



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b> BL 900-9 PL20140127
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**SUBJECT:** Electoral Area F: Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9

**DESCRIPTION:** Report from Dan Passmore, Senior Planner, dated July 20, 2018  
5140 Squilax-Anglemont Road, Magna Bay.

**RECOMMENDATION #1:** THAT: "Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9", be given second reading, as amended this 16<sup>th</sup> day of August, 2018.

**RECOMMENDATION #2:** THAT: a public hearing to hear representations on Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9 be held;

AND THAT: notice of the public hearing be given by staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT: the holding of the public hearing be delegated to Director Larry Morgan, as Director for Electoral Area 'F' being that in which the land concerned is located, or Alternate Director Bob Misseggers, if Director Morgan is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

## SHORT SUMMARY:

This is a proposed amendment to Lakes Zoning Bylaw No. 900 to reflect a unique upland ownership circumstance. The owners of the upland property Lot 1, Section 8, Township 22, Range 10, W6M, K.D.Y.D., Plan 26006 are a community association. This association of upland property owners would like to amend the Multi Family 1 (FM1) zone to include a site-specific regulation for only that portion of the lake adjacent to their property.

After considerable consultation between the Association and the Ministry of Forests Lands, Natural Resource Operations, and Rural Development (MFLNRORD), the Association has amended their application to reduce the overall number of docks from 12 to 3. Therefore, this amended regulation would allow a total of 3 docks, together with the 61 mooring buoys, 1 swim platform and the boat launch facilities that currently exist on the Shuswap Lake foreshore and were part of the original application.

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<b>VOTING:</b>	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input checked="" type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (Weighted) <input type="checkbox"/>
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## BACKGROUND:

See attached "2015-01-15\_Board\_DS\_BL900-9\_MMCPA.pdf", and "2017-11-16\_Board\_DS\_BL900-9\_MCPPA.pdf".

**POLICY:**

See attached "2015-01-15\_Board\_DS\_BL900-9\_MMCPA.pdf", and "2017-11-16\_Board\_DS\_BL900-9\_MCPPA.pdf".

**FINANCIAL:**

The rezoning is the result of a bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, and the owner does not bring the property into compliance, the Board may then wish to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through Court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

**KEY ISSUES/CONCEPTS:**

See attached "2015-01-15\_Board\_DS\_BL900-9\_MMCPA.pdf", and "2017-11-16\_Board\_DS\_BL900-9\_MCPPA.pdf".

**Update**

See attached "2017-11-16\_Board\_DS\_BL900-9\_MCPPA.pdf".

At the Regular Board Meeting, dated November 16, 2017, staff presented the attached report outlining concerns with respect to the ownership of the buoys. The report recommended that as staff were unable to resolve this situation with the Meadow Creek Properties Park Association (MCPPA), that the Board consider giving the rezoning amendment bylaw no further readings. After hearing a representative of the MCPPA, the Board resolved to defer a decision on this matter until new information has been provided by the Association to staff.

The MCPPA held an Annual General Meeting recently, and the matter of buoy ownership and the CSRD's requirement for the Association to own the buoys was put to the assembled membership. While the discussion on this matter is not known, the result of the meeting is reflected in the attached letter from the MCPPA Directors, which states that the MCPPA is the owner of the 61 buoys. This information satisfies staff's concerns.

**SUMMARY:**

The MCPPA has satisfied staff concerns with respect to the private mooring buoys. As a result it is now appropriate for the Board to consider Bylaw No. 900-9 for second reading, as amended, and delegate a Public Hearing.

**IMPLEMENTATION:**

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommended the simple consultation process. Neighbouring property owners first became aware of the application for zoning amendments when the notice of development sign was posted on the property.

**COMMUNICATIONS:**

If the Board supports second reading, as amended, of Bylaw No. 900-9 and delegates a Public Hearing staff will proceed with notification of adjacent property owners and advertising the Public Hearing as set out in the Local Government Act.

Referral agencies have provided their comments and they have been attached "Agency\_referral\_responses\_BL900-9.pdf".

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Lakes Zoning Bylaw No. 900, as amended

**Report Approval Details**

Document Title:	2018-08-16_Board_DS_BL900-9_MCPPA.docx
Attachments:	<ul style="list-style-type: none"><li>- BL900-9_Bylaw_Second_amended.pdf</li><li>- 2015-01-15_Board_DS_BL900-9_MMCPA.pdf</li><li>- 2017-11-17_Board_DS_BL900-9_MMCPA.pdf</li><li>- Agency_referral_responses_BL900-9.pdf</li><li>- MCPPA_E-mail_2018-07-17.pdf</li><li>- Letter to CSRD July 2018.pdf</li><li>- Maps_Plans_BL900-9.pdf</li></ul>
Final Approval Date:	Jul 30, 2018

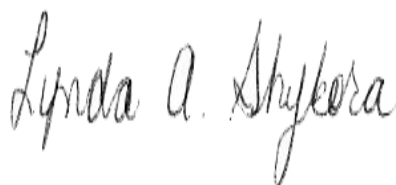
This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Corey Paiement was completed by workflow administrator Tommy Test**

**Corey Paiement - Jul 24, 2018 - 9:06 AM**



**Gerald Christie - Jul 30, 2018 - 10:18 AM**



**Lynda Shykora - Jul 30, 2018 - 2:18 PM**



**Charles Hamilton - Jul 30, 2018 - 3:59 PM**