

DISTRICT OF LAKE COUNTRY

BYLAW 1168

A BYLAW TO AMEND ZONING BYLAW 561, 2007

NOW THEREFORE, the Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. District of Lake Country Zoning Bylaw 561, 2007 Section 10.12 Dock and Boat Lift Regulations is hereby amended by:

a) Deleting Section 10.12.4.(h) in its entirety.

2. This bylaw may be cited as “Zoning Amendment (Dock Materials) Bylaw 1168, 2021”.

READ A FIRST TIME this 19th day of October 2021.

READ A SECOND TIME this 19th day of October 2021.

ADVERTISED on the 25th day of November and the 2nd day of December 2021 and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the 7th day of December 2021.

READ A THIRD TIME this _____ day of _____, 2021.

ADOPTED this ____ day of _____, 2021.

Mayor

Corporate Officer

PUBLIC HEARING

WHEN: Tuesday, December 7, 2021, at 7:00 pm (VIA Video Livestream, Phone or in Person)

WHERE: Council Chambers, Municipal Hall, 10150 Bottom Wood Lake Rd
OR Live Streaming: Visit www.lakecountry.bc.ca for meeting link

FILE #: P2021-010 (Dock Materials)

WHAT: Council has been asked to consider the following change to the Zoning Bylaw:

ZONING AMENDMENT (DOCK MATERIALS) BYLAW 1168, 2021

The District of Lake Country proposes removal of Section 10.12.4 (h) from the Zoning Bylaw thereby allowing docks and boatlifts to be constructed with alternative materials including, but not limited to, steel piles in accordance with Provincial regulations.

INFORMATION:

Documents related to this application will be available for review at the Municipal Hall Monday through Friday, November 25 to December 7, 2021, 8:30 a.m. to 4:30 p.m., excluding weekends and statutory holidays, or by email request: development@lakecountry.bc.ca.

The Council Agenda package including the staff report will be published on the District of Lake Country Website by the Wednesday prior to the Regular Council Meeting and no later than Friday prior to the Council Meeting.

ADDITIONAL QUESTIONS:

Contact the Planning & Development Department for more information:
Phone: 250-766-6674 | Email: development@lakecountry.bc.ca;

Members of the Public can call (236-583-2002) during the live meeting to speak to an item;

Subscribe at lakecountry.bc.ca/subscribe to stay up to date;

View the Agenda Package at www.lakecountry.bc.ca OR view the Live Stream of the Public Hearing at: <https://calendar.lakecountry.bc.ca/meetings>

HAVE YOUR SAY:

Written submissions are included in the Public Hearing package and will be posted on the District's website. Council is not permitted to receive any submissions after the Public Hearing has been closed. All written submissions are due by December 7, 2021, at 4:30 p.m.



Email development@lakecountry.bc.ca



Mail to 10150 Bottom Wood Lake Road, Lake Country, BC V4V 2M1



Call during the live meeting 236-583-2002

Reyna Seabrook, Director of Corporate Services November 15, 2021

LCFD SUPPORTS FOOD BANK

The LCFD firefighters will be outside Save-On Foods and IGA on Sunday, December 5 (10am-2pm) to accept your donations. This year the Lake Country Food Bank has 131 young people on their list and would like to provide each one with a gift for Christmas.



If you usually support the food drive campaigns, please consider donating a gift card to a local business, or a new toy, board game, art supplies, Lego kits, sports items like basketballs or hockey sticks, hair and beauty products that young people from age 4-17 would be thrilled to receive.

Save-on Foods gift cards purchased through the Lake Country Rotary Club also are a great way to support the Food Bank. Eight percent of the Rotary bulk ordered cards goes directly back to the Food Bank, and those donations are also being matched by a private donor for a limited time. You can use the Save-On cards to purchase your own groceries, give them as gifts to friends, or even as a direct gift to the Food Bank to use to leverage their own purchasing power to provide the items local families need. Email cards@lakecountryrotary.ca to request any amount.

BC HYDRO REPLACES STREETLIGHTS

Over the coming month you will notice BC Hydro contractors working to replace high pressure sodium street lights with energy-efficient LEDs on 216 wooden power poles throughout the community. The LED street lights help improve public safety by increasing the visibility of sidewalks and roads at night and help reduce light pollution — the 3000 Kelvin units being installed in Lake Country are night sky friendly and use about 50% less energy, have a life span of up to 20 years, have no mercury or other known disposable hazards and help reduce the carbon footprint.

