

# BOARD REPORT

**TO:** Chair and Directors

**File No:** DP830-238  
PL20180000100

**SUBJECT:** Electoral Area F: Development Permit No. 830-238 (O’Riordan-McKay)

**DESCRIPTION:** Report from Erica Hartling, Development Services Assistant, dated August 1, 2018  
6677 Squilax-Anglemont Rd, Magna Bay

**RECOMMENDATION:** THAT: in accordance with Section 490 of the Local Government Act Development Permit No. 830-238 (O’Riordan-McKay), on Lot 2, Section 18, Township 23, Range 9, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan EPP42419, be approved for issuance this 16<sup>th</sup> day of August 2018.

### SHORT SUMMARY:

The subject property is located at Magna Bay in Electoral Area F, split by Condit Road and Squilax-Anglemont Road and adjacent to Shuswap Lake. The owners are proposing to install a floating dock on the foreshore adjacent to the subject property. A Foreshore and Water Development Permit (DP) is required for all dock installations in Electoral Area F. The proposed dock exceeds the size requirements in Lakes Zoning Bylaw No. 900 by more than 10% and therefore cannot be considered for approval by the Manager of Development Services. As such a DP and the requested variance of the maximum permitted surface area from 24 m<sup>2</sup> to 32.52 m<sup>2</sup> must be approved by the Regional District Board.

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**VOTING:** Unweighted  LGA Part 14  Weighted  Stakeholder   
Corporate (Unweighted) Corporate (*Weighted*)

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### BACKGROUND:

**REGISTERED OWNER(S):**

1. Gerald (Gerry) O’Riordan and Lawrence McKay (as to an undivided 1/3 interest as joint tenants)
2. 1446381 Alberta Ltd., Inc. No. 2014463810 (as to an undivided 1/3 interest)
3. 1594045 Alberta Ltd. Inc. No, 2015940451(as to an undivided 1/3 interest)

**APPLICANT/AGENT:**

Gerry O’Riordan and Lawrence McKay

**ELECTORAL AREA:**

F

**LEGAL DESCRIPTION:**

Lot 2, Section 18, Township 23, Range 9, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan EPP42419

PID:  
029-842-816

CIVIC ADDRESS:  
6677 Squilax-Anglemont Road, Magna Bay

SURROUNDING LAND USE PATTERN:  
North = Rural residential  
South = Shuswap Lake  
East = Rural residential (vacant land)  
West = Public and Institutional (i.e. Camp Grafton)

CURRENT USE:  
Principal - Standalone Residential Campsite  
Secondary - Residential Campsite

PROPOSED USE:  
A floating dock to be installed on the subject property's foreshore

PARCEL SIZE:  
2.12 ha (5.23 ac)

DESIGNATION:  
Electoral Area F Official Community Plan Bylaw No. 830  
SSA - Secondary Settlement Area

ZONE:  
Magna Bay Zoning Bylaw No. 800  
Land = RS - Residential

Lakes Zoning Bylaw No. 900  
Foreshore = FR1 - Foreshore Residential 1

SITE COMMENTS:  
See "Maps\_Plans\_DP830-238.pdf" attached.  
A site visit was not done for this application. Information provided in this report is based on orthophoto interpretation, site plan, and details provided by the applicant.

The subject property is located at Magna Bay in Electoral Area F, split by Condit Road and Squilax-Anglemont Road and adjacent to Shuswap Lake, with a lake boundary length >220 m. The upland subject property is used as a standalone and residential campsite. The subject foreshore has one existing private mooring buoy.

**POLICY:**

**Electoral Area F Official Community Plan Bylaw No. 830**

Section 3.2 Shoreline Environment  
Section 11.2 Foreshore and Water Use (FW)  
Section 13.2 Foreshore and Water Development Permit Area

See "BL830\_Policies\_DP830-238.pdf" attached.

### **Lakes Zoning Bylaw No. 900**

#### Section 4.4 FR1 – Foreshore Residential 1

- One floating dock, including removable walkway, per waterfront parcel.
- Two private mooring buoys per waterfront parcel having a lake boundary length 30 m (98.43 ft.) or more.
- A dock must not exceed 24 m<sup>2</sup> (258.33 ft<sup>2</sup>) in total upward facing surface area and must not exceed 3 m (9.84 ft) in width.
- A walkway surface must not exceed 1.5 m (4.92 ft.) in width for any portion of the walkway.
- The minimum setback of a floating dock and private mooring buoy for a waterfront parcel is 5 m (16.4 ft) from the side parcel boundaries of that waterfront parcel projected onto the foreshore and water.
- The minimum setback for private mooring buoys from any existing structures on the foreshore and water is 20 m (65.62 ft).

### **Development Services Procedures Bylaw No. 4001**

#### Section 9.0 Processing Applications for Permits and Flood Plain Exemptions

- The Board approves Technical Development Permits for which the applicant is also seeking to vary the provisions of a bylaw under Division 7 of Part 26 of the Local Government Act, when such a variance would exceed what is allowed under the bylaw by more than 10%.

