



BOARD REPORT

TO:

Chair and Directors

File No:	BL 900-21 PL20170117
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SUBJECT:

Electoral Area C: Lakes Zoning Amendment (Finz Resort Ltd.) Bylaw No. 900-21

DESCRIPTION:

Report from Dan Passmore, Senior Planner, dated August 9, 2017.
2001 Eagle Bay Road, Blind Bay.

**RECOMMENDATION
#1:**

THAT: "Lakes Zoning Amendment (Finz Resort Ltd.) Bylaw No. 900-21" be read a second time this 21st day of September, 2017;)

**RECOMMENDATION
#2:**

THAT: a public hearing to hear representations on Lakes Zoning Amendment (Finz Resort Ltd.) Bylaw No. 900-21 be held;

AND THAT: notice of the public hearing be given by staff of the Regional District on behalf of the Board in accordance with Section 466 of the Local Government Act;

AND FURTHER THAT: the holding of the public hearing be delegated to Director Paul Demenok, as Director for Electoral Area 'C' being that in which the land concerned is located, or Alternate Director Arnie Payment, if Director Demenok is absent, and the Director or Alternate Director, as the case may be, give a report of the public hearing to the Board.

SHORT SUMMARY:

The proposal is to amend the FC3 – Foreshore Commercial 3 Zone of Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to allow an expansion of the existing marina operation from 55 mooring berths to a total of 110 mooring berths.

The Board gave Bylaw No. 900-21 first reading at the July 20, 2017 regular meeting and directed staff to utilize the simple consultation process. The development notice was posted in accordance with Development Services Procedures Bylaw No. 4001, as required. Staff has referred the bylaw to the Electoral Area 'C' Advisory Planning Commission, affected Ministries, agencies and First Nations and comments received have been summarised in an attachment to this report. Additionally, the applicant has supplied more information, including an updated parking plan, to help the Board in its consideration of this expanded marina proposal. It is now appropriate for the Board to consider second reading and to delegate a Public Hearing.

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 attached report dated June 9, 2017.

POLICY:

See attached report dated June 9, 2017.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

Finz currently operates a marina on Shuswap Lake adjacent to their commercial operation on the upland property. The commercial operation involves a neighbourhood pub and restaurant, a convenience store, a campground and the associated marina. The owner has submitted this application to amend the site specific regulation to expand the existing marina further into the lake with additional slips totalling 110 slips to their current mooring facilities.

Electoral Area C Official Community Plan Bylaw No. 725 policies are silent on the issue of expansion of existing marina facilities, except to discourage proposals which would have a negative ecological impact. Policies actively discouraging new development, either on the lake or the foreshore are only impacting proposed new development proposals.

Lakes Zoning Bylaw No. 900 currently only extends specific zoning 200 m into the lake from the natural boundary. This proposal will extend the marina use 173.9 m into the lake, so the new expanded dock will comply with setback requirements.

The expanded dock is designed to angle away from adjacent properties to the south, to provide clearance from lake drinking water intakes for neighbouring properties, which were installed encroaching into the Finz license area in the past. The applicant has supplied a map showing the location of the water intakes as part of the application materials.

The applicant has provided a parking plan to help illustrate compliance with the parking requirements of Bylaw No. 701. Currently Bylaw No. 701 requires the following parking quantities for each of the existing uses on the subject property:

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|----------------------|--|
| • Marina | 1 stall per 2 berths |
| • Neighbourhood Pub | 1 per 3 seats |
| • Restaurant, Eat-in | 1 per 10 m ² of gross leasable area |
| • Convenience Store | 1 per 35 m ² of gross floor area |
| • Campground | 1 per camp site |

In addition to requiring parking stall numbers, minimum stall sizes (2.8 m wide x 5.5 m long) and maneuvering aisle dimensions are also required. The parking requirement for marina use does not currently specify requirements for both car and boat trailer parking.

