



BOARD REPORT

TO: Chair and Directors

File No: BL900-16 PL20160019
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SUBJECT: Electoral Area E: Lakes Zoning Amendment (Remington) Bylaw No. 900-16

DESCRIPTION: Report from Christine LeFloch, Development Services Assistant, dated April 28, 2017.
643 Swanbeach Road, Swansea Point

RECOMMENDATION #1: THAT:
"Lakes Zoning Amendment (Remington) Bylaw No. 900-16" be read a third time as amended this 18th day of May, 2017.

RECOMMENDATION #2: THAT:
"Lakes Zoning Amendment (Remington) Bylaw No. 900-16" be adopted this 18th day of May, 2017.

SHORT SUMMARY:

The area proposed to be rezoned is located in the Swansea Point area of Electoral Area E. The applicants have applied to amend Lakes Zoning Bylaw No. 900 to recognize the existing fixed, oversized dock, associated with 643 Swanbeach Road. The proposed amendment would add a special regulation to the FR1 Foreshore Residential 1 Zone, which would apply to the portion of Mara Lake lying adjacent to the property legally described as Lot 1, Section 11, Township 21, Range 8, W6M, KDYD, Plan 20924, which contains the existing fixed dock. Further, the proposal is to allow the existing dock to be relocated in conformance with the required setbacks.

The Board gave third reading to Bylaw No. 900-16 at its meeting held January 19th, 2017 and also resolved that the applicant be required to hire a BC Land Surveyor to stage the required setbacks for the fixed dock, and provide a copy of the survey to the CSRD, prior to consideration of bylaw adoption. The applicant has provided a copy of a survey done by Jason Shortt, of Russell Shortt Land Surveyors completed on April 27, 2017. The survey indicates that once relocated, the dock will be sited at 5 m from the west property boundary and a minimum of 5.34 m from the eastern property boundary which abuts the CSRD operated, Swanson Road Park. The required setback from areas zoned Foreshore Park is 6 m, therefore it is proposed that Bylaw No. 900-16 be amended to include this variance and read a third time as amended prior to adoption.

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:

Please see attached staff report dated December 15, 2016.

POLICY:

Please see attached staff report dated December 15, 2016.

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 by replacing the fixed dock with a floating dock of the required size, 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. Cost of staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

The proposed amendment to Bylaw No. 900-16 would include a setback reduction from 6 m to 5.34 m from the eastern property boundary which abuts Swanson Road Park. The survey plan was referred to CSRD Parks for comment on the proposed setback reduction which would result in the dock being 2 feet closer to the park than allowed. Park staff did not raise any objections to the proposed amendment. As the CSRD Park is the only property affected by the proposed change the staff recommendation suggests that Bylaw No. 900-16 be read a third time as amended and subsequently adopted by the Board.

IMPLEMENTATION:

Upon adoption of Bylaw No. 900-16 the applicants will be able to relocate their dock in accordance with Provincial and CSRD setback requirements. The owners will need to consult with Front Counter BC to ensure that the dock is moved during the appropriate timing window for protection of fish habitat. This has been communicated to the owners.

COMMUNICATIONS:

Following adoption of Bylaw No. 900-16 the Notice of Development sign currently posted at the property will be required to be removed.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the Recommendations. The bylaw will be given third reading as amended and adopted.*
2. *Decline third reading as amended. Bylaw No. 900-16 will be defeated. The file will revert to Bylaw Enforcement, and the use and siting must be brought into compliance with the regulations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

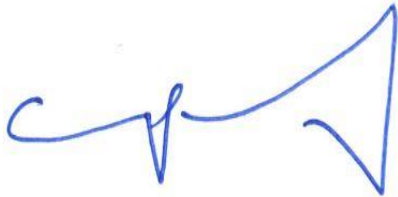
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Lakes Zoning Bylaw No. 900

Report Approval Details

Document Title:	2017-05-18_Board_DS_BL900-16_Remington.docx
Attachments:	<ul style="list-style-type: none">- BL900-16_Remington Staff Report 3rd Reading.pdf- BL900-16_Remington Staff Report 2ndPH.pdf- BL900-16_Remington Staff Report 1stReferral.pdf- Dock survey plan Apr27_2017.pdf- Bylaw 900-16.docx
Final Approval Date:	May 8, 2017

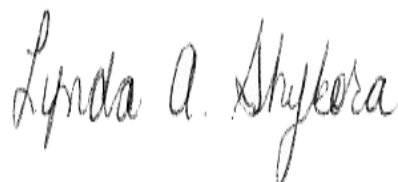
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 2, 2017 - 4:14 PM



Gerald Christie - May 5, 2017 - 10:55 AM



Lynda Shykora - May 5, 2017 - 11:14 AM



Charles Hamilton - May 8, 2017 - 2:43 PM