

BACKGROUND:

OWNERS:	Bryce and Kathleen Remington
APPLICANT:	Bryce and Kathleen Remington
ELECTORAL AREA:	'E' (Swansea Point)
CIVIC ADDRESS:	643 Swanbeach Road
LEGAL DESCRIPTION:	Lot 1, Section 11, Township 21, Range 8, West of the 6 th Meridian, Kamloops Division Yale District, Plan 20924
SURROUNDING LAND USE PATTERN:	NORTH: Mara Lake SOUTH: Swanbeach Road, Residential EAST: Swanson Road, Recreational Commercial WEST: Waterfront Residential
OCP/ZONING (LAND):	RS – Residential
OCP DESIGNATION (WATER):	FW – Foreshore and Water
CURRENT LAKE ZONING:	Foreshore Residential 1 (FR1)
PROPOSED LAKE ZONING:	Foreshore Residential 1 (FR1) with site specific regulation permitting a fixed dock with a maximum upward facing area of 37 m ² and a walkway width of 1.55 m.
AQUATIC HABITAT INDEX RATING:	Low
SHORE TYPE & VEGETATION:	Gravel beach

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 owners have had a fixed dock of the current size and configuration since 2002 and have also had a Specific Permission issued by the Province for the use during this time. In 2012 the CSRD adopted Lakes Zoning Bylaw No. 900 which zones the portion of the lake adjacent to the property as FR1. The FR1 zone does not permit fixed docks and limits the size of floating docks to 24 m². As such, the existing dock became lawfully non-conforming at that time. The dock sustained significant storm damage in the spring of 2015 which rendered it unusable and also resulted in a loss of the lawful non-conforming status. However, the owners hired Riverside Docks to replace the entire walkway and add another piling to stabilize the dock. The CSRD received a complaint regarding the dock repair, which has resulted in an application to amend the bylaw to permit the existing dock.

The dock is currently sited adjacent to the west property boundary and not in compliance with the required Provincial and CSRD setbacks. The Province has informed the owners that they must relocate the dock to the required setback of 5 m from the west parcel boundary. It is noted that the area to the east of the subject property is the Swanson Road beach access. The portion of Mara Lake located

adjacent to Swanson Road is zoned Foreshore Park. The required setback from areas zoned Foreshore Park is 6 m. If the dock is placed in compliance with Bylaw No. 900 the dock must be located near the centre of the subject parcel. Staff note that the property is 18.8 m in width and this is only just wide enough to accommodate the 7.4 m x 5 m dock and the combined 11 m of setback distance. CSRD Parks staff have requested that the owners have the dock siting confirmed by a surveyor to ensure that it meets the required 6 m setback from the park on the east side. Development Services staff are recommending that the owner have a survey completed to mark the location for dock placement prior to the Board considering the bylaw for adoption.

A public hearing was held on December 7, 2016 at the Sicamous and District Recreation Centre. The hearing was attended by Electoral Area 'E' Director Rhona Martin, CSRD staff, and 5 members of the public, including the applicants, their daughter and their son in law. The applicants asked a number of questions regarding the bylaw amendment process, the necessity of the application, and whether they would be required to move their dock. These questions were answered by staff and the Chair. In addition to the comments received at the public hearing, one email in opposition was received from a member of the public who lives in Swansea Point. It is attached to this Board report.

The proposed amendment would add a special regulation to the Foreshore Residential 1 (FR1) zone to allow a fixed dock up to 37 m² in upward facing area to be sited on the foreshore area adjacent to the subject property only. The owners would like to keep the existing dock at this size as it has been this size since 2002, and they have a large family who visit in summer and spend a lot of time using the dock.

It is recognized that there are other fixed docks located on neighbouring properties in the general area, and that some of these may also be oversized. Staff have recently received complaints regarding a few of these docks which have recently undergone substantial renovations. Staff are aware that as a result of bylaw enforcement we may receive further bylaw amendment applications requesting recognition of these structures. In this case the fixed dock in question has been in place in its current size and configuration since at least 2002 and has been permitted by the Province since this time. All owners of property located within 100 m of the subject property were sent notification letters by mail. These letters were intentionally sent earlier than required by law in order to allow extra time to respond as it is recognized that the majority of these property owners do not live in the area full time. Despite these efforts only one email was received regarding this application. While staff do have concerns that the proposed bylaw amendment may be considered precedent setting, due to the lack of response regarding the proposed amendment it should be emphasized that at this time all applications are being reviewed on a case by case basis and recommendations are being made based on individual circumstances.

