habitats. That salmon habitat should be listed as one that will be directly effected by the proposed amendments to Bylaw No. 900-19 because all of these types of changes degrade the foreshore which is where the fingerlings feed and grow. I take no shame in hugging trees, but I also recognize the economic value of this lake and its habitats to regional tourist economies and the coastal fishing economies.

I have in attended public meetings regarding the docks, buoys, and development on Shuswap Lake, have applauded the bylaws that have been put in place, have witnessed the lack of implementation of these bylaws, and have made my concerns known by phone and email to relevant CSRD employees without any response. We must start making better and smarter long terms decisions that protect the water, foreshore, and watershed of Shuswap lake, and we must enforce them.

Thank you for hearing my concerns.

Regards,



Kristen Kornienko, MLA, PhD
1467 Blind Bay Rd
Sorrento, BC



Dan McKerracher <danmckerracher@telus.net>

Re: Lakes Zoning Amendment (Layden) Bylaw No. 900 - 19

To Christine LeFloch

Cc: Honorable Doug Donaldson, Minister FLNR; Gerald Christie; Keith Weir, Kamloops Lands Branch; Al Janusas; Barb Brouwer; Director Cathcart; Director Parker; Director Demenok; Director Talbot; Director Martin; Director Morgan; Director Golden; Director Revelstoke; Director Sicamous; Director Salmon Arm 2; Darren Wilson; Dave Cunliffe, P. Eng., SWOA; Greg Kylo, MLA; Holly Cowan, MLA Executive Assistant; Kyle Beadman, RFT, Supervisor Thompson Okanagan Region, FLNR; Phil McIntyre-Paul; Ryan Nitchie; Scoop Newspaper--Jan & Tracy; kristen kornienko; Debbie Morris; Carmen Dawkins; Marilyn Dishon; Debra McDonald, Shuswap Adventure Trailrider Society; Adrienne & Gion Assaly; Shuswap Trail Alliance Lori Schneider Wood

I write as a concerned citizen, waterfront owner, and member of the Shuswap Beachwalkers within the Shuswap and Mara Lake foreshore environment to register my objection to the above Bylaw Amendment.

The proposed amendment was brought to my attention by another, more diligent member of our Shuswap Beachwalkers group here in Sorrento. Our group has been active for 13 months now in raising the awareness of the public--including waterfront owners and especially, owners of obstructive docks--and government officials at all levels regarding the illegal, inconsiderate, and/or unsafe presence of a number of private Sorrento-area docks that prevent the public from exercising their lawful right to safe lateral access along the foreshore from one road access point to another.

I drove to Swansea Point to view and take pictures of the dock in question on Thursday September 7. I can say with conviction that the subject of this proposed amendment, the Layden dock, is one of the most beautiful private docks I have ever seen--and since I have three of my own, all fibreglass roll-up docks that would certainly not be allowed today but which I've had on my shallow-beach waterfront since 2007, I feel I am somewhat of a connoisseur . . .

Knowing what my simple floating docks cost 10 years ago, I suggest this disputed pier-fixed and sand-supported dock system represents an investment somewhere well north of \$100,000. Understandable, then, that the owner sends the matter through the public hearing system in an attempt to retroactively legalize it. However, one presumes the same principles of judiciousness will be brought to bear by the CSRD Board and staff whether the dock is worth \$1500 or \$150,000.

I took a moment to also drive the neighbourhood a little, and especially to look at the Layden property front and back. I can therefore say the dock seems to be entirely in keeping with what I could see of the subject house and property in its infinite and meticulous attention to detail and trim. Taken together the house, property and dock system are pretty much straight out of *Home and Garden*, with apparently nothing left to chance.

Therein lies part of my concern. With all due respect, my credulity is stretched beyond the breaking point by the suggestion that neither the property and dock owner nor his professional Sicamous dock contractor were aware, or made themselves aware of the provisions and significance of Bylaw 900 in the several years it must have taken for the owner to first consider the many upgrading options for his aging pier-fixed obstructive timber dock, and then the many months of coordination with Lands Branch and especially with his chosen dock contractor, who presumably did not start and end his career with this one dock.

