



BOARD REPORT

TO: Chair and Directors

FROM: Christine LeFloch
Development Services Assistant

File No:	BL 900-16
Date:	September 26, 2016

SUBJECT: Lakes Zoning Amendment (Remington) Bylaw 900-16


RECOMMENDATION #1: THAT:
first reading given to "Lakes Zoning Amendment (Remington) Bylaw No. 900-16" by resolution #2016-0423", be rescinded.

RECOMMENDATION #2: THAT:
"Lakes Zoning Amendment (Remington) Bylaw No. 900-16" be read a first and second time this 20th day of October, 2016;

RECOMMENDATION #3: THAT:
a public hearing to hear representations on "Lakes Zoning Amendment (Remington) Bylaw No. 900-16" be held;

AND THAT:
notice of the public hearing be given by the 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 Rhona Martin, as Director of Electoral Area 'E' being that in which the land concerned is located, or Alternate Director Brian Thurgood, if Director Martin is absent and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

APPROVED for Board Consideration: <i>Meeting Date: October 20, 2016</i>	 Charles Hamilton, CAO
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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 the 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 first reading to Bylaw No. 900-16 at its meeting held April 14th, 2016. The bylaws were referred out to agencies for comment and these comments are summarized in this report. In accordance with Development Services Procedures Bylaw No. 4001, the applicant must place a Notice of Development sign on the subject property within 30 days following first reading of a bylaw.

KEY ISSUES/CONCEPTS:

The owners installed the original fixed wooden dock and walkway in 1992 and obtained a license from the Province for this use of the foreshore. They have continued to update the provincial license as required. The dock is currently licensed under Specific Permission #3406316. Historic photographs provided by the owner indicate that the original dock was anchored using one piling and post. It was later upgraded and additional pilings were added. 2013 orthophotos indicate that there were 5 pilings at that time. The dock sustained damage during a storm in the spring of 2015 which rendered the walkway portion unusable. The owners hired Riverside Docks to replace the walkway and install new pilings. The original wooden "dock" portion of the structure was not replaced or repaired, but a 6th piling was added to stabilize this part of the 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. This will place the dock 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. Should the proposed bylaw amendment proceed to third reading Development Services staff would be recommending that the owner have a survey completed to mark the location for dock placement prior to adoption of the bylaw amendment.

Since the original dock was installed prior to adoption of Lakes Zoning Bylaw No. 900 it was considered to be legally non-conforming. The Local Government Act (LGA) permits structures that existed prior to the adoption of a bylaw to remain legally non-conforming until such time as they are altered or reconstructed.

Part 14: Division 14 – Non-Conforming Use and Other Continuations, Section 528(1) of the LGA states: *"If at the time a land use regulation bylaw is adopted, (a) land, or a building or other structure, to which that bylaw applies is lawfully used, and (b) the use does not conform to the bylaw, the use may be continued as a non-conforming use."*

Section 531 of the LGA – Restrictions on Alteration or Addition to a Building or Other Structure, subsection (1) states: *"Subject to this section, a structural alteration or addition must not be made in or to a building or other structure while a non-conforming use is continued in all or any part of it."* As the structural alterations that were made to the dock are prohibited by Section 531(1) of the LGA, the fixed dock has lost its legal non-conforming status. Therefore, in order to bring the structure into compliance with current bylaws an amendment to the Lakes Zoning Bylaw No. 900 is required.

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 1992, 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. As these are replaced or substantially repaired we may receive further bylaw amendment applications requesting recognition of these structures.

Referral comments from Ministry of Forests, Lands and Natural Resources Operations staff note that the current dock does not meet current environmental standards. I.e: the dock grounds on the foreshore

for a significant portion of the year. They have also noted that the historic floating end section will only be permitted until it requires reconstruction. At that time a maximum of 3 m in width would be permitted. Staff note that since both Provincial and CSRD regulations are in effect, the owner must comply with both. When the dock is relocated the owner must comply with the Province's requirements.

IMPLEMENTATION:

Consultation Process

CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, indicates that a simple consultation process can be followed. Neighbouring property owners will become aware of the application following first reading when a Notice of Development sign is posted on the property.

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. It is recommended that the public hearing be scheduled no less than 30 days after first reading to allow the public adequate time to view the signage posted on the property.

Bylaw 900-16 was sent out to the following referral agencies:

Area E Director (in lieu of Advisory Planning Commission)	Requested that the application not be brought back to the board for 2 nd reading until issues related to Swanson Road Park had been resolved. These issues were discussed at a meeting on September 7 th , 2016 between Parks staff, Development Services staff and Director Martin. It was determined that the issues related to park development have been resolved such that the rezoning can move forward.
Ministry of Forests, Lands and Natural Resource Operations – Lands Branch	We have requested the relocation of the dock to a minimum of 5 m from the west property line. The structure does not meet current environmental standards, and any neighbouring docks to be rebuilt will be required to meet those guidelines (the dock grounds on the foreshore for a significant portion of the year). Also the historic, floating end section with a 5 m width will only be allowed until it needs to be reconstructed; at that time the floating dock will be required to be no more than 3 m wide.
Ministry of Forests, Lands and Natural Resource Operations – Stewardship Branch	No response.
CSRD Operations Management	Protective Services – Need to take into account if any access for Fire Departments is being diminished from encroachments. Fire Department would use any good locations in case of emergency for portable pump placement for pumping water supply to fire apparatus. Parks – CSRD Parks has a License of Occupation for Swanson Road, east of this

	property and a Foreshore License, and permit with Nav Canada for a public swim area immediately in front of the upland road RoW and finally a plan for development approved by the community and Area Director, after 4 public meetings. Park development has been delayed due to encroachments by both neighbours of the road RoW. Should the relocation be approved of this oversized dock, we strongly request that the proponent have a survey of the extended property to relocate the permanent dock so that a consistent 6 m setback is maintained for swimmers safety.
Navigation Canada	No response
Adams Lake Indian Band	No response
Little Shuswap Indian Band	No response
Lower Similkameen Band	No response
Neskonlith Indian Band	No response
Okanagan Indian Band	No response
Okanagan Nation Alliance	No response
Penticton Indian Band	Requested shape files in order to provide a response. Shape files sent.
Shuswap Indian Band	No response
Splat'sin First Nations	No response

LIST NAME OF REPORTS / DOCUMENTS:

<ol style="list-style-type: none"> 1. Lakes Zoning Amendment (Remington) Bylaw No. 900-16 2. Maps: Location, Site Plan, OCP, Zoning 3. Orthophotos 4. Previous Board Report including: Background information, Policy, Specific Permission No. 3436316 & Management Plan 	Attached to Board Report: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
<ol style="list-style-type: none"> 5. Application 	Attached to Board Report: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>



DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse recommendations. First reading of Bylaw No. 900 will be rescinded, the bylaw will be given first and second readings and a public hearing will be delegated.*
2. *Decline first reading. Bylaw No. 900-16 will be defeated. The file will revert to Bylaw Enforcement.*

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
Team Leader, Development Services	Oct. 6, 2016	
Manager, Development Services	10/07/16	

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. {Swanbeach 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 _____ day of _____, 2016.

READ a first time this _____ day of _____, 2016.

READ a second time this _____ day of _____, 2016.

PUBLIC HEARING held this _____ day of _____, 2016.

READ a third time this _____ day of _____, 2016.

ADOPTED this _____ day of _____ 2016.

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

