



# BOARD REPORT

**TO:**

Chair and Directors

**File No:**

DP725-176  
PL20190028  
DVP701-88  
PL20190029

**SUBJECT:**

Electoral Area C: Development Variance Permit No. 701-88 and Development Permit No. 725-176 (Finz Resort Inc.)

**DESCRIPTION:**

Report from Erica Hartling, Planner I, dated April 4, 2019.  
2001 Eagle Bay Road, Blind Bay.

**RECOMMENDATION  
#1:**

THAT: in accordance with Section 498 of the Local Government Act Development Variance Permit No. 701-88 for Lot 1, Sections 17 and 20, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan EPP51931, varying South Shuswap Zoning Bylaw No. 701 as follows:

1. Section 23.2.5: Minimum front parcel line setback from 5 m to 4.5 m for the existing retail store only;
2. Section 22.2.5: Minimum front parcel line setback from 5.0 m to 4.75 m for an existing utility shed constructed as a component of the sewage treatment system;

be issued this 18<sup>th</sup> day of April, 2019.

**RECOMMENDATION  
#2:**

THAT: in accordance with Section 490 of the Local Government Act Development Permit No. 725-176 for proposed construction of tourist accommodation cabin structures on Lot 1, Sections 17 and 20, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan EPP51931, be issued this 18<sup>th</sup> day of April, 2019.

**SHORT SUMMARY:**

The subject property is located at 2001 Eagle Bay Rd in Blind Bay of Electoral Area C and is subject to Electoral Area C Official Community Plan Bylaw No. 725 and the regulations of South Shuswap Zoning Bylaw No. 701. The applicant is proposing to build 9 new tourist accommodation cabins with 2 tourist accommodation units per cabin on the portion of the subject property east of Eagle Bay Road. This portion of the property is designated commercial in the Official Community Plan (OCP) and, therefore, requires a form and character Development Permit.

The applicant has also applied for a Development Variance Permit to reduce the front parcel line setback for an existing retail store on the portion of the property west of Eagle Bay Road from 5.0 m to 4.5 m and for an existing utility shed constructed as well as part of the sewage treatment system on the portion of the property east of Eagle Bay Road from 5.0 m to 4.75 m.

**VOTING:**

Unweighted  
Corporate

☐

LGA Part 14  
(Unweighted)

☒

Weighted  
Corporate

☐

Stakeholder  
(Weighted)

☐

**BACKGROUND:**

REGISTERED OWNER:  
Finz Resort Inc.

APPLICANT:  
Franklin Engineering Ltd. c/o Mr. Mike Casol

ELECTORAL AREA:  
C

LEGAL DESCRIPTION:  
Lot 1, Sections 17 and 20, Township 22, Range 10, West of the 6<sup>th</sup> Meridian, Kamloops Division Yale District, Plan EPP51931

PID:  
029-708-955

CIVIC ADDRESS:  
2000 and 2001 Eagle Bay Road

SURROUNDING LAND USE PATTERN:  
North: Residential  
South: Residential  
East: Large Holdings, Crown Land  
West: Waterfront Commercial Blind Bay

CURRENT USE:  
Campground/Marina/Restaurant/Pub

PROPOSED USE:  
Campground/Marina/Restaurant/Pub and 9 two unit tourist accommodation cabins

PARCEL SIZE:  
0.404 ha (1.0 ac)

DESIGNATION:  
Electoral Area C Official Community Plan Bylaw No. 725  
WC – Waterfront Commercial – Secondary Settlement Area

ZONE:  
South Shuswap Zoning Bylaw No. 701  
West of Eagle Bay Road : C6 – Waterfront Commercial  
East of Eagle Bay Road: C5 – Tourist Commercial and LH – Large Holdings

**POLICY:****Electoral Area C Official Community Plan Bylaw No. 725 (OCP)**

See attached "BL725\_BL701\_Excerpts\_DVP701-88\_DP725-176.pdf".

- 3.8 Commercial
- 12.5 Village Centre and Secondary Settlement Area Form and Character Development Permit Area

The subject property is designated C6 – Waterfront Commercial in the OCP and is within a Secondary Settlement Area.

