

Notes of the Public Hearing held on Wednesday September 20, 2017 at 6:30 PM at the Sicamous and District Recreation Centre, 2nd Floor, 1121 Eagle Pass Way, Sicamous, BC regarding Lakes Zoning Amendment (Layden) Bylaw No. 900-19.

PRESENT: Chair Rhona Martin – Area Director Area 'E'
Christine LeFloch – Development Services Assistant (DSA), CSRD
8 members of the public, including the applicant and owners

Chair Martin called the Public Hearing to order at 6:34 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 amending Bylaw No. 900-19.

Christine LeFloch explained the legal requirements for notifications regarding the proposed bylaw amendment noting that ads had been placed in the September 8th and 15th issues of the Shuswap Market News, posted on the CSRD website, and that notices had been mailed to all owners of property located within 100 m of the subject property. She noted that Bylaw No. 900-19 proposes to recognize the existing fixed dock associated with 655 Swanbeach Rd. The proposed amendment would add a special regulation to the FR1- Foreshore Residential zone, which would apply to the portion of Shuswap Lake lying adjacent to the subject property only, which contains the existing fixed dock. She explained that the owners had hired Nexus Docks to construct a new dock to replace the old one which was deteriorating, and noted that the new dock is the same size and configuration as the original dock but was constructed with environmentally friendly materials, using legs to prevent grounding on the foreshore and utilized the original pilings. She told those present that all materials to be considered by the Board were available for viewing and that persons wishing to look at these items may do so at any time.

Christine then went over the comments received from referral agencies, and advised that a form letter with the signatures of a number of adjacent property owners had been received in support of the application. She also advised that 2 letters of opposition to the bylaw amendment had also been received.

Chair Martin opened the floor for comments.

Dan McKerracher, 1397 Henstridge Rd, Sorrento, asked if the owner and dock builder were in attendance.

Chair Martin said that they were.

Terry Layden, 655 Swanbeach Rd, Swansea Point, introduced himself and his wife.

Kristin Kornienko, 1467 Blind Bay Rd, Sorrento, read her letter regarding her concerns with the proposed bylaw amendment into the record. She then submitted the letter to Christine LeFloch. The letter is attached to these minutes.

Debbie Morris, 1572 Blind Bay Rd, Sorrento, read her letter outlining her concerns regarding the proposed bylaw amendment into the record. The letter is attached to these minutes.

Dan McKerracher, 1397 Henstridge Rd, Sorrento, read his letter outlining his concerns with the proposed bylaw amendment into the record. The letter is attached to these minutes. He also pointed to a "beach rider" chair for mobility challenged persons which the Sorrento beach walkers group brought to the meeting to demonstrate that mobility challenged individuals would not be able to navigate ramps or stairs over fixed docks even using such a chair. He pointed out that if dock walkways were required to be sited no closer than 5m from the HWM it would allow enough room for all persons to make their way along the beach without obstruction.

Lorna Eng, Nexus Docks, Kelowna, responded to comments regarding access by stating that stairs or ramps are the legal requirement of the Province and that 5 ft wide ramps had been installed on either side of the Layden dock as per these requirements. She also noted that the

dock has legs to prevent grounding, that they used the existing pilings which had been there for 30 years, and that only the frame and decking had been rebuilt. She noted that they did seek legal tenure from the Province and it was approved. She also pointed out that the Province had not sent a referral to the CSRD regarding their dock application.

Kristin Kornienko asked if Lorna was from Kelowna. Hearing that she was, she explained that she had been part of a 200 person demonstration walk along the beach in Kelowna showing support for removal of beach obstructions.

Debbie Morris asked is it was common practice for the Province to refer dock applications to the CSRD.

Chair Martin stated that it is our wish that they refer everything to the CSRD.

Christine LeFloch explained that the CSRD used to get referrals from the Province when they received applications for Specific Permissions, but the regulation changed in January 2017 to increase the size of docks that are allowed without applying for Specific Permission. Since then the CSRD no longer receives these referrals.

Debbie Morris asked, do property owners not have the responsibility to check in with local government regarding all projects?

Christine LeFloch explained that Electoral Areas C and F have OCPs in effect which require development permits for docks, but that Electoral Area E doesn't currently have an OCP in effect so a permit is not required for dock installations at this time. However, Lakes Zoning Bylaw No. 900 covers all of Shuswap and Mara Lake so, even though a permit is not required, owners are still required to build their structures in compliance with this bylaw and should be contacting staff to discuss their projects.

Chair Martin noted that an OCP for Electoral Area E is in the process of being developed and will include development permit requirements regarding docks.

Dan McKerracher stated that the fundamental issue is assuming that people don't have responsibility for abiding by all of the laws that affect their project. This will cause problems in the future because people will see that a bylaw amendment was approved and assume that the government will do the same for future applications, therefore it is precedent setting.

Chair Martin stated that staff and the board make an effort to review every application on its own merits.

Elizabeth Bulkley, 1449 Blind Bay Rd, Sorrento, asked about advertising requirements for public hearings. She asked specifically whether there are standards required for the size of ads and which newspapers are used.

Christine LeFloch explained that the Local Government Act sets out the requirements for advertising for public hearings and that we used the Shuswap Market News to advertise for this public hearing because its distribution area covers all of the Shuswap and Mara Lake areas. She also noted that while ad size is not regulated the ads that are published typically take up about a third of a page.

Chair Martin restated that we use the Market News because of the distribution area.

Elizabeth Bulkley asked if the entire Shuswap watershed is the desired community.

Chair Martin stated that yes it is and we hope people will read about it and tell their friends.

Elizabeth Bulkley asked if the circulation needs to be the entire watershed.

Chair Martin responded that this is what we hope to accomplish.

Terry Layden reminded those present that the approval process for his dock began in 2015. He noted that they had worked with Keith Weir at Front Counter BC extensively on designing the

dock so that it would meet all of the provincial requirements, including the addition of legs to prevent grounding on the foreshore. He said that he asked Keith whether they needed to do anything else, and Keith told them they had done all that was required.

Debbie Morris and Kristin Kornienko asked how we get the Province to do a better job.

Chair Martin responded that they should write letters to their MLA and cc them to the Regional District.

Terry Layden suggested that they run for office.

Chair Martin recommended that hand written letters are preferred over form letters because it shows that they have taken the time to write. She noted that she appreciates that many people don't have time but that this effort certainly stands out. She also noted that there are also times when petitions are appropriate. She advised that it takes a long time to make change and went on to say that there are lots of docks out there that are legally non-conforming and they will be there until something changes. She again encouraged those present to write to the MLA and noted again that the board wants the Province to send each application to us to review so that we can help people do things properly. She acknowledged that it is a long process to do a bylaw amendment and it is stressful for those involved because people have such varying points of view.

Dan McKerracher asked if she would encourage those present to keep writing if the board approves this application.

Chair Martin responded that yes she would.

Terry Layden asked when the notice of development sign would have to be taken down.

Christine LeFloch responded that the sign is required to remain in place until the Board makes a decision on the application.

Chair Martin asked the group not to talk to her about this bylaw amendment following the close of the public hearing because she is not allowed to accept any further feedback.

Chair Martin called 3 times for further submissions or questions regarding amending Bylaw No. 900-19. Hearing none, she thanked everyone for coming a long way to make their views known and declared the public hearing closed at 7:21 PM.

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



Director Rhona Martin
Public Hearing Chair



Christine LeFloch
Development Services Assistant, CSRD