
CITY OF KELOWNA

MEMORANDUM

Date: May 4, 2001
File No.: 6470-20

To: City Manager

From: Director of Planning and Development Services

Subject: Private Moorage Referral-Tescon Developments

Recommendation:

1. That BC Assets and Lands (BCALC) be advised that the City of Kelowna is prepared to recommend that Tescon Developments be granted a License of Occupation for Lot A, Plan KAP 51249 DL 167 ODYD for the construction of shared moorage with a single point of access as shown on Land Referral File 3404809, based on the restrictions noted in Appendix 4 of the May 3, 2001 report from the Director of planning and Development Services.
2. That City of Kelowna Council request Staff prepare a policy to provide guidance to the consideration of strata development requests for shared moorage.

Background:

On March 8, 2001, British Columbia Assets and Land Corporation referred an application by Tescon Developments Ltd. for a 10 year License of Occupation for private moorage. The property which is the subject of the referral is a .48 ha parcel of land located at 4566 Fuller Road (Lot A, Plan KAP 51249 DL 167 ODYD) see Schedule 1. The proposal was to seek approval from BCALC for a 108 m long, multiple slip (32) dock, extending 48 m into Lake Okanagan with a single shore zone access point . This application is unique in that it proposes to provide moorage for strata lots, which are not waterfront lots. The proposed Bare Land Strata Subdivision is applying for Thirty (30) residential lots and one (1) large waterfront lot held in Common ownership. (There are also Ten (10) fee simple lots associated with the application.) Eight (8) of the Bare Land Strata residential lots and the one (1) large Common area lot are waterfront lots. These lots have a total waterfront frontage of approximately 221.7 m. The design of the moorage i.e running parallel to the shoreline is an attempt to have minimal visual impact on adjoining properties.

Jurisdiction:

Building a functional dock involves construction on some portion of the foreshore that lies between the high and low water marks. Docks in the City of Kelowna are regulated by British Columbia Assets and Land Corporation, Kamloops, through the use of Licenses of Occupation, for 10 years, as the foreshore of the Lake in most cases is a Crown asset. Waterfront property owners are not, by Canadian law, given outright entitlement to construct a dock off their property.

Applications for docks are referred to the City of Kelowna, Dept. of Fisheries and Oceans Canada (Kamloops), the Coast Guard (Vancouver) and the Ministry of Environment (Penticton). Although the City of Kelowna has dock policies in the Official Community Plan and regulations in Zoning Bylaw 8000, the City of Kelowna has no jurisdiction to authorize or regulate docks. The OCP policies are in place to guide staff comments to BCALC dock referrals and the specific dock regulation in the Zoning Bylaw reflect the joint Province/City developed "Private Moorage Guidelines". They are in place in anticipation of the City of Kelowna and BCALC reaching an agreement on a headlease.

Existing Policy and Regulations:

The OCP has a number of Shorezone Policies (see Appendix 1) which provide guidance to staff on private moorage applications

- 2.29.9 **Private Moorage Guidelines.** *Continue to utilize the Ministry of Environment, Lands and Parks "Private Moorage Guidelines" as a policy for the consideration of applications for moorage facilities in the City of Kelowna;*
- 2.29.42 **Easements for Shared Docks.** *The City of Kelowna will support applications for shared docks only where access easements are registered on properties formally sharing a dock to ensure that all the properties participating in the shared dock have legal access to that dock.*
- 2.29.43 **Limitation on Private Dock Construction.** *The City of Kelowna will support applications for private docks off of properties that are involved in a shared dock project only where the tenure of the shared dock has expired or where the shared dock is made compliant with private dock regulations.*
- 2.29.44 **Multiple Family Shared Docks off Shore Zone Routes of Access.** *Consider property owner's requests for a shared dock (but not a private dock) located off of a lakefront route of access dedication provided that the applicant is an owner or strata council of a multiple family project located immediately upland from the lakeshore dedication and provided that the applicant has lost riparian rights as a result of dedicating a shore zone route of access required in OCP Policy 2.29.3. This policy should not be interpreted to allow private docks off of public beach access points such as roads, road ends, public parks, etc.*

The City of Kelowna Zoning Bylaw 8000 also deals with private moorage by defining it as a secondary use in the W1-Recreation Water Use zone and providing specific regulations in Section 9.9 Dock and Boatlift Regulations (see Appendix 2). The most directly applicable sections include:

9.9.5

- (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.
- (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.

