



BOARD REPORT

TO: Chair and Directors

File No: BL900-23
PL20170211

SUBJECT: Electoral Area E: Lakes Zoning Amendment (Coleman) Bylaw No. 900-23

DESCRIPTION: Report from Christine LeFloch, Development Services Assistant, dated September 11, 2018.
709 Swanbeach Road, Swansea Point

RECOMMENDATION #1: THAT: "Lakes Zoning Amendment (Coleman) Bylaw No. 900-23" be given second reading, as amended this 18th day of October, 2018.

RECOMMENDATION #2: THAT: a public hearing to hear representations on "Lakes Zoning Amendment (Coleman) Bylaw No. 900-23" 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 the Director for Electoral Area E being that in which the land concerned is located, or Alternate Director if the Director for Electoral Area E 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:

At their August 16th meeting the Board reviewed a bylaw amendment proposing to rezone the foreshore adjacent to the subject property to allow for placement of a fixed dock with an upward facing surface area of 37.9 m² (408 ft²) as a site specific permitted use in the FR1 Zone. The Board defeated the resolution to grant second reading as it was felt that there was not enough rationale provided to support a fixed dock and the size of dock proposed. The applicant has submitted a revised proposal and further reduced the size of the proposed fixed dock to 26 m² (280 ft²).

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 "2018-08-16_Board_DS_BL900-23_Coleman.pdf", attached.

POLICY:

See "2018-04-19_Board_DS_BL900-23_Coleman.pdf" attached.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

At their August 16th meeting the Board reviewed a bylaw amendment proposing to rezone the foreshore adjacent to the subject property to allow for placement of a fixed dock instead of a floating dock with an upward facing surface area of 37.9 m² (408 ft²) instead of a maximum upward facing surface area of 24 m² (258 ft²) as a site specific permitted use in the FR1 Zone. The motion to grant second reading of the bylaw was defeated by the Board as it was felt that there was not enough rationale provided to support the proposal.

Following the August Board meeting staff communicated the decision of the Board regarding this application to the applicant and advised them of the discussion surrounding this decision. The applicant subsequently submitted a revised proposal showing a substantial reduction in the proposed dock size from 37 m² down to 26 m². This was achieved by removing the finger section from the end of the dock. The proposed dock exceeds the currently permitted size of 24 m², however staff have recommended previously to the Board that they consider increasing the permitted dock size to 30 m² as an amendment to Bylaw No. 900. The dock is still proposed to be fixed rather than floating as the applicant feels that this is necessary due to the environmental conditions prevalent in the area. No further supporting documentation has been provided by the applicant regarding the need for a fixed dock, but it is noted that the Board has approved fixed docks for two other properties on the north side of Swansea Point based in part on the same anecdotal evidence. The proposed dock would include a 1.5 m walkway as permitted in Bylaw 900. It also includes two ramps to allow access over the walkway for people walking the beach and the site plan indicates that the shore end of the dock is proposed to be sited 2.4 m from the property line. These measures should allow for public access over or around the proposed dock as required by the Province. This was an area of concern noted by the Board.

SUMMARY:

Staff are of the opinion that the applicant has made efforts to adjust their proposal to bring it more in line with the standards the Board has expressed they would like to see upheld. As such the staff recommendation suggests that BL900-23 be considered for second reading as amended and referral to a public hearing in order to hear the views of the public on this matter.

IMPLEMENTATION:**Consultation Process**

CSRD Policy P-18 regarding Consultation Processes-Bylaws, indicates that a simple consultation process can be followed. Neighbouring property owners became aware of the application following first reading when a Notice of Development sign was posted on the property. If the Board approves the staff recommendation, a public hearing will be scheduled to receive input from the public.

COMMUNICATIONS:

If a public hearing is delegated, staff will set a date for the public hearing, and proceed with notification of property owners within 100 metres and publication of notices as required by the Local Government Act.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
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:	2018-10-18_Board_DS_BL900-23_Coleman.docx
Attachments:	<ul style="list-style-type: none">- BL900-23_Second_as_amended.pdf- 2018-08-16_Board_DS_BL900-23_Coleman.pdf- BL900-23_Second.pdf- 2018-04-19_Board_DS_BL900-23_Coleman.pdf- BL 900-23_First.pdf- BL900-23_20180816_minutes.pdf- Maps_Plans_Photos_BL900-23.pdf
Final Approval Date:	Oct 10, 2018

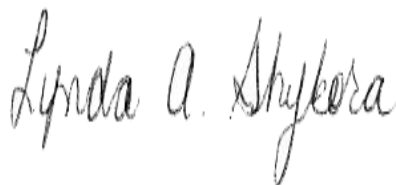
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Oct 10, 2018 - 12:49 PM



Gerald Christie - Oct 10, 2018 - 2:03 PM



Lynda Shykora - Oct 10, 2018 - 2:52 PM

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

Charles Hamilton - Oct 10, 2018 - 3:05 PM