



BOARD REPORT

TO:

Chair and Directors

File No:	DVP900-3 PL20170081 DP725-109 PL20170080
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SUBJECT:

Electoral Area C: Development Variance Permit No. 900-3 (Hawkins) & Development Permit No. 725-109 (Hawkins)

DESCRIPTION:

Report from Jennifer Sham, Planner, dated July 28, 2017.
1635 Blind Bay Road, Blind Bay

**RECOMMENDATION
#1:**

THAT: in accordance with Section 498 of the Local Government Act, Development Variance Permit No. 900-3 for Lot 1 Section 15 Township 22 Range 11 West of the 6th Meridian Kamloops Division Yale District Plan 40252, varying Section 4.4.2 (b) of Lakes Zoning Bylaw No. 900, as follows:

1. Maximum total upward facing surface area from 24 m² to 27.89 m²; and,
2. Maximum width of any portion of a floating dock surface from 3 m to 3.05 m,

be approved for issuance this 17th day of August, 2017.

**RECOMMENDATION
#2:**

THAT: in accordance with Section 490 of the Local Government Act, Development Permit No. 725-109 for a Foreshore and Water Development Permit for Lot 1 Section 15 Township 22 Range 11 West of the 6th Meridian Kamloops Division Yale District Plan 40252 be approved for issuance this 17th day of August, 2017, subject to the issuance of DVP900-3.

SHORT SUMMARY:

The subject property is located in the Blind Bay area of Electoral Area C at 1635 Blind Bay Road. The owner would like to replace the existing wooden dock with a new floating prefabricated aluminum dock. The new dock is wider and larger in area than permitted in the FR1 Foreshore Residential 1 zone of the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) and the agent is applying for a Development Variance Permit to vary the permitted width to 3.05 m and size of the dock to 27.89 m².

The subject property is located within the Electoral Area C Official Community Plan Bylaw No. 725 area that establishes Development Permit Areas and if the Board authorizes issuance of this Development Variance Permit (DVP), staff is recommending that the Board also approve issuance of the technical Development Permit (DP).

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:

REGISTERED OWNER:
David Hawkins

APPLICANT:

Triton Docks Inc./Nadine Mayer

ELECTORAL AREA:

C

CIVIC ADDRESS:

1635 Blind Bay Road, Blind Bay

LEGAL DESCRIPTION:

Lot 1 Section 15 Township 22 Range 11 W6M KDYD Plan 40252

SURROUNDING LAND USE PATTERN:

North: Shuswap Lake

South: Blind Bay Road, Residential

East: Residential

West: Residential

EXISTING DOCK SYSTEM:

Walkway: ~ 6.10 m (length)

Wooden dock: ~ 3.05 m x 9.144 m = ~ 27.89 m²

PROPOSED DOCK SYSTEM:

Walkway: 0.91 m x 9.14 m = 8.32 m²

Floating aluminum dock: 3.05 m x 9.144 m = 27.89 m²

ZONING:

FR1 – Foreshore Residential 1

SITE COMMENTS:

Staff did not conduct a site visit. According to mapping, the property is hooked across Blind Bay Road and is a waterfront parcel, surrounded by residential properties and Shuswap Lake. According to orthophotographs, it appears that both neighbouring properties to the west and east both have docks of a similar size.

POLICY:**Lakes Zoning Bylaw No. 900 (Bylaw No. 900)**

Foreshore Residential 1 FR1

4.4.1 Permitted Uses:

(a) Floating dock, including permanent or removable walkway, that is accessory to a permitted use on an adjacent waterfront parcel.

(b) Private mooring buoy(s) that is accessory to a permitted use on an adjacent waterfront parcel or an adjacent semi-waterfront parcel.

(c) Boat lift(s) that is accessory to a permitted use on an adjacent waterfront parcel.

4.4.2 Regulations

(a) Density

Maximum number of docks and private mooring buoys:

- Dock: 1 floating dock per adjacent waterfront parcel.
- Private mooring buoys:
 - (a) 1 per adjacent semi-waterfront parcel.
 - (b) 1 per adjacent waterfront parcel having a lake boundary length less than 30 m (98.43 ft).
 - (c) 2 per adjacent waterfront parcel having a lake boundary length 30 m (98.43 ft) or more.

