



BOARD REPORT

TO: Chair and Directors

File No: BL900-36E
PL20210000274

SUBJECT: Electoral Area E: Lakes Zoning Amendment Bylaw No. 900-36E

DESCRIPTION: Report from Christine LeFloch, Planner III, dated August 29, 2022.
9940 Mara West Road, Rural Sicamous.

RECOMMENDATION: THAT: "Lakes Zoning Amendment Bylaw No. 900-36E", be denied first reading this 22nd day of September, 2022.

SHORT SUMMARY:

The applicant would like to rezone a portion of the foreshore of Mara Lake adjacent to lands jointly owned by the CSR and RDNO, which are in the process of being developed as the Sicamous to Armstrong Rail Trail (Rail Trail), to recognize an existing fixed dock. Lakes Zoning Bylaw No. 900 only permits docks in association with waterfront parcels. The subject property is not a waterfront parcel because it is separated from Mara Lake by the Rail Trail property. The owner has applied to amend the zoning bylaw to change the foreshore zone from FM1 to FG1 and include a special regulation which would specify that the existing dock is a permitted use in association with the semi-waterfront subject property.

VOTING:	Unweighted Corporate <input type="checkbox"/>	LGA Part 14 (Unweighted) <input checked="" type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (<i>Weighted</i>) <input type="checkbox"/>
----------------	-----------------------------------------------	--------------------------------------------------------------	---------------------------------------------	----------------------------------------------------------

BACKGROUND:

ELECTORAL AREA:
E

LEGAL DESCRIPTION:
Lot 11, Section 25, Township 21, Range 8, West of the 6th Meridian, Kamloops Division Yale District, Plan 10892

PID:
009-536-655

CIVIC ADDRESS:
9940 Mara West Road

SURROUNDING LAND USE PATTERN:
North = Residential, Rail Trail, Mara Lake
South = Mara West Road, Residential
East = Rail Trail, Mara Lake
West = Residential

CURRENT USE:

Single family dwelling, fixed dock

PROPOSED USE:

The applicant would like to have an existing fixed dock recognized as a permitted use for this non-waterfront parcel

PARCEL SIZE:

0.89 ha (0.22 ac)

DESIGNATION:

Subject Property:

Electoral Area E Official Community Plan Bylaw No. 840

RR – Rural Residential

ZONE:

Electoral Area E Zoning Bylaw No. 841

RR1 – Rural Residential 1

Mara Lake Foreshore adjacent to Rail Trail:

Lakes Zoning Bylaw No. 900

FM1 – Foreshore Multi-Family 1

PROPOSED ZONE:

Lakes Zoning Bylaw No. 900

FG1 – Foreshore General 1, plus a special regulation to allow a fixed dock to be located adjacent to the Rail Trail property in association with the subject property.

AGRICULTURAL LAND RESERVE:

0%

SITE COMMENTS:

The subject property is located on the west side of Mara Lake about 150 m south of the boundary with the Sicamous Indian Reserve #3. The property is situated between the Rail Trail property and another residential lot. Mara West Road abuts the southeast property boundary. The subject property is in an area of semi-rural properties, many of which abut the west side of the Rail Trail and are not waterfront properties fronting Mara Lake. A number of the owners of properties in this area have installed crossings over the Rail Trail and have installed docks on Mara Lake. This is discussed further in the Key Issues/Concepts section below. The subject property has an existing dock, and there is a crossing installed in order to access the dock. Ortho imagery from 2018 which was taken during high water, shows that lake levels rose such that the lower lying rail trail lands were inundated with floodwater. A walkway is installed on the rail trail lands to allow access over the high water to the trail and dock. Many other properties in the vicinity have similar walkways in place.

The Management Plan for the dock indicates that the platform is 18 m² and the elevated walkway is 1.22 m wide and ~90 m long. (See BL900-36E_Management_Plan_Redacted.pdf.) The applicant has indicated that the entire dock including walkway and platform is 130 m² in area. The plans indicate that the walkway for the dock begins very close to where the CPR tracks were previously located.

