



BOARD REPORT

TO: Chair and Directors

File No: BL2068
PL2019_098
BL900-26E
PL2019_255

SUBJECT: Electoral Area E: Lakes Zoning Amendment Bylaw No. 900-26E and Rural Sicamous Land Use Bylaw Amendment No. 2068

DESCRIPTION: Report from Ken Gobeil, Senior Planner, dated May 5, 2022.
9032 Swanson Rd, Swansea Point

RECOMMENDATION #1: That: first, second and third readings of "Rural Sicamous Land Use Bylaw No. 2068" be rescinded this 19th day of May 2022.

RECOMMENDATION #2: THAT: "Lakes Zoning Amendment Bylaw No. 900-26E" be given third reading as amended this 19th day of May 2022.

RECOMMENDATION #3: THAT: "Lakes Zoning Amendment Bylaw No. 900-26E" be adopted this 19th day of May 2022.

SHORT SUMMARY:

The owners of Strata K163 applied in 2019 to bring their strata properties and the foreshore of Mara Lake adjacent to their properties into compliance with CSRD Bylaws, which included two bylaw amendments:

1. The Rural Sicamous Land Use Amendment Bylaw No. 2068 (Bylaw No. 2068) would have redesignated and rezoned Strata K163 from Resort Commercial to a new Comprehensive Development Zone; and,
2. Lakes Zoning Amendment Bylaw No. 900-26 (Bylaw No. 900-26) would rezone the foreshore in front of Strata K163 from Foreshore Commercial 3 (FC3) to Foreshore Multi-Family 2 (FM2) to allow moorage for the owners of the strata.

The amending bylaws were given third reading June 17, 2021. Since then, the applicants have completed all requirements for the bylaws to be considered for adoption. However, the Rural Sicamous Land Use Bylaw No. 2000 (Bylaw No. 2000) was replaced with a new Official Community Plan and Zoning Bylaw for Electoral Area E as of March 1, 2022 which incorporated the existing uses in the strata and the proposed amendments in Bylaw No. 2068. A bylaw amendment is no longer required for Strata K163 as the properties are compliant with the Electoral Area E Official Community Plan and Zoning bylaws.

CSRD formatting requirements for bylaw amendments have been also updated since June 2021, and staff have made minor administrative amendments to Bylaw No. 900-26.

It is now appropriate for the Board to consider rescinding Bylaw No. 2068 to remove it from the records of open bylaws; consider giving third reading as amended of Bylaw No. 900-26 to recognize revisions; and then consider adoption of Bylaw No. 900-26.

VOTING: Unweighted ☐ LGA Part 14 ☒ Weighted ☐ Stakeholder ☐

Corporate	(Unweighted)	Corporate	(Weighted)
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BACKGROUND:

See item no. 16.2 on the [June 17, 2021 Board meeting](#) for all related board reports and supporting documents considered by the Board when Bylaw No. 2068 and Bylaw No. 900-26 were given third reading.

Strata K163 was a former campground that had been subdivided and sold into individual lots in 1977. The owners used campsites and seasonal cabin buildings between March 1 and October 31 of each year for their personal use. However, the seasonal use by owners was not compliant with the Resort Commercial (RC) Zoning assigned to the property in the Rural Sicamous Land Use Bylaw No. 2000 (Bylaw No. 2000). In 1998, the non-compliant uses were recognized in three Section 219 Restrictive Covenants (Covenant No. KM83484 to KM083486) registered on the strata properties. These covenants regulated the following uses:

- Restricting the use to one recreational vehicle on Strata Lots 1-11, 15-29, and 31-50 from March 1 to October 31 with one accessory building to be used only for storage.
- Restricting the use of the existing multiple family dwelling on Strata Lots 12-14 to only be occupied March 1 to October 31
- Restricting commercial uses on Strata Lot 30 or any of the other common properties

Over time strata owners developed their lots with other accessory buildings (such as decks), and in some cases, single detached dwellings were constructed on the strata lots which were not permitted in Bylaw No. 2000 or the restrictive covenants. Bylaw No. 2068 proposed to rezone the strata properties to permit the existing uses.