IMPLEMENTATION:

Consultation Process

CSRD Policy No. 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.

COMMUNICATIONS:

A public hearing was held on December 7, 2016. All property owners within 100 metres were notified by mail and ads were published in the Eagle Valley News in accordance with the Local Government Act. A notice was also published in the Swansea Point community newsletter and on the CSRD website.

LIST NAME OF REPORTS / DOCUMENTS:


<ol style="list-style-type: none"> 1. Lakes Zoning Amendment (Remington) Bylaw No. 900-16 2. Maps: Location, OCP, Zoning 3. Orthophotos 4. Email from Brenda Borisenko dated November 24, 2016 5. Public Hearing Notes regarding BL900-16 dated December 7, 2016 	<p>Attached to Board Report: <input checked="" type="checkbox"/></p>	<p>Available from Staff: <input type="checkbox"/></p>
<ol style="list-style-type: none"> 6. Previous Board Reports dated March 24 and September 26, 2016 including: Background information, Policy, Specific Permission No. 3436316 & Management Plan, summary of agency comments. 	<p>Attached to Board Report: <input type="checkbox"/></p>	<p>Available from Staff: <input checked="" type="checkbox"/></p>
<ol style="list-style-type: none"> 7. Application 	<p>Attached to Board Report: <input type="checkbox"/></p>	<p>Available from Staff: <input checked="" type="checkbox"/></p>

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse recommendations. The bylaw will be given third reading and the applicant will be required to stake the required setbacks for the fixed dock, and provide a copy of the survey to the CSRD, prior to staff bringing the bylaw back to the Board for consideration of Adoption.*
2. *Decline third reading. 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.*

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Manager, Development Services	12/23/16	

COLUMBIA SHUSWAP REGIONAL DISTRICT

LAKES ZONING AMENDMENT

(Remington) BYLAW NO. 900-16

A bylaw to amend the "Lakes Zoning Bylaw No. 900"

WHEREAS the Board of the Columbia Shuswap Regional District adopted Bylaw No.900;

AND WHEREAS the Board deems it appropriate to amend Bylaw No. 900;

NOW THEREFORE the Board of the Columbia Shuswap Regional District, in open meeting assembled, HEREBY ENACTS as follows:

1. Bylaw No. 900 cited as "Lakes Zoning Bylaw No. 900" is hereby amended as follows:

A. TEXT AMENDMENT

1. Schedule A, Zoning Bylaw Text, Part 4 Zones, Section 4.4, Foreshore Residential 1 Zone is hereby amended by:

i) Adding the following after subsection (c) Location and Siting:

"(d) Site Specific Permitted Uses

For the surface of the *lake* adjacent to Lot 1, Section 11, Township 21, Range 8, W6M, KDYD, Plan 20924, a *fixed dock* with a maximum upward facing surface area of 37 m² and a maximum walkway width of 1.55 m is a permitted use. {Swanson Road}

2. This bylaw may be cited as "Lakes Zoning Amendment (Remington) Bylaw No. 900-16."

READ a first time this 14th day of April, 2016.

FIRST reading rescinded this 26th day of September, 2016.

READ a first time this 26th day of September, 2016.

READ a second time this 26th day of September, 2016.

PUBLIC HEARING held this 7th day of December, 2016.

READ a third time this _____ day of _____, 2017.

ADOPTED this _____ day of _____, 2017.