BYLAW ENFORCEMENT:

No, but the development subject to this application is not compliant with CSRD Lakes Zoning Bylaw No. 900.

POLICY:

Please see the attached "BL900-36E_Excerpts_BL900_BL840_BL841_P-19.pdf" for relevant excerpts from Lakes Zoning Bylaw No. 900, Electoral Area E Official Community Plan Bylaw No. 840, Electoral Area E Zoning Bylaw No. 841, and Policy P-19 – Consistent Use of Upland/Adjacent Foreshore and Aquatic Crown Land.

FINANCIAL:

The subject dock is considered to be lawfully non-conforming by CSRD Planning staff as discussed further under Key Issues/Concepts. If the foreshore at which the subject dock is located is not rezoned to permit the dock to remain, no further action would be required by staff and there would be no further costs to the CSRD.

KEY ISSUES/CONCEPTS:Background

The applicant has an existing fixed dock located adjacent to the Rail Trail which abuts the applicant's property located at 9940 Mara West Road. CSRD GIS information including ortho imagery show that the pilings supporting the dock have been in place since 2013. A photo taken by CSRD Bylaw Enforcement staff on September 28, 2015 shows the walkway for the dock has been constructed, but the ramp and dock platform are not yet in place. (See BL900-36E_Maps_Plans_Photos.pdf.) Information provided by the applicant indicates that the pilings were installed in July of 2012, prior to adoption of Lakes Zoning Bylaw No. 900. Ortho imagery was not flown in 2012. Ortho imagery also indicates there was a dock in the same location prior to the current dock being constructed.

The applicant has requested rezoning to permit the dock. Staff have determined that rezoning the portion of the foreshore where the dock is located from FM1 - Foreshore Multi-family 1 to FG1 – Foreshore General 1 with a special regulation to the bylaw to allow a dock in association with the semi-waterfront subject property would permit the dock.

The owner asserts that there has been a dock in association with the subject property since 1992. A photo of the original dock has been provided by the applicant and is included in the attached "BL900-36E_Maps_Plans_Photos.pdf". The applicant made application to the Province for a Specific Permission to replace the original dock in 2010. The CSRD responded to a referral from the Province regarding that application indicating that there were no concerns as there were no bylaws covering the foreshore at that time. The file review took some time for the Province to complete, but a License of Occupation was issued on February 15, 2012 with an expiration of 10 years. The License of Occupation (LOO) expired on February 15, 2022. One of the conditions of renewal of the LOO is that the applicant must hold liability insurance for the dock. The applicant has indicated that in order to obtain liability insurance the dock must be in good legal standing. Other conditions for renewal of the LOO include consent of the upland owner and confirmation that the dock is lawful under the current zoning bylaw.

On August 16, 2012, the CSRD Board adopted Lakes Zoning Bylaw No. 900. Upon adoption, placement of new docks on the foreshore adjacent to the Rail Trail property, which at that time was still owned by CP Rail, was no longer permitted because the bylaw only permits placement of docks in association with waterfront properties. The subject property is not waterfront.

Ortho-imagery taken in September of 2013 (see BL900-36E_Maps_Plans_Photos.pdf), shows that pilings were in the water where the applicant's dock would eventually be placed. The ortho imagery also shows a barge working in the area at the same time, however it appears that the barge was working on removing a neighbouring dock as the neighbouring dock does not appear in ortho imagery from later years. The applicant has provided documentation showing that he paid a pile driving company to install the pilings in July of 2012. This may be considered proof that construction of the dock commenced prior to the adoption of Bylaw No. 900. As such, the applicant's dock is considered by Planning staff to be lawfully non-conforming with regard to Bylaw No. 900. A lawfully non-conforming dock may be maintained but cannot be replaced unless the foreshore is rezoned to allow the dock as a legal permitted use. It is unclear whether lawful non-conforming status is considered "good legal standing" by the applicant's insurance company.

