



BOARD REPORT

TO:

Chair and Directors

File No:	BL900-22
	PL20170149

SUBJECT:

Electoral Area C: Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22

DESCRIPTION:Report from Jennifer Sham, Planner, dated October 24, 2017.
3965, 3967, 3970 & 3972 Sunnybrae-Canoe Point Road, Sunnybrae**RECOMMENDATION:**THAT: "Lakes Zoning Amendment (Gray-Ulry) Bylaw No. 900-22" be read a first time this 16th day of November, 2017;

AND THAT: The Board utilize the simple consultation process for Bylaw No. 900-22 and it be referred to the following agencies and First Nations:

- Advisory Planning Commission C;
- Interior Health Authority;
- Ministry of Environment;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- Department of Fisheries and Oceans;
- FrontCounterBC;
- Transport Canada;
- CSR D Operations Management;
- CSR D Financial Services; and,
- All relevant First Nations Bands and Councils.

SHORT SUMMARY:

The owners would like to amend the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) to recognize 8 private mooring buoys and a shared dock adjacent to the common property of Strata Plan KAS2305 located in Sunnybrae in Electoral Area C. The proposal is to rezone the water adjacent to Strata Plan KAS2305 from FR1 Foreshore Residential 1 to FM2 Foreshore Multi-Family 2 zone, and to add a special regulation to recognize the existing dock and 8 private mooring buoys within the zone.

VOTING:Unweighted
Corporate☐LGA Part 14
(Unweighted)☒Weighted
Corporate☐Stakeholder
(Weighted)☐**BACKGROUND:**

REGISTERED OWNER(S):

KAS2305

Strata Lot 1 = Norman Gray & Bonnie Gray

Strata Lot 2 = Lloyd Ulry & Gloria Ulry

APPLICANT:

Gloria Ulry

AGENT:

Gloria Ulry

ELECTORAL AREA:

C

LEGAL DESCRIPTIONS:

Strata Lots 1 & 2, Section 12, Township 21, Range 10, W6M, KDYD, Strata Plan KAS2305, together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V

PID(S):

KAS2305

Strata Lot 1 = 024-932-213

Strata Lot 2 = 024-932-221

CIVIC ADDRESS:

KAS2305

Strata Lot 1 = 3965, 3967 & 3970 Sunnybrae-Canoe Point Road, Sunnybrae

Strata Lot 2 = 3972 Sunnybrae-Canoe Point Road, Sunnybrae

SURROUNDING LAND USE PATTERN:

North = Sunnybrae-Canoe Point Road, Bastion Mobile Village Mobile Home Park

South = Shuswap Lake

East = Residential

West = Lakeview Estates Mobile Home Park

CURRENT & PROPOSED USE:

Residential

PARCEL SIZE:

KAS2305

Strata Lot 1 = 0.195 ha

Strata Lot 2 = 0.165 ha

Common = 0.12 ha

DESIGNATION:

Electoral Area C Official Community Plan Bylaw No. 725

SSA Secondary Settlement Area

RR Rural Residential

FW Foreshore Water (Moorage)

ZONE:

Lakes Zoning Bylaw No. 900
FR1 Foreshore Residential 1

PROPOSED ZONE:

Lakes Zoning Bylaw No. 900
FM2 Foreshore Multi-Family 2

AGRICULTURAL LAND RESERVE:

0%

SITE COMMENTS:

Development Services (DS) staff visited the subject properties on October 12, 2017. Strata Lot 1, KAS2305 includes 3965, 3967, and 3970 Sunnybrae-Canoe Point Road: two dwellings to the north of Sunnybrae-Canoe Point Road and one to the south. Strata Lot 2, KAS2305 includes 3972 Sunnybrae-Canoe Point Road but there are 2 single family dwellings on this lot. The common area includes lands on both sides of Sunnybrae-Canoe Point Road. At the time of the site visit, the lake level was low; however, staff was unable to account for all the buoys associated with this application in the water. Prior to adoption of this bylaw, all the buoys will be tagged and documented as a condition of rezoning. See "Maps_Plans_Photos_BL900-22.pdf".

POLICY:

Electoral Area C Official Community Plan Bylaw No. 725 (Bylaw No. 725)
SSA Secondary Settlement Area
RR Rural Residential
FW Foreshore Water (Moorage)

If this bylaw amendment application is successful, a Foreshore and Water Development Permit will be required.

