

ELECTORAL AREA DIRECTORS' COMMITTEE MEETING MINUTES

Note: The following minutes are subject to correction when endorsed by the Electoral Area Directors at the next Electoral Area Directors' Committee meeting.

Date: November 2, 2017
Time: 9:30 AM
Location: CSR D Boardroom
555 Harbourfront Drive NE, Salmon Arm

Directors Present	K. Cathcart	Electoral Area A (Via Teleconference)
	L. Parker	Electoral Area B (Via Teleconference)
	P. Demenok	Electoral Area C
	R. Talbot	Electoral Area D
	R. Martin	Electoral Area E
	L. Morgan	Electoral Area F
Staff Present	C. Hamilton*	Chief Administrative Officer
	G. Christie	Manager, Development Services
	C. Paiement	Team Leader, Development Services
	B. Payne*	Manager, Information Systems
	D. Passmore*	Senior Planner
	J. Thingsted*	Planner
	C. LeFloch*	Development Services Assistant
	D. Wilson*	Bylaw Enforcement Officer
	L. Schumi	Administrative Clerk (Recorder)
	J. Graham	Executive Asst./Asst. Deputy Corporate Officer

* Attended part of the meeting only

1. Call to Order

The Chair called the meeting to order at 9:32 AM.

2. Adoption of Agenda

Moved By Director Talbot

Seconded By Director Morgan

THAT: the agenda of the November 2, 2017 Electoral Area Directors' Committee meeting be approved.

CARRIED

3. Meeting Minutes

3.1 Adoption of Minutes

Moved By Director Morgan

Seconded By Director Talbot

THAT: the minutes the minutes of the June 27, 2017 Electoral Area Directors' Committee meeting be adopted.

CARRIED

3.2 Business Arising

3.2.1 Terms of Reference

The Terms of Reference for the Electoral Area Directors' Committee was adopted by resolution at the July 20, 2017 Regular Board meeting.

Chair Demenok thanked staff for completing the Terms of Reference for the Electoral Area Directors' Committee.

4. Reports by Staff

4.1 Soil Removal and Deposit Bylaw No. 646 update

Report from Gerald Christie, Manager Development Services, dated November 2, 2017.

Staff recommends that the Electoral Area Directors' Committee not pursue further consideration of a Soil Removal and Deposit Bylaw at this time.

Mr. Christie presented his report as an update to the Soil Removal and Deposit Bylaw No. 646 originally given first reading at the regular Board meeting in August 2011.

Mr. Christie provided examples of other local governments who staff have consulted with who have or have had a Soil Removal and Deposit bylaw. The District of Peachland had a bylaw which was challenged and was determined by the courts to be too prohibitive. Local Governments do not hold the power to significantly limit soil removal or deposit and cannot infringe on the rights of the Ministry of Energy, Mines and Petroleum Resources (MEMPR) to grant mining permits. Fraser Valley Regional District had been waiting seven years to make amendments to its application process and fees structure as the ministry must approve of such bylaw changes. When consulting with the Regional District of North Okanagan (RDNO); despite staff working very closely with the Province, the Inspector of Mines ended up rejecting the RDNO proposed Soil Removal and Deposit anyway. The RDNO eventually had the bylaw approved for two electoral areas.

Mr. Christie explained that permits reviewed by the MEMPR can have significantly different requirements regarding regulations and standards than that of Local Governments thus proving difficult for operators and landowners to obtain the necessary permits and resulting in the delay of mining activities. This regulatory duplication with the MEMPR has led some operators to push back aggressively at the local level and through the courts, which is costly to local government. Enforcement of local government Soil Removal and Deposit Permits can be difficult and costly.

In response to a question, Mr. Christie explained the referral process for the Columbia Shuswap Regional District (CSRD), approximately receiving 8 to 10 referrals from the MEMPR per year and at times over 20 per year. Mr. Christie noted that in terms of workload, processing a Soil Removal and Deposit Permit application is the equivalent to that of processing a significant re-zoning application. The review and processing of an application is very complex and highly technical and must be reviewed carefully. Anecdotal evidence from some other regional districts suggest that staff find these applications very time consuming and have requested from their Boards additional staffing just to process these applications.

