



BOARD REPORT

TO: Chair and Directors

File No: BL900-25
PL20180000043

SUBJECT: Electoral Areas C, E & F: Lakes Zoning Amendment (CSR D) Bylaw No. 900-25

DESCRIPTION: Report from Christine LeFloch, Planner II, dated June 24, 2019.
Electoral Areas C, E & F

RECOMMENDATION: THAT: Lakes Zoning Amendment (CSR D) Bylaw No. 900 be read a third time, as amended, this 18th day of July 2019.

SHORT SUMMARY:

The CSR D was originally proposing to amend the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) by:

1. Increasing the total upward facing surface area of a floating or fixed dock in foreshore residential zones from 24 m² to 30 m²;
2. Increasing the width of a floating or fixed dock surface in all zones from 3 m to 3.05 m;
3. Increasing the width of a permanent or removable walkway surface in all zones from 1.5 m to 1.52 m; and,
4. Increasing the total upward facing surface area of a floating or fixed dock in the Foreshore Park Zone from 24 m² to 40 m².

A public hearing was held on May 27, 2019 at the Sorrento Memorial Hall to hear representations from the public regarding the proposed amendments. Based on feedback received at the public hearing and additional research, staff are now proposing to amend the bylaw at third reading to increase the total upward facing surface area of a floating or fixed dock in foreshore residential zones from 24 m² to 32 m² instead of the previously recommended increase from 24 m² to 30 m².

If the Board is agreeable to this proposed increase, it is now appropriate for the Board to consider the bylaw for third reading, as amended.

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

See "2019-02-21_Board_DS_BL900-25_CSR D.pdf", attached.
See "2018-08-16_Board_DS_BL900-25_CSR D.pdf", attached.
See "2018-06-07_EAD_DS_BL900-25_CSR D.pdf", attached.
See "2017-11-02_EAD_Docks_Buoys.pdf", attached.
See "2017-04-04_EAD_DS_BL900_GEN.pdf", attached.

POLICY:

See "2018-08-16_Board_DS_BL900-25.pdf", attached.

FINANCIAL:

See "2018-08-16_Board_DS_BL900-25_CSRD.pdf", attached.

KEY ISSUES/CONCEPTS:

See "2018-08-16_Board_DS_BL900-25_CSRD.pdf", attached.

See "2019-02-21_Board_DS_BL900-25_CSRD.pdf", attached.

A public hearing was held on May 27, 2019 at the Sorrento Memorial Hall to hear representations regarding the proposed amendments to Lakes Zoning Bylaw No. 900. There were 17 members of the public in attendance based on head count, with 15 officially signed in. In addition, 3 staff members along with the Directors for Electoral Areas C, E and F attended the hearing which was chaired by Director Martin. Notes from the public hearing are attached (see "Public_hearing_notes_2019-05-27_BL900-25.pdf"), along with the 4 public submissions received (see "Public_submissions_BL900-25.pdf").

Presentations and submissions received at the public hearing were focussed primarily on two subjects. One subject was safety issues and it was suggested that these issues could be addressed with longer and wider docks. The second subject was the simplification of the application process by making the regulations the same as the province so that there would be no application process required. It was pointed out by some presenters that most existing docks may be larger than the proposed 30 m² and that the actual size of existing docks may provide some guidance to determining the new larger dock size. A presentation made by Clyde Mitchell, President of the Shuswap Waterfront Owners Association (SWOA) noted that if the CSRD is not willing to make the zoning regulations the same as the Provincial General Permission (maximum length of 42 m from the HWM with a maximum permitted width of 3 m – if utilized to the maximum extent would equal 126 m² in upward facing surface area) the Association recommends that the maximum upward facing surface area of a floating or fixed dock be increased to 37 m².