The applicant has recently provided a plan to illustrate compliance with the parking requirements for all of the proposed uses on the site. The bylaw requires 148 offstreet parking stalls, and the applicant has proposed 159 total parking spaces.

The applicant has advised that to this point boat trailer parking on the site has been offered as a convenience to patrons. The applicant is currently working with a civil engineer to develop a plan for development of the upper portion of the property. This will involve additional campsites, for the most part, but as design plans are completed, they will know more about what sort of room is available for boat trailer parking. The owner would then restrict boat trailer parking to what they have room for after they have met the requirements for car parking.

The applicant has indicated that the parking areas shown in the new design plan will be constructed at, or around the same time as the dock expansion is constructed, if the rezoning amendment is approved

by the Board. In order to ensure that this parking area construction will take place, the owner has offered to register a Section 219 covenant against the title of the subject property that would restrict the use of the expanded marina facilities until the expanded parking area has been constructed. Staff are supportive of this approach.

The MoT has responded to the referral by indicating that the owner will be required to submit an application for a commercial access permit. In order to process the permit, MoT requires significant information on parking and internal roadway networks on the site. The applicant has made an application to the MoT for a commercial access permit, and has submitted the new parking plan to the MoT for review. Staff will advise the Board on the progress of this parallel process with MoT, as information becomes available.

The applicant will need to apply to the Lands Branch of the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) for an amended commercial marina license to expand on their current licensed areas (DLs 6021 and 5974) and to the Water Rights Branch of MFLNRO for a permit to construct the expanded dock. The applicant has done this, and the Water Rights Branch of MFLNRO has advised that a full Environmental Impact Analysis of the proposal is not required, as the applicant has already supplied the Ministry with adequate information. However, certain other supplementary information has been required in the form of an Environmental Management Plan, as follows:

- Plan Objective (purpose of the EMP)
- Overview of proposed works and site location
- Current situation and timing
- Summary of site data (can be in a table, or drawings showing dock dimensions)
- General construction overview
- Environmental monitor and BMP information
- Reporting schedule

SUMMARY:

The proposal is to amend the FC3 – Foreshore Commercial 3 Zone of Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to allow an expansion of the existing marina operation to a total of 110 mooring berths. Staff is recommending that the Board consider the agency referral responses and then consider the bylaw for second reading and delegation of a Public Hearing.

IMPLEMENTATION:

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommended the simple consultation process. Neighbouring property owners first became aware of the application for zoning amendments when the notice of development sign was posted on the property.

COMMUNICATIONS:

If the Board supports second reading of Bylaw No. 900-21 and delegates a Public Hearing staff will proceed with notification of adjacent property owners and advertising the Public Hearing as set out in the Local Government Act.

Referral agencies have provided their comments and they have been attached as Appendix B to this report.

DESIRED OUTCOMES:

That the Board endorse staff recommendations.

BOARD'S OPTIONS:

1. *Endorse the staff 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. Electoral Area C Official Community Plan Bylaw No. 725, as amended.
2. South Shuswap Zoning Bylaw No. 701, as amended.
3. Lakes Zoning Bylaw No. 900, as amended.

Report Approval Details

Document Title:	2017-10-19_Board_DS_BL900-21_Finz.docx
Attachments:	- BL900-21 Second.docx - Maps_Plans_BL900-21.pdf - APPENDIX-B-AgencyReferralResponses-Updated.pdf
Final Approval Date:	Oct 6, 2017

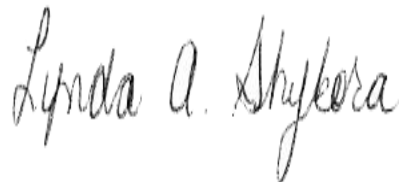
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Oct 3, 2017 - 4:07 PM



Gerald Christie - Oct 5, 2017 - 8:04 AM



Lynda Shykora - Oct 6, 2017 - 12:34 PM



Charles Hamilton - Oct 6, 2017 - 3:15 PM