



# 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 April 4, 2018.  
3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, Sunnybrae

**RECOMMENDATION  
#1:**

THAT: "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be read a second time this 19<sup>th</sup> day of April, 2018.

**RECOMMENDATION  
#2:**

THAT: a public hearing to hear representations on "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" 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 Paul Demenok, as Director of Electoral Area C being that in which the land concerned is located, or Alternate Director Arnie Payment, if Director Demenok is absent, and the Director of Alternate Director, as the case may be, give a report of the public hearing to the Board.

**SHORT SUMMARY:**

The owners would like 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 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 dock and 8 private mooring buoys within the zone.

**VOTING:**

Unweighted  
Corporate

☐

LGA Part 14  
(Unweighted)

☒

Weighted  
Corporate

☐

Stakeholder  
(Weighted)

☐**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. 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.

**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 8 private mooring buoys within the zone.

**SUMMARY:**

DS staff is recommending BL900-22 be given second reading and delegation of a public hearing for the following reasons:

- Staff did not receive any objections to this bylaw from the responding referral agencies;
- One shared dock for the strata will have less environmental impact on the foreshore area than the two permitted in the current zone;
- Bylaw No. 725 policies regarding waterfront development support this proposal; and,
- The owners are proposing to recognize uses that pre-date the adoption of Bylaw No. 900.

**IMPLEMENTATION:**

CSRD Policy P-18 regarding Consultation Processes- Bylaws, staff recommended the simple consultation process. Neighbouring property owners first became aware of the application when a notice of application sign was posted on the property on December 11, 2017. Staff received one written submission from a neighbour with concerns about an existing easement and water pump on the subject property.

See "Public\_Submission\_BL900-22.pdf" attached.

**COMMUNICATIONS:**

See "Agency\_Referral\_Responses\_BL900-22.pdf" attached.

Bylaw No. 900-22 was sent out to the following referral agencies for comments:

Advisory Planning Commission C

Recommended approval

Interior Health Authority

Recommended that the dock and moorage area location be reviewed to determine if a drinking water intake is within 30 meters of this proposal. The depth and location of the water intake can be of concern to a drinking water supply system since water quality may be affected by the boating activity in the dock and moorage area.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Any further works in and about a stream require an application under Section 11 of the Water Sustainability Act and docks must follow the general permission guidelines. It is the proponent's responsibility to ensure his/her activities are in compliance with all relevant legislation, including the Water Sustainability Act and the Wildlife Act.

Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch  
No known archaeological sites recorded on either of the subject properties.

Transport Canada

No concerns with the proposed bylaw amendment. The existing dock and moorings were installed without first having obtained authorization under the Navigation Protection Act, as a result they are considered unlawful. The proponent will be required to submit a Notice to the Minister, which applies in this instance even if the structures are pre-existing. Once the Notice to the Minister of Transport has been received and assessed, an authorization with applicable terms and conditions will be issued.

CSRD Operations Management

No concerns

CSRD Financial Services

Interests unaffected

No response from the following agencies or First Nations Bands:

- Ministry of Environment
- Department of Fisheries and Oceans
- FrontCounterBC
- Neskonlith Indian Band
- Little Shuswap Indian Band
- Adams Lake Indian Band

**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. Lakes Zoning Bylaw No. 900

**Report Approval Details**

Document Title:	2018-04-19_Board_DS_BL900-22_Gray-Ulry.docx
Attachments:	<ul style="list-style-type: none"><li>- BL900-22_Second.pdf</li><li>- 2017-11-16_Board_DS_BL900-22_Gray-Ulry.pdf</li><li>- BL900-22_First.pdf</li><li>- BL725_Policies_BL900-22.pdf</li><li>- Public_Submission_BL900-22.pdf</li><li>- Agency_Referral_Responses_BL900-22.pdf</li><li>- Maps_Plans_Photos_BL900-22.pdf</li></ul>
Final Approval Date:	Apr 9, 2018

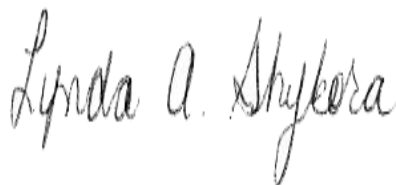
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Apr 5, 2018 - 4:33 PM**



**Gerald Christie - Apr 5, 2018 - 8:38 PM**



**Lynda Shykora - Apr 6, 2018 - 3:09 PM**

**No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora**

**Charles Hamilton - Apr 9, 2018 - 11:31 AM**