Mr. Christie explained that the MEMPR is not looking to download this to a local level at this time and agrees that control should continue to rest with the Province considering the Minister and Inspector of Mines have a lot of power to step-in when necessary and that the permitting process is already heavily regulated.

There was a question regarding any possible changes to the process given the change in provincial government and Mr. Christie responded that he did not get the sense that any major changes are imminent per se but that there could be some changes regarding public consultation requirements for permits.

Mr. Christie concluded that staff are not in support of implementing this bylaw but rather suggested an alternative for the Committee's consideration to adopt a policy to deal with these MEMPR referrals. This would streamline the process and help make it clear to the MEMPR as to the CSRD, Director and staff expectations when considering new mines permit applications.

Moved By Director Martin

Seconded By Director Morgan

THAT: the Electoral Area Directors' Committee receive this report and not pursue further readings of Bylaw No. 646 at this time;

AND FURTHER: that the Electoral Area Directors Committee recommend to the Board that the First Reading given to Bylaw No. 646 on August 18, 2012, be rescinded.

CARRIED

Discussion on the Motion:

Mr. Christie confirmed that operators and landowners are still required to obtain a mining permit from the Province.

Comments made regarding rock and soil issues being dealt with at the ministerial level, Mr. Christie responded that this would be a standalone policy and would encourage the Province to consult with the CSRD, however it is not mandatory. In response to a question on how long permits are granted for by MEMPR, Mr. Christie said it depends on the size and complexity of the project, but usually permits are good for five years or more. He also confirmed that the public are welcome to provide comments at any time to the ministry. Director commented that people are not made aware that they can provide feedback to the ministry and the ministry needs to do a better job of informing the public.

Brief discussion regarding gravel pits and that some gravel pits are owned by the Ministry of Transportation so even if the CSRD had a bylaw in place our regulations would not apply to these operations.

Moved By Director Martin

Seconded By Director Morgan

THAT: the Electoral Area Directors' Committee direct staff to prepare a draft policy to aid staff and Directors in providing comment to the Ministry of Energy and Mines (MEM) in regards to mines related referrals received from the Ministry.

CARRIED

Discussion on the Motion:

Continued discussion around public consultation. Mr. Christie confirmed that it would be included in the CSRD's referral policy that the CSRD would expect the ministry to consult in a meaningful way with the public and invite comments prior to granting a new permit or renewal. Discussion around better advertising so the public are aware they can provide input.

4.1 Forest Industry Plan Referrals – Review of referral and response process

Verbal report from C. Paiement, Team Leader, Development Services regarding the following:

- Overview of forest industry plan and review process
- Explanation of CSRD referral review and response process
- Considerations for future referrals and responses

Mr. Paiement presented a [PowerPoint](#) presentation for information, discussion, and direction. The new Development Services Assistant, Erica Hartling, is now coordinating the processing of these referrals. Mr. Jan Thingsted, Planner, is providing assistance as required. Unfortunately, Ms. Hartling could not be in attendance at this meeting.

Director comment that the maps provided by the forest companies are very hard to read. Mr. Paiement confirmed the staff have the ability to create location maps which should make it easier for Directors to understand where the referral area is located.

Questions regarding First Nations involvement and whether they have the same consultation process. Mr. Paiement responded that First Nation's and crown tenure holders must receive a referral from a forest company. It is

optional that other stakeholders, including local government, receive a referral.

Director comments regarding the need for better public engagement by forest companies and the Province about proposed logging plans

Some comments were made regarding the weight of local government input and where does the CSRD stand in terms of the decision making process. Mr. Paiement responded that this answer is best answered by the Province and forest companies. Director discussion continued around having a better opportunity now to engage the public regarding these issues with the recent change in provincial government and how local government can open up a greater dialogue with the Province but better community consultation

The Chair brought forward the notion of needing a person with knowledge of the forestry industry to assist Directors and the public with understanding proposed logging plans. This person could provide technical information to the community and be a facilitator with the Ministry and forestry company.

