



BOARD REPORT

TO:

Chair and Directors

File No: BL900-23
PL20170211

SUBJECT:

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

DESCRIPTION:

Report from Christine LeFloch, Development Services Assistant, dated March 6, 2018.

709 Swanbeach Road, Swansea Point

RECOMMENDATION #1:

THAT: "Lakes Zoning Amendment (Coleman) Bylaw No. 900-23" be read a first time this 19th day of April, 2018.

RECOMMENDATION #2:

THAT: The Board utilize the simple consultation process for Bylaw No. 900-23 and it be referred to the following agencies and First Nations:

- Department of Fisheries and Oceans;
- Navigation Canada;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Lands Branch;
- CSRD Operations Management; and
- All relevant First Nations bands and councils.

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. Staff recommend that the proposed bylaw amendment be given first reading and referred to applicable agencies and first nations for comment.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(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:

.22 Ha (.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:**Rural Sicamous Land Use Bylaw No. 2000**

Part 1.4 POLICIES

1.4.1 General Form and Character of Development

(o) Two separate types of OCP designations providing for private and public uses supporting water-based recreation uses. It is intended that these two land use categories will only be applied to the foreshore and water of Shuswap and Mara Lakes. The Foreshore Water OCP designation primarily provides for uses associated with existing residential development that is located on parcels contiguous with the natural boundary and where the uses will be compatible with the uses and character of the land above the natural boundary. The Foreshore Water Commercial OCP designation is intended to be limited to those locations where there is a commercial land use category on a parcel that is contiguous with the area in the Foreshore Water Commercial OCP designation and where the uses will be compatible with the uses and character of the land above the natural boundary.

Lakes Zoning Bylaw No. 900

Definitions:

BERTH is a moorage space for a single vessel at a fixed or floating dock.

FIXED DOCK is a structure used for the purpose of mooring boat(s) which may include multiple berths and may have permanent links to the shore and lakebed, such as piles or fixed decks.

FLOATING DOCK is a structure used for the purpose of mooring boat(s) which may include multiple berths but which does not include permanent physical links to shore or lakebed, except cables.

PRIVATE MOORING BUOY is a small floating structure used for the purpose of boat moorage, typically composed of rigid plastic foam or rigid molded plastic, and specifically manufactured for the intended use of boat moorage, but does not include a fixed or floating dock or swimming platform.

FR1 – Foreshore Residential 1 Zone

Permitted uses:

- 1 floating dock, including removable walkway that is accessory to a permitted use on an adjacent waterfront parcel. The floating dock surface must not exceed 24 m² in total upward facing surface area (not including removable walkway), and 3 m in width for any portion of the dock. Removable walkway surface must not exceed 1.5 m in width.

The minimum setback of a floating dock, private mooring buoy or boat lift accessory to an adjacent waterfront parcel (and adjacent semi-waterfront parcel in the case of private mooring buoys) is as follows:

- 5 m from the side parcel boundaries of that waterfront parcel (and adjacent semi-waterfront parcel in the case of private mooring buoys), projected onto the foreshore and water.
- 6 m from a Foreshore Park (FP) zone or park side parcel boundaries projected onto the foreshore and water.

Additional setbacks for private mooring buoys:

- 20 m from any existing structures on the foreshore or water.
- 50 m from any boat launch ramp or marina.
- Private mooring buoy(s) that is accessory to a permitted use on an adjacent waterfront parcel or an adjacent semi-waterfront parcel. (1 per adjacent semi-waterfront parcel, 1 per adjacent waterfront parcel having a lake boundary length of less than 30 m, and 2 per adjacent waterfront parcel having a lake boundary length of 30 m or more).
- Boat lift(s) that is accessory to a permitted use on an adjacent waterfront parcel.

The surface of the lake adjacent to the subject property is zoned FR1. The FR1 zone permits one floating dock with a maximum upward facing surface area of 24 m², and 2 private mooring buoys for the subject property as it has more than 30 m of lake frontage.

The proposal would add a site specific regulation to the FR1 Zone to permit a fixed dock in association with the subject property only, with a maximum upward facing surface area of 37.9 m².

FINANCIAL:

This rezoning is not the result of bylaw enforcement action. There are no financial implications as a result of 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. 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 size was scaled back to 37.9 m². New pilings will be used as part of the dock construction and the old pilings will be removed. The owner has advised that the new dock will be constructed of aluminum with composite decking.

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. 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 dock will 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 they 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 both 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.

SUMMARY:

Staff are recommending that BL900-23 be given first reading and referred to applicable agencies for the following reasons:

- fixed docks appear to be preferred by property owners on the north side of Swansea Point possibly due to topographical considerations;
- the proposed dock size and configuration is similar to others in the surrounding neighbourhood;
- the size of the proposed dock is similar to one of the docks approved by the Board in 2017;
- reading the bylaw a first time and sending referrals will provide the opportunity for the Board to hear comments from applicable agencies and First Nations regarding the proposed bylaw amendment.

IMPLEMENTATION:

Consultation Process

CSRD Policy 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 the Board gives Bylaw No. 900-23 first reading, the bylaw will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report, prior to delegation of a public hearing.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

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

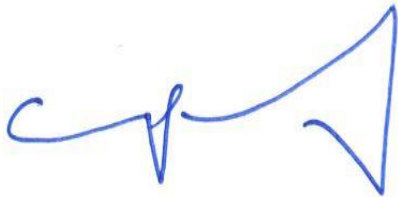
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Lakes Zoning Bylaw No. 900

Report Approval Details

Document Title:	2018-04-19_Board_DS_BL900-23_Coleman.docx
Attachments:	- BL 900-23_First.pdf - Maps_Plans_Photos_BL900-23.pdf
Final Approval Date:	Apr 9, 2018

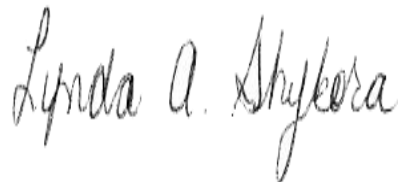
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Apr 6, 2018 - 11:06 AM



Gerald Christie - Apr 6, 2018 - 11:19 AM



Lynda Shykora - Apr 6, 2018 - 3:49 PM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Apr 9, 2018 - 11:37 AM