The applicant notes that the dock was built to DFO environmental and installation requirements at a high cost. This includes elevating the walkway by using pilings to prevent grounding at low water and using flow-thru decking to allow sunlight to pass through for marine life. He has also indicated that he is willing to work with the Rail Trail owners on any requirements that may be necessary to prevent members of the public from using the dock, such as installing a flip up ramp separating the walkway ramp from the Rail Trail. See BL900-36E_Applicant_Information_Redacted.pdf", attached.

Lakes Zoning Bylaw No. 900

Lakes Zoning Bylaw No. 900 (Bylaw No. 900) was adopted on August 16, 2012 by the CSRD Board of Directors in response to significant public and provincial concerns about the proliferation of docks and buoys (both authorized and unauthorized) on Shuswap and Mara Lakes. The process to create the bylaw included extensive consultation over several years with the public and stakeholders, including close consultation with the Province. Bylaw No. 900 regulates the use, size and siting of docks, buoys and swimming platforms in Electoral Areas C (South Shuswap), E (Rural Sicamous), and F (North Shuswap). See Map 1 in BL900-36E_Maps_Plans_Photos.pdf, attached. The bylaw was intended to be consistent with Provincial dock regulations, which specify that only waterfront properties with riparian rights may have docks. As such, the bylaw only permits docks in association with waterfront parcels. See "BL900-36E_Excerpts_BL900_BL840_P-11.pdf" and "BL900-36E_PPM_Policy.pdf", attached.

The aquatic Crown land adjacent to the Rail Trail where the subject dock is located is zoned FM1 – Foreshore Multi-Family 1. This zone only permits placement of a dock in association with a waterfront unit that is part of a shared interest or strata development. Staff recognize that this zoning is incorrect because there are no developments of this type in the general vicinity. The appropriate zone for this area at the time the bylaw was written would have been FG1 – Foreshore General 1, which is normally applied to areas where fixed docks would be necessary and where walking the foreshore isn't feasible. It is also the zone that has been applied to the aquatic Crown land south of the FM1 area.

The proposed zoning amendment would rezone the specified portion of the foreshore from FM1 to FG1 with a special regulation which would stipulate that a fixed dock is a permitted use in the proposed location in association with the subject property. It should be noted that the existing dock platform meets the maximum size requirements for the FG1 zone of 33.45 m². The walkway width also meets the requirements of the bylaw. The dock is very long, however there is no maximum length for walkways regulated in Bylaw No. 900.

Bylaw No. 900 differentiates between waterfront and semi-waterfront parcels as outlined below:

WATERFRONT PARCEL is a parcel having a boundary, including a point, in common with the natural boundary of a lake.

SEMI-WATERFRONT PARCEL is a parcel that is only separated from the natural boundary of a lake by a highway or a railway line.

HIGHWAY is a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property.

The Rail Trail is considered a "highway" pursuant to the above definition, and as such, the subject property is considered to be a "semi-waterfront parcel". Docks are only permitted in association with waterfront parcels. The subject property does not meet the definition of waterfront parcel and is therefore not permitted a dock. Semi-waterfront parcels are not permitted to have docks, but they are permitted one buoy and a swim platform subject to the regulations in Bylaw No. 900. While Bylaw No. 900 allows for a swim platform, the current Provincial regulations do not permit them for non-waterfront properties. Staff are aware that Bylaw No. 900 will need to be updated to correct this discrepancy.

It should be noted that with the advent of the Rail Trail project, the trail corridor is intended to become a regional park and has been designated as Park in the new Electoral Area E Official Community Plan Bylaw No. 840 and zoned as Park in the new Electoral Area E Zoning Bylaw No. 841 as described further below. All foreshore within the Bylaw No. 900 area that are adjacent to parkland or MoTI beach accesses are zoned FP – Foreshore Park. The Foreshore Park Zone only permits docks in association with a Park use and there is currently only one site specific regulation permitting a dock in association with a non-park use. This is a special case for a dock that provides access to a non-waterfront, water access only property via an MoTI right of way where there are no public trails in the immediate vicinity.