16.5.6 Other Regulations

(b) A maximum of **one dock** or pier shall be allowed for each waterfront property.

Finally in February 1999 (see Appendix 3) in a supplementary report on shorezone issues Council approved guidelines for assessment of shared docks. Once again the guidelines focussed on moorage shared between waterfront owners. The objective behind allowing for shared moorage was to reduce the total number of docks and therefore foreshore barriers. These guidelines once again reflected existing policy and regulations but provided some additional detail. The most relevant sections are the following:

City of Kelowna Guidelines for Assessment of Shared Docks

*In addition to the requirements noted below, staff may require those applying for a shared dock to submit evidence that neighbouring property owners have been advised of the application. **Staff may use neighbours' comments as a basis for considering more or less onerous requirements than those noted in subsections (a), (q), (r) noted below.***

- a. *Docks shall not extend more than 25 m from the natural boundary unless water depth of 1.2 m as measured at low pool can be reached within 35 m of the natural boundary, in which case, the dock may extend to a maximum of 40 m. Exemptions to this provision will be considered only where local shoreline conditions suggest extenuating consideration, where the Province has indicated that there would be no adverse impacts associated with extending a dock beyond the normally permitted distance and where adjacent property owners have no objection to the extension.*
- d. *The portion of the shared dock structure which runs roughly parallel to the shoreline shall not extend across more than 50% of the frontage of any given upland property and must in no case exceed 25 m.*
- k. *The permissible deck surface of a shared dock shall be calculated using the following formula, to a maximum of 200 m².*

$$\text{permissible deck surface (m}^2\text{)} = 112 \text{ m}^2 + (\text{Total lake frontage of participating abutting properties} - 20\text{m}) * 1.05$$
- x. *There shall be a maximum of one boatlift per property involved in sharing a dock, to an absolute maximum of six boatlifts per dock structure.*
- y. *Boat lifts should be designed and placed so as to have minimal impact on neighbours' views (both when the boat lifts are in use and when they are not).*
- bb. *Those participating in a shared dock must submit written acknowledgement that they will refrain from seeking permission to build a private dock off of their individual properties until the tenure on the shared dock expires.*
- cc. *The owner of the property off of which the shared dock is constructed must acknowledge, in writing, that the tenure on that dock lasts only for 10 years. At the end of the ten years, the applicant must reapply for a shared dock. If the dock can no longer comply with the established guidelines because sufficient participating property owners are no longer interested, then the dock will, at that time, be required to conform to the regulations in place for private (non-shared) moorage facilities.*

Neighbour's Concerns:

The adjoining neighbours have provided their concerns through correspondence and by telephone. The concerns of the Eldorado Arms H.O.A. (strata corporation) (see attachment A and B) The most recent correspondence request that the City of Kelowna recommend a single access structure accommodating eight (8) to thirteen (13) slips with a total length of 30 M. Their concern is the precedent of allowing non-waterfront lots moorage creating an "economically driven" marina. They also expressed concern of their "vistas" being "greatly effected". A third letter arrived on April 26, 2001, from Mr. Smithwick, of the Porter Ramsay law firm (see Attachment C) also on behalf of the Eldorado Arms H.O.A. asking the City to enforce our bylaws, as in their belief "a 32 boat moorage facility is completely inappropriate and contrary to the bylaw." They suggest the length of the dock parallel to the shoreline should not exceed 1.5 m which is the width of the walkway on the upland which is being proposed for access to the moorage. The other concern is once again visual impact.

Planning Departments Comments:

In reviewing the BCALC referral staff were faced with a dilemma in that the existing policy did not contemplate strata development shared moorage on this scale. Although there is general acceptance that it is in the community interest to minimize the number of barriers along the foreshore of Lake Okanagan, the guidelines as amended in 1999, for a referral on Truswell Rd., capped the overall size of shared docks at 200 m².

The applicant has pointed out that each of the nine waterfront lots could apply for a dock and each dock could extend 40 m into the Lake from the natural boundary, and have a maximum walkway width of 3.0 m. Each lot could apply for an "L or T shaped dock **structure**" 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. Although the guidelines restrict the number of boatlifts for shared docks, the guidelines are silent on the number of boatlifts allowed per individual dock. Clearly the impact on the foreshore of nine additional docks is significant both aesthetically, and from the perspective of being barriers to foreshore access.

