



BOARD REPORT

TO: Chair and Directors

File	BL900-20
No:	PL20170000112

SUBJECT: Electoral Areas C: Lakes Zoning Amendment (Totem Pole Resort) Bylaw No. 900-20

DESCRIPTION: Report from Erica Hartling, Development Services Assistant, dated March 1, 2019.
7429 Sunnybrae-Canoe Point Road, Canoe Point

RECOMMENDATION: THAT: "Lakes Zoning Amendment (Totem Pole Resort) Bylaw No. 900-20" be read a first time this 21st day of March, 2019;
AND THAT: the Board utilize the simple consultation process for Bylaw No. 900-20 and it be referred to the following agencies, First Nations, and stakeholders:

- Area C Advisory Planning Commission;
- Ministry of Forests, Lands, Natural Resource Operations, and Rural Development – FrontCounterBC;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- Department of Fisheries and Oceans;
- Transport Canada;
- CSRD Operations Management; and,
- All relevant First Nation Bands and Councils.

SHORT SUMMARY:

The subject area is the foreshore adjacent to Totem Pole Resort, located at 7429 Sunnybrae-Canoe Point Road in the Bastion Bay area of Electoral Area C. Totem Pole Resort is currently permitted 25 private mooring buoys in the FM2 - Foreshore Multi-Family 2 site specific zone of Lakes Zoning Bylaw No. 900. The applicant has applied to amend the FM2 site specific zone to permit a total density of 35 private mooring buoys, allowing the resort an additional 10 private mooring buoys.

The existing 25 private mooring buoys in the FM2 zone are currently owned by 24 strata lots, as historically one strata lot has owned 2 private mooring buoys. The resort has a total of 34 strata lots and the additional 10 private mooring buoys would permit each strata lot one private mooring buoy.

VOTING:	Unweighted <input type="checkbox"/> Corporate	LGA Part 14 <input checked="" type="checkbox"/> (Unweighted)	Weighted <input type="checkbox"/> Corporate	Stakeholder <input type="checkbox"/> (Weighted)
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BACKGROUND:

REGISTERED OWNER(S):
Owners Strata Plan KAS46 (Totem Pole Resort)

APPLICANT:

Ken Hansen co/ Totem Pole Resort

AGENT:

Jenn Piekarczyk, Okanagan Strata Property Manager co/ Pacific Quorum Properties

ELECTORAL AREA:

C

LEGAL DESCRIPTION:

Unsurveyed Crown foreshore being part of the bed of Shuswap Lake and fronting that part of Section 5, Township 22, Range 8, West of the 6th Meridian, Kamloops Division Yale District, shown as Common Property on Strata Plan K46

CIVIC ADDRESS:

7429 Sunnybrae-Canoe Point Rd, Tappen, BC V0E 2X0

SURROUNDING LAND USE PATTERN:

North = Waterfront Residential

South = Waterfront Residential

East = Shuswap Lake

West = Sunnybrae-Canoe Point Road, Crown Land

CURRENT USE:

- Land = Totem Pole Resort: common property and 34 strata lots containing cabins, grocery and liquor store, and accessory buildings.
- Foreshore = Marina with commercial dock, 2 swimming platforms, boat launch, 25 private mooring buoys and 2 private floating docks fronting Totem Pole Resort. The resort also has 4 additional existing private mooring buoys fronting an adjacent private property to the south.

PROPOSED USE:

- Land = No proposed change.
- Foreshore = Add 10 private mooring buoys to the foreshore fronting Totem Pole Resort.

DESIGNATION:

Electoral Area C Official Community Plan Bylaw No. 725

- Land = WC - Waterfront Commercial
- Foreshore = FW - Foreshore Water

ZONE:

- Land = N/A – No Zoning Bylaw
- Foreshore = Lakes Zoning Bylaw No. 900:
 - FC2 - Foreshore Commercial 2, site specific
 - FM2 - Foreshore Multifamily 2, site specific

PROPOSED FORESHORE ZONE:

- FC2 - Foreshore Commercial 2, site specific - no proposed amendments.
- FM2 - Foreshore Multifamily 2, site specific - proposed amendment to include the addition of 10 private mooring buoys for the subject property only, permitting a total density of 35 private mooring buoys.

SITE COMMENTS:

See "Maps_Plans_Photos_BL900-20.pdf" attached.

Staff have not conducted a site visit for this application. Information provided in this report is based on orthophoto interpretation and details and GPS coordinates provided by the applicant. The upland is the location of Totem Pole Resort, which is a strata development that includes 34 strata lots and a common area. The resort property contains cabins, a grocery and liquor store, tennis court, basketball court, boatyard, and a few accessory buildings. The resort's foreshore includes a marine gas dock, boat ramp, 25 private mooring buoys, two private floating docks, and a swim area extending from an oversized swimming platform (i.e. swim dock) to a small swimming platform. The resort has 4 additional existing private mooring buoys fronting an adjacent private property to the south, which they plan to relocate to the foreshore area fronting the resort.