After the public hearing, in order to better understand existing dock sizes around Shuswap area lakes, staff conducted a random sample of docks from 9 areas around Shuswap, Mara and White Lakes. Mapping tools were then used to determine the upward facing surface area of each of the docks in the samples. Dock width was not taken as this is not proposed to be changed for reasons outlined in the staff report "2019-02-21_Board_DS_BL900-25_CSRD.pdf". Samples were taken from neighbourhoods in Blind Bay, Eagle Bay, Magna Bay, Scotch Creek, Swansea Point, White Lake and Seymour Arm as well as from Crescent Bay and Wilson Creek which are both water access only communities. An average for each of the sample areas was determined, along with the number of docks in each sample that are less than or equal to 30 m² and the number that are greater than 30 m². This information is attached as "Dock_size_sample_summary_BL900-25.pdf".

Along with the average size for each of the sample areas, a combined average of all the areas was also taken. The highest average dock sizes out of the sample areas were for Crescent Bay at 39.19 m² and Wilson Creek at 45.79 m². The Wilson Creek sample included one extremely large dock that is currently subject to CSRD bylaw enforcement and provincial enforcement. If that dock is removed from the

calculations the average drops to 33.37 m² which is much closer to the overall average for the sample areas which is 32.44 m². A total of 87 docks were sampled. The number of docks with an upward facing surface area greater than 30 m² was 33, with 54 of the docks sampled having upward facing surface areas less than 30 m².

While this additional research is based on random samples, it provides additional information to assist in determining a new maximum dock size. This information supports the position that most docks in the area may be accommodated by increasing the maximum upward facing surface area to 30 m².

However, staff are recommending an increase to the maximum upward facing surface area for residential docks from the previously recommended 30 m² to 32 m² as this is supported by both the public comment form responses with regard to dock size preference and by the results of the dock size sampling. The summary of public comment form responses shows that out of the 256 people who responded to the question regarding preferred dock size, 124 indicated a preferred dock size in the range of 30-35 m². This included respondents who indicated that the proposed 30 m² dock size was "about right" and formed the majority of the responses received. The average dock size for the area based on the samples taken around Shuswap, Mara and White Lakes was 32.44 m². The proposed 32 m² represents a 33.33% increase in size from the current 24 m².

See "Comment_form_results_summary_updated_BL900-25.pdf".

See "Dock_size_sample_summary_BL900-25.pdf".

The issues around dock size and safety were also noted in previous submissions received and were addressed in the staff report dated February 21, 2019. Staff continue to recognize that there may be rationale for larger docks to be permitted in certain circumstances. However, it is also recognized that the proposed dock size of 32 m² should be adequate and functional for most areas and conditions. In those cases where 32 m² is not adequate the Development Variance Permit process offers the opportunity for waterfront property owners to apply to the Board for a dock that has greater width and/or area and considered on a case by case basis.

Attendance at this public hearing was lower than expected considering that the proposed bylaw affects public land and may have an effect on the community as a whole including waterfront, semi-waterfront and upland residents. The public hearing was advertised in two issues of the Shuswap Market News, on the CSRD website and through social media. As such, property owners interested in the bylaw would have had an opportunity to learn about the public hearing and share the information with others. It is noted that there was strong response to the preliminary public consultation that was done in the fall of 2018 through the online comment form. 311 comment forms were received through that forum with representation from waterfront, semi-waterfront and non-waterfront owners and residents. It is possible that many people felt that they had already expressed their opinion with respect to this bylaw and did not feel compelled to attend the public hearing.

*It is noted that there were minor mathematical errors detected in the public comment form summary chart provided as an attachment to the February 21, 2018 Board report. These errors were not significant enough to alter the background information or the previous staff recommendation. These have been corrected in the current version which is attached to this report.