In any case whether they knew or not that Bylaw 900 has been law for 5 years and discussed at length before that and that it (among other things) forbids the pier-fixed replacement, is beside the point. A fundamental underpinning of common and criminal law in this country came to us through the Romans via the Latin expression, *Ignorantia juris non excusat* ("[ignorance](#) of the [law](#) excuses not").

Okay, I admit I had to look up the exact wording, but that doesn't make it any less true.

We know from our years' work with the Shuswap Beachwalkers and the comments and information we have received in that time from Blind Bay, Eagle Bay, along the 8 kilometres of Sorrento foreshore, and now at Swansea Point that there are likely hundreds, rather than dozens, of obstructive docks littering the foreshore of this beautiful, threatened drainage basin. I imagine all of these dock owners will be watching the outcome of this public hearing process with interest. As, presumably, will be Fisheries, Forest Lands and Natural Resources, Environment, human rights activists, the political and community leaders of the current Save the Foreshore program in Kelowna, and outdoor enthusiasts generally.

Obstructive docks represent a decades-old (in some cases, 60 years at least) entitlement on the part of waterfront owners; and on the other hand, neglect on the part of those government officials entrusted to protect the rights of all citizens--especially, as Ms. Morris points out in her own letter, seniors and those with mobility challenges for whom curb cuts and all-purpose community access facilities have been the accepted norm for over 30 years.

While we're on that topic, stairs and ramps may have been mentioned 50 years ago as an acceptable adjunct to the Lands Branch requirement that public access not be obstructed in placement of private docks, but in today's world they are simply an anachronism from a feudal, entitled way of thinking that in most other parts of our society is long extinct because they permanently exclude a percentage of the population. If you doubt me, contact MLA Sam Sullivan, or for a more local flavour simply go to Debra McDonald's website, Shuswap TrailRider Adaptive Adventure Society, based in Salmon Arm.

It is significant that the Shuswap Waterfront Owners Association (SWOA), is now on record in support of the public's right to uninhibited transit of the foreshore. They are advising their 1000-plus registered membership through such means as their web site and monthly newsletters, to consider the foreshore as a shared resource in the placement of their docks during all seasons.

On behalf of myself and other members of the Shuswap Beachwalkers, I implore the CSRD Board members to reject this proposed Bylaw Amendment. If part of your concern is the damage to the combined pocketbook of the dockowner and contractor, I suspect the truth is that very little of the value of these illegal dock components will be wasted; they will be repurposed and find new homes in appropriate circumstances. Certainly, a loss of \$100,000 or more is not on the table here.

A loss of face is.

I would like the opportunity to read this letter aloud at the Public Hearing in Sicamous on Wednesday. We anticipate having a Beach Wheelchair with us courtesy of one of our executive members, Debra McDonald of the Shuswap TrailRider Adaptive Adventure Society in Salmon Arm.

Yours truly,

Dan McKerracher, P. Eng.
Sorrento, B. C.

From: "B&D Morris" <morris1572@gmail.com>

Date: September 19, 2017 at 7:00:02 AM PDT

To: rmartin@csrd.bc.ca, pdemenok@csrd.bc.ca, gchristie@csrd.bc.ca, plan@csrd.bc.ca, clefloch@csrd.bc.ca, doug.donaldson.mla@leg.bc.ca, kyle.beadman@gov.bc.ca, keith.weir@gov.bc.ca

Subject: Lake Zoning Amendment (Layden) Bylaw No. 900-19

I am a concerned resident of the CSRD, and would like to register my objections to the proposed Lake Zoning Amendment (Layden) Bylaw No. 900-19 which would retroactively legalize a non-compliant dock (**a fixed dock built within the required set-back area**). Proceeding with this Bylaw Amendment would be contrary to Bylaw enforcement actions, the recommendations of CSRD staff (both Development Services and CSRD Parks), and interest of all public taxpayers regarding their rights of public access to the foreshore.