At some point in the future, staff will be bringing an amendment to the Board to rezone the foreshore adjacent to the Rail Trail as FP – Foreshore Park. This would likely occur some time in 2023. Zoning the area along the Rail Trail as Foreshore Park would be consistent with the approach taken on the rest of the Shuswap Lake system where Parks are located adjacent to the lake. Consideration should be given to the future use of this area as a linear park including whether private docks are an appropriate use of the aquatic Crown land lying adjacent to public parkland.

Electoral Area E Official Community Plan Bylaw No. 840

The Electoral Area E Official Community Plan Bylaw No. 840 was adopted at the February 17, 2022 Board meeting and came into effect on March 1, 2022. The Rail Trail properties are designated as Park in the new OCP, recognizing their proposed use as a linear trail for recreational use. There are also policies regarding appropriate use of the foreshore including encouraging the Province to refer all applications for foreshore use to the CSRD for comment and continued implementation of Bylaw No. 900. The OCP also includes a Foreshore and Water Development Permit Area which requires that property owners obtain a Development Permit prior to the installation of a dock, buoy, or swim platform.

Electoral Area E Zoning Bylaw No. 841

The Electoral Area E Zoning Bylaw No. 841 was also adopted at the February 17, 2022 Board meeting and came into effect on March 1, 2022. The Rail Trail properties are zoned PK – Parks and Protected Areas Zone. The PK zone permits park and passive recreation.

Policy P-11 – Consistent Use of Upland/Adjacent Foreshore and Aquatic Crown Land

[Policy P-11](#) was originally adopted by the Board in September 1985; an updated version was adopted by the Board in August 2019 due to issues related to development of the Rail Trail. See "BL900-36E_Excerpts_BL900_BL840_BL841_P-11.pdf", attached. This policy provides clarification regarding the use of the foreshore by upland property owners and guides staff in responding to referrals regarding use of the Crown foreshore. It iterates that the use of Foreshore and Aquatic Crown Land has an impact

on the use of the adjacent upland and that as a waterfront and upland owner, the CSRD must provide consent to the Province of BC for any Foreshore or Aquatic Crown Land application prior to the Province granting approvals for these adjacent lands. It further outlines that where land use regulations are in place, the Province of BC be advised of the uses permitted in accordance with the CSRD's bylaws, and that any development of land, including the surface of the water, must be compatible with the uses permitted in such land use bylaws. Further, the policy states that where the proposed use of the foreshore and aquatic Crown land is not consistent with the permitted use as regulated in the CSRD's land use bylaws, the Province be requested to decline to issue the license, lease, general or specific permission; alternatively, a landowner may request the CSRD to amend the land use bylaw(s) to be consistent with the proposed use of the foreshore or aquatic Crown land.

Riparian Rights

Riparian rights is a common law principle which applies to property that shares a legal boundary with a watercourse or waterbody. It is a set of rights which essentially allow the property owner the unimpeded right of access to and from the water onto their waterfront property. By extension it allows for the placement of docks on the aquatic Crown land (foreshore) adjacent to a waterfront property. These rights do not extend to properties located across a public road from a waterbody, or where a property is otherwise separated by a legal boundary for titled or untitled land from a waterbody (ie: road right of way, railway line, Crown Land, private land). These rights may be extended to a third party by way of an upland owner consent agreement.

Provincial Private Moorage Policy

The Provincial Private Moorage Policy (see BL900-36E_PPM_Policy.pdf", attached) is used by the Province when considering applications for private moorage. The policy stipulates that specific permissions are available to waterfront property with riparian rights adjacent to the foreshore. The policy further states that docks that infringe upon the riparian right of access of the adjacent upland property must obtain upland owner consent. As noted, the subject property is not waterfront, and the owner has not obtained upland owner consent. Renewal of the expired License of Occupation requires upland consent of the owners of the Rail Trail.

