

Wharf, Dock and Buoy Policy

Effective Date: June 12, 2018	Authorized By: Council – Regular Meeting	Replaces: August 28, 2012 April 12, 2011
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1.1 Policy Statement

The District of Peachland has entered into a Headlease with the Province of British Columbia which gives control of the entire foreshore of Okanagan Lake, including the area extending 200m (656ft) from the shore, to the District of Peachland. As a signatory to the Headlease the District has assumed the responsibility for regulating the installation and use of wharfs, docks and buoys as delineated within the Shoreline Management Section of the District of Peachland Official Community Plan and as described in Lakefront Area Public Place Regulation Bylaw No. 1869 as amended from time to time.

1.2 Definitions

"Boat lift" means a device attached to a dock to facilitate lifting boats or other watercraft out of the water. Boat lifts are only permitted in Units 11 and 12 as indicated in the Shoreline Management Section of the District of Peachland Official Community Plan.

"Wharf or Dock (herein after referred to as dock)" means a manmade structure which extends from the shore into the water for the purposes of embarking or disembarking from watercraft; may be temporarily anchored or permanently fixed.

"Foreshore" means the area between the high water mark or natural boundary and the low water mark of Okanagan Lake.

"Littoral Zone" means that part of the lake that extends from the foreshore to a depth where sufficient light for plant growth reaches the sediments and the lake bottom. This area is usually that portion of the lake that is less than 4.5 m (15 ft.) in depth.

"Ramp/Walkway" means the portion of the dock that extends from the foreshore to the "L", "T" or "U" portion of the dock.

2.0 Procedure

2.1 Making Application

In addition to requirements found elsewhere in this bylaw, the following is required for all applications made under this policy:

- .1 An application made pursuant to this policy shall be made to the Director of Planning and Development Services and shall be executed in writing by the owner(s) of the land that is upland of the foreshore subject to the application.
- .2 An application for a dock or buoy license shall be made and processed substantially as outlined in Schedule '1' of this policy.

- .3 An application made pursuant to this policy shall be submitted to the District on the prescribed application form designed by the Director of Planning and Development Services and shall include an application fee, payable to the District in accordance with section 2.3 of this policy.
- .4 If there is a change of ownership of the upland lot fronting the foreshore subject of an application pursuant to this policy, the new owner must provide written authorization and a title search print before the application proceeds further.
- .5 If there is a change of ownership of the upland lot fronting the foreshore subject to a current Encroachment Agreement and Dock or Buoy License, the selling owner must provide written confirmation of the transfer of the License to the purchasing owner to the District and pay the Transfer Fee in accordance with the provisions of the Encroachment Agreement.

2.2 Transfer of Ownership

- .1 This License does not run with the Land. The Licensee shall not be entitled to transfer or assign their License, in whole or in part, except to a person who is or will become the registered owner of the upland lot and except with the written consent of the District, for which consent the District will be entitled to receive \$200.00. If a Deposit is applicable, the transferee must pay the Deposit to the District.
- .2 Prior to transferring, assigning, giving or in any way disposing of the upland lot, the Licensee shall advise the prospective transferee of the existence of the License and Encroachment Agreement with the District and, as a condition of the transfer, cause the transferee, if written consent of the District is received, to become a party to the Encroachment Agreement in the place of the Licensee.
- .3 If for any reason the Licensee ceases to be the owner of the upland lot, but this License has not been transferred or assigned to the new owner of the upland lot, the Licensee will continue to be fully and completely responsible for all the obligations of the Licensee under the Encroachment Agreement, including payment of the License Fee.

2.3 Application Fees

- .1 An application must be accompanied by the application fee outlined as follows:

a. Construction of an individual dock	\$200.00
b. Construction of a communal dock	\$100.00
c. Placement of a buoy	\$100.00
d. Transfer of Ownership	\$200.00
- .2 All application fees are non-refundable.
- .3 All applications for a dock are subject to Provincial Riparian Area Regulations; as such, submission of an application for a Development Permit pursuant to the Official Community Plan Development Aquatic Permit Area Guidelines and assessment by a Qualified Environmental Professional is required.
- .4 The property owner will be subject to an annual license fee.
- .5 Multi slip docks will be assessed the annual fee for a dock for each individual slip.