Current Provincial dock regulations demand that *members of the public must be able to readily cross over or go around any dock structures along the foreshore*. Floating docks with rolling walkways allow accessibility to the public foreshore without the need to clamber over a solid dock. Stairs and ramps are NOT an acceptable compromise. The Canadian Human Rights Act (1977) *guarantees accessibility without undue obstacles for persons with disabilities, seniors, and other citizens with unique needs*. How is a ramp or stairs over any dock guaranteeing access to mobility-challenged members of our community?

For years there has been an entitled waterfront culture in the Shuswap, with public foreshore encroachment and obstruction, haphazard development along and within the lake boundary, imported sand and cultivated foreshore destroying invaluable fish habitat. By continuing to entertain these type of bylaw amendment applications, this culture will persist.

It is distasteful enough to allow "as-is" existing encroachments to be "grandfathered-in" via variance application, but absolutely intolerable in regards to re-construction and new construction that deliberately ignores legal setbacks and zoning. Rather than protect the interests of all taxpayers, the CSRD continues to allow an attitude of "if I build it, they will then allow it". The Official Community Plan and Zoning was an extensive and costly process which took many years to complete. The ongoing erosion of the bylaws through rezoning, variances, and amendments encourages developers of all sorts to ignore all regulations and proceed with the assumption that the rules will then be bent to their will after the fact.

I continue to naively hope that both the Provincial and local government will step up and do their job; foreshore regulations and investigations, and stricter enforcement of existing zoning bylaws will quell this attitude of entitlement to do whatever one wants then ask for permission once completed.

Thank you for your attention to this matter,

Debbie Morris
Sorrento, BC

From: "Dan Mckerracher" <danmckerracher@telus.net>
To: "Debra McDonald, Shuswap Adventure Trailrider Society" <debram2@telus.net>
Cc: "Director Martin" <RMartin@csrd.bc.ca>, "kristen kornienko" <kkornienko@mac.com>, "Debbie Morris" <morris1572@gmail.com>, "Carmen Dawkins" <c.dawkins@shaw.ca>, "Marilyn Dishon" <balanceconcepts@yahoo.ca>, "Debra McDonald, Shuswap Adventure Trailrider Society" <debram2@telus.net>, "Adrienne & Gion Assaly" <adrienneassaly@gmail.com>
Subject: Swansea Point Dock: Bylaw 900 - 19

Debbie, I think you are uniquely positioned to make the most impassioned argument of us all regarding one particular aspect of this and other obstructive docks--that of the relative feasibility of ramps and stairs versus the Beachwalker position that nothing will provide a safe and year round alternative but a "boots-on-the-sand" corridor.

I find it impossible to understand how anyone can deem the two docks shown in the attached Swansea photos I took the other day as suitably considerate of the shared public nature of Shuswap/Mara foreshore when they extend as an unbroken two-foot high barrier from waterline to above property line. The equitable, considerate, and safe alternative--quite apart from any concern with side-lot setback or the effect of fixed-pier construction on the fisheries resource--is for dock owners to shorten their docks and to end with a ramp or stairs towards their own property leaving a respectful distance short of normal high water mark for pedestrian travel.

It isn't all about whether people wanting to transit the foreshore in all seasons can or cannot safely manage stairs or ramps to negotiate their way over these obstructive docks, either. There must be a basic principle at stake as well; that of not treating the foreshore as though it is the private property of individual upland owners, and of respecting the rights of others.

Okay, I know I need to get a life.

Dan

PS: apologies to you, Rhona, I thought it was of some merit to tag your name on as a second thought . . .



Dear Council,

My name is Lorna Eng, I am the business manager at BC Dock and Marina dba Nexus Dock and Marina.

We were contracted by Mr. Layden to repair his dock and comply with the CSRD request of grounding on the foreshore.

I just wanted to comment on the reasons behind the dock material change, the CSRD as well as the province wanted the docks in the area to comply with the no grounding clause, along with the fact that Terrys dock was not in great shape and was wood frame structure with wood floatation and deteriorating.

The dock had existing pile that were simply left in place to accommodate the new material for the frame, legs were added (designed by Nexus and approved by the province) to ensure the dock did not rest on the floats on the lake bottom.

