



BOARD REPORT

TO: Chair and Directors

File No: BL900-20
PL20170000112

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

DESCRIPTION: Report from Erica Hartling, Planner I, dated April 29, 2019.
7429 Sunnybrae-Canoe Point Road, Canoe Point

RECOMMENDATION #1: THAT: "Lakes Zoning Amendment (Totem Pole Resort) Bylaw No. 900-20" be read a second time this 16th day of May, 2019;

RECOMMENDATION #2: THAT: a public hearing to hear representations on "Lakes Zoning Amendment (Totem Pole Resort) Bylaw No. 900-20" 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 Demenok, Electoral Area C, being that in which the land concerned is located, or the Alternate Director Dies, if the Director 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 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 bylaw was given first reading and the Board 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 Corporate LGA Part 14 (Unweighted) Weighted Corporate Stakeholder (Weighted)

BACKGROUND:

See "2019-03-21_Board_DS_BL900-20_First_Totem_Pole_Resort.pdf" and "Maps_Plans_Photos_BL900-20.pdf" attached.

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:

See "2019-03-21_Board_DS_BL900-20_First_Totem_Pole_Resort.pdf" attached.

Update

The existing 25 private mooring buoys in the resort's FM2 zone are currently owned by 24 strata lots, as historically one strata lot has owned 2 private mooring buoys. Totem Pole Resort has a total of 34 strata lots and the applicant had originally made the request to locate an additional 10 private mooring buoys within the FM2 zone; permitting each strata lot 1 private mooring buoy and continuing to allow one of the strata lots their historical 2 private mooring buoys (total of 35 private mooring buoys).

The Board gave first reading of Bylaw No. 900-20 at its March 21, 2019 meeting and directed staff to follow the simple consultation process and refer the bylaw amendment to applicable agencies and First Nations for comment. Referral comments have now been received and are in the attached "Agency_Referral_Responses_BL900-20.pdf.

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Crown Lands Division (FLNRORD) responded with no opposition to the proposed density of 35 private mooring buoys. However, FLNRORD recommends allowing only 1 private mooring buoy per strata lot creating a total of 34 strata buoys; the rationale being that more than 1 buoy per strata lot may set a precedent that other developments may take advantage of.

After reviewing the FLNRORD referral comments and meeting with their strata members, the resort is still requesting the 35 private mooring buoys but the extra buoy will not be for an individual strata lot but assigned as an emergency/guest private mooring buoy. The resort has committed to assign 1 private mooring buoy for each strata lot, creating a total of 34 strata private mooring buoys. The resort is still applying for the 35 private mooring buoys as they feel that the strata owners/resort operation will benefit from 1 resort owned buoy that can provide temporary moorage to a watercraft that is experiencing an emergency or mechanical breakdown or may provide temporary moorage for a guest.

The Archaeology Branch responded to the referral with approval subject to conditions. According to Provincial records, there are no known archaeological sites recorded in the subject area but the proposal is in an area with high potential for unknown/unrecorded archeological deposits. If an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted for direction.

Adams Lake Indian Band (ALIB) responded with concerns over the proposed development area and requires that the resort will ensure that the identified nearby and overlapping hunting, fishing, gathering, water transportation and pictographs are not harmed or hindered in this application.

The applicant has reached out to Adams Lake Indian Band (ALIB) and have confirmed with Development Services staff that the resort will respectively comply with the requests of ALIB to:

- immediately cease work if archeological evidence is discovered
- notify the authorities of any discoveries with any archeological
- not infringe or overlap any hunting, fishing, gathering or water transportation of the Adams Lake Indian Band in any harmful way

The Electoral Area C Advisory Planning Commission (APC) reviewed the proposal at their April 29, 2019 meeting. The APC supports the application and noted the intent to improve the distribution of the buoys and improvements for safety. The APC had a discussion on the mail out notification process and would like to see an expansion beyond the standard 100 metre boundary for the identification of neighbours to receive notices and would prefer to see these expanded to include a more reasonable number of the waterfront owners in the area.

Development Services must follow the 100 m boundary notification for mail out notices, as it is a procedure within the Development Services Procedures Bylaw No. 4001. Development Services staff believe the Notice of Application Sign, 100 m boundary for the mail out notice, two newspaper advertisements, and the website and social media notices are sufficient for notifying neighbouring property owners and public about the application.

SUMMARY:

See summary of the staff recommendation and reasoning in the "2019-03-21_Board_DS_BL900-20_First_Totem_Pole_Resort.pdf" attached.

Staff continue to support Bylaw No. 900-20 and is recommending that the bylaw be considered for second reading and referral to a public hearing in order to hear the views of the public on this matter.

IMPLEMENTATION:

Consultation Process

Neighbouring property owners first became aware of the application when a notice of application sign was posted on the property. As of the date of this report, no written submissions from the public have been received. If the Board approves the staff recommendation, a public hearing will be scheduled to receive input from the public.

COMMUNICATIONS:

If the Board supports second reading of Bylaw No. 900-20 and delegates a Public Hearing, staff will proceed with notification of property owners within 100 metres and publication of notices as required by the Local Government Act.

Bylaw No. 900-20 was referred to the following agencies and First Nations for comments, which are summarized below and discussed in the Key Issues/Concepts of this report. See "Agency_Referral_Responses_BL900-20.pdf" attached.

- Area C Advisory Planning Commission: Supports the application as outlined. See discussion in Key Issues/Concepts of this report.
- FrontCounter BC: No opposition to the proposed density of 35 private mooring buoys. See discussion in Key Issues/Concepts of this report.
- Archaeology Branch: Recommended approval subject to conditions. See discussion in Key Issues/Concepts of this report.
- Adams Lake Indian Band (ALIB): Has concerns with the proposed development area and requires that the resort will ensure that the identified nearby and overlapping hunting, fishing, gathering, water transportation and pictographs are not harmed or hindered in this application. See discussion in Key Issues/Concepts of this report.

The following agencies and First Nations did not respond to the request for comments:

- Department of Fisheries and Ocean;
- Transport Canada;
- CSRD Operations Management;
- Little Shuswap Indian Band;
- Neskonlith Indian Band.

DESIRED OUTCOMES:

That the Board endorse 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. 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:	2019-05-16_Board_DS_BL900-20_Second_Totem_Pole_Resort.docx
Attachments:	- BL900-20_Second.pdf - 2019-03-21_Board_DS_BL900-20_First_Totem_Pole_Resort.pdf - BL900-20_First.pdf - BL725_BL900_Excerpts_BL900-20.pdf - Agency_Referral_Responses_BL900-20_Second.pdf - Maps_Plans_Photos_BL900-20.pdf
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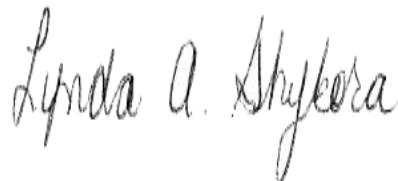
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - May 3, 2019 - 11:15 AM



Gerald Christie - May 3, 2019 - 12:07 PM



Lynda Shykora - May 6, 2019 - 2:56 PM



Charles Hamilton - May 6, 2019 - 3:33 PM