### **FINANCIAL:**

There are no financial implications to the CSRD with this application.

### **KEY ISSUES/CONCEPTS:**

The proposed dock measures 10.67 m (35 ft.) x 3.05 m (10 ft.) with a surface area of 32.52 m<sup>2</sup> (350 ft<sup>2</sup>) in size and a width of 3.05 m (10 ft.). The proposed associated walkway is 1.22 m (4ft.) x 9.14 m (30 ft.), with a width of 1.22 m (4ft.). As the maximum permitted dock surface area in the FR1 zone is 24 m<sup>2</sup> and maximum width is 3 m, two variances are required for the proposed dock size.

- Section 4.4.2(b) maximum total upward facing surface area of a floating dock from 24 m<sup>2</sup> (258.33 ft<sup>2</sup>) to 32.52 m<sup>2</sup> (350 ft<sup>2</sup>); and, maximum width of a floating dock from 3.0 m (9.84 ft) to 3.05 m (10 ft).

The proposed floating dock conforms to the FR1 zone siting and setback regulations. The applicant has identified that the proposed variance to the total surface area of the dock is intended to accommodate the size of boats that the property owners currently use, which range from 7 – 9 m (23 - 35 ft.) in length. The proposed minor dock width variance is requested for ease of construction and saving material, as the standard dock materials and frame kits are measured and sold in feet and when converted to metric (metres), exceed the dock maximum width by 0.05 m.

Since the adoption of Lakes Zoning Bylaw No. 900, staff have presented a number of bylaw amendments and development permits with variances for larger docks or walkways to the Board.

After receiving Board direction at the June 2018 EAD meeting, staff is recommending in Lakes Zoning Amendment (CSRD) Bylaw No. 900-25 (BL900-25) that the maximum dock size be increased. If BL900-25 is adopted, the proposed variance(s) in this DP application may possibly be permitted.

Front Counter BC grants general permissions for dock structures constructed and used in accordance with the terms and conditions contained in the General Permission with no application required. Where a dock is proposed that does not comply with any one of the conditions, the owner must apply for a Specific Permission through Front Counter BC. All structures built below the foreshore require a Water Act Section 11 approval to construct. It is not known whether an application to Front Counter BC for a Section 11 approval has been made for the proposed dock. This permit addresses local government regulations only.

### **SUMMARY:**

The applicant has applied for a Foreshore and Water DP to install a floating dock on the foreshore adjacent to the subject property.

The proposal includes a request to vary the maximum upward facing area for a dock from 24 m<sup>2</sup> as permitted in Lakes Zoning Bylaw No. 900 to 32.52 m<sup>2</sup>; and, maximum width of a floating dock from 3.0 m to 3.05 m. As this variance exceeds what is allowed by bylaw by more than 10%, it cannot be approved by the Manager of Development Services and must be approved by the Board.

Development Services staff is recommending issuance of Development Permit No. 830-238 for the following reasons:

- The proposed dock meets the siting, setback, and density regulations of Lakes Zoning Bylaw No. 900;
- As the subject property has a lake boundary length of more than 220 m, staff believe that the proposed dock size will not negatively impact or impede neighbouring foreshore properties;
- After receiving Board direction at the June 2018 EAD meeting, staff is recommending in BL900-25 that the maximum dock size be increased. If BL900-25 is adopted, the proposed variance(s) in this DP application may possibly be permitted.

### **IMPLEMENTATION:**

If the Board approves the Foreshore and Water Development Permit, the owner will be notified and notice of a Development Permit will be registered on the title of the property.

### **COMMUNICATIONS:**

Property owners and tenants in occupation within 100 m of the subject property will be given notification a minimum of 10 days prior to the CSRD Board of Directors considering this application. All interested parties will have the opportunity to provide written comments regarding this application prior to the Board Meeting. Copies of the written submissions are provided to the Board of Directors.

### **DESIRED OUTCOMES:**

That the Board endorse the 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. Electoral Area F Official Community Plan Bylaw No. 830
2. Lakes Zoning Bylaw No. 900
3. Development Services Procedures Bylaw No. 4001
4. Board Report - Lakes Zoning Amendment (CSRD) Bylaw No. 900-25

**Report Approval Details**

Document Title:	2018-08-16_Board_DS_DP830-238_O'Riordan-McKay.docx
Attachments:	- DP830-238.pdf - BL830_Policies.pdf - Maps_Plans_Photos_DP830-238.pdf
Final Approval Date:	Aug 2, 2018

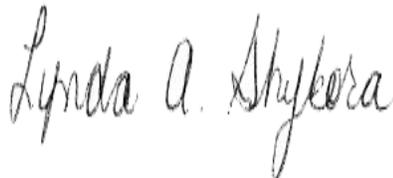
This report and all of its attachments were approved and signed as outlined below:

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

**Corey Paiement - Aug 2, 2018 - 10:25 AM**



**Gerald Christie - Aug 2, 2018 - 11:48 AM**



**Lynda Shykora - Aug 2, 2018 - 3:01 PM**



**Charles Hamilton - Aug 2, 2018 - 3:31 PM**