Mr. Jan Thingsted, Planner, confirmed that staff are not looking for or expecting technical comments from the Directors, really only looking for community concerns and local knowledge that can be very general in nature. There is no need to dwell on the technical jargon, but focus on providing information about community concerns such as noise, dust and environmental impacts.

In responding to a question, Mr. Paiement stated that the Ministry does recognize the need for more communication with local government and public. The Ministry is working on a 'strategic communications plan', but it will likely be at least a few months before this is finished. It was suggested that the Electoral Area Directors' Committee request a meeting with Ministry staff for the Directors to discuss their concerns and for the Ministry to explain it's new 'strategic communications plan.'

There was consensus among the Committee's Directors that Development Services staff invite staff from the Ministry of Forest, Lands and Natural Resource Operations that represent all areas of the CSRD to a future Electoral Area Directors meeting to explain the Provincial Forest Stewardship Planning process and discuss the Ministry's new 'strategic communications plan' for consulting with local governments and public.

4.2 Lakes Zoning Bylaw No. 900 – Bylaw administration update and next steps

Verbal report from C. Paiement, Team Leader, Development Services regarding the following:

- Overview of Lakes Zoning Bylaw No. 900
- Explanation of the challenges of administering and enforcing the bylaw
- Considerations for future Lakes Zoning priorities

Mr. Paiement presented a [PowerPoint](#) presentation for information, discussion, and direction.

Questions arose around federal enforcement of private moorage buoys. Bylaw Enforcement staff have been requesting more enforcement of non-compliant private moorage buoys by Transport Canada. A Director suggested that a representative from Transport Canada be invited to speak at a regular Board meeting. There should be a discussion to determine if some of the illegal buoys could be removed.

The Chair called on a member of the public in attendance. Mr. Bo Wilson, representing the Shuswap Waterfront Owners Association (SWOA), requested that the association, dock owners and dock companies be consulted about any changes being considered to Bylaw No. 900.

There was consensus among the Committee's Directors that:

- (a) Bylaw No. 900 should continue to regulate private moorage buoys;
- (b) The maximum dock surface area of 24m² in Bylaw No. 900 should be reviewed and options for a larger area be provided for the Committee's consideration; and
- (c) A representative of Transport Canada be invited to attend a future regular Board meeting to explain the federal legislation related to private moorage buoys and enforcement by the Department.

5. Reports by Electoral Area Directors

A Director asked about the opportunities for communication from the RCMP about policing activities.

It was noted by other Directors that a monthly report from the RCMP about policing activities can be requested by Directors. The reports are very general in nature but a good source of information.

6. Adjournment

Adjourned at 12:27 pm.

Moved By Director Morgan

Seconded By Director Talbot

THAT: the Electoral Area Directors' Committee meeting of November 2, 2017 be adjourned.

CARRIED

Enclosures: PowerPoint presentations.