In an effort to arrive at a recommendation to BCALC which reflected the spirit and intent of the existing policy and guidelines while at the same time provided the applicant with an alternative to nine individual docks, staff proposed a compromise. Staff's greatest concern was that a precedent not be set for developments providing moorage for all units in a development regardless of location vis a vis the waterfront. Based on the Zoning Bylaw the compromise acknowledges the fact that each of the nine individual docks could have up to 10 m each of dock parallel to the shore. Therefore it seemed reasonable to allow the dock to run approximately 90 m in length parallel to the shoreline. As the Zoning Bylaw does not regulate the number of boatlifts or slips, staff's recommendation only acknowledged the possible number of lifts based on the applicant's measurements, which worked out to approximately twenty-three (23).

Although the compromise (based on the Zoning Bylaw) clearly does not comply with the Shared Dock Guidelines which would restrict the total dock area to 200 m² and limit the total number of slips to six (6), staff felt that it could be justified because of the single point of access and the attempt to limit visual impact on the neighbour's view. It should be noted that the subject site is a peninsula and therefore any development of any kind on or offshore at that location will have an impact on the neighbours view as does Mr. Cappozzi's current dock and backyard amenities.

As for the last position of the Eldorado Arms Strata limiting the dock length to 1.5 m, or at the most 10m although an interesting negotiating position, is truly not in the spirit of any the guidelines which acknowledge that waterfront owners should be given reasonable access to the foreshore.

A subsequent review of Staff's original response to BCALC, at the request of Council, certainly points out that staff did place more emphasis on the Zoning Bylaw for direction then the Shared Dock Guidelines. A more detailed measurement of the waterfront frontages also provided a slight reduction to the possible length from 90 m to **88.35 m**. As a result of the review Staff are putting forward a revised recommendation for Council consideration which recommends a single access point and allowance for a "T" shaped structure not more then 88.35 m in length for that portion of the structure running parallel to the shoreline. The overall structure should not extend more the 40 m out into the Lake and the maximum number of boatlifts should be limited to nine (9). This would not limit the number of boats which may actually physically moor at the site, as stated the City and BCALC do not regulate the actual number of boats moored, only the dock size and number of boatlifts. It is recommended that the other guidelines generally remain as noted in the Shared Dock Guidelines.

As a result of the above noted considerations, it is recommended that the City of Kelowna support B.C. Assets and Lands Corporation approval of shared moorage off of Lot A., Plan KAP 51249 DL 167 ODYD, subject to the conditions noted in Appendix 4.