**South Shuswap Zoning Bylaw No. 701 (Bylaw No. 701)**

See attached "BL725\_BL701\_Excerpts\_DVP701-88\_DP725-176.pdf".

- Section 22: C5 – Tourist Commercial
- Section 23: C6 – Waterfront Commercial

The portion of the subject property east of Eagle Bay Road where the tourist accommodation cabins are proposed is zoned C5 – Tourist Commercial in Bylaw No. 701. The portion of the subject property west of Eagle Bay Road where the existing retail store is located is zoned C6 – Waterfront Commercial.

**FINANCIAL:**

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

**KEY ISSUES/CONCEPTS:**

See attached "Maps\_Plans\_Photos\_DVP701-88\_DP725-176.pdf"

**Site Development Proposal**

The owner is proposing to build 9 new tourist accommodation cabins on the portion of the subject property east of Eagle Bay Road. The cabins are proposed on a portion of the property that is currently used for a campground. Each cabin will contain 2 tourist accommodation units, for a total of 18 new tourist accommodation units. The existing retail store west of Eagle Bay Road was constructed on the site in 2011 or 2012 and does not comply with the front parcel line setback. A new sewerage system for the overall resort was more recently constructed, with a utility shed and a part of the treatment system which does not comply with the required front parcel line setback.

**Servicing**

The owner has constructed a new sewerage treatment system on the subject property with approval from the Interior Health Authority; Development Permit No. 725-62 was also issued by the CSRD for a Lakes 100 m Development Permit for this system. The Engineer responsible for designing the sewerage system has advised that it is of sufficient capacity to service the proposed 18 new tourist accommodation units, in addition to a total of 49 camping spaces, the restaurant/pub, and retail store on the subject property. See attached "Sewerage\_Report\_2019-03-05\_DVP701-88\_DP725-176.pdf".

The issued Development Permit No. 725-62, with details regarding the sewerage system has also been included with the Board report. See attached "DP725-62\_Issued-Development-Permit\_Finz.pdf", for details regarding the sewerage system.

The property is serviced by surface water drawn from Shuswap Lake.

**Access**

Access to the commercial development is from Eagle Bay Road. Staff have received a referral response from the Ministry of Transportation and Infrastructure (MoT) indicating that the owner will need to apply for a revised Access Permit should the land use or layout be different from that recognized in the existing issued permit.

**Hazardous Lands Development Permit (Steep Slopes)**

A Hazardous Lands Development Permit (Steep Slopes) is required prior to development as slopes on a portion of the subject property exceed 30%. Staff are processing this Development Permit application (DP725-172) concurrently with the Development Variance Permit and Form & Character Development Permit applications. Staff are in receipt of a Steep Slope Geotechnical Assessment dated November 14, 2018 prepared by Onsite Engineering Ltd. Technical Development Permits such as this are approved by the Manager of Development Services.

**Development Variance Permit**

This application proposes to vary the C6 zone minimum front parcel line setback required from 5.0 m to 4.5 m for the existing retail store which was constructed on the portion of the subject property west of Eagle Bay Road, prior to the adoption of the OCP. The applicant no longer needs to apply for an encroachment from MoT, as the store is at the required 4.5 m setback from a Provincial Highway (Eagle Bay Road).

Finally, a utility shed, as well as part of the treatment system, have been situated 4.75 m from the front parcel boundary requiring a setback relaxation for this structure.

**Form and Character Development Permit Guidelines**

The proposal is to construct 9 new tourist accommodation cabins on the portion of the property east of Eagle Bay Road, which will replace an area currently used for a campground. The new buildings will each house 2 tourist accommodation units, for a total of 18 new tourist accommodation units. The proposed buildings are proposed to be finished in hardie-plank siding with fir trim finishing around window and door features. The roofs are proposed to be fibreglass/asphalt shingles. Finish colours are proposed to be earth tones. The exterior finish and design of the cabins meets the applicable guidelines of the OCP for form and character of development.