CHAIR

CHIEF ADMINISTRATIVE OFFICER

Forest Industry Plan Referrals

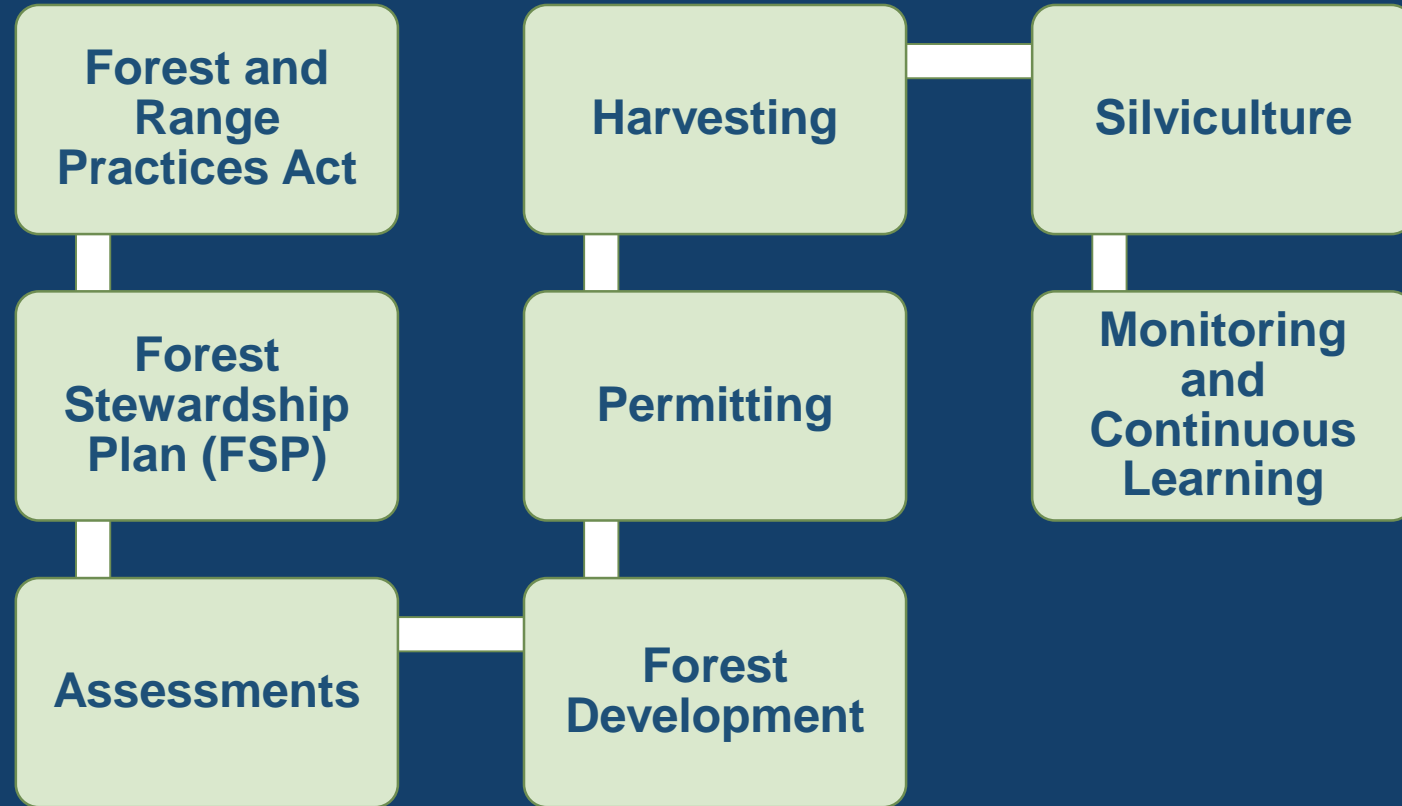
Review of referral and response process



Development Services

- Overview of forest industry plan and review process
 - Forest Stewardship Plans (FSP)
- Explanation of CSRD referral review and response process
- Considerations for future referrals and responses
- Next steps

Forest Industry Plan and Review Process



Forest Stewardship Plans (FSP)

- FSPs are approved by the Province for a term of 5 years and the term may be extended to up to 10 years
- All FSPs in BC are being updated at the direction of BC's Chief Forester. Once this round of FSPs are approved it will likely be another 5-10 years until the CSRD receives new proposed FSPs. FSP amendments will take place in the interim between approvals and consultation will occur
- The FSP referral list is public and is an appendix/schedule to the FSP. The referral list may be provided upon request

FSP Consultation

Legal Requirements

- Tenure holder must provide a 60 day review and comment period during which the public, First Nations and stakeholders may provide input
- Crown Tenure holders and First Nations must receive the referral

Non-Legal Expectations

- Information sharing with the greater public, singular public, government, and stakeholders
- Forestry companies decide who receives referrals and may refer the FSP to local government
- Forestry companies may hold a public community meeting at the request of the Ministry

CSRD Referral Review and Response Process

- Referral gets assigned to a Development Services Planner to coordinate and prepare response
- Planner forwards referral notification and package with deadline to Electoral Area Director and internal departments (i.e. Operations Management)
 - Referral packages will typically include a proposal letter, draft FSP document, and an FSP map
- Planner to review proposal and prepare comments based on the relevant CSRD land use regulations, policies, and bylaws (OCP and Zoning)

CSRD Referral Review and Response Process

Development Services staff to determine if the referral requires Board consideration and response. Staff to consult with Electoral Area Directors and Board Chair.