The installation of the LEDs will have minimal impacts on residents and businesses with only minor traffic disruptions. Please slow down around work crews.

PUBLIC HEARING

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@ Email development@lakecountry.bc.ca

Mail to 10150 Bottom Wood Lake Road, Lake Country, BC V4V 2M1

Call during the live meeting 236-583-2002

Reyna Seabrook, Director of Corporate Services November 25, 2021

WELCOME YOUTH COUNCIL MEMBERS



Mayor Baker introduced the District's new Youth Councilors, **Diana Schneider** and **Harry Gill**, at the November 16 Council meeting. The two George Elliot Secondary School students will join Mayor and Council at their regular meetings for the remainder of the school year, providing a youth perspective to the discussions.

"We truly value the input we receive from our youth councilors," said Mayor Baker to Diana and Harry at the meeting. "You provide an important perspective and add to the diversity of thought at this table. Thank you both for this commitment and we hope you will find the experience enjoyable."

LCFD SUPPORTS FOOD BANK

The LCFD firefighters will be outside Save-On Foods and IGA on Sunday, December 5 (10am-2pm) to accept your donations. This year the Lake Country Food Bank has 131 young people on their list and would like to provide each one with a gift for Christmas.



If you usually support the food drive campaigns, please consider donating a gift card to a local business, or a new toy, board game, art supplies, Lego kits, sports items like basketballs or hockey sticks, hair and beauty products that young people from age 4-17 would be thrilled to receive.

If you would like to volunteer with the Food Bank, or find out more about how you or your organization might be able to help out, please give them a call at 250-766-0125 or email lakecountry.foodbank@gmail.com.

Carried.

10. Development-Related Applications (No Public Comment)

10.1 Zoning Amendment (Dock Materials) P2021-010

Zoning Amendment (Dock Materials) Bylaw 1168, 2021

2021-10-222 It was moved and seconded

THAT Zoning Amendment (Dock Materials) Bylaw 1168, 2021 be read a first and second time;

AND THAT Zoning Amendment (Dock Materials) Bylaw 1168, 2021 be forwarded to a Public Hearing.

Carried.

11. Non-Development Related Reports

11.1 2021 Council Remuneration Task Force

2021-10-223 It was moved and seconded

THAT Council Remuneration and Expenses Policy 164, 2018 be amended to include the recommendations of the 2021 Council Remuneration Task Force:

Annual remuneration not be adjusted

The basis and timing for annual CPI increases to Council remuneration be included

Authority to travel be included

Provided technology devices be included.

Carried.

11.2 Moberly Local Service Area Bylaw Repeal

2021-10-224 It was moved and seconded

THAT Moberly Local Service Area Repealing Bylaw 1163, 2021 be read a first, second and third time;

AND THAT the Moberly Local Service area be referred to the Water Services Advisory Committee.

Carried.

11.3 Tax Exemption Amendment Bylaw 1165 2021

1st, 2nd & 3rd readings September 21, 2021; advertised October 7 & 14, 2021

MEETING TYPE AND DATE: REGULAR COUNCIL MEETING – OCTOBER 19, 2021
AUTHOR: TAMERA CAMERON, PLANNER
SUBJECT: **P2021-010 – ZONING AMENDMENT (DOCK MATERIALS) BYLAW 1168, 2021**

ESSENTIAL QUESTION:

Does Council support forwarding Zoning Amendment (Dock Materials) Bylaw 1168, 2021 to a Public Hearing? The effect of the bylaw would be to remove Section 10.12.4(h) (which requires wooden piles), thereby allowing docks and boatlifts to be constructed with alternative materials including, but not limited to, steel piles in accordance with Provincial regulations.

OPTIONS:

- A. THAT** Zoning Amendment (Dock Materials) Bylaw 1168, 2021 be read a first and second time;
AND THAT Zoning Amendment (Dock Materials) Bylaw 1168, 2021 be forwarded to a Public Hearing;
OR
- B. THAT** Zoning Amendment (Dock Materials) Bylaw 1168, 2021 not be read a first and second time and the file be closed.

