



# BOARD REPORT

**TO:****Chair and Directors**

<b>File No:</b>	BL 900-21 PL20170117
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**SUBJECT:**

Electoral Area C: Lakes Zoning Amendment (Finz Resort Ltd.) Bylaw No. 900-21

**DESCRIPTION:**

Report from Dan Passmore, Senior Planner, dated June 9, 2017.  
2001 Eagle Bay Road, Blind Bay

**RECOMMENDATION:**

THAT: "Lakes Zoning Amendment (Finz Resort Ltd.) Bylaw No. 900-21" be read a first time this 20th day of July, 2017;

**AND THAT:**

the Board utilize the simple consultation process for Bylaw No. 900-21, and it be referred to the following agencies and First Nations:

- Area C Advisory Planning Commission;
- Interior Health Authority;
- Ministry of Environment;
- Ministry of Forests, Lands and Natural Resource Operations;
- Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch;
- Department of Fisheries and Oceans;
- Ministry of Transportation and Infrastructure;
- CSR D Operations Management;
- CSR D Financial Services; and
- All relevant First Nations.

**SHORT SUMMARY:**

The proposal is to amend the FC3 – Foreshore Commercial 3 Zone of Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to allow an expansion of the existing marina operation from 55 mooring berths to a total of 110 mooring berths.

<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:**

REGISTERED OWNER:  
Finz Resort Ltd. (Craig Russenholt)

ELECTORAL AREA:  
C (Blind Bay Area)

LEGAL DESCRIPTION:  
DL 6021, K.D.Y.D.

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

**CIVIC ADDRESS:**

2001 Eagle Bay Road

**SURROUNDING LAND USE PATTERN:**

NORTH = Rural Residential/Crown Land

SOUTH = Rural Residential

WEST = Shuswap Lake

EAST = Crown

**CURRENT USE:**

Marina/Restaurant/Retail Store/Campground

**SIZE OF PROPERTY:**

Upland portion 5.17 ha (12.775 ac)

**DESIGNATION:**

Electoral Area C Official Community Plan Bylaw No. 725

WC – Waterfront Commercial/Secondary Settlement Area

**ZONE:**

Land = South Shuswap Zoning Bylaw No. 701

West of Eagle Bay Road – C6 – Waterfront Commercial

East of Eagle Bay Road Lower Portion – C5 – Tourist Commercial

Upper Portion – LH – Large Holdings

Lakes Zoning Bylaw No. 900

FC3 – Foreshore Commercial – 3

**POLICY:**

**Electoral Area 'C' Official Community Plan Bylaw No. 725**

The subject property is designated Waterfront Commercial (WC). The OCP contains no policies regarding WC development, except to advise that new WC developments are not supported.

**2.3 Shoreline Environment**

This section of the OCP gives the following objectives and policies to be considered;

**2.3.1 Objectives**

- .1 To maintain the unique physical and biological characteristics of the shoreline environment.
- .2 To maintain shoreline habitats to protect them from undesirable development.
- .3 To manage the foreshore to ensure appropriate use and prevent overdevelopment.

**2.3.2 Policies**

- .1 Non-moorage uses other than passive recreation are not acceptable on the foreshore. These include facilities such as beach houses, storage sheds, patios, sun decks, and hot tubs.

Additionally, no commercial uses, including houseboat storage or camping, are acceptable on the foreshore.

- .2 Land owners must not alter the natural habitat and shoreline processes unless specifically authorized. The placement of fill and the dredging of aquatic land are not generally acceptable.
- .3 Encourage the Integrated Land Management Bureau, when carrying out reviews of foreshore tenure applications, to take the foregoing objectives and policies into consideration, with emphasis on the environmental sensitivity of the foreshore areas, as well as ensuring an appropriate relationship with upland areas.
- .4 Private moorage owners and builders will comply with the Ministry of Environment's Best Management Practices for Small Boat Moorage on Lakes, and minor works policies published by Transport Canada, Navigable Waters Protection Division prior to construction of any foreshore moorage (works).

### **3.1 General Land Use Management**

This section of the OCP gives the following objectives and policies to be considered;

#### *3.1.1 Objectives*

- .1 To be thoughtful and careful stewards of the lands and waters of the South Shuswap to allow future generations an opportunity to appreciate and benefit from wise choices made by today's elected decision-makers.
- .2 To manage growth by directing development and redevelopment in existing settled areas and to discourage development outside these areas.

#### *3.1.2 Policies*

- .5 Development will only be considered in areas with lower environmental values within the Village Centre and Secondary Settlement Areas, thereby allowing for the protection of areas with higher environmental values as well as agricultural lands.

### **3.3 Secondary Settlement Areas**

This section of the OCP gives the following objectives and policies to be considered;

#### *3.3.1 Objective*

- .1 To allow for predominantly residential development and some neighbourhood commercial development within Blind Bay, Eagle Bay, Sunnybrae and White Lake.

