



# 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 July 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 third time this 15<sup>th</sup> day of August, 2019.

**RECOMMENDATION #2:** THAT: adoption of "Lakes Zoning Amendment (Totem Pole Resort) Bylaw No. 900-20" be withheld until documentation has been received regarding the final locations of the buoys within the zone area confirmed with a map and GPS coordinates, and confirmation that the buoys have been tagged with identification and 'BL900-20'.

**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.

A public hearing was held to hear representations from the public regarding the bylaw. It is now appropriate for the Board to consider public input received and consider the bylaw for third reading.

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<b>VOTING:</b>	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 Board Report first reading and maps, plans, and photos in the attached "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" and "2019-05-16\_Board\_DS\_BL900-20\_second\_Totem\_Pole\_Resort.pdf" attached.

**Update**

See "Public\_submissions\_BL900-20.pdf" and "Public\_Hearing\_Notes\_2019-06-19\_BL900-20.pdf" attached.

A public hearing was held on June 19, 2019 at the Sunnybrae Community Hall in Sunnybrae. Eight members of the public were in attendance, all who are strata owners of the subject property K-46 - Totem Pole Resort. Prior to the public hearing, one written submission was received from six of the K-46 strata owners with concerns over Bylaw No. 900-20. Some of the owners had concerns with the communication from the Strata Council (i.e. Totem Pole Resort) about the full extent of the application and the impact to all owners. Their concerns were around the proposed locations of the private mooring buoys, specifically with water depth, moorage swing radius of 10m, boat length, and what the individual costs to each owner would be to relocate their buoy.

Staff answered some questions about the site plan and also clarified the bylaw amendment application procedures and process. Staff updated the strata owners at the public hearing that the site plan currently proposed is not set in stone and that the private mooring buoy locations can be determined at the time of a Foreshore and Water Development Permit, to be applied for after third reading and before adoption of Bylaw No. 900-20.

The representative for the Strata Council (i.e. applicant) confirmed that the Strata wants to move and install buoys in a safe and professional manner. They informed the members in attendance at the public hearing that all strata owners will have the opportunity to speak and be heard and that there is a management/maintenance plan that is currently being worked on and will be presented to the strata owners at a town hall meeting. The applicant confirmed that the Strata wants to make placement fair for more owners and an equal opportunity for all owners to have a mooring buoy and still comply with all regulations. They assured the members in attendance that the Strata Council will not complete the work of the foreshore and water development permit and adoption of Bylaw No. 900-20 without the support of the owners.

As the concerns raised at the public hearing primarily related to the Strata's internal communications and the final placement of the proposed private mooring buoys, not with the density proposed in Bylaw No. 900-20, staff is recommending the Board consider third reading. If the Board gives the bylaw third reading, the applicant can then address the strata owners' technical concerns of the private mooring buoy locations at the time of the Foreshore and Water Development Permit application. Staff is recommending the Board consider third reading and that adoption of Bylaw No. 900-20 be withheld, until proof of the actual location of the private mooring buoys is submitted to this office and proof that each of the buoys have been tagged with identification and "BL900-22". The applicant has been made aware of these requirements and have indicated that an accurate plan will be submitted showing the

locations of all the buoys after the proposed adjustments and installations have been made. Staff will replace the current buoy locations map in the bylaw with the updated map, and will then present Bylaw No. 900-20 to the Board at a future Board meeting for adoption.

**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 the bylaw and are recommending that the Board consider the public input submitted and consider the bylaw for third reading.

**IMPLEMENTATION:**

See "2019-05-16\_Board\_DS\_BL900-20\_second\_Totem\_Pole\_Resort.pdf" attached.

If the Board gives the bylaw third reading, staff will not bring the bylaw back for adoption until the required documentation and proof of the proposed private mooring buoys has been received.

**COMMUNICATIONS:**

See "Agency\_Referral\_Responses\_BL900-20.pdf" and "2019-05-16\_Board\_DS\_BL900-20\_second\_Totem\_Pole\_Resort.pdf" attached.

**Update**

See "Public\_Hearing\_Notes\_BL900-20.pdf" and "Public\_submissions\_BL900-20.pdf" attached.

Staff advertised the Public Hearing in the Shuswap Market News on June 7 and June 14, 2019. The Public Hearing was held on July 19, 2019 and attended by Development Services staff and Director Demenok and Alternate Director Dies. There were eight members of the public in attendance, all who are strata lot owners of the subject property K-46 - Totem Pole Resort. One written submission was received before the public hearing and signed by six of the K-46 strata owner. See discussion in the Key Issues/Concepts section of this report.

**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:	2019-08-15_Board_DS_BL900-20_third_Totem-Pole-Resort.docx
Attachments:	<ul style="list-style-type: none"> <li>- BL900-20_third.pdf</li> <li>- 2019-05-16_Board_DS_BL900-20_second_Totem_Pole_Resort.pdf</li> <li>- BL900-20_second.pdf</li> <li>- 2019-03-21_BL900-20_first_Totem_Pole_Resort.pdf</li> <li>- BL900-20_First.pdf</li> <li>- BL725_BL900_Excerpts_BL900-20.pdf</li> <li>- Public_Hearing_Notes_2019-06-19_BL900-20.pdf</li> <li>- Public_submissions_BL900-20.pdf</li> <li>- Agency_Referral_Responses_BL900-20_Second.pdf</li> <li>- Maps_Plans_Photos_BL900-20.pdf</li> </ul>
Final Approval Date:	Jul 31, 2019

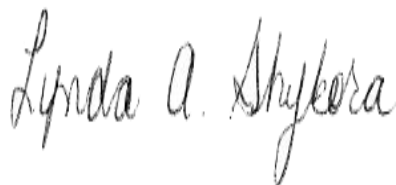
This report and all of its attachments were approved and signed as outlined below:

**No Signature - Task assigned to Corey Paiement was completed by workflow administrator IT Portal Admin**

**Corey Paiement - Jul 30, 2019 - 9:48 AM**



**Gerald Christie - Jul 30, 2019 - 3:42 PM**



**Lynda Shykora - Jul 31, 2019 - 11:49 AM**

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

**Charles Hamilton - Jul 31, 2019 - 11:51 AM**