The applicant has shown vegetation, in the form of either trees or bushes surrounding the tourist accommodation cabins. The applicant will construct a 1.83 m high black chain link fence with privacy slats along the side parcel lines east of Eagle Bay Road from Eagle Bay Road to the east of the cabins, to provide a buffer between the existing campground and the proposed new cabins from neighbouring properties to the north and south which are currently designated and used for residential purposes. The fence buffer will be constructed after the utilities are installed for the new cabins and prior to the cabins being used for tourist accommodation.

**SUMMARY:**

Development Services staff are recommending that Development Variance Permit No. 701-88 be issued because:

- The setback variances are minor (0.5 m and 0.25 m); and,
- There will be no negative impacts to neighbouring properties as the specific buildings subject to the variances are adjacent to Eagle Bay Road and located away from neighbouring properties.

Development Services staff are also recommending that Development Permit No. DP 725-176 be approved for issuance, because:

- The proposed new development (tourist accommodation cabins) site complies with the Secondary Settlement Area Form and Character Development Permit guidelines, including:
  - the building design elements of the cabins;
  - earth tone siding colour of the cabins that will blend in with the natural surroundings of the hillside;
  - the new landscaping around the cabins; and,
  - the new fence buffer along the north and south side parcel lines;
- The location of the proposed new tourist accommodation cabins are above the level of development on adjacent properties, thus would not cause a visual obstruction to the adjacent properties.

### **IMPLEMENTATION:**

If the Board approves the requested Development Variance Permit No. 701-88 and Development Permit No. 725-176, the owner will be notified and notice of a Development Variance Permit and Development Permit will be registered on the title of the property. Staff will also advise MoT of the issuance of the Permits.

### **COMMUNICATIONS:**

Property owners and tenants in occupation within 100 m of the subject property will be given notification a minimum of 10 days prior to the CSRD Board of Directors considering this application. All interested parties will have the opportunity to provide written comments regarding this application prior to the Board Meeting.

Referrals have been sent to the following:

- Electoral Area C Advisory Planning Commission (APC)
- Ministry of Transportation and Infrastructure (MoT)

The APC reviewed the applications at their January 28, 2019 meeting and passed resolutions in support of both applications. MoT has advised that the owner would need to apply for a permit to relax the Provincial setback requirement of 4.5 m for any buildings or structures within this setback, and that a revised access permit may also be required. The applicant revised the application to address this issue, and so a permit from MoT for encroachment will no longer be required.

### **DESIRED OUTCOMES:**

That the Board endorse the staff recommendations.

### **BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*

3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

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

1. Electoral Area C Official Community Plan Bylaw No. 725
2. South Shuswap Zoning Bylaw No. 701
3. APC C Minutes January 28, 2019

**Report Approval Details**

Document Title:	2019-04-18_Board_DS_DVP701-88_DP725-176_Finz-Resort-Inc.docx
Attachments:	<ul style="list-style-type: none"><li>- DVP701-88.pdf</li><li>- DP725-176.pdf</li><li>- BL725_BL701_Excerpts_DVP701-88_DP725-176.pdf</li><li>- DP725-62_Issued-Development-Permit_Finz.pdf</li><li>- Sewerage_Report_2019-03-05_DP725-176_DVP701-88.pdf</li><li>- MoT_Referral-Response_DVP701-88_DP725-176.pdf</li><li>- Maps_Plans_Photos_DVP701-88_DP725-176.pdf</li></ul>
Final Approval Date:	Apr 8, 2019

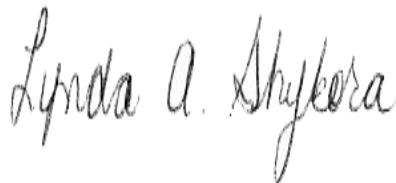
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Apr 5, 2019 - 9:05 AM**



**Gerald Christie - Apr 5, 2019 - 11:03 AM**



**Lynda Shykora - Apr 8, 2019 - 12:10 PM**



**Charles Hamilton - Apr 8, 2019 - 1:43 PM**