CORPORATE OFFICER

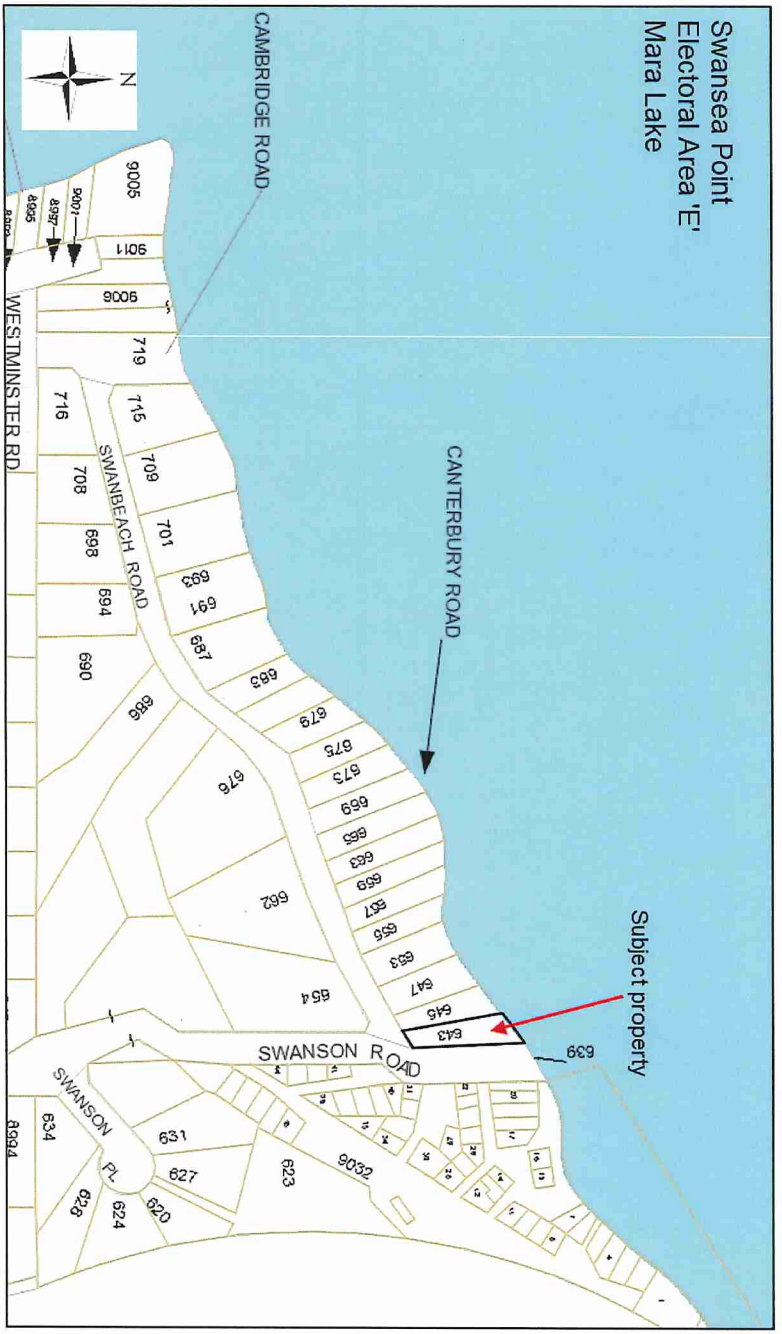
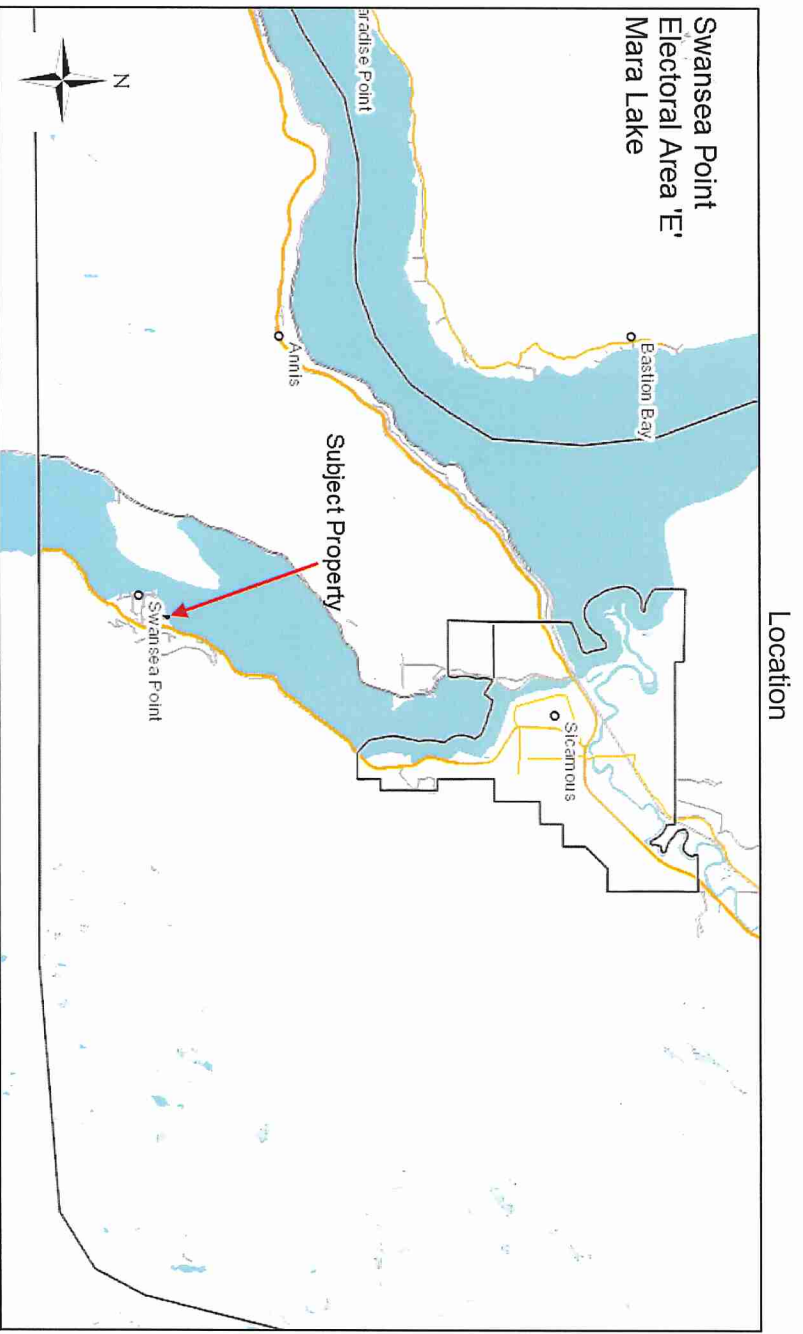
CHAIR