The former campground included a commercial dock which was rented by campers. When the campground was converted to a bare land strata subdivision, the dock was used by strata lot owners and berths were no longer rented to the public. Currently, the foreshore is zoned Foreshore Commercial 3 (FC3), which permits a commercial moorage facility (a commercial moorage facility permits berths to be rented) but the commercial dock is not used for this purpose. Bylaw No. 900-26 proposes to rezone the foreshore to Foreshore Multifamily 2 (FM2) to permit a group moorage facility for upland owners with the following site specific regulations:

- A maximum of 50 berths in the group moorage facility
- A maximum of 5 private mooring buoys
- A maximum of 2 swim platforms

The Board gave first reading to Bylaw No. 2068 and Bylaw No. 900-26 at its February 20, 2020, meeting; and second reading on October 15, 2020. A public hearing was held April 27, 2021; and the Board gave third reading on June 17, 2021.

After third reading, the applicants were required to complete improvements to the sewer system; resolve encroachments; make landscaping and signage improvements for fire truck access; and have the Bylaw No. 2068 approved by the Ministry of Transportation and Infrastructure (MoTI) before the amending bylaws could be brought back to the Board for consideration of adoption.

POLICY:

[Electoral Area E Official Community Plan Bylaw No. 840](#)

[Electoral Area E Zoning Bylaw No. 841](#)

See "[BL900-26E Excerpts BL900.pdf](#)" for applicable policies and regulations.

FINANCIAL:

There are no financial implications associated with this application.

KEY ISSUES/CONCEPTS:**CSRD requirements before adoption**

During the third reading on the June 17, 2021 it was noted that the following was required before the amending bylaws would be brought back to the Board for adoption:

1. An assessment of the septic system noted that the system serving the administration building and caretaker dwelling needed replacement.
 - The replacement was completed in mid-October 2021.
2. There were three encroachments noted in Strata K163 which needed to be resolved, these include:
 - Strata Lot 1
 - An accessory building on Lot 1 encroached onto a portion of common property intended to be preserved as open space. There is a restrictive covenant on this portion of Strata K163 which prohibits the placement of any building in this portion of the common property.
 - The owners of Lot 1 have obtained a building permit to remove the portion of the building that is encroaching onto the common property. Building staff noted the building alterations were completed June 28, 2021.
 - Strata Lot 2
 - A portion of Strata Lot 2 encroaches onto common property. The owners were required to confirm that the Strata authorizes the encroachment.
 - The Strata executive confirmed authorization an exclusive use area of the portion of the common property for Strata Lot 2.
 - Strata Lots 47-49 have portions of their RVs parked on an adjacent property outside of the strata (onto 623 Swanson Rd).
 - The owners of Lots 47-49 and 623 Swanson Rd have registered an access easement authorizing the encroachment (parked RVs) which was registered on the effected titles in February 2022.
3. The strata owners were also required to install "no parking" signs and planter boxes inside the strata to ensure there is sufficient clearance along internal strata roads for emergency vehicles.
 - Signs and planter boxes were installed in summer of 2021.

Ministry of Transportation and Infrastructure

Section 52(3) of the Transportation Act prohibits the CSRD from adopting zoning bylaw amendments without approval from MoTI when subject lands are within 800 metres of a controlled access highway. MoTI noted that encroachment permits will be required for any existing construction within 4.5 m of a road right of way, and that no parking signs need to be installed along the perimeter of the property to remind the public that parking is prohibited along MoTI roads.

In early February 2022, MoTI confirmed that the required permits have been issued; no parking signs were installed; and that the bylaw amendments could be adopted.

Electoral Area E Official Community Plan and Zoning Bylaw

On March 1, 2022 a new Electoral Area E Official Community Plan (Bylaw No. 840) and Zoning Bylaw (Bylaw No. 841) came into effect for Electoral Area E replacing the Rural Sicamous Land Use Bylaw No. 2000.