Board consideration required:

- Planner to prepare board report
- Assigned to board agenda
- Board review and decision
- Planner to prepare/send final referral response letter or complete electronic referral
 - cc response to Team Leader and Electoral Area Directors

Board consideration not required:

- Planner to prepare draft referral response and include internal referral comments provided
- Planner to prepare/send final referral response letter or complete electronic referral
 - cc response to Team Leader and Electoral Area Directors

Considerations for Future Referrals and Responses

How can this process be more effective/efficient for the CSRD, Province, and forest companies?

- Understand the role and expectations of the CSRD, Province and Forest Companies in the referral process

CSRD referral response includes comments from Electoral Area Directors and staff

- Staff do not facilitate or coordinate public or community stakeholder comments
- Public and community stakeholders need to contact the Forest Company directly for information and to submit their comments
- CSRD referral responses do not include comments attributed to the public and community stakeholders
- Electoral Area Directors may include public and community stakeholder concerns as part of their comments

Considerations for Future Referrals and Responses

What are the expectations for CSRD referral comments from Electoral Area Directors?

- Focus on providing comments about community concerns and local knowledge
- Detailed comments about the technical information in the FSP can be provided, but is not required
- It is optional for Electoral Area Directors to provide comments.

Are there different referral circumstances when the Board, rather than individual Electoral Area Directors, should review and provide the CSRD referral comments?

Considerations for Future Referrals and Responses

What are the expectations for CSRD referral comments from staff?

- Staff comments include relevant Official Community Plan policies and Zoning Bylaw information, as well as any other CSRD bylaw, plan or policies information
- Staff may provide, where known, comments about community concerns and local knowledge. However, the primary responsibility for these concerns and knowledge will rest with the Electoral Area Directors

Considerations for Future Referrals and Responses

What information can staff provide to assist Electoral Area Directors in preparing/formulating their comments?

DS staff to provide Electoral Area Director(s) where the referral applies with the following:

- Referral package
- An overview map of where the referral applies
- For a referral that proposes amendments to a current plan, identify where possible the proposed changes
- Draft CSRD referral response including the draft Development Services Department comments
- Deadline for Electoral Area Director(s) to submit comments to the Development Services Department

Next Steps

- The Ministry is working on a 'strategic communications plan' for the Okanagan/Shuswap. The purpose is to inform local government and stakeholders and set requirements for Ministry and Industry communications for forest planning
- Ministry staff have offered to organize a meeting with CSRD Electoral Area Directors and staff to explain Forestry 101 and strategic communication plan
 - CSRD staff to invite Ministry staff to organize meeting

Lakes Zoning Bylaw No. 900

Bylaw Administration Update and Next Steps



Development Services

Overview of Lakes Zoning Bylaw No. 900

- Adopted in 2012 in response to concerns about the proliferation of docks and buoys on Shuswap and Mara Lakes
- Regulates the use, size and siting of docks, buoys and swimming platforms in Electoral Areas C (South Shuswap), E (Rural Sicamous) and F (North Shuswap)
- It applies to new installation and the replacement of all or part of these types of structures
- Similar zoning regulations and development permit requirements in Electoral Area B (Rural Revelstoke) – Bylaw Nos. 850 and 851

Role of Provincial and Federal Governments

- Docks are also regulated by the Provincial Government – Ministry of Forest, Lands, Natural Resource Operations and Rural Development
 - Recent Provincial changes to the Provincial Private Moorage Program – General Permissions
- Buoys are also regulated by the Federal Government – Transport Canada
 - Prevent navigation hazards
 - Regulate type of buoy float