See "BL725_Policies_BL900-22.pdf" attached.

Lakes Zoning Bylaw No. 900
FR1 Foreshore Residential 1

1.1 Definitions

BERTH is a moorage space for a single vessel at a fixed or floating dock.

GROUP MOORAGE FACILITY is one or more multi-berth fixed or floating docks providing communal moorage to an adjacent multi-dwelling unit or multi-parcel residential development, including a strata or shared interest development.

PRIVATE MOORING BUOY is a small floating structure used for the purpose of boat moorage, typically composed of rigid plastic foam or rigid molded plastic and specifically manufactured for the intended use of boat moorage, but does not include a fixed or floating dock or swimming platform.

Part 3 General Regulations**3.3 Berths**

.1 the number of total berths shall be calculated by counting each:

- (a) Dedicated moorage space for a single vessel at a fixed or floating dock to a maximum of 10 m (32.81 ft) of linear length on its longest side; and,

- (b) 10 m (32.81 ft) of linear length of a fixed or floating dock that may be used for the mooring of a single vessel.

FRI Foreshore Residential 1

Permitted uses: floating dock, including removable walkway, that is accessory to a permitted use on an adjacent waterfront parcel; private mooring buoy(s) that is accessory to a permitted use on an adjacent waterfront parcel or an adjacent semi-waterfront parcel; boat lift(s) that is accessory to a permitted use on an adjacent waterfront parcel.

Density:

Dock: 1 floating dock per adjacent waterfront parcel;

Private mooring buoys: 1 per adjacent semi-waterfront parcel; 1 per adjacent waterfront parcel with a lake boundary less than 30 m; 2 per adjacent waterfront parcel with a lake boundary of more than 30 m.

Size:

Floating dock must not exceed 24 m² in total upward facing surface area (not including removable walkway)

Floating dock surface must not exceed 3 m in width for any portion of the dock.

Removable walkway surface must not exceed 1.5 m in width for any other portion of the walkway.

Location and siting:

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 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 from a Foreshore Park zone or park side parcel boundaries projected onto the foreshore and water.

Additional setbacks for private mooring buoys:

- 20 m from any existing structures on the foreshore or water.
- 50 m from any boat launch ramp or marina.

See "Maps_Plans_Photos_BL900-22.pdf".

FINANCIAL:

This rezoning application is the result of a bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, and the owners do not bring the property into compliance, the Board may choose to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

The agent states that the existing dock has been in its current location since 1997. No licence of occupation or dock licence has ever been issued by the province for this dock; therefore, the Lakes Zoning Bylaw No. 900 did not recognize the dock. In 2015, the owners of Strata Lot 1 & 2 of KAS2305 replaced a portion of the existing dock, without a development permit, and a bylaw enforcement complaint was received. Upon receiving an application for a development permit, DS staff determined that the floating dock was providing communal moorage to the adjacent strata properties, and group moorage facility was not a permitted use in the FR1 zone. Further, the owners also stated that they had

8 existing private mooring buoys associated with the strata lots. Through a series of meetings between the owners and DS staff, the owners of KAS2305 submitted an application to rezone the water adjacent to KAS2305 to bring the property into compliance with Bylaw No. 900.

According to the dock plans supplied by the owners, the floating dock is 21.81 m² while the two walkways are 24.57 m² and 30.72 m² each. The total length of the dock and walkway is 33.48 m. The existing floating dock has 2 berths and is 7.15 m in length. The agent has indicated that the walkway exceeds the Provincial General Permission maximum width of 1.5 m at 2.1 m. Staff has informed the owners that a Provincial Specific Permission is required for this variance. The agent states that when she contacted FrontCounterBC, staff would not accept their Specific Permission application because the CSRD's rezoning process must be completed before the Specific Permission is issued.