In anticipation of the new official community plan and zoning bylaw the amendments of Bylaw No. 2068 were incorporated into Bylaw Nos. 840 and 841. The strata is designated as Resort in Bylaw No. 840 which is intended for recreational vehicle developments; the property is zoned Comprehensive Development E5 which includes five distinct development areas which coincide with the proposed CDE5 zone proposed in Bylaw No. 2068. These five development areas are:

Development Area 1 – permitting the seasonal use of recreational vehicles, park models, or seasonal single detached dwellings on strata lots.

Development Area 2 – permitting a seasonal multiple family dwelling (triplex).

Development Area 3 – permitting a management office, and caretaker dwelling. The caretaker dwelling is the only dwelling which permits year round use.

Development Area 4 – permitting property management facilities, and amenities for the strata.

Development Area 5 – preserves an open area on the northernmost portion of common property in the strata.

No further amendments are required to Bylaws No. 840 and No. 841 for this development.

With the adoption of Bylaw No. 840 and Bylaw No. 841, Bylaw No. 2000 was repealed. Although Bylaw No. 2068 has not been adopted it must be rescinded to formally remove the pending bylaw from the CSRD record of active bylaws.

The adoption of Bylaw No. 840 and Bylaw No. 841 has no effect on the Lakes Zoning Bylaw (Bylaw No. 900), and Bylaw No. 900-26 is still required to bring the foreshore into compliance with CSRD bylaws.

Bylaw No. 900-26 Revisions

Since the amending bylaws were given third reading, the formatting for bylaw amendments has been updated, and staff have prepared an updated bylaw amendment to align with new formatting guidelines.

Schedule 1 of Bylaw No. 900-26 (the zoning map) has been updated to meet the formatting guidelines, and there have been minor alterations to the terminology used in the bylaw for referencing sections of Bylaw No. 900 and the legal descriptions for Strata K163 in Bylaw No. 900-26. These revisions are administrative and have no impact on the proposed change of use.

Restrictive Covenants KM83484- KM83486

Covenants No. KM83484 to KM83486 (registered in 1998) permitting seasonal accommodation and prohibiting the commercial uses that would have otherwise been permitted through the Resort Commercial (RC) Zone in Bylaw No. 2000 are no longer required because all existing land uses are permitted in the Comprehensive Development E5 Zone that applies to the property in Bylaw No. 841 which was brought into effect March 1, 2022.

Staff and the Strata President have discussed the covenants, and the Strata President is aware that they are able to apply for the covenants to be discharged. When an application is submitted staff will work with the owners to discharge the covenants from the relevant titles.

SUMMARY:

The owners of Strata K163 have completed all requirements for Bylaw Nos. 2068 and 900-26.

However, the amendments in Bylaw No. 2068 have been incorporated into the Electoral Area E Official Community Plan and Zoning Bylaws and Bylaw No. 2068 is no longer required therefore staff recommend it be rescinded and removed from records of active bylaw amendments.

Staff continue to support Bylaw No. 900-26 because the proposed amendment is consistent with the actual use on the upland property and foreshore; and there were no concerns raised during the public hearing process.

IMPLEMENTATION:

If the Board adopts Bylaw No. 900-26 the agent for the owners of Strata K163 will be notified and staff will consolidate the approved amendment with Bylaw No. 900.

COMMUNICATIONS:

A virtual public hearing was held on April 27, 2021 chaired by Director Martin. Staff advertised the public hearing in the Shuswap Market News on April 16, and 23, 2021. Property owners within 100 m of the subject properties were mailed notification, and information was posted on the CSRD website on April 12, 2021.

See [Public Hearing Notes](#) for all public submissions regarding the proposed bylaw amendments. There were no submissions received prior to the hearing.

See [Agency Referral Responses](#) for all comments received from public agencies and First Nations.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation(s).

BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2022-05-19_Board_DS_BL2068_Rescind_BL900-26E_Third_Amended_Adopt.docx
Attachments:	- BL900-26E_Third_Adopt.pdf
Final Approval Date:	May 10, 2022

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



Corey Paiement



Gerald Christie



Jennifer Sham



Jodi Pierce