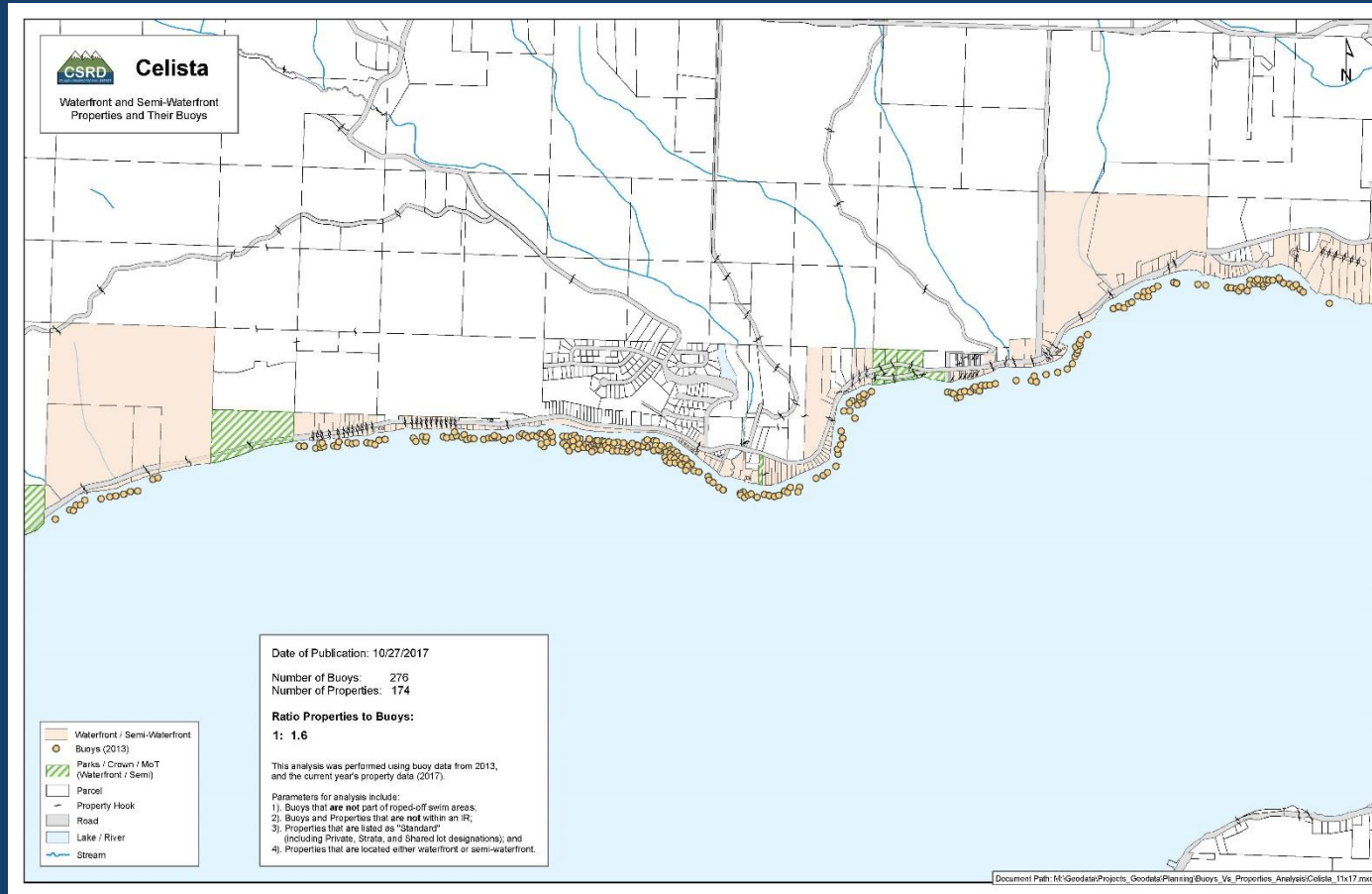
Docks and Buoys Situation – A Snapshot

- Buoys in the North Shuswap (2013)
- Bylaw Enforcement Files for Docks and Buoys (2013 - 2017)
- Foreshore and Water Development Permits Issued (2013 - 2017)

Buoys in the North Shuswap (2013)

- A map inventory and analysis of buoys (2013) in the foreshore of the five North Shuswap communities
 - 965 waterfront and semi-waterfront properties
 - 1,495 buoys
- Likely many more buoys installed since 2013
- A similar analysis could be undertaken for docks
- Handout buoy maps for the five North Shuswap communities