2.4 Delegation of Authority

Pursuant to Section 154(1)(b) of the *Community Charter*, Council delegates to the Director of Planning and Development Services the duties and powers of Council as follows:

.1 Form and Content of Application Forms

The Director of Planning and Development Services may designate the form and content of application forms and in so doing may prescribe different forms for different categories of applications based on the nature or complexity of the application.

.2 Approval

- a. The Director of Planning and Development Services may exercise the powers of Council under Section 487 of the *Local Government Act* to require development approval information in respect of an application made under this policy to be provided by the applicant, at the applicant's expense.
- b. The Director of Planning may vary requirements of this Policy for the construction, repair and installation of docks and/or buoys from time to time to meet changing guidelines from Provincial and Federal Ministries.
- c. If the application for a license is approved the District will enter into an encroachment agreement with the applicant that is consistent with the term that the District holds with the Province of B.C. within the Headlease Agreement.
- d. All docks and buoys within the District are renewed on a term consistent with the Headlease Agreement the District holds with the Province of B.C.

3.0 Technical Requirements

3.1 Docks

- .1 A license for a dock will only be given to an upland property owner.
- .2 Only one dock shall be constructed per upland lot including contiguous upland lots held under common ownership.
- .3 A lot with less than 15m (49.2ft) lake frontage will not be permitted to have an individual dock.
- .4 A dock must be setback from the side lot line of the upland lot, projected onto the foreshore and into the water, a minimum of 5.0 meters (16ft).
- .5 Docks must be sited in a manner that is consistent with the orientation of neighbouring docks to avoid any impact on access to any docks or structures on adjacent properties. Where consistency and access is not an issue docks shall be placed at a 90 degree angle to the foreshore.
- .6 Any structural component of dock must not be within 10 meters (33ft.) of another dock or buoy and/or their structural components, e.g., boat lifts, ladders etc.
- .7 A dock must not extend into Okanagan Lake more than 30 meters (98ft) measured from the low water mark unless a greater length is required to meet Provincial guidelines for water depth.
- .8 No dock shall have a ramp or walkway that exceeds a width of 2.0 meters (6.5ft).

- .9 No portion of a dock may exceed a width of 3.0 meters (10ft).
- .10 A dock must not obstruct public access along the foreshore. In cases where the dock structure blocks the full width and length of the foreshore at a height greater than 0.3 meters (1.0ft) steps shall be provided on both sides to permit public access over the dock and/or ramp/walkway.
- .11 "L", "T" and "U" shaped docks may be permitted provided the maximum length of the "L", "T" and "U" structure does not exceed one half the length of frontage of the upland lot or 7.5 meters (25ft), whichever is less.
- .12 No "L", "T" or "U" portion of a dock will be permitted within the littoral zone of Okanagan Lake as assessed by a Qualified Environmental Professional (QEP).
- .13 Pressure treated wood is not to be used. Products such as fir, red cedar, redwood, cypress, eastern white cedar or plastic will be considered.
- .14 At no time may a dock interfere with any sewer lines as found within Okanagan Lake.
- .15 The permit number issued by the District shall be displayed on each dock; either painted white on the structure itself or secured onto the dock so that it is viewable from the water by boat.
- .16 Docks shall be designed to either float or be supported by wooden, steel or plastic piles. Crib foundations or solid core structures made of cement or steel sheeting will not be permitted.
- .17 No property owner shall allow a dock to be grounded at low water.
- .18 If a dock is supported by wooden or steel piles those piles are to be no further than 4.9 meters (16ft) apart unless otherwise approved in writing by the Director of Planning and Development Services or certified by a suitably qualified professional engineer.
- .19 All boat lifts shall be attached to a dock structure. A maximum of one lift designed to lift a boat of up to 7.5 meters (25ft) in length is permitted per dock.
- .20 No roof or overhead covering shall be constructed over a boat lift or dock.
- .21 Docks shall be constructed substantially in compliance with the requirements described in Schedule '2' to this policy.
- .22 If approval is given by the District for construction of a dock, work must be completed within the work windows as set out by the Ministry responsible for the environment for Okanagan Lake, as amended from time to time.
- .23 All work conducted must adhere to the *Water Sustainability Act*, *Water Sustainability Regulations*, and *Water Sustainability Fees, Rentals and Charges Tariff Regulations* as amended from time to time, and to the "Standards and Best Practices for Instream Works" as published by the Ministry responsible for the environment, as amended from time to time.