EXECUTIVE SUMMARY:

The Zoning Bylaw amendment proposes to remove Section 10.12.4.(h) from the Dock and Boatlift Regulations section of the Zoning Bylaw. This would have the effect of allowing docks and boatlifts to be constructed with steel piles or other materials as approved by the Province. The Province's January 17, 2017 General Permission criteria for private moorage already regulates dock materials. As a result, there is no longer any need for Section 10.12.4.(h) in the Zoning Bylaw.

While amending the Zoning Bylaw to remove Section 10.12.4.(h) will likely reduce the number of variances requested per each Development Variance Permit application, it will likely have minimal impact on the number of Development Variance Permit applications received each year as most applications also include another variance request such as to dock shape, length, or setbacks.

BACKGROUND/HISTORY:

At the October 20, 2020 Regular Council Meeting, the following Notice of Motion was adopted:

*Notice of Motion from the October 20, 2020 Regular Council Meeting. FROM: Councilor Ireland
It was moved and seconded
20.11.192*

THAT staff be directed to amend the regulations for docks and boatlifts in the zoning bylaw to permit the use of steel pilings.

Carried.

Staff have prepared a Zoning Bylaw Amendment per Council's Notice of Motion.

Chronology:

<i>Date:</i>	<i>Event:</i>
2020-10-20	Notice of Motion from Council

DISCUSSION/ANALYSIS:Proposed Zoning Bylaw Amendment

The proposed Zoning Bylaw Amendment is to remove the following section from the Zoning Bylaw:

Section 10.12.4(h) Dock structures shall be supported by wooden piles and be made of non-toxic materials (solid core docks will not be allowed).

Since 2017, the Province has regulated dock materials and does not allow toxic materials or solid core docks. By removing this section, it would allow property owners to use wood, steel or any other non-toxic material permitted by the Province and would remove an unnecessary regulation from the Zoning Bylaw.

Legislation & Applicable Policies

Zoning Bylaw: Section 10.2 Dock and Boatlift Regulations are attached to this report. See Attachment B.

Ministry of FLNRORD General/Specific Permissions for Private Moorage: A General Permission may be granted for ocean, lake and river docks located on aquatic Crown land. If a person constructs and uses their dock in accordance with the terms and conditions contained in the General Permission, they will be deemed to be authorized. A Crown land application is not required. If the proposed dock does not meet the conditions and requirements stated in the General Permission, an application for a Specific Permission will be required to be submitted to the Authorizing Agency before the dock can be authorized. See Attachment C for the General Permissions Criteria.

Water Sustainability Act: Work “in and about a stream” requires permission from the Province under the *Water Sustainability Act (WSA)*. A WSA application must be approved by the Province before any work (such as the construction of a dock) can take place. According to the Act, a stream “includes a natural watercourse or source of water supply, whether usually containing water or not, and a lake, river, creek, spring, ravine, swamp and gulch.”

Integrated Community Sustainability Plan (ICSP): The following is a smart growth principle of the ICSP: Preserve open spaces, natural beauty, and environmentally sensitive areas. Development respects natural landscape features and has higher aesthetic, environmental, and financial value.

Technical Considerations:

- Impact on Infrastructure and Other Municipal Services**

No impacts on municipal infrastructure or services are expected.

- Impact on Staff Capacity and Financial Resources (Cost/Benefit Analysis)**

Since the beginning of 2020, twelve DVP applications have been received to vary the Zoning Bylaw dock and boatlift regulations. Of those twelve, only one was for dock materials only (this application is currently in-stream), and six included variances to dock materials and another type of dock variance (shape, length, setbacks, etc). Therefore, it is unlikely that the proposed amendment will provide any significant reduction in DVP applications overall but will likely reduce the number of variances requested per application.

Type of Dock and Boatlift Variance	Number of DVP Applications
Dock materials only	1
Other dock variance (shape, length, setbacks, etc)	5
Dock materials AND other dock variance	6
TOTAL	12

Comments from Other Government Agencies, Council Committees and Relevant Stakeholders:

The following comments were received from the Ministry of Forests, Lands and Natural Resource Operations - Okanagan Shuswap Resource District:

*For **new** construction of Private Moorage structures (primarily docks) the expectations found within the January 17, 2017 General Permission Criteria are as follows:*

3.2. A Dock may not have crib foundations or solid core structures made of cement or steel sheeting.

and

3.7. The only improvements authorized to be part of a Dock are those improvements necessary for mooring a boat (including non-overhead boat lifts, pilings and anchor lines,), and a walkway. No beach houses, storage sheds, boathouses, roofs, sun decks, hot tubs or other similar improvements are permitted.

and finally

3.12. Construction materials must not contain toxic substances

So, for the Province this typically translates into wood and/or steel pilings for pile supported dock structures. We have had various "other options" such as plastic pipe filled with concrete thrown at us in the past and in those situations, we have to go case by case. Our preference certainly is wood or steel piles.