(b) Size of dock and walkway:

- Floating dock must not exceed 24 m² (258.33 ft²) in total upward facing surface area (not including removable walkway).
- Floating dock surface must not exceed 3 m (9.84 ft) in width for any portion of the dock.
- Removable walkway surface must not exceed 1.5 m (4.92 ft.) in width for any other portion of the walkway.

(c) Location and Siting of dock, private mooring buoys or boat lifts:

The minimum setback of a floating dock, private mooring buoy or boat lift accessory to an adjacent waterfront parcel (and adjacent semi waterfront parcel in the case of private mooring buoys) is as follows:

- 5 m (16.4 ft) from the side parcel boundaries of that waterfront parcel (and semi-waterfront parcel in the case of private mooring buoys), projected onto the foreshore and water.
- 6 m (19.69 ft) from a Foreshore Park (FP) zone or park side parcel boundaries projected onto the foreshore and water.

Additional setbacks for private mooring buoys:

- 20 m (65.62 ft) from any existing structures on the foreshore or water.
- 50 m (164.04 ft.) from any boat launch ramp or marina.

Electoral Area C Official Community Plan Bylaw No. 725 (Bylaw No. 725)

The property is designated Rural Residential in Bylaw No. 725.

Section 12.2 Foreshore and Water Development Permit Area

A Foreshore and Water DP is required for new and replacement docks and swimming platforms. This is a technical DP and the authority to issue technical DPs has been delegated to the Manager of Development Services (DS). However, staff is recommending that the Board issue DP725-109, if the Board issues DVP900-3.

The Manager of DS, through the Delegation Bylaw No. 5582, has the power to issue technical DPs. The DS Procedures Bylaw No. 4001 specifies that the Manager of DS has the power to issue technical DPs "for which the applicant is also seeking to vary the provisions of a bylaw under Division 7 of [Part 490] of the Local Government Act, when such a variance application can illustrate hardship and would not exceed what is allowed under the bylaw by more than 10%." The process to deal with dock DP with variances that the Manager cannot issue, was to have owners apply for a DVP addressing the variance, and if successful, apply for a DP addressing the placement of the new dock. DS staff have revised this process so that owners will only apply for a single application to allow for the placement

of the new oversized dock thus, streamlining the process for both the CSRD and waterfront owners, and further reducing the cost of two applications down from \$1150 to \$800.

South Shuswap Zoning Bylaw No. 701 (Bylaw No. 701)

The adjacent waterfront parcel is zoned Rural Residential 2 in Bylaw No. 701; there is an existing single family dwelling on the parcel, which is a permitted use in the zone.

Development Variance Permit:

The applicant is proposing to vary Lakes Zoning Bylaw No. 900, as follows:

- a) Section 4.4.2(b) Size of floating dock in total upward facing surface area (not including removable walkway) from 24 m² to 27.89 m²; and,
- b) Section 4.4.2(b) Floating dock width from 3 m to 3.05 m.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

According to the agent, the existing dock system has been in place for several years, prior to the adoption of Lakes Zoning Bylaw No. 900 (non-conforming dock). The owner would like replace the existing wooden dock with a new prefabricated aluminum dock. The wooden dock is considered non-conforming in Bylaw No. 900, and repairs up to 75% (to this dock) over a 3 year period are permitted; however, the owners wish to replace the entire dock, which requires the dock to meet the bylaw.

The owners are applying for a variance to the size requirements in Bylaw No. 900 because the length is required "to meet the depth requirements set by the province." The provincial best management practices (BMPs) are methods that, if followed, will help ensure projects minimize potential impacts to fish and fish habitat and will provide a standard level of protection to the aquatic and terrestrial environment potentially affected by projects.¹ BMP(DSM16) states to "design minimum clearance below a floating structure at low water to be 1.5 m to avoid the wash from propellers disturbing the waterbody floor..."

From the application form: "The new dock will be transported to Shuswap Lake on a trailer where it will be unloaded into the lake at a public boat launch. It will be towed to David Hawkins' property with Triton Docks' work boat. The existing dock will be disconnected from the cables and moved aside, then the new dock will be installed in its place and connected to the cables."