3.2 Buoys

- .1 A license for a private buoy will only be given to an upland property owner.
- .2 The part of a buoy that shows above the surface of the water must be at least 15.25 cm wide and at least 30.5 cm high.
- .3 All buoys must be either white or orange in colour and of commercial quality.

- .4 The permit number as issued by the District of Peachland must be displayed in black on each of two opposite sides of the buoy as large as is practical for the size of the buoy.
- .5 The buoy and buoy anchor must be constructed and maintained in a manner and with materials that ensure that it remains in position.
- .6 A buoy must not be within 10 m (33 ft.) of another buoy or structure at the furthest extended point of the buoy within the water.
- .7 All buoys must comply with the requirements set out in the Canadian Aids to Navigation (TP 968) published by the Canadian Coast Guard in 1995, as amended from time to time. Unless otherwise stated within this policy.

3.3 Prohibited Activities

- .1 The placement of fill or the dredging of aquatic land to facilitate or improve residential moorage facilities is not permitted.
- .2 Non-moorage uses, including but not limited to beach houses, storage sheds, patios, sundecks, retaining walls, satellite dishes and hot tubs, are prohibited on docks. These structures may only be placed on private land in accordance with Development Permit Guidelines, RAR and all relevant Building Code requirements.
- .3 A vessel must not be used as a floating residential structure for any period over 72 hours.

Schedule 1 Application Process

Providing this information does not entitle the applicant to license approval. For clarity, Technical Development Permits issued pursuant to section 488 of the *Local Government Act* shall be issued separately from Dock and Buoy Licenses pursuant to this policy pursuant to a separate but concurrent application process.

1.0 Application Requirements

.1 The following information shall be required to accompany an application for a Dock or Buoy License:

a. Application Form

- i. State of Title or Title Search print
- ii. Owner's Authorization Form (if applicable)
- iii. Site Profile or Site Profile Waiver
- iv. Project Description with respect to context, objectives, design, materials (including any proposed preservatives), type of use, number of boats and/or watercraft to be accommodated and construction schedule
- v. Photographs of the site where the dock or buoy will be located and surrounding context (shoreline in both directions) in colour and at a size which is legible to the reader

b. Site Plan (Minimum 1:200 scale) in metric units including:

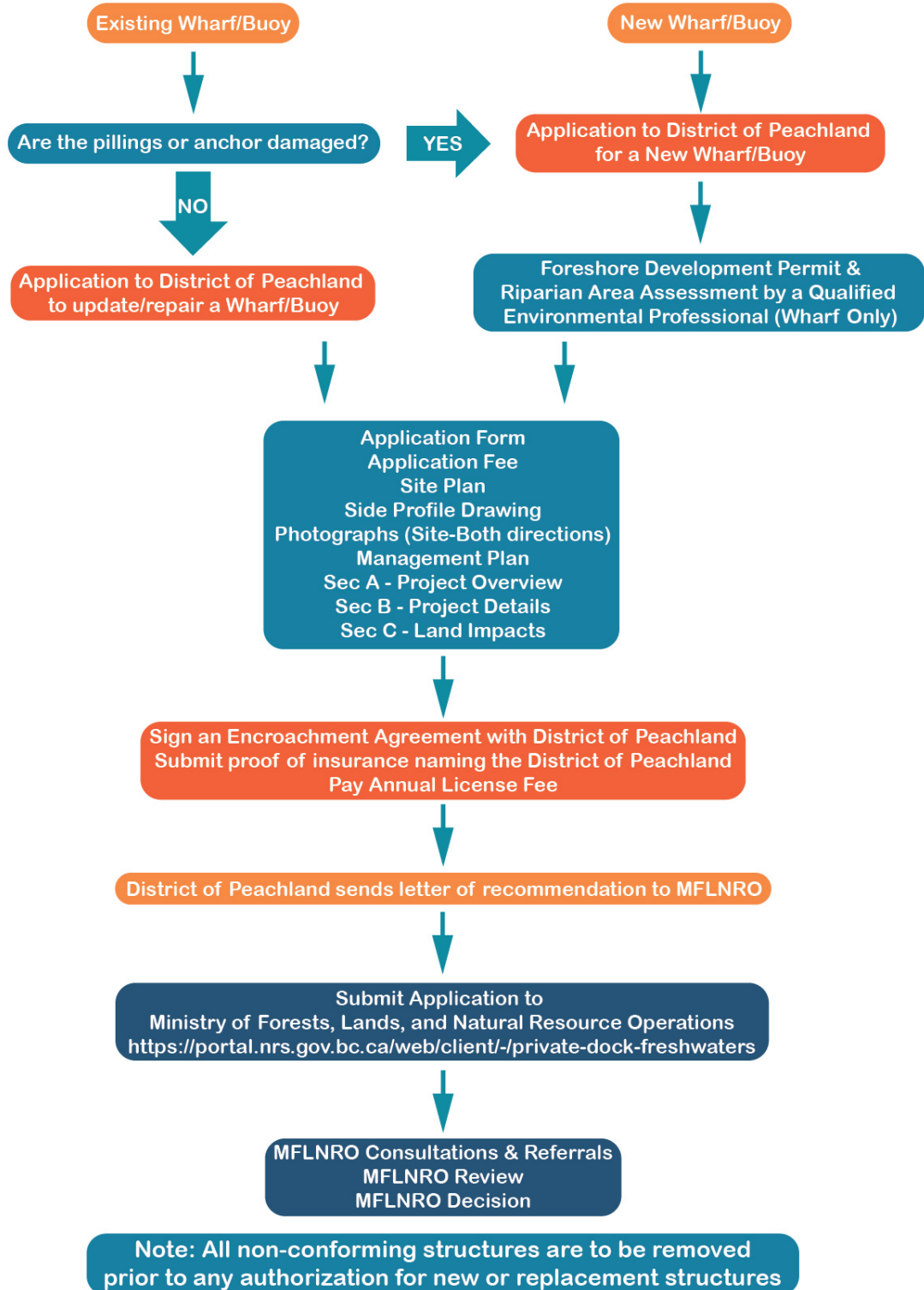
- Civic address and legal address
- North Arrow
- Site Plan Data Table including:
 - Site Area (m²)
 - Site Coverage (%)
- Property lines and dimensioned setbacks in relation to the boundaries of the upland lot and immediately adjacent lots on each side
- Other docks and buoys located within 25m of the proposed dock
- Easements, right-of-way and covenant areas
- Outline of existing and proposed buildings and structures (accurately measured and dimensioned) on the foreshore and adjacent upland properties
- Hard Landscaping (precast pavers, brick, concrete, etc.)
- Soft landscaping (existing or proposed trees and plants)
- Access location to dock including stairs or paths from the upland lot
- Public access along the beach

c. Elevation Drawings (Minimum 1:200 scale) in metric units including:

- Existing average site grade and grade of existing buildings and structures
- Proposed dock structure (e.g. docks, stiff legs, anchor lines, pilings, etc.) (if applicable) or description and photo of buoy
- Dimensioned height from grade of dock structure
- Materials and proposed colour details of all exposed surfaces
- Location of the 342.48m GSC contour (Okanagan Lake Full Pool)
- Location of the 343.6m GSC contour (High water mark + .6m for wave action)

.2 Additional information may be required by the Director of Planning and Development Services to evaluate adequately and to issue or deny a License.

2.0 Processing Procedures



2.1 Docks

A Dock License application submitted in accordance with this policy shall be processed as follows:

- .1 Upon receipt of an application package submitted in accordance with the requirements of this policy, staff shall issue a fee receipt to the applicant.
- .2 The Planning and Development Services Department shall review the application to determine whether it is complete and, if incomplete, shall return the package to the applicant and request the required information be added to the package and the package be resubmitted by the applicant when complete. Staff shall open a file only upon receipt of a complete submission package.
- .3 The Planning and Development Services Department shall evaluate the proposal for compliance with relevant District bylaws and policies.
- .4 The Planning and Development Services Department shall refer the application to all applicable internal District departments and applicable external referral agencies, including any adjacent local government where the application may affect the interests of that local government.
- .5 An internal Staff development review shall consider the merits of the proposal.
- .6 The Planning and Development Services Department shall prepare a staff report, including technical agency comments for consideration of the Director of Planning and Development Services.
- .7 The Planning and Development Services Department shall notify the applicant in writing of the decision of the Director of Planning and Development Services.
- .8 If authorized for issuance by the Director of Planning and Development Services, staff shall prepare the required Encroachment Agreement documents for signature and coordinate it with the issuance of the Technical Development Permit (Aquatic).
- .9 Upon sign-off of the Technical Development Permit by the Director of Planning and Development Services and receipt of any related performance security, the Development Permit shall be issued and a Notice of Permit shall be registered on the State of Title for the subject property(s). Encroachment Agreement documents will also be executed and filed in the property file.
- .10 An invoice for the Annual License Fee will be generated in the first quarter of each calendar year for the term of the license or until the District is advised of the removal of the dock.

2.1 Buoys

A Private Buoy License application submitted in accordance with this policy shall be processed as follows:

- .11 Upon receipt of an application package submitted in accordance with the requirements of this policy, staff shall issue a fee receipt to the applicant.
- .12 The Planning and Development Services Department shall review the application to determine whether it is complete and, if incomplete, shall return the package to the applicant and request the required information be added to the package and the package be resubmitted by the applicant when complete. Staff shall open a file only upon receipt of a complete submission package.
- .13 The Planning and Development Services Department shall evaluate the proposal for compliance with relevant District bylaws and policies.
- .14 The Planning and Development Services Department shall refer the application to all applicable internal District departments and applicable external referral agencies, including any adjacent local government where the application may affect the interests of that local government.
- .15 An internal Staff development review shall consider the merits of the proposal.

- .16 The Planning and Development Services Department shall prepare a staff report, including technical agency comments for consideration of the Director of Planning and Development Services.
- .17 The Planning and Development Services Department shall notify the applicant in writing of the decision of the Director of Planning and Development Services.
- .18 If authorized for issuance by the Director of Planning and Development Services, staff shall prepare the required Encroachment Agreement documents for signature and coordinate it with the issuance of the Technical Development Permit (Aquatic).
- .19 Upon sign-off of the Technical Development Permit by the Director of Planning and Development Services and receipt of any related performance security, the Development Permit shall be issued and a Notice of Permit shall be registered on the State of Title for the subject property(s). Encroachment Agreement documents will also be executed and filed in the property file.
- .20 An invoice for the Annual License Fee will be generated in the first quarter of each calendar year for the term of the license or until the District is advised of the permanent removal of the buoy and anchoring mechanism.