Rail Trail Governance Advisory Committee

The fourteen member Sicamous-to-Armstrong Rail Trail Governance Advisory Committee (GAC) is made up of elected representatives from Splat-sin of the Secwepemc Nation, the Columbia Shuswap Regional District (CSRD), and the Regional District of North Okanagan (RDNO), and includes the communities of Sicamous, Enderby, Armstrong, Spallumcheen, Salmon Arm, Lumby, and Coldstream. Issues related to development of the Rail Trail including how to manage existing encumbrances including crossings and docks are dealt with by the GAC with technical support from the Rail Trail Technical Operational Committee (TOC) which is made up of staff members from Splat-sin, RDNO and CSRD.

Regarding encumbrances along the Rail Trail, the Board passed a resolution at the October 17, 2019 Board meeting placing a moratorium on any new upland consent pending further review by the TOC, and until such time as a new policy can be presented to the GAC. To date the TOC has not presented a policy to the GAC regarding the granting of License of Upland Consent Agreements for docks, but the TOC has recommended to the GAC that granting of License of Upland Consent Agreements be consistent with the Provincial Private Moorage Policy, which does not permit docks for non-waterfront properties. The TOC also presented a briefing note to the GAC dated September 27, 2021, recommending that swim platforms and associated crossings not be permitted on the foreshore adjacent to the Rail Trail, and this recommendation was passed by the GAC and both Regional District Boards at their October 2021 meetings. See "BL900-36E_Rail_Trail_Info_Redacted.pdf", attached.

Upland Consent

When the rail corridor was sold to the CSRD and RDNO in December 2017 all encumbrances, including those agreements with CP Rail, were assumed by the owners. Specific Permissions for docks issued under the new Provincial Private Moorage Policy do not have a fixed term or require replacement. However, when a Specific Permission granted under the former policy expires the owner must apply for a new Specific Permission. As there is no expiry on the new Permissions, the Province ordinarily requires an upland consent agreement from the new waterfront property owners to ensure that consent is granted for the full term of the permit.

In this case, when the subject dock was originally placed, the upland owner was CP Rail. Upland consent was never formally granted by CP Rail for the subject dock. Despite this, the Province issued tenure in the form of a License of Occupation. The wording of the tenure agreement states that if the upland owner wishes to exert its riparian rights in the future, the tenure can be revoked. Since the tenure was issued, the rail corridor was sold and is now owned by the CSRD and RDNO in this location. Upland consent is now at the discretion of these new owners.

Other Considerations

As noted above, Bylaw No. 900 does not allow placement of docks in association with properties that are not waterfront. This is the second application in the Bylaw No. 900 area the CSRD has received requesting rezoning of the Crown foreshore adjacent to the Rail Trail for placement of a dock that is not associated with a waterfront property. The first application was for a property that did not have an existing dock or a Specific Permission but did have a previous upland consent agreement with CP Rail. Staff recommended that first reading of the bylaw amendment be denied and the Board agreed. The proposed amending bylaw did not receive first reading.

Staff are aware that there are a large number of docks in the Bylaw No. 900 area (Shuswap and Mara Lakes) that are not associated with waterfront properties. Ortho imagery for the subject area indicates that there are several docks along this section of Mara West Road, and the properties they are associated with are not waterfront. Only one of these docks has received all of the required approvals including upland consent and Provincial Specific Permission. It was installed prior to adoption of Bylaw No. 900 so it is considered lawfully non-conforming with respect to CSRD bylaws. Evidence provided by the applicant indicates that the subject dock is also lawfully non-conforming as the pilings for the dock were installed prior to the adoption of Bylaw No. 900. However, the applicant does not have upland consent and the Specific Permission that was granted by the Province in 2012 expired in February 2022. It is noted that lawful non-conforming status only relates to zoning and is not contingent upon approvals from other levels of government. See "BL900-36E_Rail_Trail_Info_Redacted.pdf" for a map showing the status of the docks in this area.

