



BOARD REPORT

TO:

Chair and Directors

File No:	DP830-215 PL20170142
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SUBJECT:

Electoral Area F: Development Permit No. 830-215 (Rogers – Smith)

DESCRIPTION:

Report from Candice Benner, Development Services Assistant, dated August 24, 2017.
1218 Beatrice Road, Lee Creek

RECOMMENDATION:

THAT: in accordance with Section 490 of the Local Government Act, Development Permit No. 830-215 (Rogers-Smith) for a Foreshore and Water Development Permit for Lot 5, Section 25, Township 22, Range 12, and of Section 30, Township 22, Range 11, W6M, KDYD, Plan 7418, varying 4.4.2(b) of Lakes Zoning Bylaw No. 900, as follows:

1. Maximum total upward facing area for a floating dock from 24m² to 27.87 m²; and,
2. Maximum width of any portion of a floating dock surface from 3 m to 3.048 m,

be approved for issuance this 21st day of September, 2017.

SHORT SUMMARY:

The subject property is located in Lee Creek of Electoral Area F at 1218 Beatrice Road and is located in the Electoral Area F Official Community Plan Bylaw No. 830 area that establishes a Development Permit (DP) Area. The owner would like to replace an old 44.58 m² floating dock with a new 27.87 m² ecofriendly floating dock in Shuswap Lake, adjacent to their upland property, which requires a Foreshore and Water Development Permit (DP).

The proposed dock size of 27.87 m² with a width of 3.048 m is 3.87 m² larger and .048 m wider than what is permitted in the FR1 Foreshore Residential 1 zone in Lakes Zoning Bylaw No. 900 and therefore, requires a variance to the DP. The proposed dock size is more than a 10% variance and therefore requires Board review and approval.

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:

Hope Rogers, Leslie Rogers, Geoffrey Smith

APPLICANT:

Triton Docks Inc./Nadine Mayer

CIVIC ADDRESS:

1218 Beatrice Road

LEGAL DESCRIPTION:

Lot 5, Section 25, Township 22, Range 12, and of Section 30, Township 22, Range 11, W6M, KDYD, Plan 7418 (PID: 009-997-555)

EXISTING DOCK SYSTEM:

Walkway: 0.914 m (width)

Floating dock: 44.58 m²

PROPOSED DOCK SYSTEM:

Walkway: 0.914 (width)

Floating dock: 9.144 m x 3.048 m = 27.87 m²

ZONING:

FR1 – Foreshore Residential 1

SITE COMMENTS:

Staff did not conduct a site visit. According to mapping, the property is waterfront to Shuswap Lake and is surrounded upland by other residential properties. According to the applicant, the neighbouring properties have larger sized docks, similar to the 44.5 m² dock size the owners currently have.

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 F Official Community Plan Bylaw No. 830 (Bylaw No. 830)

Section 13.2 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).

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 now 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.

Development Permit with Variance:

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

- a) Section 4.4.2(b) Maximum size of floating dock in total upward facing surface area (not including removable walkway) from 24 m² to 27.87 m²; and,
- b) Section 4.4.2(b) Floating dock width from 3 m to 3.048 m.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

The current 44.58 m² dock requires replacing as it is several years old and falling apart; the existing dock is considered non-conforming and the owners are permitted to complete repairs up to 75% of the dock over a 3 year period. However, the owners are wanting to replace the old dock with a new aluminum dock with environmentally friendly materials and therefore requires a Foreshore and Water DP. The owners are proposing to downsize the size of the new dock to 27.87 m² which is significantly smaller than the existing dock but still requires variance approval as it is 3.87 m² over the permitted 24 m² size.

The subject property is located in an area with a shallow foreshore that extends quite a distance into the lake; the proposed dock size will help the owners achieve the required 1.5 m depth requirement from the Province. The provincial best management practices for depth clearance below a floating structure help ensure minimal potential impacts to fish and fish habitat from boat propellers. The applicant/dock builder has indicated that the walkway will already need to be quite long to meet the depth requirement for the proposed dock; they have indicated that if the owners must build a smaller dock, the builder is not comfortable with making the walkway even longer as it would potentially compromise the integrity of the walkway, dock, and lake bed and is therefore unsure of a dock design that would meet both provincial and CSRD requirements.

The proposed dock width variance from the permitted 3 m to 3.048 m (0.048 m difference) is due to the conversion between metric and imperial for dock building materials. The dock building industry work in imperial measurements with their materials and designs measured in feet and inches; 3.048 m converts to 10.0 ft. exactly, which is what the materials are designed to.

The owners have obtained a Section 11 "Change In and About a Stream", June 27, 2017, for this proposed works and they do not require a specific permission from the Province to build the proposed dock.

SUMMARY:

Staff is recommending approval of issuance for this DP with a variance for the following reasons:

- The proposed dock size is significantly smaller than the existing dock;
- The new aluminum dock is more environmentally friendly than the existing dock;
- The proposed dock size will help the owners meet the provincial 1.5 m depth requirement as the lake in this area is very shallow.

IMPLEMENTATION:

If the Board approves issuance of DP 830-215, the owner will be advised of the decision and staff will prepare a 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 DP variance application by mail, prior to consideration by the Board.

This application is in an area that currently is without an APC.

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.*

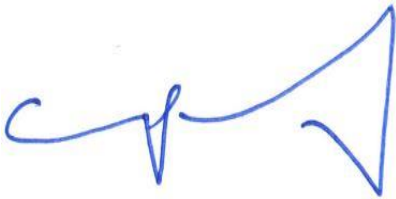
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Lakes Zoning Bylaw No. 900
2. Electoral Area F Official Community Plan Bylaw No. 830

Report Approval Details

Document Title:	2017-09-21_Board_DS_DP830-215_Rogers.docx
Attachments:	- DP830-215.pdf - DP830-215_maps.pdf
Final Approval Date:	Sep 11, 2017

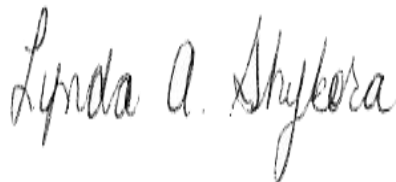
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Sep 11, 2017 - 9:38 AM



Gerald Christie - Sep 11, 2017 - 9:47 AM



Lynda Shykora - Sep 11, 2017 - 12:37 PM



Charles Hamilton - Sep 11, 2017 - 3:22 PM