R.L. Mattiussi MCIP
Director, Planning and Development Services

Appendix 1 Excerpts of related OCP Policy: Lake Okanagan shore zone

- 2.29.2 **Lake Okanagan Foreshore.** In cooperation with the Ministry of Environment, Lands and Parks, preserve natural vegetation along the foreshore of Okanagan Lake, regulate further filling of private waterfront areas, and maintain the environmental quality of the lake;
- 2.29.3 **Shore Zone Route of Access.** Pursue the establishment of a route of access by way of a road right-of-way dedication. Provisions of the route of access shall be a condition of approval for all pending and future applications for commercial, multi-family, industrial and institutional uses by way of a Development Permit, Rezoning, or Subdivision adjacent to that portion of land;
- 2.29.4 **Purpose and Location of Route of Access.** Pursue the establishment of a route of public access along the shore of Okanagan Lake lying generally within points averaging 10 m (32.8 feet) from the normal high water mark of the shore for the purposes of:
- flood control
 - lake conservation
 - lake maintenance
 - public access
- 2.29.5 **Site Density Calculations.** Entitle the owner to use the original site area in computing density and floor area ratios, and minimum area for subdivision purposes;
- 2.29.6 **Potential Acquisition of Area in Excess of Requirement.** Negotiate with the owner to purchase additional land which may be required in the event that any road right-of-way dedication obtained for the Okanagan Lake route of access exceeds an average of 10 m (32.8 feet) in width, unless this provision is waived by the party making such road right-of-way dedication;
- 2.29.7 **Use of Dedicated Area.** Allow the party granting the road right-of-way dedication to use the dedicated area, free of charge until such time in the future as the City of Kelowna commences development of the dedicated land, providing said use does not include the erection of any buildings or structures without approval of City Council;
- 2.29.8 **Policy Flexibility.** Consider a reduction or modification of the dedication requirements or may negotiate with the applicant for purchase of all or a portion of the land required for municipal purposes in the event land required to be granted as road right-of-way dedication to the Okanagan Lake route of access would completely render the parcel undevelopable;
- 2.29.9 **Private Moorage Guidelines.** Continue to utilize the Ministry of Environment, Lands and Parks "Private Moorage Guidelines" as a policy for the consideration of applications for moorage facilities in the City of Kelowna;
- 2.29.10 **Impact Assessments.** Refrain from initiating actions that have substantial negative impact on sensitive natural habitat unless an assessment proves that taking such action is, in the long-run, the best solution to the balance between providing for both human and wildlife usage;
- 2.29.13 **Function of Access Points.** Continue to use street end beach access points to enhance public foreshore access and to serve as small beaches for residents of surrounding neighbourhoods;
- 2.29.14 **Continuous Public Access.** Support the principle of continuous public access along the public foreshore and pledges to use its policies and resources to achieve this end. Where continuity is not feasible due to topographic constraints, environmental sensitivity, or legal obstructions, the City will endeavor to provide alternate access. The City further commits to

recognizing the rights of private property owners, including the common law rights to water access protection of property, and to legal accretion. The City undertakes to manage the consequences of public access including public education, public safety, litter control, and protection of private property;

- 2.29.15 **Year-round Shore Zone Access.** Work towards increasing the amount of public land available for year-round shore zone access;
- 2.29.16 **Accessibility.** Work towards ensuring that some pathways in each portion of the City are accessible to various forms of assisted transportation (such as wheelchairs, strollers, etc.);
- 2.29.17 **Subdivision Dedications.** In new subdivisions, seek, wherever possible, to acquire beach access points as provided for under the Land Titles Act, Chapter 250, RSBC 1996;
- 2.29.33 **License Renewal where Docks Block Access.** Discourage Crown Lands from renewing license agreements for docks which impede public access to the foreshore. If the City assumes control over license agreements, renew only those licenses covering docks that do not block public access to the foreshore;
- 2.29.34 **Voluntary Removal of Barriers.** Where it is in the public interest to do so, consider compensation to property owners voluntarily removing barriers which have been previously authorized;
- 2.29.35 **Multi-Family Development.** Allow multi-family development along the shore zone in areas designated for such development on the OCP Future Land Use Map 15.1, provided that the building design maintains views of the lake and provided that the public enjoyment of the lakefront is enhanced as a result of the development;
- 2.29.36 **Panhandle Lots.** Discourage lakefront panhandle lots;
- 2.29.37 **Impact of Subdivision.** Require that foreshore structures conform to the regulations in place at the time of subdivision approval;

BL8399 Adopted on May 4th, 1999 added policies Nos. .42 to .44

- 2.29.42 **Easements for Shared Docks.** The City of Kelowna will support applications for shared docks only where access easements are registered on properties formally sharing a dock to ensure that all the properties participating in the shared dock have legal access to that dock.
- 2.29.45 **Limitation on Private Dock Construction.** The City of Kelowna will support applications for private docks off of properties that are involved in a shared dock project only where the tenure of the shared dock has expired or where the shared dock is made compliant with private dock regulations.
- 2.29.46 **Multiple Family Shared Docks off Shore Zone Routes of Access.** Consider property owner's requests for a shared dock (but not a private dock) located off of a lakefront route of access dedication provided that the applicant is an owner or strata council of a multiple family project located immediately upland from the lakeshore dedication and provided that the applicant has lost riparian rights as a result of dedicating a shore zone route of access required in OCP Policy 2.29.3. This policy should not be interpreted to allow private docks off of public beach access points such as roads, road ends, public parks, etc.

Appendix 2 Related Zoning Bylaw Requirements:

Although they are not applicable as regulations the spirit and intent of the relevant sections of Zoning Bylaw 8000 does provide guidance to staff. These include:

Section 9.0 Specific Regulations

9.9 Dock and Boatlift Regulations

9.9.1 Non-moorage **uses** such as beach houses, storage sheds, patios, sundecks, and hot tubs shall not be permitted.

9.9.2 The placement of fill, or the dredging of aquatic land, is not permitted. Natural habitat and shoreline processes shall not be altered.