As part of this application, the owners have indicated that they would like to also recognize the 8 private mooring buoys associated with the strata lots (4 buoys per strata lot) that existed before the adoption of Bylaw No. 900. The proposed bylaw amendment will create a zone boundary extending from the shoreline into Shuswap Lake that includes the dock and the 8 private mooring buoys. Bylaw No. 900 zone boundary currently only extends 200 m into Shuswap Lake in this area. This proposal will also extend the zone boundary 250 m into Shuswap Lake to include all 8 existing private mooring buoys. Further, this bylaw amendment will include a variance to the minimum setback area for the side parcel boundaries to the side zone boundaries, and the distance between Buoy I and Buoy J, as shown on Schedule 2 of Bylaw No. 900-22. Due to the curvature in the bay shoreline, the existing dock and buoys would be outside of the zone boundaries and would require a 0 m setback variance, if the setback was measured from the side parcel boundaries of the waterfront parcel projected onto the foreshore and water. Staff propose to measure the side boundaries from the proposed zone boundaries, and no variance is required for the existing dock or buoys. Of the buoys in the bay within the proposed zone area, two are within 20 m of one another; a variance has been included in this bylaw amendment to allow Buoy I and Buoy J (as shown on Schedule 2) to be within 18 m of each other. See "Maps_Plans_Photos_BL900-22.pdf" and "BL900-22_first.pdf".

The current FR1 zone allows 1 floating dock per adjacent waterfront parcel and 1 private mooring buoy per adjacent waterfront parcel having a lake boundary length of less than 30 m; the maximum width of the walkway must not exceed 1.5 m. The proposed FM2 zone allows a group moorage facility with 20 berths and 2 private mooring buoys; this zone does not have a maximum width for a walkway, but the floating dock surface must not exceed 3 m in width for any portion of the dock. The existing dock is 3.05 m in width; however, through the development permit process, the Manager of DS is able to issue a Development Permit with a minor variance.

Section 2.3.2.7 of Bylaw No. 725 states that the Regional District will encourage waterfront owners to consider shared docks in the interests of having one larger lock that extends into deep water, rather than a number of individual docks that are in relatively shallow water with higher fish habitat values. The existing dock is providing moorage for up to 4 dwelling units associated with KAS2305. If this rezoning is adopted, the owners of KAS2305 will be permitted one dock with 2 berths, and 8 private mooring buoys; no additional docks or buoys will be permitted.

SUMMARY:

DS staff is recommending BL900-22 be given first reading and sent to the referral agencies listed below for the following reasons:

- One shared dock for the strata will have less environmental impact on the foreshore area than the two permitted in the current zone;
- Bylaw No. 725 policies regarding waterfront development support this proposal; and,
- The owners are proposing to recognize existing uses that pre-date the adoption of Bylaw No. 900.

IMPLEMENTATION:

CSRD Policy P-18 regarding Consultation Processes- Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application when a notice of application sign is posted on the property.

Referral Process

The following list of referral agencies is recommended:

- Advisory Planning Commission C;
- Interior Health Authority;
- Ministry of Environment;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- Department of Fisheries and Oceans;
- FrontCounterBC;
- Transport Canada;
- CSRD Operations Management;
- CSRD Financial Services; and,
- All relevant First Nations Bands and Councils:
 - Neskonalith Indian Band;
 - Little Shuswap Indian Band; and,
 - Adams Lake Indian Band.

COMMUNICATIONS:

If the Board gives Bylaw No. 900-22 first reading, the bylaw will be sent out to referral agencies. Referral responses will be provided to the Board with a future Board report, prior to delegation of a public hearing.

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.*

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

1. Electoral Area C Official Community Plan Bylaw No. 725

2. Lakes Zoning Bylaw No. 900

Report Approval Details

Document Title:	2017-11-16_Board_DS_BL900-22_Gray-Ulry.docx
Attachments:	- BL900-22_First.pdf - BL725_Policies_BL900-22.pdf - Maps_Plans_Photos_BL900-22.pdf
Final Approval Date:	Nov 7, 2017

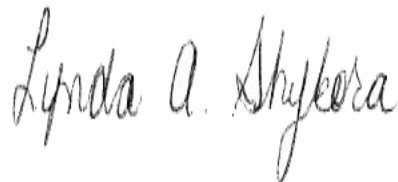
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Nov 6, 2017 - 1:19 PM



Gerald Christie - Nov 7, 2017 - 8:15 AM



Lynda Shykora - Nov 7, 2017 - 8:37 AM



Charles Hamilton - Nov 7, 2017 - 8:43 AM