



BOARD REPORT

TO: Chair and Directors

File No: BL900-23
PL20180211

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

DESCRIPTION: Report from Christine LeFloch, Development Services Assistant, dated June 19, 2018.
709 Swanbeach Rd.

RECOMMENDATION #1: THAT: "Lakes Zoning Amendment (Coleman) Bylaw No. 900-23" be given second reading this 16th day of August, 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 Director Rhona Martin, as Director for 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.

SHORT SUMMARY:

The applicant would like 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 bylaw was given first reading by the Board at their meeting held on April 19, 2018 and directed staff to refer the bylaw to applicable agencies and First Nations for comment. Comments have been received and are summarized in this report. It is now appropriate for the Board to consider the bylaw for second reading and referral to a public hearing.

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

BACKGROUND:

REGISTERED OWNER:
Blair and Regan Coleman

ELECTORAL AREA:

E

LEGAL DESCRIPTION:

Lot 2, Section 11, Township 21, Range 8, West of the 6th Meridian, Kamloops Division Yale District, Plan 26543

PID:

005-105-129

CIVIC ADDRESS:

709 Swanbeach Road

SURROUNDING LAND USE PATTERN:

North: Mara Lake

South: Residential

East: Residential, Park

West: Residential

CURRENT USE:

Single Family Dwelling on upland parcel, foreshore vacant

PROPOSED USE:

Placement of fixed 37.9 m² dock on foreshore

PARCEL SIZE:

0.22 Ha (0.54 ac)

OCP/ZONING - Rural Sicamous Land Use Bylaw No. 2000:

RS – Residential

CURRENT FORESHORE ZONING – Lakes Zoning Bylaw No. 900:

FR1 - Foreshore Residential 1

PROPOSED LAKE ZONING:

FR1 – Foreshore Residential 1 with site specific regulation permitting a fixed dock with an upward facing surface area of 37.9 m² (408 ft²)

AQUATIC HABITAT INDEX RATING:

Low

SHORE TYPE & VEGETATION:

Gravel beach with imported sand

SITE COMMENTS:

The subject property is located on Swanbeach Road in the Swansea Point area. The property was redeveloped in 2017 with a new single family dwelling and has approximately 30 m of lake frontage. A number of structures including a boathouse were removed in 2017. There was a large dock located on the property line between the subject property and the lot to the east for a number of years, which was shared between the owners. However, this dock was lost during last year's high water event. The applicants would now like to place a dock that would be centered in front of the subject property for their use only. The old pilings will be removed. The majority of the lots along this stretch of beach on the north side of Swansea Point have fixed docks with long walkways and fingers.

POLICY:

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

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

The owners have indicated that there was previously a shared dock located on the property line between Lots 2 and 3 of Plan 26543. Lot 3 is located to the east of the subject property (Lot 2). The original dock was fixed with pilings and was approximately 92 m² in upward facing surface area. The owner advised that this original dock came loose from the pilings and floated away during a high water event last year. He initially applied to have a fixed dock of the same size to be located in front of his property. However, after some discussion with staff the upward facing surface area of the platform was scaled back to 37.9 m². It is noted that the length of the dock including the walkway and finger would be just over 34 metres. New pilings would be used as part of the dock construction and the old pilings removed. The owner has advised that the new dock would be constructed of aluminum with composite decking and is basing his design on the other existing docks in the neighbourhood. He also advised that he is able to purchase some used sections of dock that he would like to use to cut costs and this has been factored into the design.

The majority of the properties along Swanbeach Road on the north side of the point have fixed docks with long walkways while the majority of the properties along Swanshore Road on the south side of the point have floating docks. Many of these docks have been in place for a long time. The owner has advised that a fixed dock is required due to the geography of the area and the dramatic lake level fluctuations experienced. He would like to have a finger on the dock for boat mooring purposes (without the finger the proposed dock size would be 29.7 m²). The subject property is considerably wider than many of the properties to the east resulting in more space between the docks on this section of beach. The site plan indicates that the proposed dock would be placed in accordance with the required setbacks from adjacent properties.

A Specific Permission was issued by the Province for the old dock. Staff have been advised by the Ministry that this tenure is up for renewal and that the Ministry will await the outcome of this zoning amendment application prior to issuing new tenure documents.

There have been two previous applications for fixed docks on Swanbeach Road. These were located at 643 Swanbeach Rd (Remington) and 655 Swanbeach Rd (Layden). These docks were 37 m² and 24 m² respectively in upward facing surface area. Both fixed docks were rebuilt by their owners contrary to the foreshore zoning and were subject to bylaw enforcement. These bylaw amendments were adopted in 2017. It is noted that the staff operational interpretation of upward facing surface area has changed recently to include fingers in the total area. As these were not previously included in the calculation, the size of the two docks previously approved would be larger if they were being reviewed at this time.