For "old" construction we accept/grandfather solid core, concrete, etc. until such time as the structure needs to be replaced. This may mean the solid core stays for a while and docks with solid core can be modified to a point (ie. restrung and redocked). My suggestion, for what it's worth, would be this.

Piggyback/leverage the provincial standards for construction materials and focus on dock sizes (ie. platform area), shapes, etc.

Consultation, Public Feedback, and Communication to and from the Public and the Applicant:

As per the *Local Government Act* and the District's Application Procedures Bylaw, a Public Hearing will be held prior to third reading. The public will be notified of the Public Hearing via advertisements in the local newspaper.

ANALYSIS OF OPTIONS FOR CONSIDERATION:

OPTION A: If Council chooses Option A, the Zoning Bylaw Amendment will be scheduled for a Public Hearing.

OPTION B: If Council chooses Option B, the Zoning Bylaw Amendment will not be given First and Second reading and the file will be closed. Property owners will have to apply for a Development Variance Permit to be able to construction docks and boatlifts using steel piles.

Respectfully Submitted,

Tamera Cameron, MPPA

Planner

PLANNING AND DEVELOPMENT DEPARTMENT

This report has been prepared in consultation with the following departments:

CONCURRENCES	
DEPARTMENT	NAME
Chief Administrative Officer	Tanya Garost
Acting Director of Planning & Development	Gary Penway

Manager of Planning	Corine (Cory) Gain
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ATTACHMENTS:

- A: Zoning Amendment (Dock Materials) Bylaw 1168, 2021
- B: Section 10.2 Dock and Boatlift Regulations of the Zoning Bylaw
- C: Provincial General Permissions Criteria for Private Moorage

Attachment A: Zoning Amendment (Dock Materials) Bylaw 1168, 2021

Bylaw 1168, 2021

DISTRICT OF LAKE COUNTRY

BYLAW 1168

A BYLAW TO AMEND ZONING BYLAW 561, 2007

NOW THEREFORE, the Council of the District of Lake Country, in open meeting assembled, enacts as follows:

1. District of Lake Country Zoning Bylaw 561, 2007 Section 10.12 Dock and Boat Lift Regulations is hereby amended by:
 - a) Deleting Section 10.12.4.(h) in its entirety.
2. This bylaw may be cited as “Zoning Amendment (Dock Materials) Bylaw 1168, 2021”.

READ A FIRST TIME this ____ day of _____, 2021.

READ A SECOND TIME this ____ day of _____, 2021.

ADVERTISED on the ____ and ____ days of _____, 2021 and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the ____ day of _____, 2021.

READ A THIRD TIME this ____ day of _____, 2021.

ADOPTED this ____ day of _____, 2021.

Mayor

Corporate Officer

Attachment B: Section 10.2 Dock and Boatlift Regulations of the Zoning Bylaw

Zoning Bylaw 561, 2007 CONSOLIDATED 2021-07-06

10.10.5. Service stations and gas bars shall adhere to the following:

- (a) All pump islands shall be located at least 6.0 m from any property line or parking area on the site, or laneways intended to control traffic circulation on the site;
- (b) A canopy over a pump island shall not extend to within 3.0 m of the property line of the site;
- (c) The canopy area for a service station or gas bar shall not constitute part of the site coverage; and
- (d) Where the canopy is a sign, it must comply with the provisions of the District of Lake Country Signage Regulation Bylaw currently in effect.

10.11. Car Washes

- 10.11.1. Car washing establishments shall provide vehicle storage for a minimum of 5 vehicles per washing bay at the entrance end of the facility, except it is a minimum of 2 vehicles where the washing bay is coin operated and the vehicle is manually washed by an occupant of the vehicle.
- 10.11.2. Storage spaces at the entrance end of the facility shall be a minimum of 6.5 m long and 3.0 m wide.