A Section 11 Permit, Changes In and About a Stream, was applied for but the Ministry of Forests, Lands and Natural Resource Operations confirmed in a letter dated April 27, 2017, that an approval is not required "as long as the work is done in accordance with BC Regulation 36/2016 – Part 3."

On January 17, 2017, the Provincial Private Moorage Program was amended. The General Permission allows waterfront owners to install a dock without the province issuing a licence (Specific Permission), if the prerequisites are met, as stated in the "Provincial General Permission for the Use of Crown Land

¹ source: www.env.gov.bc.ca/wld/instreamworks/moorings.htm

for Private Moorage – January 17, 2017." Although the maximum size of a dock in the General Permission changed, the maximum dock width of 3 m did not change. The proposed increase in dock width is due to a conversion between metric and imperial and Provincial staff have confirmed that a Specific Permission is not required for the 3.05 m width dock.

According to the agent, the new replacement will be the same size as the old wooden dock.

SUMMARY:

Staff is recommending approval of issuance of this DVP for the following reasons:

- The agent has indicated that the new aluminum dock is more environmentally friendly. Wooden docks are typically made with treated lumber, which is not a recommended construction material because it is toxic to many aquatic organisms and severely impacts aquatic environments. Further, over time, wooden docks will require more repair and maintenance than an aluminum dock, potentially causing more disruption in and near the water. The "through flow" decking on the aluminum dock allows light to penetrate through to the water making it better for fish habitat. Further, the float sizes and number of floats on the dock are reduced due to the rigid frame of the dock. This prevents breakwater (that changes the water flow), allowing natural water flows as opposed to be diverted around the dock; .and,
- According to the agent, the new dock is the same size as the existing wooden dock; if repaired in accordance with Bylaw No. 900, the existing dock in its existing size could remain.

Staff is recommending approval of issuance of this DP, subject to the issuance of DVP900-3, for the following reasons:

- New dock DP applications that include variances of over 10% or under 10% with no hardship will be directed to the Board Approval DP process. The current process requires a separate DP application, if the Board issues the DVP. As the Board is able to issue this technical DP, it will streamline the process and not require additional staff time through the delegated process (through the Manager of Development Services) to issue the DP. Further, as we are changing the process for these Foreshore and Water DP with variance applications, there will be a cost-savings of \$350 to the owners who applied for this DP with variance under the old process.

IMPLEMENTATION:

If the Board approves issuance of DVP900-3 and DP725-109, the owner will be advised of the decision, and staff will prepare the Notice of Permit for submission to Land Title Office for registration on title of the subject property.

COMMUNICATIONS:

Property owners and tenants in occupation within 100 m of the subject property were notified of this DVP application by mail, prior to consideration by the Board.

This application was forwarded to Advisory Planning Commission C who recommended approval of this application.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

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

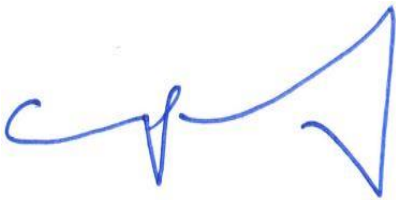
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Lakes Zoning Bylaw No. 900
2. Electoral Area C Official Community Plan Bylaw No. 725
3. South Shuswap Zoning Bylaw No. 701
4. APC C July Meeting Minutes

Report Approval Details

Document Title:	2017-08-17_Board_DVP900-3_Hawkins.docx
Attachments:	- DVP900-3.pdf - DP725-109.pdf - Maps_Plans_DVP900-3.pdf
Final Approval Date:	Aug 4, 2017

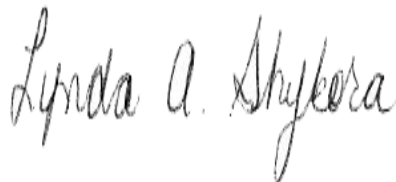
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Aug 4, 2017 - 9:56 AM



Gerald Christie - Aug 4, 2017 - 1:30 PM



Lynda Shykora - Aug 4, 2017 - 2:26 PM



Charles Hamilton - Aug 4, 2017 - 2:46 PM