#### *3.3.2 Policies*

- .1 This designation applies to areas within the Blind Bay, Eagle Bay, Sunnybrae and White Lake Secondary Settlement Area boundaries, as outlined on Schedules B and C.
- .2 Permitted land uses within the Secondary Settlement Areas include: residential, neighbourhood commercial uses, recreational residential, community and health-related services, institutional uses, recreation, arts and cultural activities.
- .8 New commercial, industrial, multi-family and intensive residential development within the Secondary Settlement Areas is subject to the Form & Character Development Permit Area Guidelines.

### **3.6 Waterfront Development**

This section of the OCP gives the following objectives and policies to be considered;

#### *3.6.1 Objective*

- .1 To maintain the near shore areas of Shuswap Lake, White Lake and Little White Lake ecologically intact by focusing development away from the shoreline and by minimizing impacts from moorage facilities.

#### *3.6.2 Policies*

- .1 New waterfront development will only be supported if it:
  - a) Is residential in nature;
  - b) Has maximum densities of:
    - i. 1 unit / 1 ha ( 1 unit /2.47 ac) on the waterfront in Secondary Settlement Areas and the Sorrento Village Centre; or
    - ii. 1 unit / 2 ha (1 unit / 4.94 ac) in all other areas;
  - c) Creates lots each with a minimum of 30 m of water frontage;
  - d) Is located a minimum of 50 m away from the natural boundary of Shuswap Lake, White Lake and Little White Lake: Development Permit Areas may apply, see Section 12 of this plan; and
  - e) Provides adequate moorage subject to the moorage policies in Section 3.7.
- .2 Development on waterfront parcels should be clustered to minimize impact on the landscape and preserve natural open space. Applications that do not include Section 219 covenants to prohibit additional subdivision, protect natural areas from further development and address other site specific considerations will not be supported.

### **3.7 Foreshore Water (FW) (Moorage)**

This section of the OCP gives the following objectives and policies to be considered;

#### *3.7.1 Objective*

- .1 To acknowledge existing permitted private moorage uses and commercial marinas and provide limited opportunities for future moorage associated with residential development.

#### *3.7.2 Policies*

- .1 Moorage, including docks, private moorage buoys and boat lifts, may be considered only for new fee-simple waterfront parcels.
- .2 New development proposals on the waterfront parcel will provide a maximum of 1 moorage space per:
  - a) New waterfront parcel created; or
  - b) 30m of water frontage of the parent parcel; andEach moorage space shall be calculated as 10 m linear length of dock that may be used for mooring a single vessel.

### **3.8 Commercial**

This section of the OCP gives the following objectives and policies to be considered;

### 3.8.2 Policies

- .1 Commercial development that is incompatible with the community, or would have unmitigated negative impacts on the environment, is not acceptable anywhere in the South Shuswap.
- .2 Large scale commercial development is not acceptable in the Secondary Settlement Areas or rural areas of the South Shuswap. Such development is directed to the Village Centre.
- .5 Existing Commercial (C), Tourist Commercial (TC) and Resort Commercial (RC) land use designations are recognized on Schedules B and C. New Commercial (C), Tourist Commercial (TC) and Resort Commercial (RC) may be considered in the Secondary Settlement Areas through individual redesignation and rezoning applications.
- .6 Existing Waterfront Commercial (WC) developments are recognized on the Schedules B and C. New Waterfront Commercial (WC) developments are not supported.

### **Current Zone (below the Natural Boundary of Shuswap Lake): FC3 Foreshore Commercial Zone 3 (Bylaw No. 900)**

Permitted uses:

- *Commercial moorage facility, including permanent or removable walkway, accessory to a permitted use on an adjacent parcel(s).*
- *Private mooring buoy(s) accessory to a permitted use on an adjacent parcel(s).*
- *Boat launch*
- *Boat rentals*

Part 3 General Regulations Section 3.2 Uses and Structures Expressly Prohibited in Each Zone currently prohibits other covered structures and all other uses and structures not expressly permitted in Section 3.1 or in each zone. Bylaw No. 900-17 added a site specific permitted use, which recognized structures constructed on Shuswap Lake for this property, allowing the structures to be used for pub and restaurant purposes.

### **Proposed Amendment to Bylaw No. 900 FC3 Foreshore Commercial Zone 3**

The applicant is proposing to amend Bylaw No. 900 by deleting the current site specific reference to Friends Blind Bay in Sub-section 4.13.2(b) and replacing it with the following:

- For the surface of the lake adjacent to Lot 1, Sections 17 and 20, Township 22, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Plan EPP51931, the maximum number of berths is 110. {Friends Blind Bay}

### **FINANCIAL:**

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

### **KEY ISSUES/CONCEPTS:**

Finz currently operates a marina on Shuswap Lake adjacent to their commercial operation on the upland property. The commercial operation involves a neighbourhood pub and restaurant, a

convenience store, a campground and an associated marina. The owner has submitted this application to amend the site specific regulation to expand the existing marina further into the lake with additional slips totalling 110 slips to their current mooring facilities.