10.12. Dock and Boatlift Regulations

- 10.12.1. Non-moorage uses such as beach houses, storage sheds, patios, sundecks, and hot tubs shall not be permitted on a dock.
- 10.12.2. The placement of fill, or the dredging of aquatic land, is not permitted. Natural habitat and shoreline processes shall not be altered.
- 10.12.3. Public access along the foreshore shall not be impeded.
- 10.12.4. Moorage facilities consisting of docks shall be permitted if developed consistent with the following regulations:
 - (a) Docks shall not extend a distance greater than 40.0 m from the natural boundary of the upland parcel.
 - (b) Dock walkways shall not exceed a width of 3.0 m.
 - (c) L or T shaped dock structures are permitted if the length of the structure which is parallel to the shoreline does not exceed the lesser of 10 m or one half the width of frontage of the upland parcel.
 - (d) Docks shall not impede pedestrian access along the foreshore. In cases where the dock platform is raised by more than 0.3 m above any point on the public foreshore, steps must be provided for public access over the dock and this access must not be blocked by fences or other means.
 - (e) Setback from the side property line of the upland parcel, projected onto the foreshore, shall be a minimum of 3.0 m.

- (f) Setback from the side property line of the upland parcel, projected onto the foreshore, shall be a minimum of 6.0 m where the adjacent property is a right-of-way beach access or is in a P1 zone.
- (g) Siting of the dock shall be undertaken only in a manner that is consistent with the orientation of neighbouring docks, and avoids impacts on access to existing docks and adjacent properties.
- (h) Dock structures shall be supported by wooden piles and be made of non-toxic materials (solid core docks will not be allowed).
- (i) No roof or covered structures shall be placed on the dock.
- (j) In addition to the requirements of paragraph 8.5.7 of this bylaw, no fences will be allowed on docks other than fences running parallel to the foreshore where the intent of such a fence would be to prevent public access onto the dock from the foreshore.

10.12.5. No roof or covered structures shall be used, constructed, or maintained for boat lifts.

10.12.6. Other Regulations

Additional dock regulations may be applied by the Province of British Columbia or other designated approving agencies.

Section 10.13 added by Bylaw 878

10.13. Live-Work Housing Regulations

10.13.1. The commercial use portion of the Live-Work Housing must:

- (a) be located at-grade fronting a public street;
- (b) be restricted to a single storey;
- (c) have an independent entrance from the outside and shall only be entered by the public without passing through a shared corridor or lobby;
- (d) not produce noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance detectable beyond the property boundary;
- (e) be limited to signage as follows:
 - (i) one (1) awning/canopy sign or fascia sign per commercial unit.
 - (ii) one (1) projection/hanging sign per commercial unit.
 - (iii) one (1) portable sign per business.
 - (iv) all sign dimensions and placement shall be in accordance with the Signage Regulation Bylaw currently in effect, and as amended from time to time.
 - (v) all signage must be related to the commercial use operated on the property.
- (f) be limited to a maximum of three clients on the premises at any one time; and
- (g) be operated by the principal resident(s) of the associated live-work housing unit and may employ up to two non-resident employees.

Ministry of Forest, Lands and Natural Resource Operations

PROVINCIAL GENERAL PERMISSION FOR THE USE OF CROWN LAND

FOR PRIVATE MOORAGE

VERSION: January 17, 2017

(*Land Act*)

WHEREAS:

- A. The Ministry of Forests, Lands and Natural Resource Operations (“the Ministry”) has responsibility for the management of Crown land, including foreshore land and most submerged land;
- B. The Minister has the authority to authorize the use of Crown land on terms and conditions which the Minister considers appropriate;
- C. The Minister wishes to provide permission for the use of Crown land for private moorage purposes.

ACCORDINGLY, the Minister declares a general permission for the use of Docks (as herein defined), on the following terms and conditions.

1. Definitions

In this document,

“Aquatic Crown land” means all Crown land situated below the natural boundary or below the highest, high water mark of any water body unless, otherwise Crown Granted to another party.

“Application-only Area” means a designated area of submerged Crown land where the owner of a dock must apply for an authorization under the *Land Act*.

“Area of special interest” means known archaeological sites, areas of eel grass, ecological reserves, parks, protected area designations or any combination of these.

“Dock” means an aquatic structure used for the purpose of mooring boats and for providing pedestrian access to and from the moored boats, together with improvements in accordance with this document.

“Freshwater” means lakes, rivers and similar bodies of inland waters.