A referral response was received from the Little Shuswap Lake Indian Band (LSLIB) requesting that a preliminary site review (PLR) be completed for this project. Staff advised the LSLIB to contact the owner regarding this request. The owner was advised by Archaeology Branch staff that whether or not to have a PLR completed is a risk management decision which must be made by the owner. The owner opted not to undertake this work at this time. They have been advised that should any heritage artifacts be encountered during work on the property all work must cease and the Archaeology Branch contacted for direction.

It is noted that other than anecdotal information regarding the geography and lake level fluctuations in the general area, to date the rationale provided by the applicant regarding the need for an oversized fixed dock in this location is limited. Staff have advised the applicant of the proposed housekeeping amendments to Lakes Zoning Bylaw No. 900 which suggest a modest increase to the permitted maximum size for residential docks and provided them with the applicable staff report which was presented at the June 7, 2018 Electoral Area Directors Committee (EAD) meeting. No further changes have been proposed by the applicant at this time.

SUMMARY:

Staff are recommending that BL900-23 be considered for second reading and referral to a public hearing in order to hear the views of the public on this matter. Any further recommendations from staff would be based on a review of all public input received along with any further supporting documentation the applicant may wish to provide.

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.

Bylaw 900-23 was referred to the following agencies and First Nations:

Area E Director (in lieu of Advisory Planning Commission)	No response.
Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Lands Branch	Approval recommended. If the zoning amendment is approved a Section 11 authorization under the <i>Water Sustainability Act</i> must be obtained before doing any works in or about a stream (or lake).
Ministry of Forests, Lands and Natural Resource Operations – Stewardship Branch	No response.
Ministry of Forests, Lands and Natural Resource Operations – Archaeology Branch	According to Provincial Records there are no known archaeological sites recorded on the property. However, archaeological potential modeling for the area indicates there is the possibility for unknown/unrecorded sites to exist on the property. Archaeological sites (both recorded and unrecorded, disturbed and intact) are protected under the Heritage Conservation Act and must not be altered or damaged without a permit from the Arch Branch. Prior to any land alterations (e.g. addition to home, property redevelopment, extensive landscaping, service installation) an Eligible Consulting Archaeologist should be contacted to review the proposed activities and, where warranted, conduct a walk over and/or detailed study of the property to determine whether the work may impact protected archaeological materials. If the archaeologist determines that development activities will not impact any archaeological deposits, then a permit is not required. <u>In the absence of a confirmed archaeological site, the Archaeology Branch cannot require the proponent to conduct an archaeological study or obtain a permit prior to development. In</u>

	<u>this instance it is a risk management decision for the proponent.</u>
CSRD Operations Management	No concerns.
Navigation Canada	No response.
Adams Lake Indian Band	No response.
Little Shuswap Indian Band	After careful consideration we request that you provide us with the following: Conduct a Preliminary Field Review (PFR) on site, area of disturbance. Without this information, we cannot proceed with our desktop review. (Staff provided information on the area of disturbance and directed LSIB staff to contact the owner regarding the PFR).
Lower Similkameen Band	No response.
Neskonlith Indian Band	No response.
Okanagan Indian Band	No response.
Okanagan Nation Alliance	No response.
Penticton Indian Band	No response.
Shuswap Indian Band	No response.
Splat'sin First Nations	No response.

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

Report Approval Details

Document Title:	2018-08-16_Board_DS_BL900-23_Coleman.docx
Attachments:	- BL 900-23_First.pdf - BL900-23_Second.pdf - 2018-04-19_Board_DS_BL900-23_Coleman.pdf - Maps_Plans_Photos_BL900-23.pdf
Final Approval Date:	Jul 30, 2018

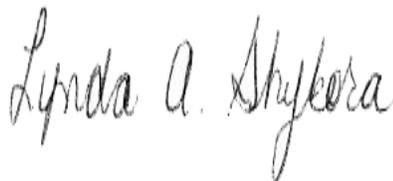
This report and all of its attachments were approved and signed as outlined below:

No Signature - Task assigned to Corey Paiement was completed by workflow administrator Tommy Test

Corey Paiement - Jul 27, 2018 - 10:48 AM



Gerald Christie - Jul 27, 2018 - 2:18 PM



Lynda Shykora - Jul 30, 2018 - 1:51 PM



Charles Hamilton - Jul 30, 2018 - 4:03 PM