CERTIFIED a true copy of Bylaw No. 900-16
as read a third time.

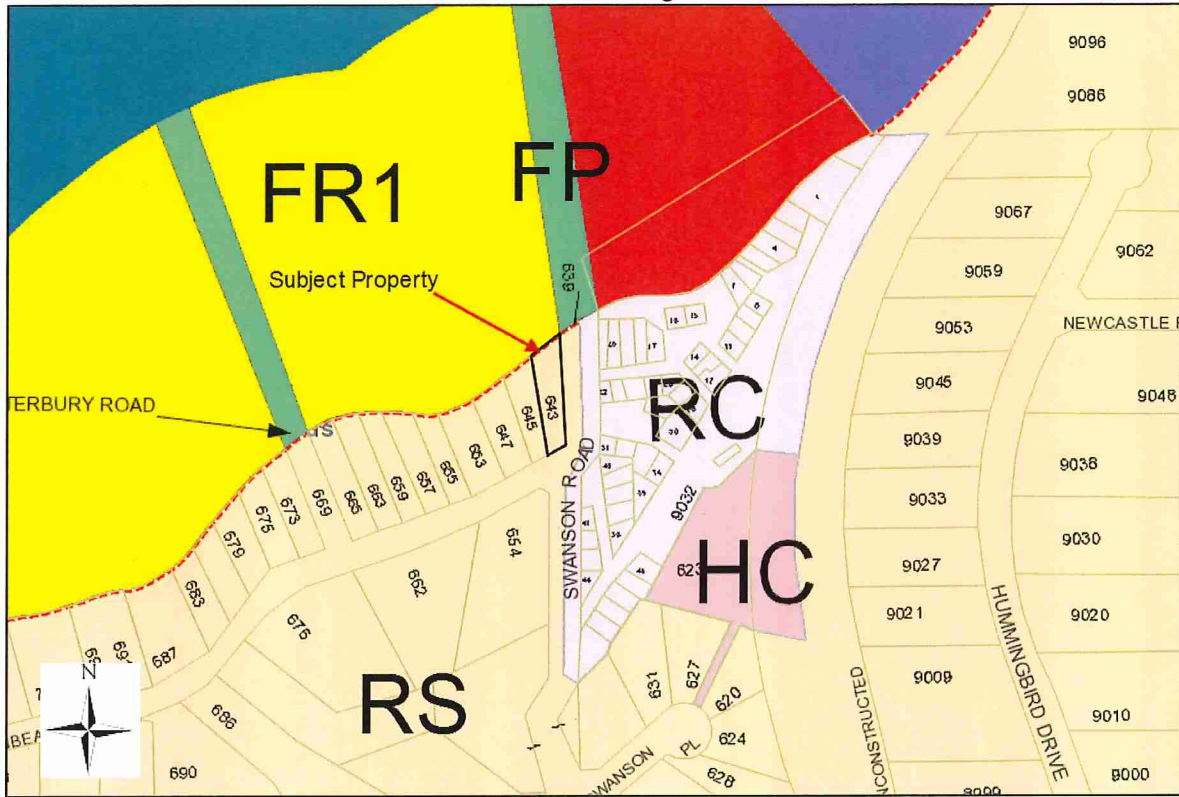
CERTIFIED a true copy of Bylaw No. 900-16
as adopted.