“Foreshore” means that land lying between the highest water mark and the lowest water mark that is alternatively covered by water and exposed with the normal rise and fall of the level of the body of water.

Ministry of Forest, Lands and Natural Resource Operations

“Marine” means coastal waters including oceans and seas.

“Mobile dock” means a dock with movable walkway and float used in lakes with seasonally fluctuating water levels, that can be readily moved away from the natural boundary as lake levels decrease, such that the required depth of water for boat moorage is achieved.

“Natural boundary” means 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 the banks in vegetation, as well as in the nature of the soil itself.

“Platform or float” means that portion of the dock structure that is generally used for mooring boats. (Note that while attached boat lifts generally do not contribute to structure width, boat lifting devices installed on decking are considered part of the moorage platform.)

“Province” means Her Majesty the Queen in Right of the Province of British Columbia.

“Riparian vegetation” means the vegetation growing on areas bordering streams and lakes that link water to land.

“Riparian rights” means certain common law rights that run with an upland property, and include access to and from the water.

“Upland property” means a non-aquatic land parcel that is bordering on a water body where the Dock is accessed from dry land.

“Walkway” means the structure that provides pedestrian access between shore and the boat mooring portion of a dock (i.e. the mooring platform or float).

2. Prerequisites

2.1. This permission applies only under the following circumstances:

- a. The owner of the Dock is the owner or Crown lessee of the Upland Property.
- b. A Dock shall be used for private residential moorage purposes only and the owner of the dock must not use the dock for commercial purposes or make the dock available to others for a fee.
- c. The Dock is not located over an **Area of Special Interest** (*refer to definition*).
- d. The Crown land over which the Dock has been installed, or will be installed, is not a designated **Application-only Area**, or an area that has been designated as a reserve or withdrawal prohibiting authorization of a dock under sections 15, 16 or 17 of the *Land Act*.
- e. There are no other authorizations for use of the Crown land which would prevent an overlapping permission on that land.

Ministry of Forest, Lands and Natural Resource Operations

- f. There is only one Dock fronting the Upland Property, and no boat ramps or stand-alone boat lifts.

3. Construction

- 3.1. A Dock platform or float, and walkway, must be either floating or suspended above the water.
- 3.2. A Dock may not have crib foundations or solid core structures made of cement or steel sheeting.
- 3.3. No new fill may be used in the construction or maintenance of a Dock.
- 3.4. No dredging may occur on Crown land.
- 3.5. **Riparian vegetation** on Crown land shall not be unduly disturbed.
- 3.6. A Dock must be connected to the shore and the connection must provide pedestrian access to the dock.
- 3.7. The only improvements authorized to be part of a Dock are those improvements necessary for mooring a boat (including non-overhead boat lifts, pilings and anchor lines,), and a **walkway**. **No** beach houses, storage sheds, boathouses, roofs, sun decks, hot tubs or other similar improvements are permitted.
- 3.8. A Dock in a **freshwater** environment must not:
 - a. extend beyond a distance of 42m from the point where the **walkway** begins, measured perpendicular from the general trend of the shoreline;
 - b. have more than a 3m wide moorage **platform or float**; or
 - c. have more than a 1.5m wide **walkway** connecting the platform or float to the shore; and
 - d. for **mobile docks** located in waterbodies that have seasonally fluctuating water levels, the outermost extent of the dock must not be more than a distance of 60m from the present **natural boundary**.
- 3.9. A Dock in a **marine** environment must be no more than:
 - a. 60m in distance from the present **natural boundary**, measured perpendicular from the general trend of the shoreline
 - b. 14m for the length of the moorage **float**
 - c. 3.7m for the width of the moorage **float**
 - d. 1.8m wide for the **walkway** connecting the float to the shore
- 3.10. Construction in or around water must only take place during the appropriate timing window specified by Fisheries and Oceans Canada.
- 3.11. Construction "... in and about a stream" (including a lake or river) must only take place in accordance with a *Water Sustainability Act*, section 11 Notification or Approval.
- 3.12. Construction materials must not contain toxic substances.

Ministry of Forest, Lands and Natural Resource Operations

4. Location

- 4.1 A Dock must be oriented at right angles to the general trend of the shoreline and must not interfere with the **riparian rights** of an adjacent property.
- 4.2 The offshore end of the Dock, including boat lifts and anchor lines, must be at least 30 metres from navigation channels.
- 4.3 The Dock (including boat lift) must be at least:
 - a) five meters from the “projected side property line”*; or
 - b) six meters from the “projected side property line” if adjacent to a dedicated public beach access or park, and
 - c) ten meters from any existing dock or structure on the foreshore.