9.9.3 Public access along the **foreshore** shall not be impeded.

9.9.4 **Development** shall be in conformance with Land **Development** Guidelines for the Protection of Aquatic Habitat of the Canada Department of Fisheries and Oceans and the Ministry of Environment, Lands, and Parks. Prior to **construction** on the Crown **foreshore**, permission must be obtained from the Ministry of Environment, Lands, and Parks.

BL8400 replaced the first paragraph of sub-section 9.9.5:

9.9.5 Moorage facilities consisting of docks shall be permitted if developed consistently with the following regulations or as approved by the Ministry of Environment, Lands and Parks:

- (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 P3 **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 **decks** will not be allowed).
- (i) No roof or covered **structures** shall be placed on the dock.

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

Section 16.5 of the City of Kelowna Zoning Bylaw 8000 provides additional direction, however the regulations not anticipate multiple parcel shared moorage:

16.5 W1 – Recreational Water Use

16.5.1 Purpose

The purpose is to provide a **zone** that allows for the recreational enjoyment of upland property **owners** and **foreshore public access** while minimizing impacts on **fish**, wildlife, and vegetation communities.

16.5.2 Principal Uses

The **principal uses** in this **zone** are:

- (a) boating
- (b) foreshore public access
- (c) recreational water activities
- (d) uses permitted by virtue of uses approved by Provincial Crown Lands

16.5.3 Secondary Uses

The **secondary uses** in this **zone** are:

- (a) **boat lifts**
- (b) **docks, private**
- (c) temporary moorage
- (d) utilities services, minor impact

16.5.4 Subdivision Regulations

- (a) N/A

16.5.6 Other Regulations

(a) No docks, boatlifts, shall be maintained, used or constructed beyond 40.0 m from the natural boundary of the upland parcel.

(b) A maximum of one dock or pier shall be allowed for each waterfront property.

(c) Docks and boatlifts must conform to the regulations outlined in Section 9.9, shall be approved by the Province of B.C. or by other designated approving agencies, shall be **used** for boat access purposes only, and no commercial or industrial activity or **use** shall take place thereon.

(d) **Boating** activity is restricted to those areas not marked as swimming areas by the placement of buoys approved by the federal Coast Guard.

(e) Non-emergency overnight moorage shall be allowed only at **federal government approved moorage buoys** or at docks licensed by the Province of B.C.

(f) Camping is not permitted.

(g) In addition to the regulations listed above, other regulations may apply.

These include the general **development** regulations of Section 6, the parking regulations of Section 8, and the specific **use** regulations of Section 9.

Appendix 3-City of Kelowna Guidelines for Assessment of Shared Docks

Moved by Councillor Cannan/Seconded by Councillor Day

R109/99/02/15 THAT the guidelines outlined in Appendix A of the February 9, 1999 report of the Long Range Planning Manager be considered for endorsement as the criteria by which staff will assess shared dock applications which the Province refers to the City for comment;

The following guidelines will be utilized by City staff to assess applications referred to them for comment by the Province of B.C.

In addition to the requirements noted below, staff may require those applying for a shared dock to submit evidence that neighbouring property owners have been advised of the application. Staff may use neighbours' comments as a basis for considering more or less onerous requirements than those noted in subsections (a), (q), (r) noted below.

- a. Docks shall not extend more than 25 m from the natural boundary unless water depth of 1.2 m as measured at low pool can be reached within 35 m of the natural boundary, in which case, the dock may extend to a maximum of 40 m. Exemptions to this provision will be considered only where local shoreline conditions suggest extenuating consideration, where the Province has indicated that there would be no adverse impacts associated with extending a dock beyond the normally permitted distance and where adjacent property owners have no objection to the extension.
- b. No portion of any dock runway shall exceed a width of 1.83 m. Decking at the lake-end of the dock may reach a width of 3.66 m over a maximum 10 m.
- d. The portion of the shared dock structure which runs roughly parallel to the shoreline shall not extend across more than 50% of the frontage of any given upland property and must in no case exceed 25 m.
- dd. The permissible deck surface of a shared dock shall be calculated using the following formula, to a maximum of 200 m².