If the Board wishes to consider a different maximum upward facing surface area than the 32 m² being recommended by staff at third reading as amended, the following information is provided for the Board's consideration:

Upward Facing Surface Area	Width	Length	Increase from current 24 m² size
*30 m ² (328 ft ²)	3.05 m (10 ft)	9.8 m (32.8 ft)	25.00%
**32 m ² (344.5 ft ²)	3.05 m (10 ft)	10.5 m (34.45 ft)	33.33%
35 m ² (377 ft ²)	3.05 m (10 ft)	11.5 m (38 ft)	46%
37 m ² (398 ft ²)	3.05 m (10 ft)	12.1 m (39.7 ft)	54%
40 m ² (430.55 ft ²)	3.05 m (10 ft)	13.1 m (43 ft)	66.67%
***128.1 m ² (1378.86 ft ²)	3.05 m (10 ft)	42 m (137.89 ft)	433.75%

* Option recommended by staff at second reading as amended, prior to public hearing.

** Option recommended by staff at third reading as amended, after public hearing.

*** Maximum size permitted by the Province.

SUMMARY:

The CSRD is proposing to amend the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) by:

1. Increasing the width of a floating or fixed dock surface in all zones from 3 m to 3.05 m;
2. Increasing the width of a permanent or removable walkway surface in all zones from 1.5 m to 1.52 m; and
3. Increasing the total upward facing surface area of a floating or fixed dock in the Foreshore Park Zone from 24 m² to 40 m².

Based on feedback received at the public hearing and additional research, staff are proposing to further amend Bylaw No. 900-25 as follows:

4. Increasing the total upward facing surface area of a floating or fixed dock in foreshore residential zones from 24 m² to 32 m².

Staff support the proposed bylaw amendments and are recommending that Lakes Zoning Amendment (CSRD) Bylaw No. 900 be considered for third reading as amended.

IMPLEMENTATION:

If the Board gives Bylaw No. 900-25 third reading, as amended, the bylaw will then be sent to the Ministry of Transportation and Infrastructure for statutory approval. Once the MoTI approval is received staff will bring the bylaw back to the Board for adoption.

COMMUNICATIONS:

If the bylaw is adopted staff will issue a press release through the local newspapers, the CSRD website and social media regarding the changes to the bylaw. Staff will also send letters to Front Counter BC and the dock builders in the area advising of the change.

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:	2019-07-18_Board_DS_BL900-25_third_amended_CSRD.docx
Attachments:	<ul style="list-style-type: none">- BL900-25_third_amended.pdf- 2019-02-21_Board_DS_BL900-25_CSRD.pdf- BL900-25_second_amended.pdf- 2018-08-16_Board_DS_BL900-25_CSRD.pdf- BL900-25_first.pdf- 2018-06-07_EAD_DS_BL900-25_CSRD.pdf- 2017-11-02_EAD_Docks_Buoys.pdf- Public_comment_form_BL900-25.pdf- Comment_form_results_summary_updated_BL900-25.pdf- Public_Comment_Form_Report_BL900-25.pdf- Comments_submitted_by_email_BL900-25.pdf- Public_hearing_notes_2019-05-27_BL900-25.docx.pdf- Public_submissions_BL900-25.docx.pdf- Dock_size_sample_summary_BL900-25.pdf- Dock_size_sample_maps_BL900-25.pdf- Agency_referral_responses_BL900-25.pdf
Final Approval Date:	Jul 9, 2019

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



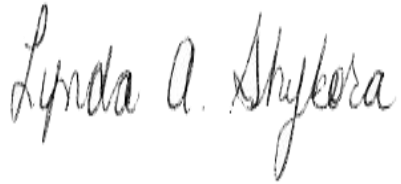
Corey Paiement - Jul 8, 2019 - 12:09 PM



Gerald Christie - Jul 8, 2019 - 12:11 PM



Darcy Mooney - Jul 9, 2019 - 8:10 AM

A handwritten signature in cursive script that reads "Lynda A. Shykora".

Lynda Shykora - Jul 9, 2019 - 12:32 PM

A handwritten signature in cursive script that reads "Charles Hamilton".

Charles Hamilton - Jul 9, 2019 - 4:17 PM