



Summer Villages Administration Office
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December 14, 2020

Re: AEP Phase 2 Engagement on Revised Draft Mooring Disturbance Standard

To Whom It May Concern, C.O. Gerry Haekel;

The Summer Village of Sunbreaker Cove (SBC) would like to obtain authorization for the occupation of docks by our ratepayers off the bank where we are the waterfront owner to minimize the impact to current dock owners, maximize the number of allowed boat lifts, and reduce the red tape associated with TFA applications. Furthermore, we are presenting some recommendations on the subject disturbance standard.

SBC is located on Sylvan Lake and is the waterfront owner of substantially all of our shoreline. Aside from the boat launch, only one lot of the SBC has riparian rights. About 80% of the lots in SBC are backlot rather than lakefront lots. The shoreline where the municipality is the waterfront owner has largely been shared between semi-waterfront and backlot owners where the environmental open space (EOS) along the bank of the lake can be accessed from community reserve (CR) lands and without trespassing on private property. We generally do not consider semi-waterfront owners to have more rights than backlot owners, nor have we had issues where existing mooring structures have little to no setbacks.

In preparation for the possibility of having management authority, a piers and hoists committee worked towards developing a draft plan in 2017 and 2018 that received input from ratepayers via a survey and an open house. Ratepayers felt they had too much invested to adopt communal/community docks. The recently proposed 10' setback limits (20' between docks) and inability to have multiple docks in front of individual semi-waterfront lots has implications on our current draft plan and will most likely require our municipality to create a bylaw that would preclude the private docks that many semi-waterfront owners have enjoyed without municipal consent.

Although we acknowledge that the mechanics of a municipal authorization have not yet been worked out by the department, we hope we can meet soon to discuss any issues in AEP granting authorization for the occupation of docks where the municipality is the waterfront owner. We do not believe a DLO application was intended to handle multiple temporary mooring structures. As a consequence of efforts conducted during 2017 and 2018, we believe we will be able to present an acceptable plan fairly quickly.



The following recommendations are offered with respect to the subject disturbance standard:

1. It should specifically state that docks may be shared with backlot owners, to be consistent with comments in the backlot property owners fact sheet and the shared docks shared fact sheet. Consider revising the definition of shared dock and permitted activity to accomplish this. The current definition of shared dock would seem to preclude backlot owners. The current definition of permitted activity would seem to preclude sharing docks insofar as permitted activity does not include multiple users.
2. Point 8(3) of the subject disturbance standard should be reworded to clarify what is meant. Does the point reference a scenario where the municipality placed a dock in front of the semi-waterfront lot or in front of an adjacent parcel where there is no semi-waterfront lot? Confusion arises because semi-waterfront lots are always behind, and therefore adjacent, to a municipal waterfront parcel.
3. The 50% of width limit presented in Point 8(5)(b) of the subject disturbance standard and in the shared docks fact sheet should be applied only to docks not shared with backlot owners. We suggest the 10' setback constraint within Point 7(4) should be applied where docks are shared by backlot owners rather than the 50% width limit to encourage sharing. For example, a single dock with 4 associated boat lifts located midpoint between two 50' semi-waterfront properties would exceed 50% of the combined property width yet still have more than adequate setbacks.
4. Existing docks should have a transition period for several years to provide sufficient time for AEP to work out the mechanics of granting authorization to our municipality, and allow our municipality and ratepayers time to come to terms with processes and implications associated with obtaining approvals. As an alternative to this, consideration could be given to delaying the implementation of the disturbance standard. It is not clear why the 5-yr transition period would not also apply to having multiple docks in front of properties or the setback limit.
5. Semi-waterfront owners should be required to obtain the consent of the waterfront owners. This ensures all understand semi-waterfront owners do not have riparian rights. Rather than require municipalities to pass bylaws to make this a requirement, you can reflect that municipalities have the ability to provide a general authorization, similar to what they likely already do with respect to placement of mooring structures during the off-season on municipal land.

Regards,

The Council of Sunbreaker Cove