Electoral Area C Official Community Plan Bylaw No. 725 policies are silent on the issue of expansion of existing marina facilities, except to discourage proposals which would have a negative ecological impact. Policies actively discouraging new development, either on the lake or the foreshore are only impacting proposed new development proposals.

Lakes Zoning Bylaw No. 900 currently only extends specific zoning 200 m into the lake from the natural boundary. This proposal will extend the marina use 173.9 m into the lake, so the new expanded dock will comply with setback requirements.

The expanded dock is designed to angle away from adjacent properties to the south, to provide clearance from lake drinking water intakes for neighbouring properties, which were installed encroaching into the Finz license area in the past. The applicant has supplied a map showing the location of the water intakes as part of the application materials.

The applicant has provided a parking plan to help illustrate compliance with the parking requirements of Bylaw No. 701. Currently Bylaw No. 701 requires the following parking quantities for each of the existing uses on the subject property:

- |                      |  |
|----------------------|--|
| • Marina             | 1 stall per 2 berths                           |
| • Neighbourhood Pub  | 1 per 3 seats                                  |
| • Restaurant, Eat-in | 1 per 10 m <sup>2</sup> of gross leasable area |
| • Convenience Store  | 1 per 35 m <sup>2</sup> of gross floor area    |
| • Campground         | 1 per camp site                                |

In addition to requiring parking stall numbers, minimum stall sizes (2.8 m wide x 5.5 m long) and maneuvering aisle dimensions are also required. The parking requirement for marina use does not currently specify requirements for both car and boat trailer parking. The plan provided does not, therefore, show any boat trailer parking. Staff are concerned that the plan provided does not illustrate sufficient parking for all of the uses on the subject property or that the stalls illustrated comply with minimum stall dimension and maneuvering aisle requirements and have contacted the applicant to verify that compliance for all uses can be achieved.

Staff will provide the Board with verification about this concern at a future Board meeting.

The applicant will need to apply to the Lands Branch of the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) for an amended commercial marina license to expand on their current licensed areas (DLs 6021 and 5974) and to the Water Rights Branch of MFLNRO for a permit to construct the expanded dock. As a part of the Provincial process an Environmental Impact Analysis of the proposal may be required.

## **SUMMARY:**

The proposal is to amend the FC3 – Foreshore Commercial 3 Zone of Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to allow an expansion of the existing marina operation to a total of 110 mooring berths. Staff are recommending that the Board consider the bylaw for first reading, and referral to affected agencies and first nations.

## **IMPLEMENTATION:**

### **Consultation Process**

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application for zoning Amendments when a notice of development sign is posted on the property.

**Referral Process**

The following list of referral agencies is recommended:

- Area 'C' Advisory Planning Commission;
- Interior Health Authority;
- Ministry of Environment;
- Ministry of Forests, Lands and Natural Resource Operations;
- Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch;
- Department of Fisheries and Oceans;
- Ministry of Transportation and Infrastructure
- CSRD Operations Management;
- CSRD Financial Services; and
- All relevant First Nations, including the following:
  - ✓ Adams Lake Indian Band;
  - ✓ Little Shuswap Indian Band; and,
  - ✓ Neskonlith Indian Band.

**COMMUNICATIONS:**

To be provided following referral process.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

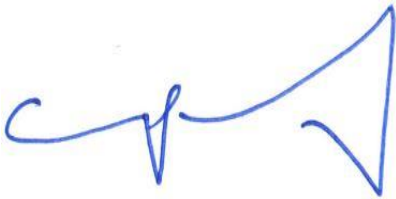
**BOARD'S OPTIONS:**

1. *Endorse the staff Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2017-07-20_Board_DS_BL900-21_Finz.docx
Attachments:	- BL900-21 First.docx - Maps_Plans_BL900-21.pdf
Final Approval Date:	Jul 10, 2017

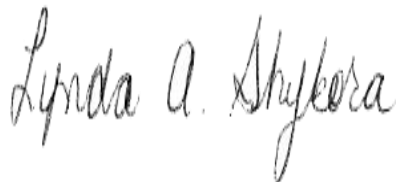
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Jul 7, 2017 - 10:02 AM**



**Gerald Christie - Jul 10, 2017 - 12:44 PM**



**Lynda Shykora - Jul 10, 2017 - 1:31 PM**



**Charles Hamilton - Jul 10, 2017 - 2:30 PM**