

BOARD REPORT

TO: Chair and Directors

File No: BL 900-9
PL20140127

SUBJECT: Electoral Area F: Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9

DESCRIPTION: Report from Dan Passmore, Senior Planner, dated October 30, 2018 5140 Squilax-Anglemont Road, Magna Bay.

RECOMMENDATION #1: THAT: "Lakes Zoning Amendment (Meadow Creek Properties Park Association) Bylaw No. 900-9", be given third reading this 15th day of November, 2018.

RECOMMENDATION #2: THAT: adoption of "Lakes Zoning Amendment Meadow Creek Properties Park Association) Bylaw No. 900-9" be withheld until documentation has been received regarding the locations of the buoys within the zone area confirmed with a map with GPS coordinates, that the buoys comply with setback requirements, and confirmation that the buoys have been tagged with identification and 'BL900-9'.

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, KDYD, Plan 26006) are a community association called Meadow Creek Properties Park Association (MCPPA). 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 MCPPA and the Ministry of Forests Lands, Natural Resource Operations, and Rural Development (MFLNRORD), MCPPA amended their application to reduce the overall number of docks from 12 to 3. Therefore, the 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. To allow second reading, as amended, the MCPPA was asked to provide documentation on ownership of the docks and buoys, and they have provided this.

Bylaw No. 900-9 was given second reading, as amended, at the August 16, 2018 regular meeting and the Board delegated a Public Hearing. The Public Hearing was held September 5, 2018 at the North Shuswap Community Hall in Celista, where 15 members of the public were in attendance. It is appropriate for the Board to consider public input received and consider third reading.

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

BACKGROUND:

See attached "2015-01-15_Board_DS_BL900-9_MMCPA.pdf", "2017-11-16_Board_DS_BL900-9_MCPPA.pdf", and "2018-08-16_Board_DS_BL900-9_MCPPA.pdf".

POLICY:

See attached "2015-01-15_Board_DS_BL900-9_MMCPA.pdf", "2017-11-16_Board_DS_BL900-9_MCPPA.pdf", and "2018-08-16_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", "2017-11-16_Board_DS_BL900-9_MCPPA.pdf", and "2018-08-16_Board_DS_BL900-9_MCPPA.pdf".

MCPPA has agreed to own and manage all of the docks and buoys.

Update

As a result of the public hearing, information was provided to staff that there are a number of private mooring buoys located in the area in front of the Camel Road public lake access that are labelled with owners addresses which may be within the catchment area of the MCPPA, but who may not be dues-paying members. Contact with the MCPPA indicates that this is not the case. Therefore, the bylaw will continue to deal with only those buoys within the area fronting the MCPPA property.

The public also requested information on whether the buoys existing would comply with the required setbacks in Bylaw No. 900 for the FM1 zone. As the maps provided by the MCPPA to date have been representational, and therefore do not illustrate compliance with setback requirements, Staff have been compelled to request that the MCPPA provide documentation regarding the locations of the buoys within the zone area confirmed with a map and GPS coordinates, that the buoys comply with setback requirements, and confirmation that the buoys have been tagged with identification and 'BL900-9'.

SUMMARY:

Staff is recommending that the Board consider public input received at the Public Hearing in consideration of third reading of Bylaw No. 900-9.

Public input provided at the Public Hearing regarding the location of the 61 private mooring buoys gives staff pause, as no information had been provided by the applicant with respect to compliance with Zone setbacks. Staff are therefore recommending that the Board consider the public input received from the Public Hearing and consider directing staff to require the applicant to provide additional information, to ensure that the buoys comply with current zone regulations (setbacks).

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 OCP amendments when the notice of development sign was posted on the property. Staff forwarded the bylaw and staff report to referral agencies for review and comment, a summary of the responses has been provided in previous reports to the Board.

Public Hearing

The delegated Public Hearing for the proposed bylaw was held Wednesday September 5, 2018 at the North Shuswap Community Hall (Celistia) at 5456 Squilax-Anglemont Road, Celistia, BC. Fifteen members of the public were in attendance. Please see the attached Public Hearing Notes for details about public input. See "Public_hearing_notes_2018-09-05_BL900-9.pdf" attached.

Additionally 3 pieces of correspondence were received in regard to the Bylaw; two were opposed to the Bylaw and 1 was in favour.

COMMUNICATIONS:

Staff notified adjacent property owners, advertised and held the Public Hearing in accordance with the Local Government Act. If the Board resolves to support the staff recommendation, the bylaw will be given third reading, but will not be forwarded back to the Board to consider adoption until the applicant has provided staff with the required information. Once staff have received this information, staff will report to the Board regarding consideration of adoption of the Bylaw.

Referral agencies have provided their comments and they have been attached as part of the second reading report, see "2018-08-16_Board_DS_BL900-9_MCPPA.pdf".

DESIRED OUTCOMES:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

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

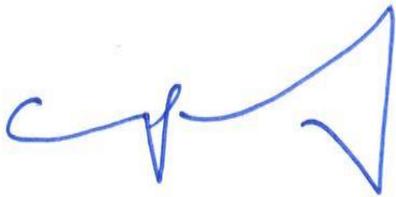
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Lakes Zoning Bylaw No. 900
2. Bylaw No. 900-9 at first and second readings

Report Approval Details

Document Title:	2018-11-15_Board_DS_BL900-9_MCPPA.docx
Attachments:	<ul style="list-style-type: none">- 2018-08-16_Board_DS_BL900-9_MCPPA.pdf- 2017-11-17_Board_DS_BL900-9_MMCPA.pdf- 2015-01-15_Board_DS_BL900-9_MMCPA.pdf- BL900-9_Third.pdf- Public_hearing_notes_2018-09-05_BL900-9.pdf- Public_submissions_BL900-9_Redeacted.pdf- Maps_Plans_BL900-9.pdf
Final Approval Date:	Nov 2, 2018

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



Corey Paiement - Nov 1, 2018 - 11:18 AM



Gerald Christie - Nov 1, 2018 - 5:15 PM

No Signature - Task assigned to Lynda Shykora was completed by assistant Jennifer Sham

Lynda Shykora - Nov 2, 2018 - 8:53 AM



Charles Hamilton - Nov 2, 2018 - 10:33 AM