*The “projected side property line” is a perpendicular extension from the general trend of the shoreline, commencing at the intersection of the side property line and the natural boundary.

5. Use

- 5.1 The owner of the Dock keeps the dock structures and the Crown land beneath the structures in a safe, clean and tidy condition.
- 5.2 The owner of the Dock will not commit any wilful or voluntary waste, spoil or destruction of the Crown land beneath or in the vicinity of the Dock or do anything on that Crown land that may be or become a nuisance or annoyance to an owner or occupier of land in the vicinity of the Crown land.

6. Other Requirements

- 6.1 A Dock will be subject to any other restrictions, requirements or specifications which the Minister may impose from time to time.
- 6.2 An owner of a Dock must comply with all laws that apply to the installation and use of a Dock as contemplated by this permission.
- 6.3 The Dock must not unduly obstruct public access along the foreshore or beach.
- 6.4 Before construction of a new marine Dock (i.e. *one constructed after the effective date of this general permission*) the owner must obtain and adhere to a Marine Habitat Assessment Report for the site which must be completed by a qualified registered professional biologist. This report must be provided to the Authorizing Agency upon request.
- 6.5 Subject to the following schedule, within the Thompson Okanagan and Kootenay Boundary regions, a Dock that was built or altered during the periods indicated may have different standards apply, in place of the current setback, width and length

Ministry of Forest, Lands and Natural Resource Operations

provisions of this permission. If requested, the owner must provide proof of when the Dock was built and/or altered. If proof is not provided current conditions apply.

Structural Element	Prior Standards		
	Construction Year		
	Pre-2007	2007-2009	2009 onwards**
Property Line Setback	≥ 3m/6m*	≥ 5m/6m*	≥ 5m/6m*
Walkway width	≤ 3.7m	≤ 3.7m	≤ 1.5m
Platform / float width	≤ 3.7m	≤ 3.7m	≤ 3m
Distance from shore	≤ 42m	≤ 42m	≤ 42m

* 6m setback required if adjacent to a dedicated public beach access or park

** Same as current standards for these specific structural elements.

≥ - greater than or equal to

≤ - less than or equal to

7. Termination of Permission

- 7.1 The Minister may revoke permission for a Dock at any time in his sole discretion without incurring any liability to the owner of the dock or any users of the dock and, within the period specified in a written notice of revocation of the Minister's permission, the owner of the dock must remove all parts of the dock from Crown land.
- 7.2 When the owner of a Dock removes the dock he must leave the area of Crown land over which the dock had been placed in a safe, clean and tidy condition.
- 7.3 If the owner of a Dock fails to remove all parts of the dock as required in a notice under section 8.1, the Minister may cause any or all remaining parts of the dock to be removed at the sole expense of the owner of the dock.

8. Other Dispositions

8.1 This Permission is subject to the following provisions:

- other persons may hold or acquire rights or interests in the Crown land in accordance with the *Land Act*, *Ministry of Lands, Parks and Housing Act*, *Coal Act*, *Forest Act*, *Geothermal Resources Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act*, *Range Act*, and *Water Act*, or other Provincial legislation; such rights may exist as of the date this Permission takes effect or may be granted or acquired at a later date and may affect or take priority over your use of the Crown land;
- there is no right to compensation from the Province and no acceptance of any claim, action or demand arising out of any conflict between the use of the Crown land under this Permission and the exercise or operation of the interests, rights, privileges and titles described in subsection (a).

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9. Liability and Indemnity

- 9.1 Ownership of and liability for a Dock shall pass to and be binding upon the heirs, executors and assigns of the Dock's owner.
- 9.2 The owner of a Dock assumes all responsibility and liability associated with the dock and must indemnify the Province for any loss or expense incurred by the Province as a result of the existence or use of the dock by any person, including, without limitation, any conflict between the existence or use of the dock and the land use or riparian rights of any person.
- 9.3 Without limiting the Dock owner's obligations or liabilities the dock owner must, at his or her expense, effect and keep in force a Homeowner's Insurance Policy or other insurance policy which expressly covers the use of the dock, including Comprehensive Personal Liability in an amount of not less than \$2,000,000 per occurrence.