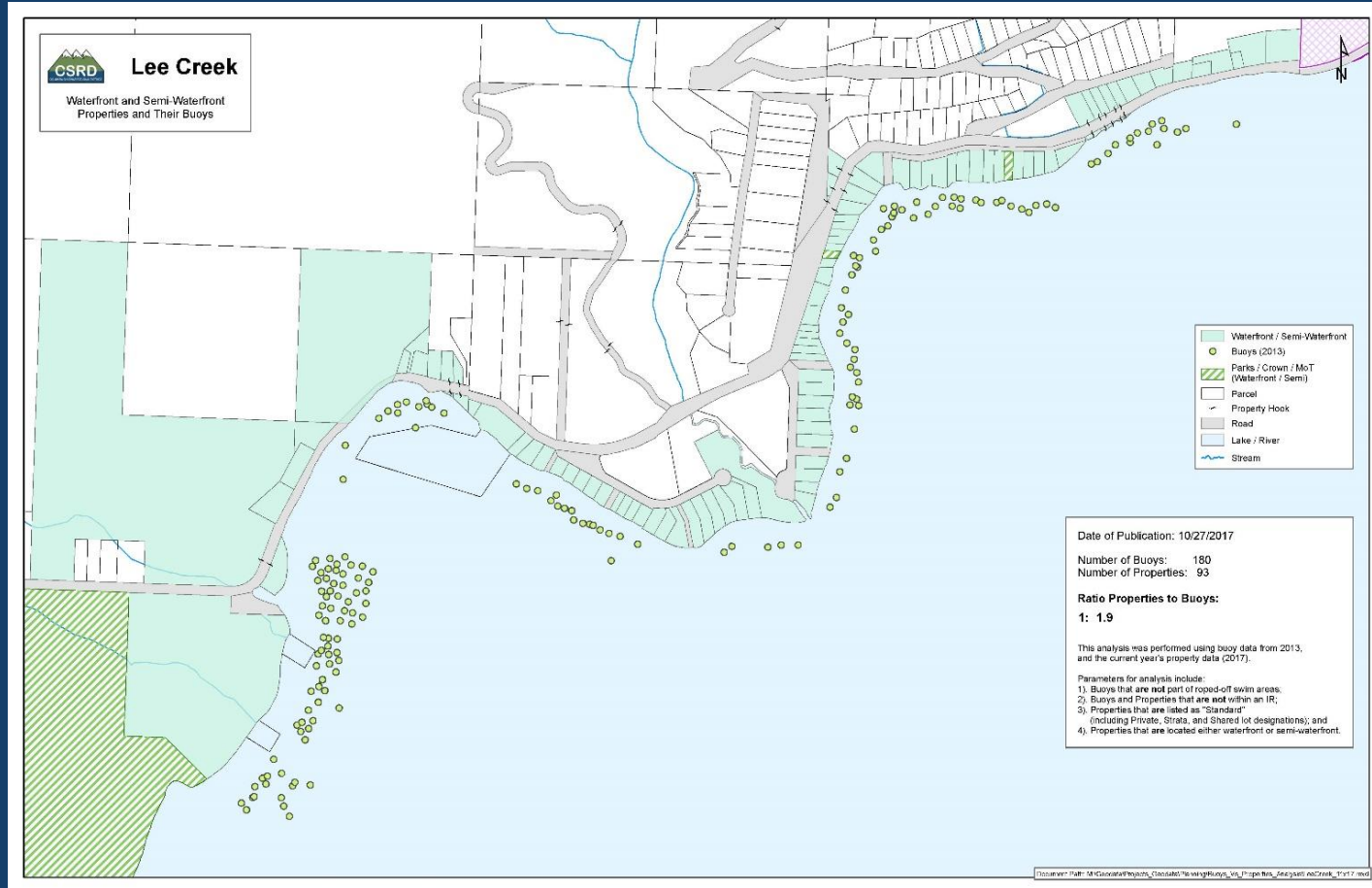
Celista Map - Buoy Inventory and Analysis (2013)



Celista - Meadow Creek



Lee Creek Map - Buoy Inventory and Analysis (2013)



