



BOARD REPORT

TO: Chair and Directors

File No: BL900-22
PL20170149

SUBJECT: Electoral Area C: Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

DESCRIPTION: Report from Jennifer Sham, Planner, dated July 20, 2018.
3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, Sunnybrae

RECOMMENDATION #1: THAT: the Board give "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" third reading, as amended, this 16th day of August, 2018.

RECOMMENDATION #2: THAT: adoption of "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be withheld until documentation has been received regarding the final locations of the buoys within the zone area confirmed with a map, and confirmation that the buoys and dock have been tagged with identification and 'BL900-22'.

SHORT SUMMARY:

The owners originally applied to amend the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to recognize 8 private mooring buoys and a shared dock adjacent to the common property of Strata Plan KAS2305 located in Sunnybrae in Electoral Area C. The revised proposal is to rezone the water adjacent to Strata Plan KAS2305 from FR1 Foreshore Residential 1 to FM2 Foreshore Multi-Family 2 zone, and to add a special regulation to recognize the existing shared dock and 7 private mooring buoys within the zone.

VOTING:	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 "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

POLICY:

See "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" and "BL725_Policies_BL900-22.pdf" attached.

FINANCIAL:

This rezoning application is the result of a bylaw enforcement action (regarding the dock). If the Board does not adopt the proposed amending bylaw, and the owners do not bring the property into compliance, the Board may choose 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 "2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

A public hearing was held on June 20, 2018 at the Sunnybrae Community Hall in Sunnybrae. Twenty-four members of the public, including the applicants, were in attendance. Prior to the close of the public hearing, 23 written submissions were received: 16 in favour, 7 opposed. See "Public_Submissions_BL900-22.pdf" and "Public_Hearing_Notes_BL900-22.pdf" attached.

Since the public hearing, after hearing the concerns from the public, the owners have revised their site plan by proposing to remove one of the eight existing lawfully non-conforming buoys, shifting the remaining buoys within the proposed zone to allow for more room between them, and adjusting the east and west zone boundaries to reduce the size of the proposed zone. See "BL900-22_third_amended.pdf" attached.

Staff is recommending that the adoption of Bylaw No. 900-22 be withheld until: proof of the actual location of the buoys is submitted to this office; proof that each of the buoys have been tagged with identification and "BL900-22"; and, proof that the dock has also been tagged on both the land and water sides. The owners have been made aware of these requirements and have indicated that an accurate plan will be submitted showing the locations of all the buoys after the proposed adjustments have been made. Staff will replace the current dock and buoy locations map in the bylaw with the updated map, and will present Bylaw No. 900-22 to the Board at a future Board meeting for third reading, as amended, and adoption.

Revised Proposal

To rezone the water adjacent to Strata Plan KAS2305 from FR1 Foreshore Residential 1 to FM2 Foreshore Multi-Family 2 zone, and to add a special regulation to recognize the existing dock and 7 private mooring buoys within the zone.

SUMMARY:

DS staff is recommending BL900-22 be given third reading, as amended, for the following reasons:

- This application is the result of bylaw enforcement action regarding the walkway width of the dock. The owners have applied to recognize the existing shared dock, which is not permitted in the FR1 zone, and the existing private mooring buoys, which exceeds the permitted number in both the FR1 and FM2 zones. One shared dock for the strata will have less environmental impact on the foreshore area than the two docks permitted in the current FR1 zone;
- The 8 existing private mooring buoys have lawfully non-conforming status (uses pre-date the adoption of Bylaw No. 900) and the owners are not required to remove any buoys; however, in response to the public comments, the owners are offering to remove one of the buoys. The revised site plan shows an overall reduction of buoys (associated with this strata) in the bay by 1 buoy; and,
- By adjusting the proposed zone boundaries, there will be more zone area for the property owner of the adjacent property to the east to place an additional private mooring buoy (Foreshore and Water Development Permit required).

IMPLEMENTATION:

See "2018-04-19_Board_DS_BL900-22_Gray-Ulry.pdf" attached. If the Board gives BL900-22 third reading, as amended, staff will not bring this bylaw back for adoption until the required documentation/proof has been received.

COMMUNICATIONS:

See "Agency_Referral_Responses_BL900-22.pdf" and "2018-04-19_Board_DS_BL900-22_Gray-Ulry.pdf" attached.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
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

Report Approval Details

Document Title:	2018-08-16_Board_DS_BL900-22_Gray-Ulry.docx
Attachments:	<ul style="list-style-type: none">- BL900-22_ThirdAmended.pdf- 2018-04-19_Board_DS_BL900-22_Gray-Ulry.pdf- BL900-22_Second.pdf- 2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf- BL900-22_First.pdf- BL725_Policies_BL900-22.pdf- Public_Hearing_Notes_BL900-22.pdf- Public_submissions_BL900-22.pdf- Agency_Referral_Responses_BL900-22.pdf- Maps_Plans_Photos_BL900-22.pdf
Final Approval Date:	Aug 2, 2018

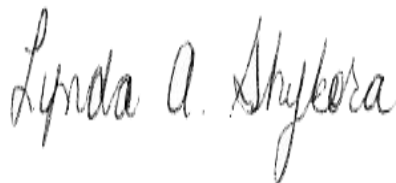
This report and all of its attachments were approved and signed as outlined below:

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

Corey Paiement - Aug 1, 2018 - 4:43 PM



Gerald Christie - Aug 2, 2018 - 11:32 AM



Lynda Shykora - Aug 2, 2018 - 2:43 PM



Charles Hamilton - Aug 2, 2018 - 3:33 PM