permissible deck surface (m²) = 112 m² + (Total lake frontage of participating abutting properties – 20m) * 1.05

- ee. 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. Where this solution is impractical, the owners may choose, as an alternative, to allow the public to cross the upland property above the natural boundary. If this alternative is chosen, a sign must be posted on the property to advise the public of the alternative crossing.
- ff. No portion of a dock shall be elevated more than 1 m above 342.53 m (geodetic elevation).
- gg. Where a dock is shared, and constructed in front of two abutting properties, the dock can be constructed on the common property boundary. In such an instance, the minimum sideyard setback between those two properties would be 0 m. Docks must be set back a minimum of 3.0 m from all other side property lines (as projected perpendicularly onto the foreshore from upland properties).
- hh. Setback from the side property line of the upland parcel, projected perpendicularly onto the foreshore, shall be a minimum of 6.0 m where the property abuts a creek or where the adjacent property is a right-of-way beach access or is in a P3 zone.

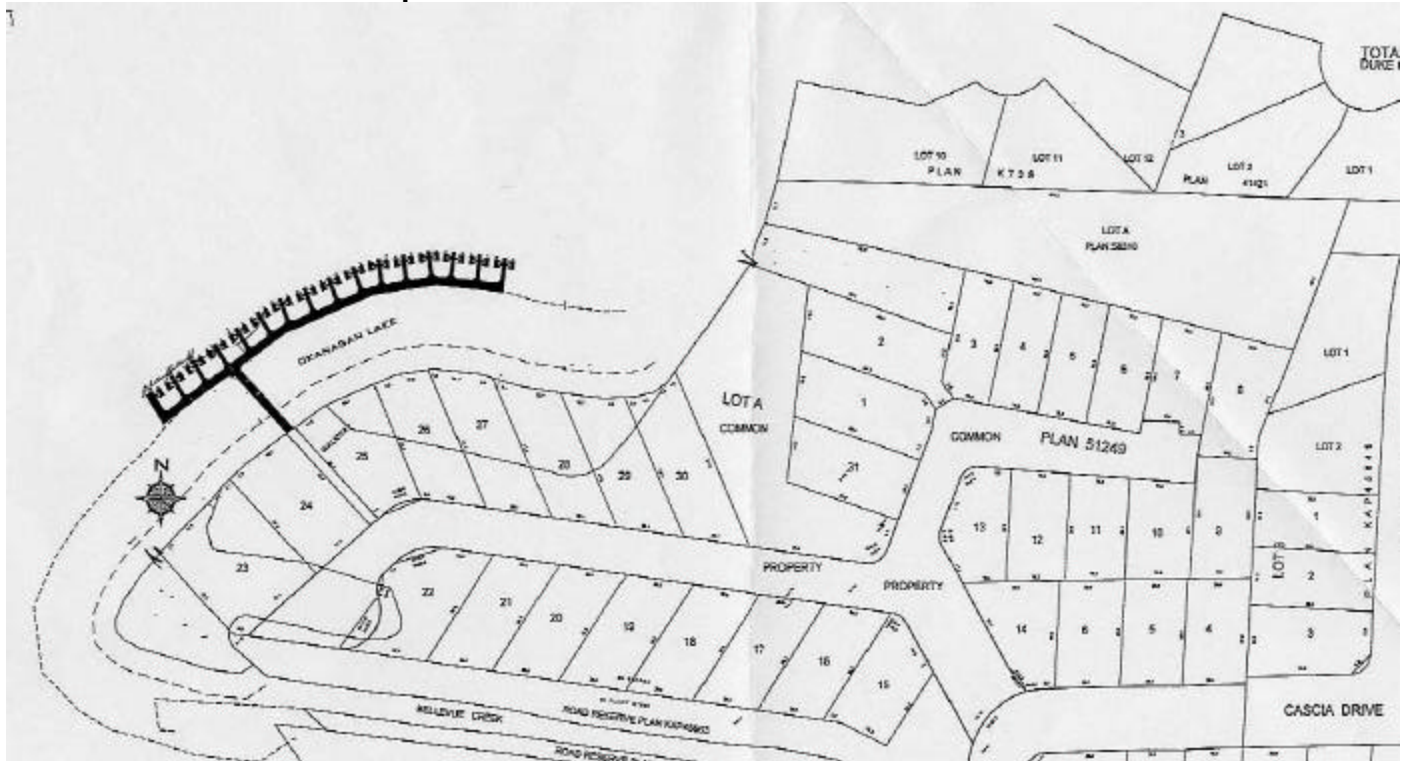
- ii. Siting of the dock shall be undertaken in a manner that is consistent with the orientation and site placement of neighbouring docks.
- jj. Siting of the dock shall avoid impacts on access to existing docks and adjacent properties and shall preserve abutting property owners' abilities to construct docks and gain access to their properties.
- kk. Dock structures shall be supported by wooden or steel piles and be made of non-toxic materials (solid core supports will not be allowed).
- ll. No roof or covered structures shall be used, constructed, or maintained on the dock or over boatlifts.
- mm. No structures other than those expressly permitted in these regulations shall be permanently affixed to dock structures.
- nn. Dock lighting may be installed for security and safety purposes but shall be on sensor detectors such that the lights are only on when there are people on or near the dock. Lights should be installed at not less than 10 m intervals. Bulbs should have a maximum wattage of 60 w. Lamp heads should be no more than 22" higher than the dock decking.
- oo. No overhead lift systems will be permitted. Boatlifts shall be of single-post construction
- pp. Boatlifts shall not suspend the underside of any boat more than one (1) m above the surface of the water.
- qq. There shall be a maximum of one boatlift per property involved in sharing a dock, to an absolute maximum of six boat lifts per dock structure.
- rr. Boat lifts should be designed and placed so as to have minimal impact on neighbours' views (both when the boat lifts are in use and when they are not).
- ss. Deck surfaces must be supported by at least two parallel rows of piles.
- tt. No overhead electrical wiring will be permitted.
- uu. Those participating in a shared dock must submit written acknowledgement that they will refrain from seeking permission to build a private dock off of their individual properties until the tenure on the shared dock expires.
- w. The owner of the property off of which the shared dock is constructed must acknowledge, in writing, that the tenure on that dock lasts only for 10 years. At the end of the ten years, the applicant must reapply for a shared dock. If the dock can no longer comply with the established guidelines because sufficient participating property owners are no longer interested, then the dock will, at that time, be required to conform to the regulations in place for private (non-shared) moorage facilities.
- ww. Docks that were licensed and built in conformance with an approved license prior to the date of adoption of these guidelines will be allowed to be replaced as per the terms of the original agreement, provided that public access along the foreshore is not impeded.