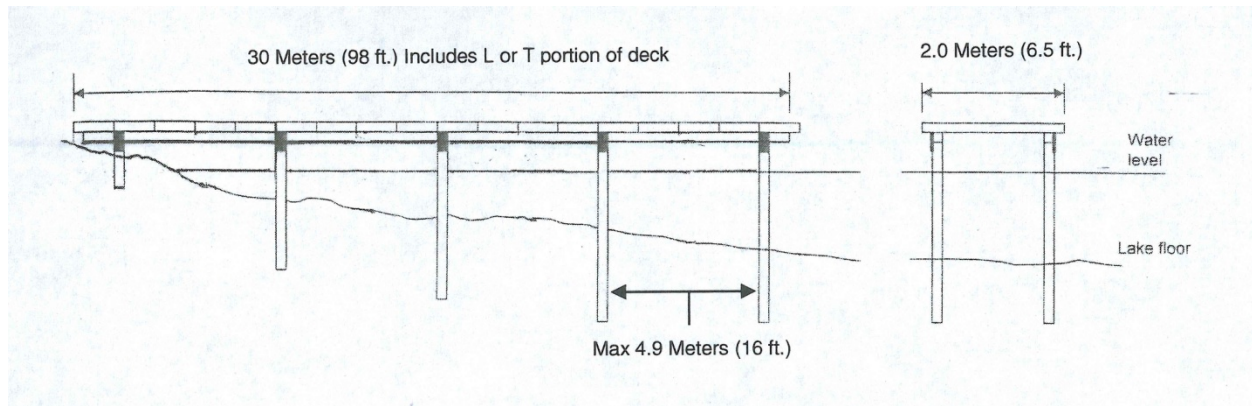
Schedule 2

**REQUIREMENTS FOR THE STRUCTURE, DESIGN AND
APPEARANCE OF DOCKS IN THE DISTRICT OF PEACHLAND**

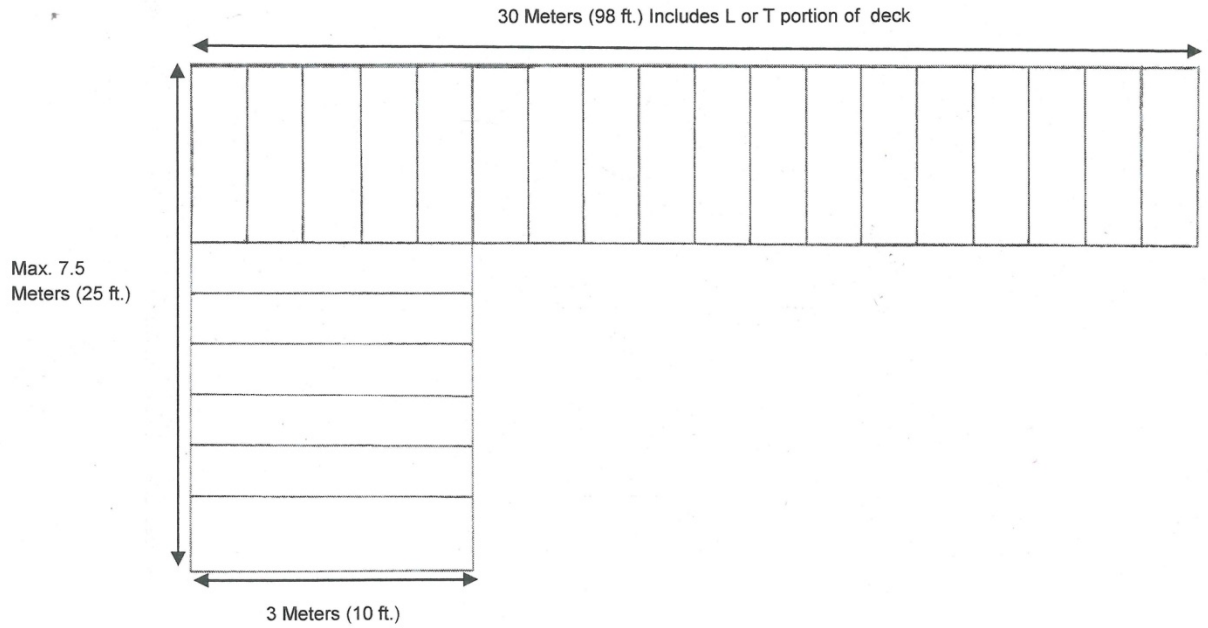
<i>Structure</i>	<i>Specification</i>	<i>Material</i>	<i>Dimensions</i>
Dock	Construction	<ul style="list-style-type: none"> ▪ Wood (Fir, Red Cedar, Redwood, Cypress, Eastern White Cedar) or plastic ▪ Minimum 2" x 6" stringers 	Maximum width: 3.0m (10ft) Maximum length: 30m (98ft) unless greater length is required to meet Ministry guidelines for water depth
	Upright supports	Base of the deck supported on both sides	Spaced a maximum 4.9m (16ft) apart
	Finish	Painted to match existing structures	
	Hardware	All metal to be rust primed or galvanized	
Ramp/Walkway		As above	Maximum width: 2.0m (6.5ft)
Base Structure	Designed to Best Engineering Practices		
Foreshore Tie	Designed to Best Engineering Practices		
Boat Lift <i>Permitted only in Units 11 and 12</i>	Maximum of one lift per dock designed to lift a boat to a maximum length of 7.5m (25ft). No roof or cover permitted.		

NOTE: Solid core structures, filling and/or dredging are not permitted

DOCK DESIGN EXAMPLE



See next page for additional detail



EXAMPLE ONLY - NOT TO SCALE