POLICY:

See "BL725_BL900_Excerpts_BL900-20.pdf" attached

Electoral Area C Official Community Plan Bylaw No. 725

- 2.3 Shoreline Environment
- 3.7 Foreshore Water
- 12.2 Foreshore and Water Development Permit Area

Lakes Zoning Bylaw No. 900

- 4.7 FM2 – Foreshore Multi-Family 2
- 4.12 FC2 - Foreshore Commercial 2

FINANCIAL:

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

KEY ISSUES/CONCEPTS:**Previous Bylaw Amendment**

Lakes Zoning Amendment Bylaw 900-14 was a CSRD initiated application and housekeeping in nature to recognize and legalize the existing foreshore uses of Totem Pole Resort. Staff acknowledged that there were 29 private mooring buoys associated with the resort in addition to other foreshore uses; however, only 25 of the resort's private mooring buoys were located within the FM2 zone area adjacent to the subject property. The remaining 4 private mooring buoys are located in front of an adjacent private waterfront property to the south. Staff noted that these 4 private mooring buoys are considered legal non-conforming and if Totem Pole Resort wishes to recognize the 4 private mooring buoys, they may apply to amend the FM2 zone. Bylaw no. 900-14 recognized and legalized the

location and density of the resort's 25 private mooring buoys in the FM2 zone and the existing commercial dock, oversized swimming platform, and boat launch in the FC2 - Foreshore Commercial 2 zone.

Proposal

See site plan in the "Maps_Plans_Photos_BL900-20.pdf" attached.

The 25 private mooring buoys in the FM2 zone are currently owned by 24 strata lots; historically one strata lot has owned 2 private mooring buoys. As Totem Pole Resort has a total of 34 strata lots, the applicant is requesting to locate an additional 10 private mooring buoys within the FM2 zone in order to permit each strata lot one private mooring buoy. The bylaw proposes to amend the site specific density for private mooring buoys in the FM2 zone from 25 private mooring buoys to 35 private mooring buoys for Totem Pole Resort only. As part of the proposed 10 private mooring buoys within the FM2 zone, the resort wishes to legalize and relocate 4 of their existing private mooring buoys into the FM2 zone and add an additional 6 new private mooring buoys.

The resort's 4 existing private mooring buoys are currently in front of an adjacent waterfront property to the south and the proposed relocation will alleviate congestion and navigation in the foreshore fronting this property. The arrangement of the 10 additional private mooring buoys in the FM2 zone will meet the siting and setback regulations, as shown on the site plan. The applicant has proposed to locate the private mooring buoys as close as possible to the resort property, as there is a significant drop off at the outer edge of the existing private mooring buoys.

The resort has also committed to relocate 2 of the permitted 25 private mooring buoys, as they appear to be just outside the FM2 zone boundary. One of the two existing private mooring buoys that are to be moved into the FM2 zone, is currently located in the FC2 site specific zone. The FC2 zone does not permit any private mooring buoys within it and moving this private mooring buoy to the FM2 zone will create a clearer navigation path to the commercial marina. The other private mooring buoy to be moved, is located between the zone boundaries of the resort and the waterfront property to the south; the resort has committed to moving this private mooring buoy further north completely within the FM2 zone and meeting the required setbacks.

The relocation of the 6 existing private mooring buoys and addition of 6 new private mooring buoys, will require a Foreshore and Water Development Permit to be issued by the Manager of Development Services. During the rezoning process, if the bylaw receives third reading, the applicant will be required to apply for a Development Permit and provide to the CSRD with documentation regarding final locations of the private mooring buoys within the FM2 zone; this documentation will include a final map, and photo confirmation that the buoys have been tagged with the proper identification.

SUMMARY:

The applicant has applied to amend the FM2 site specific regulation of the Lakes Zoning Bylaw No. 900, to permit 35 private mooring buoys for the subject property only.

Staff recommends Bylaw No. 900-20 be given first reading and sent to the referral agencies for the following reasons:

- Bylaw No. 725 policies regarding Foreshore Water (Moorage) support this proposal;
- The relocation of the existing private mooring buoys will alleviate crowding in front of the neighbouring waterfront property and create a clearer navigation path to the resort's marina;
- The addition of 10 private mooring buoys fronting the resort property will meet the FM2 location and siting regulations and will not interfere with foreshore navigation to the resort marina or to the existing 25 private mooring buoys; and,
- All 10 proposed private mooring buoys will be tagged and documented as a condition of the rezoning and required development permit.

IMPLEMENTATION:

Consultation Process

CSRD Policy P-18 regarding Consultation Processes – Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application when a notice of application sign(s) is posted on the subject property.

Referral Process

The following list of referral agencies is recommended:

- Area C Advisory Planning Commission;
- Ministry of Forests, Lands, Natural Resource Operations, and Rural Development – FrontCounter BC;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- Department of Fisheries and Oceans;
- Transport Canada;
- CSRD Operations Management;
- All relevant First Nations Bands and Councils including:
 - Adams Lake Indian Band
 - Little Shuswap Indian Band
 - Neskonlith Indian Band.

COMMUNICATIONS:

If the Board gives Bylaw No. 900-20 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 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. Official Community Plan Bylaw No. 725
2. Lakes Zoning Bylaw No. 900
3. Lakes Zoning Amendment (CSRD) Bylaw 900-14

Report Approval Details

Document Title:	2019-03-21_Board_DS_BL900-20_Totem_Pole_Resort.docx
Attachments:	- BL900-20_First.pdf - BL725_BL900_Excerpts_BL900-20.pdf - Maps_Plans_Photos_BL900-20.pdf
Final Approval Date:	Mar 9, 2019

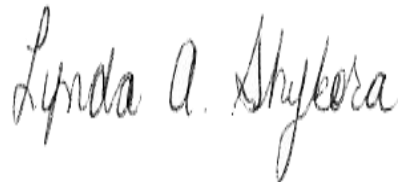
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Mar 5, 2019 - 11:44 AM



Gerald Christie - Mar 8, 2019 - 9:17 AM



Lynda Shykora - Mar 8, 2019 - 12:19 PM



Charles Hamilton - Mar 9, 2019 - 1:50 PM