With regard to docks installed in other parts of the Bylaw No. 900 area in association with non-waterfront properties, they are considered to be either lawfully non-conforming with regard to Bylaw No. 900 if installed prior to adoption of the bylaw in 2012; or unlawful, if installed after adoption of the bylaw. Enforcement of unlawful docks to date has been on a complaint basis only. However, as a result of Rail Trail development the unlawful docks in the Mara West Road area may need to be removed. This is something that will have to be considered by the Rail Trail Governance Advisory Committee and the owners of the Rail Trail. As outlined above, there is currently a moratorium in place regarding any new upland consent agreements until such time as a policy is developed and approved by the Rail Trail Governance Advisory Committee and the owners of the Rail Trail.

Provincial staff have indicated that where an applicant for Specific Permission doesn't have both upland consent and zoning compliance, they would consider the application incomplete, and it would not be accepted. As the permission for the subject dock has expired and there is a moratorium in place regarding new license and upland consent agreements the applicant may not be able to obtain the necessary approvals from the upland owners and the Province. If the proposed bylaw amendment receives first reading a referral would be sent to the GAC as part of the referral process.

The following steps would be required to obtain upland consent:

- The TOC would need to bring the matter to the GAC for review;
- The GAC would need to make a recommendation to the Rail Trail owners recommending approval of entering into a License and Upland Consent with the applicant; and
- The recommendation would need to be passed by the CSRD Board, RDNO Board and Splitsin Council.

If first reading is denied, as the dock is recognized as lawfully non-conforming, the same steps noted above would be required in order for the dock owner to obtain upland consent. If first reading is granted, a referral would also be sent to the Province (Ministry of Land, Water and Resource Stewardship – Lands Branch). The response from the Lands Branch should indicate whether or not a new Specific Permission will be granted for the subject dock.

SUMMARY:

The applicant is proposing to rezone the foreshore adjacent to the Rail Trail which is co-owned by the CSRD and RDNO from FM1 to FG1 and add a site specific regulation to the FG1 Zone which would recognize an existing fixed dock which would be for the exclusive use of the subject property, which is not a waterfront parcel and allow it to remain in its current location. Staff recommend that first reading of the proposed amending Bylaw No. 900-36E be denied, for the following reasons:

- The proposal is contrary to the purpose of Lakes Zoning Bylaw No. 900 – docks permitted for waterfront parcels only;
- Reading the amending bylaw a first time may create the public perception that docks are now being considered by the Board for all semi-waterfront parcels in the Bylaw No. 900 area which may not be the message the CSRD wishes to convey as it is contrary to the original intent of Lakes Zoning Bylaw No. 900;
- This recommendation is consistent with the Provincial Private Moorage Policy which does not allow docks for semi-waterfront properties;
- Refusing to amend Bylaw No. 900 to allow the existing dock to remain adjacent to the Rail Trail, which is designated as Park in the Electoral Area E OCP and zoned as Park and Protected Area in the Electoral Area E Zoning Bylaw, would be consistent with the approach taken in not permitting privately owned docks to be located adjacent to upland properties designated and zoned as Park throughout the Bylaw No. 900 area;
- Owners of non-waterfront properties do not have riparian rights under common law, and the Regional District as co-owner of the Rail Trail properties has an interest in protecting its own riparian rights and limiting liability with regard to the use of its property;
- Approval of this application may have negative ramifications for the design, operation, use and enjoyment of the Rail Trail by the owners, the jurisdictions that funded the acquisition of the rail trail lands, and the future users of the trail; and

- Recognizing the existing dock as lawfully non-conforming with regard to Bylaw No. 900 means that the dock could be maintained in its current location, size and dimensions, but could not be 100% replaced in future. As such, the owner would be able to continue to use the dock in the shorter term until it is no longer functional.

