



BOARD REPORT

TO: Chair and Directors

File No: BL900-35C
PL20210280

SUBJECT: Electoral Area C: Lakes Zoning Amendment Bylaw No. 900-35C

DESCRIPTION: Report from Laura Gibson, Planner II, dated May 4, 2022.
3700 Sunnybrae Canoe Point Road, Sunnybrae

RECOMMENDATION #1: THAT: "Lakes Zoning Bylaw No. 900-35C" be read a second time this 19th day of May, 2022;

RECOMMENDATION #2: THAT: "Lakes Zoning Bylaw No. 900-35C" be read a third time this 19th day of May, 2022;

RECOMMENDATION #3: THAT: "Lakes Zoning Bylaw No. 900-35C" be adopted this 19th day of May, 2022.

SHORT SUMMARY:

The subject property is located at 3700 Sunnybrae Canoe Point Road in Sunnybrae. The proposal is to rezone the foreshore adjacent to the subject property from FR1 – Foreshore Residential to FG1 – Foreshore General to allow for a fixed dock and permanent walkway rather than only a floating dock and removable walkway. First reading of the proposed bylaw amendment was given on March 17, 2022.

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 item 16.4 on the [March 17, 2022 Board Meeting Agenda](#) for first reading.

The proposal is to rezone the foreshore adjacent to the subject property from FR1 – Foreshore Residential to FG1 – Foreshore General to allow for a fixed dock and permanent walkway rather than only a floating dock and removable walkway. The applicants initially also requested an increase to the dock size from 33.45 m² to 37.17 m². The Board did not support the increase to dock size at first reading. The proposed dock will meet the current maximum permitted size of 33.45 m².

POLICY:

See [BL900-35C BL725 BL900 Excerpts](#).

FINANCIAL:

The property owners have already installed the pilings for the fixed dock and permanent walkway and have a floating dock existing which was never issued a Development Permit. If the applicants do not remove the existing floating dock or do not remove the pilings if the fixed dock is not approved, bylaw enforcement staff will have to take steps to ensure compliance with Bylaw No. 900, as amended.

KEY ISSUES/CONCEPTS:

See [2022-03-17 Board DS BL900-35C First](#) for details of the proposal and analysis of applicable policy.

The Board gave first reading of the amending bylaw at their meeting held on March 17, 2022 and directed staff to send referrals to applicable agencies and First Nations. A public hearing is not required as the proposal is consistent with the policies in Electoral Area C Official Community Plan Bylaw No. 725.

Agency and First Nation Referral Responses

Referral responses received from other agencies and First Nations are summarized in the table in the Communications section below and the full responses are attached to the Board report as "BL900-35C_Agency_Referral_Responses.pdf". The Ministry of Forests, Lands and Natural Resource Operations, Lands Branch noted that the dock will require a Specific Permission application, as the proposed dock exceeds the maximum length for a General Permission. The agent has told the CSRD that they are aware of this and will apply for a specific permission. CSRD Operations Management has no concerns with the proposal. No response was received from the Ministry of Forests, Lands and Natural Resource Operations, Archaeology Branch or from Transport Canada.

Both Adams Lake Indian Band and Little Shuswap Lake Band recommended that a Preliminary Field Reconnaissance (PFR) be conducted for the proposed project area to determine if additional archaeological and/or cultural heritage studies are necessary. This information was passed along to the agent for this application. No response was received from Neskonlith Indian Band.

Public Submissions

As of the date of this report, one public submission has been received (see attached "BL900-35C_Public_Submission_Redacted.pdf".) The submission states that the foreshore of the subject property was gifted to The Wildlife Conservation of Canada and notes that they should be consulted as part of this referral. Staff note that there is a covenant on title for the subject property for the Nature Trust of BC (not the Wildlife Conservation of Canada). A referral was sent to the Nature Trust of BC and a response was not received. It is the property owners' responsibility to follow all covenants registered on title for a property. The CSRD would not enforce a covenant it did not register and is not named on. The public submission also states that the length of the structure could become a severe navigation hazard during high water and that the proposal does not fit the overall natural beauty of the area.

Analysis

No changes to the proposal have been made since first reading, and no new information has been brought to staff's attention through the referral process which would impact staff's decision to continue supporting this application.