Appendix 4:
PROPOSED GUIDELINES FOR SHARED DOCK
(For Lot A, Plan KAP 51249 DL 167 ODYD)

- c. The shared dock shall not extend more than 40 m from the natural boundary.
- d. No portion of any dock runway shall exceed a width of 1.83 m. Decking at the lake-end of the dock may reach a width of 3.66 m over a maximum 10 m.
- c. The portion of the shared dock structure which runs roughly parallel to the shoreline shall not extend across more than 88.35 m of the frontage of the subject parcel.
- d. --
- e. The dock 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. Where this solution is impractical, the owners may choose, as an alternative, to allow the public to cross the upland property above the natural boundary. If this alternative is chosen, a sign must be posted on the property to advise the public of the alternative crossing.
- f. No portion of the dock shall be elevated more than 1 m above 342.53 m (geodetic elevation).
- g. --
- h. Setback from the side property line of the upland parcel, projected perpendicularly onto the foreshore, shall be a minimum of 6.0 m where the property abuts a creek or where the adjacent property is a right-of-way beach access or is in a P3 zone.
- i. Siting of the dock shall be undertaken in a manner that is consistent with the orientation and site placement of neighbouring docks.
- j. Siting of the dock shall avoid impacts on access to existing docks and adjacent properties and shall preserve abutting property owners' abilities to construct docks and gain access to their properties.
- k. Dock structures shall be supported by wooden or steel piles and be made of non-toxic materials (solid core supports will not be allowed).
- l. No roof or covered structures shall be used, constructed, or maintained on the dock or over boatlifts.
- m. No structures other than those expressly permitted in these regulations shall be permanently affixed to dock structures.