IMPLEMENTATION:

Staff are recommending that first reading of Bylaw No. 900-36E be denied. However, should the Board choose to read the proposed bylaw amendment a first time and direct staff to initiate the referral process, it is recommended that pursuant to Policy P-18 regarding Consultation Processes-Bylaws, the simple consultation process initially be used for this application. Neighbouring property owners will first become aware of the application for Zoning Bylaw amendment when a Notice of Application sign is posted on the property.

The following list of referral agencies is recommended:

- CSRD Operations Management;
- Rail Trail Governance Advisory Committee (Committee of Rail Trail Owners);
- Ministry of Land, Water and Resource Stewardship – Lands Branch;
- Adams Lake Indian Band;
- Akisqnuq First Nation;
- Ktunaxa Nation Council;
- Little Shuswap Lake Band;
- Lower Kootenay Band;
- Lower Similkameen Indian Band;
- Neskonlith Indian Band;
- Okanagan Indian Band;
- Okanagan Nation Alliance;
- Penticton Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation;
- Splotsin First Nation;
- St. Mary's Indian Band; and
- Tobacco Plains Indian Band.

Depending on the results of the Simple Consultation process and the referral responses, staff may recommend to the Board that elements of the Complex Consultation Process, such as a community meeting, be held.

COMMUNICATIONS:

If the Board endorses the staff recommendation the owner will be advised of the Board resolution and the file will be closed.

If the bylaw is given first reading it will be forwarded to the applicable agencies and First Nations for review and comment. Agency comments would be provided with a future Board report. The applicant will be required to post a Notice of Application sign on the subject property in accordance with Development Services Procedures Bylaw No. 4001. Photos of the installed sign must be emailed or received in person by the CSRD no more than 30 days following first reading of the bylaw. Staff will not forward the bylaws to the Board for second reading unless the owner has provided the required information regarding posting of the signs as required in Bylaw No. 4001.

Where an application for rezoning is consistent with the Official Community Plan, staff may recommend that the public hearing be waived pursuant to Section 466 of the Local Government Act and Section 8.1.1 of the Development Services Procedures Bylaw No. 4001. In this case staff would recommend that the public hearing be waived as no amendment to the Official Community Plan is required for amendments to Lakes Zoning Bylaw No. 900. This would occur as part of a report to the Board at the time of second reading, if required. In lieu of holding a public hearing, an advertisement would be placed in two editions of a local newspaper advising that the public hearing has been waived and inviting written submissions. The Board may choose not to waive the public hearing at their discretion. If a public hearing is held it may be held both in person and electronically, subject to public health orders at the time. In accordance with Policy P-25 Public Hearings, the default location for public hearings is the CSRD Board Room. In special circumstances, the Board may choose to hold a public hearing at an alternate location that may be more suitable.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation.

BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2022-09-22_Board_DS_BL900-36E_First.docx
Attachments:	<ul style="list-style-type: none"> - BL900-36E_First.pdf - BL900-36E_Rail_Trail_Info_Redacted.pdf - BL900-36E_PPM_Policy.pdf - BL900-36E_345885_Licence_of_Occupation_Redacted.pdf - BL900-36E_Management_Plan_Redacted.pdf - BL900-36E_Applicant_Information_Redacted.pdf - BL900-36E_Excerpts_BL900_BL840_BL841_P-11.pdf - BL900-36E_Maps_Plans_Photos.pdf
Final Approval Date:	Sep 10, 2022

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

A handwritten signature in blue ink, appearing to be 'C. P. ...', is written over a faint, large blue outline of a map or site plan.

Corey Paiement



Gerald Christie



Jennifer Sham

No Signature - Task assigned to Jodi Pierce was completed by assistant Jennifer Sham

Jodi Pierce