Environmentally:

Removing the pile and placing a floating dock in its place would have caused more harm than good, along with the fact that having a dock pulled up on shore in the winter seasons causes far more damage (erosion) to the foreshore.

Please note that by not approving the application in front of you today, you will be asking Mr. Layden to A. Either change his design

Or B. Move his dock over by .7 m which will still not provide the compliance to the set backs on the lot.

When the dock repair was completed the normal practice that is followed is that Front Counter requests the feedback from the district, in this instance that did not happen. As the dock builder we do not feel that the client (Mr. Layden) should be penalized 2 years later for the missed steps in the process.

The dock was a repair not a rebuild and the pile have been in the lake bed at this residence for years prior. In simple terms the dock frame and decking was upgraded to Aluminum Frame, Composite Deck board in order to repair the damaged dock that was deteriorating and to comply with the issue of grounding in this specific area.

Please consider this in your final decision-making process on approving the SITE-SPECIFIC Variance Application.

Thank you,

Lorna Eng

lornae@nexusdockandmarina.com

Business Manager

Columbia Shuswap Regional District

555 Harborfront Drive NE

Salmon Arm BC

Dear Rona Martin and Fellow CSRD Counsellors,


Re: Bylaw Amendment BL 900-19, regarding a new dock on Terry Layden foreshore at 655 Swanbeach Road, Mara B.C.


It is understood that the Layden request is to amend Lake Zoning Bylaw No. 900 to permit his existing dock to remain where it has been for several decades. Even though it is set back from property lines by over 6 feet, it does not meet current required setbacks.

We are asking your board to accept our input signed below as support of the Layden Dock remaining in its current location, and thereby amending bylaw 900 to accommodate this.

Thank You,

Sincerely,

 ALAN FISHER 653 SWANBEACH RD MARA B.C.

 BELINDA KNUTSEN 653 SWANBEACH RD MARA B.C.

NAME

ADDRESS

Columbia Shuswap Regional District

555 Harborfront Drive N/E

Salmon Arm BC

Dear Roma Martin and Fellow CSRD Counsellors,

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Thank You,

Sincerely,

Lauri Kuster 653 Swanbeach Road, Mara, BC.

NAME

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555 Harborfront Drive NE

Salmon Arm BC

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Sincerely,

Raymond Lutley 1057 SWANBEACH RD. SWANSEA PT. BC

GWEN LUTLEY 1057 SWANBEACH RD. SWANSEA PT. BC

Rod MacDonald 653 Swanbeach Rd Swansea PT BC

Carolyn MacDonald 653 Swanbeach Rd. Swansea Point BC
(Knutson)

David Moir 162 Swanbeach Rd Swansea Point BC

ANDREW SURKON

Denise Surkon 1659 Swanbeach Rd Swansea Pt BC
(DENISE)

NAME

ADDRESS

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555 Harborfront Drive NE

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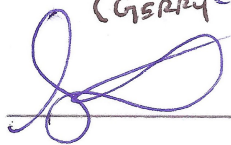
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Thank You,

Sincerely,

DL Knutson
(Garry Knutson)

653 Swanbeach Road Swansca Point BC
VOE 2K2



RAUDALL HAY
Shirley Hay 6095 Swansca Rd. Swansca, BC.

NAME

ADDRESS

Columbia Shuswap Regional District

555 Harborfront Drive NE

Salmon Arm BC

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Sincerely,

Kevin Knutson (Kevin Knutson) 653 SWANBEACH ROAD B.C. V0E 2K2

Patsy Knutson (Patsy Knutson) 653 SWANBEACH ROAD B.C. V0E 2K2

_____	_____
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_____	_____
_____	_____

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 ALAN FISHER 653 SWANBEACH RD MARA B.C.

 BRENDA KNUTSEN 653 SWANBEACH RD MARA B.C.

 T MARSHALL 647 SWANBEACH RD MARA BC.

 G MARSHALL 647 SWANBEACH RD MARA B.C.

NAME

ADDRESS