Corporate Officer

Corporate Officer



OCP/Zoning



Orthophotograph



----- Forwarded message -----

From: **Brenda Borisenko** <b4borisenko@gmail.com>

Date: Thu, Nov 24, 2016 at 10:35 AM

Subject: hi

To: Constance Ladell <ladell@cablelan.net>

I have sent this along to the planning department of the CSRD



Brenda Borisenko a concerned citizen of Swansea Point would like to express major concerns regarding this Notice of Application.

The property owner has already gone and built the oversized dock and is now wanting justification to continue to allow it to remain.

Is this not a salmon spawning lake?

These and other allowances will continue to break down the already set guidelines set for rural Sicamous and the regulations for the dock sizes.

What is happening here is a continued allowed breaking of all the bylaws, what a shame.

Yours truly,
Brenda Borisenko

Notes of the Public Hearing held on Wednesday December 7, 2016 at 6:30 PM at the Sicamous and District Recreation Centre, 2nd Floor, 1121 Eagle Pass Way, Sicamous, BC regarding Lakes Zoning Amendment (CSRD) Bylaw No. 900-16.

PRESENT: Chair Rhona Martin – Area Director Area 'E'
Christine LeFloch – Development Services Assistant (DSA), CSRD
Candice Benner - Development Services Assistant (DSA), CSRD

5 members of the public –including Alternate Director, Brian Thurgood

Chair Martin called the Public Hearing to order at 6:31 PM. Following introductions, the Chair advised that all persons who believe that their interest in property may be affected shall be given the opportunity to be heard or to present written submissions pertaining to the proposed amending Bylaw No. 900-16.

The DSA explained that Bylaw No. 900-16 proposes to recognize the existing fixed oversized dock associated with 643 Swanbeach Rd. The proposed amendment would add a special regulation to the FR1- Foreshore Residential zone, which would apply to the portion of Mara Lake lying adjacent to Lot 1, Section 11, Township 21, Range 8, W6M, KDYD, Plan 20924, which contains the existing dock. Further, the proposal would allow the dock to be relocated in compliance with the required setbacks from both the adjacent residential property and the beach access

The Chair opened the floor for comments.

Bryce Remington, 643 Swanbeach Rd, applicant, read from written notes which he then submitted to staff. He said that the current wooden wharf was installed in 2002 and that it was never altered at all. It was relicensed in 2012. In 2015 the wooden walkway was damaged in a storm and they replaced it with the exact same size it was before. He said that he has a large family and that they use the wharf a lot.

Christine said that all of the information that Bryce Remington just spoke about was put into the staff report.

Director Martin said that the regulation has changed since the dock was first installed and that is why they now need to comply.

Andrew Pohl, 665 Cook Road, Kelowna, asked what the issue with the dock is.

Christine said that the issue is the dock being oversize and that the dock is fixed. She said that during the consultation process for development of Bylaw No. 900, there was public concern regarding public beach access. It was determined that fixed docks impeded public access. She said that waterfront in the Swansea Point is zoned FR1 which is for high density residential areas. The idea is that over time all non-conforming docks will comply with the rules. She said that owners do not realize that when they replace their docks they then need to comply with zoning. She said that there are sections in the Local Government Act regarding lawful non-conforming structures and use. If a dock is destroyed over a certain percentage then it needs to comply with the new rules. She also said that the difference between provincial and CSRD regulation is that the province deals with tenure and environmental concerns while the CSRD is focused on public access and aesthetics. There are two sets of rules.

Bryce Remington asked if the amendment is approved can the dock remain fixed.

Christine said that the amendment would allow for keeping the pilings but the dock does have to be moved into compliance with required provincial and CSRD setbacks.

Kathy Remington, 643 Swanbeach Road, applicant, asked if everyone knows the rules because there are others in the area with fixed docks who have made changes recently.

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