Through email communication with staff members from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, Lands Branch, DS staff have received confirmation that an elevated fixed dock appears to be more favourable for the foreshore conditions in the subject area. The Province noted there is currently no specific guidelines for when a fixed dock vs. floating dock is preferred. The Section 11 application that is required for the dock under the Water Sustainability Act will review the proposed dock's location, design and impact in more detail. The agent has indicated that they are aware a Section 11 application must be made to the Province but they have not yet submitted their application.

The applicants have applied for Foreshore and Water Development Permit No. 725-368, which is approved for issuance, subject to adoption of this bylaw amendment.

SUMMARY:

The applicant has applied to amend the Lakes Zoning Bylaw No. 900 to permit a permanent walkway and fixed dock. Staff continue to support Bylaw No. 900-35C and recommends the amending bylaw be read a second and third time and adopted for the following reasons:

- Development Permit No. 725-368 has been approved for issuance by the Manager of Development Services for the proposed permanent walkway and fixed dock, subject to adoption of Bylaw No. 900-35C;
- The nature of the shoreline and exposure to storm conditions means a fixed dock is more practical and appears to be protective of the shoreline habitat than a floating dock for the subject property; and,
- A fixed dock and permanent walkway should not create an impediment to beach walkers as there is no beach to walk on in this area.

IMPLEMENTATION:

If the Board adopts Bylaw No. 900-35C, Bylaw No. 900 will be consolidated with the approved amendment.

COMMUNICATIONS:

As per Section 464(2) of the Local Government Act, a public hearing is not required for the proposed zoning bylaw amendment as the proposal is consistent with the policies in Official Community Plan Bylaw No. 725. A Notice of Application sign was posted on the subject property following first reading. Prior to first reading, staff prepared an advertisement which was published in two issues of the Shuswap Market News, notifying the public of the application and that a public hearing is not required. Notifications were also mailed to landowners and tenants in occupation of properties located within 100 m of the subject property prior to first reading. Further notifications will be mailed out and a third advertisement placed in the newspaper with the deadline for written submissions prior to this Board meeting. One written public submission opposing the bylaw amendment has been received as of the date of this report. All other written public submissions received regarding the proposed bylaw amendment will be attached to this report for consideration of the Board.

Following first reading of Bylaw No. 900-35C, referrals were sent to a number of agencies and First Nations. Responses received are summarized below. The full comments are attached to the Board agenda as "BL900-35C_Agency_Referral_Responses.pdf".

Ministry of Forests, Lands and Natural Resource Operations, Lands Branch	No objections. The applicant will be required to apply for a Specific Permissions Land Tenure for their dock, as the design in the site plan does not meet the General Permission Guidelines.
Ministry of Forests, Lands and Natural Resource Operations, Archaeology	No response.
Transport Canada	No response.
CSRD Operations Management	No concerns.
Nature Trust of BC	No response.
Adams Lake Indian Band	Through a preliminary analysis, ALIB identified some concerns, including: 427 known ALIB cultural heritage sites found intersecting and within 5 km, in the vicinity of two archaeological sites and in an area of high potential for archaeology, also in an extirpated caribou zone, the Columbia Shuswap grizzly population unit and the Thompson River watershed (salmon habitat). ALIB recommends a PFR/CHA be conducted on the property to determine if a permitted AIA is necessary. ALIB also requires that the property owners create a Chance Find Policy and make all those involved aware of it and the possibility of Indigenous cultural heritage values associated with this locale.
Little Shuswap Lake Band	Initial response requested that documents be sent to their Cultural Heritage Protection Department. A subsequent email received from LSLB recommended that a Preliminary Field Reconnaissance (PFR) be conducted for the proposed project area to determine if additional archaeological and/or cultural heritage studies

	are necessary. This email was provided to the agent.
Neskonlith Indian Band	No response.

DESIRED OUTCOMES:

That the Board endorse the staff recommendations.


BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2022-05-19_Board_DS_BL900-35C_Second_Third_Adopt.docx
Attachments:	<ul style="list-style-type: none">- BL900-35C_Second_Third_Adopt.pdf- BL900-35C_Public Submission_Redacted.pdf- BL900-35C_Agency_Referral_Responses.pdf- BL900-35C_Maps_Plans_Photos_2022-05-19_Redacted.pdf
Final Approval Date:	May 6, 2022

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



Corey Paient



Gerald Christie



Jennifer Sham

No Signature - Task assigned to Charles Hamilton was completed by delegate Jodi Pierce

Charles Hamilton