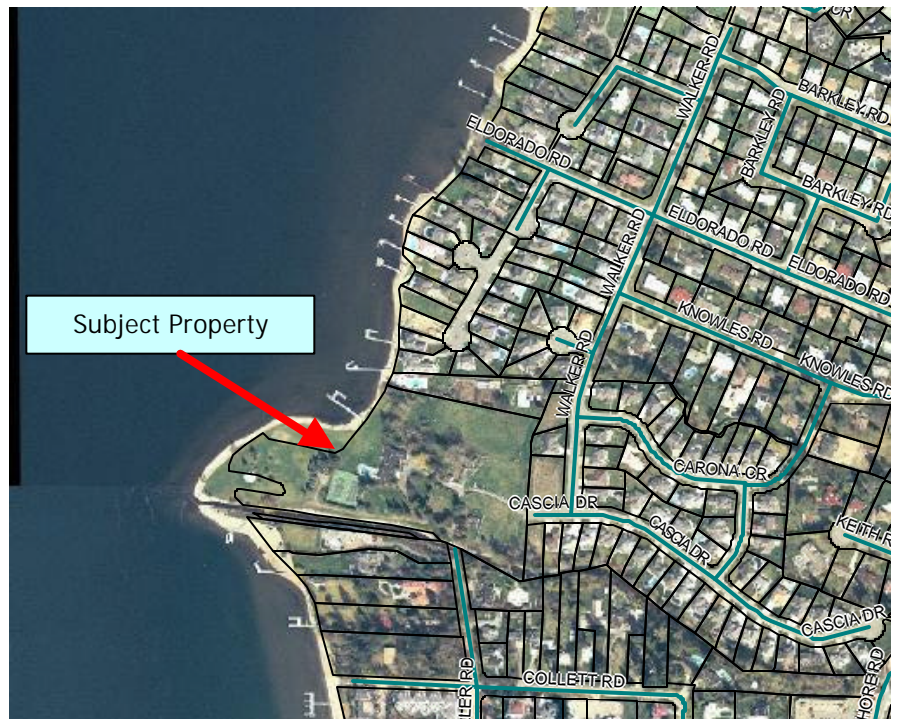
- n. Dock lighting may be installed for security and safety purposes but shall be on sensor detectors such that the lights are only on when there are people on or near the dock. Lights should be installed at not less than 10 m intervals. Bulbs should have a maximum wattage of 60 w. Lamp heads should be no more than 22" higher than the dock decking.
- o. No overhead lift systems will be permitted. Boatlifts shall be of single-post construction
- p. Boatlifts shall not suspend the underside of any boat more than one (1) m above the surface of the water.
- q. There shall be a maximum of nine boatlifts.
- r. Boat lifts should be designed and placed so as to have minimal impact on neighbours' views (both when the boat lifts are in use and when they are not).
- s. Deck surfaces must be supported by at least two parallel rows of piles.
- t. No overhead electrical wiring will be permitted.
- u. Those participating in a shared dock must submit written acknowledgement that they will refrain from seeking permission to build a private dock off of their individual properties until the tenure on the shared dock expires.
- v. The owner of the property off of which the shared dock is constructed must acknowledge, in writing, that the tenure on that dock lasts only for 10 years. At the end of the ten years, the applicant must reapply for a shared dock. If the dock can no longer comply with the established guidelines because sufficient participating property owners are no longer interested, then the dock will, at that time, be required to conform to the regulations in place for private (non-shared) moorage facilities.
- w. Docks that were licensed and built in conformance with an approved license prior to the date of adoption of these guidelines will be allowed to be replaced as per the terms of the original agreement, provided that public access along the foreshore is not impeded.

Schedule 1. –Tescon Development Plan



Aerial Photo of Subject Property:

Lot	Frontage M	Length Limit M
22	30.2	10
23	21.6	10
24	27	10
25	24.8	10
26	20.2	10
27	21.2	10
28	19.5	9.75
29	17.2	8.6
A	40	10
	221.7	88.35



Attachment A.- Letter from Mr. Rintoul, Eldorado Arms H.O.A.
Attachment B.- Letter from Mr. Rintoul, Eldorado Arms H.O.A.
Attachment C.-Letter from Mr. Smithwick, Porter Ramsay on behalf Eldorado Arms H.O.A.