Lee Creek - Gateway and Cottonwoods



197 Bylaw Enforcement Files Created – Docks and Buoys

Year	Electoral Area C	Electoral Area E	Electoral Area F	Yearly Total
2013	10	4	11	25
2014	13	5	28	46
2015	53	6	22	81
2016	13	7	10	30
2017	6	2	7	15
EA TOTAL	95	24	78	

Note: A file may have been created for each buoy in an area where multiple buoys were subject to a complaint

Foreshore and Water Development Permits Issued

- Electoral Areas C and F
- 40 Dock/Buoy Permits have been issued over 5 years (2013-2017)
- Average 8 per year:

Year	Electoral Area C	Electoral Area F	Yearly Total
2013	0	5	5
2014	5	0	5
2015	10	4	14
2016	6	3	9
2017	3	4	7
EA TOTAL	24	16	

Explanation of the Challenges of Administering and Enforcing Bylaw No. 900

- CSRD Bylaw Enforcement Policy A-69
 - Docks/buoys are Class 2 violations
 - 2 written complaints required and low priority for investigation and enforcement
- Receiving enough written information in a complaint to identify the location and determine ownership
- Researching the location of the complaint (review air photos, etc.)
- Completing a site visit to identify the dock/buoy in the field
- Determining if the dock/buoy is compliant or not
- Confirming if the dock/buoy is lawfully nonconforming or not
- Determining ownership of the dock/buoy

Explanation of the Challenges of Administering and Enforcing Bylaw No. 900 continued

- Contact the owner of the dock/buoy; may be initially by phone but one or more follow-up letters from Bylaw Enforcement Officer may be required
- Demand letter from the CSRD's solicitor may be required
- Property owner has opportunity to seek approval (rezoning and/or development variance permit) for a non-compliant dock/buoy
- Deadlines for property owner to contact staff, make a complete application to seek approval, or remove non-compliant dock/buoy
- Deadlines are rarely adhered to and often require follow-up by Bylaw Enforcement staff
- Complete application(s) may or may not be submitted in a timely manner

Explanation of the Challenges of Administering and Enforcing Bylaw No. 900 continued

- Staff review and processing of application(s) and Board consideration of approval
- Staff follow-up to ensure any conditions of approval adhered to or continue bylaw enforcement if approval not given by Board
- MTI Ticketing for an offence related to Bylaw No. 900 is an option for Bylaw Enforcement Officers, however tickets need to be issued to owner in person
- Final enforcement tool is a statutory injunction applied for by the CSRD's solicitor

Buoys are Difficult to Administer and Enforce

- It is very difficult to identify a buoy in the field that is subject to a complaint
 - Often there is too many and there is no way to accurately pinpoint its location relative to a waterfront or semi-waterfront property
 - Buoys may move over time and seasonally
 - It is very difficult to identify the ownership of a buoy
 - Buoys may be placed by people who are not waterfront or semi-waterfront property owners
 - There are many lawfully non-conforming buoys
- Costs to follow-up enforcement through to a statutory injunction are large
- Transport Canada may get involved if a buoy is considered a navigation hazard - this is very rare.

Docks are Easier to Administer and Enforce

- A dock can usually be identified in the field because there are fewer of them
- Docks are usually related to a waterfront property
- Due to the expense of a dock, a dock owner can usually be determined or the dock owner may come forward as part of an investigation
- The Province may get involved if a dock is installed without the necessary permit(s) or is contrary to the General Permissions – this does occur

Considerations for Future Lake Zoning Priorities

- Buoys – Consider not regulating buoys
 - Non-compliant buoys are difficult to locate and determine ownership
 - Many buoys are considered lawfully non-conforming
 - Enforcement is not effective and costs exceed benefit
 - Time and costs of buoy enforcement could be shifted to other enforcement priorities, including docks

Considerations for Future Lake Zoning Priorities

- Docks – Continue to Regulate
 - consider increasing the maximum dock area permitted
 - Provincial changes to the Provincial Private Moorage Program – General Permissions do not establish a maximum dock length or area
 - The 24m² maximum permitted dock surface area was established based on the Provincial and Federal maximum surface area requirements
 - CSRD could consider increasing the maximum surface area of a dock permitted from 24 m² to a larger area.
 - It is recommended that there be a maximum dock surface area