



BOARD REPORT

TO: Chair and Directors

File No: BL900-19
PL20170056

SUBJECT: Electoral Area E: Lakes Zoning Amendment (Layden)
Bylaw No. 900-19

DESCRIPTION: Report from Christine LeFloch, Development Services Assistant, dated October 17, 2017.
655 Swanbeach Road, Swansea Point

RECOMMENDATION #1: THAT: "Lakes Zoning Amendment (Layden) Bylaw No. 900-19" be considered for third reading this 16th day of November, 2017.

RECOMMENDATION #2: THAT: "Lakes Zoning Amendment (Layden) Bylaw No. 900-19" be considered for adoption this 16th day of November, 2017.

SHORT SUMMARY:

The foreshore area proposed to be rezoned is located in the Swansea Point area of Electoral Area E. The applicants have applied to amend Lakes Zoning Bylaw No. 900 to recognize the existing fixed dock associated with 655 Swanbeach Road. This dock is not currently sited in compliance with the required setbacks. The proposed amendment would add a special regulation to the FR1 Foreshore Residential Zone, which would apply to the portion of Mara Lake lying adjacent to the property legally described as Lot 4, Section 11, Township 21, Range 8, W6M, KDYD, Plan 9181, which contains the existing fixed dock.

The Board gave second reading to BL900-19 at their meeting held August 17, 2017 and delegated a public hearing to be chaired by Director Martin as Director for Electoral Area E. The public hearing was held on September 20, 2017 at the Sicamous and District Recreation Centre. There were 8 members of the public in attendance, including the owners and applicant. The notes of the public hearing and three letters of opposition received are attached to this report along with several letters of support received prior to second reading. It is now appropriate for the Board to consider the bylaw for third reading and adoption.

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:

AGENT:
Nexus Dock and Marina c/o Lorna Eng

REGISTERED OWNER:
Terry Layden

ELECTORAL AREA:
E

LEGAL DESCRIPTION:

Lot 4, Section 11, Township 21, Range 8, West of the 6th Meridian, Kamloops Division Yale District, Plan 9181

CIVIC ADDRESS:

655 Swanbeach Road

SURROUNDING LAND USE PATTERN:

North: Mara Lake

South: Residential

East: Residential

West: Residential

CURRENT & PROPOSED USE:

Single Family Dwelling, fixed dock, mooring buoy

PARCEL SIZE:

.086 Ha (0.2 ac)

OCP/ZONING - Rural Sicamous Land Use Bylaw No. 2000:

RS – Residential

CURRENT FORESHORE ZONING – Lakes Zoning Bylaw No. 900:

FR1 - Foreshore Residential 1

PROPOSED LAKE ZONING:

FR1 – Foreshore Residential 1 with site specific regulation permitting a fixed dock setback a minimum of 1.8 m from the west property boundary.

AQUATIC HABITAT INDEX RATING:

Low

SHORE TYPE & VEGETATION:

Gravel beach with imported sand

SITE COMMENTS:

The subject property is located on Swanbeach Road in the Swansea Point area. The property is developed with a single family dwelling and has 15.24 m of lake frontage. The five lots immediately to the east are part of the same subdivision plan and all have the same amount of lake frontage. The two lots immediately to the west were formerly three lots in the same subdivision plan, but the boundaries were realigned to create two larger lots which have more lake frontage. The majority of the lots along this stretch of beach have fixed docks with long walkways and fingers. There are a few exceptions to this rule, including the adjacent property to the west which recently installed a floating dock which meets the size and siting requirements of Bylaw No. 900. Many of these houses are sited close to the high water mark and there are a few dock walkways that lead all the way to the house.

POLICY:

Please see the attached staff report dated 2017-06-15.

FINANCIAL:

The rezoning is the result of bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, and the owner does not bring the property into compliance by replacing the fixed dock with a floating dock of the required size, the Board may then wish 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:

This application proposes to add a site specific zone to the FR1 Zone of Lakes Zoning Bylaw No. 900 to recognize an existing fixed dock that is currently sited too close to the west side boundary of the subject property as projected onto the foreshore. At the August 17, 2017 Board meeting the Board gave the bylaw amendment 2nd reading as amended and referred it to a public hearing to be held in Sicamous and chaired by Electoral Area E Director, Rhona Martin.

A public hearing was held on September 20, 2017 at the Sicamous and District Recreation Centre to hear representations from the public regarding the proposed bylaw amendment. The owners, the applicant and her son were in attendance along with 4 interested members of the public who live in the Sorrento area and represent a group called the Sorrento Beach Walkers. This group advocates for the public's right to walk the Crown foreshore unimpeded. Although not from the immediate community, the members of this group are interested in the outcome of this application. They brought a "beach rider" to the meeting, which is a wheelchair adapted for use in the beach environment. This was brought to demonstrate the types of users who may want to access the public foreshore. Three letters of opposition were received by members of this group.

Prior to the August Board meeting a letter including several signatures from abutting property owners and other neighbours in the area was received offering support to the rezoning application. A letter was also received from the applicant Lorna Eng, of Nexus Dock and Marina, outlining the reasons the dock was reconstructed as it was.

Referral comments received from Ministry of Forests, Lands, Natural Resource Operations and Rural Development recommended approval of the bylaw amendment as the dock has been in the same location for several years, and they have not received any complaints from the owners of the affected neighbouring property to the west. They have also noted that when the piles are replaced the dock owner will need to adhere to current setback requirements.

In preparing a recommendation on this application staff have taken the support of the immediate neighbourhood into consideration. However, staff also recognize that the issue raised by the members of the Sorrento Beach Walkers is also an important consideration when dealing with applications for foreshore structures. The foreshore is publicly owned, and the right of the public to access and walk the beach should be considered when reviewing applications from waterfront property owners to place structures on the foreshore. In this case, the design of the dock includes a ramp intended to allow access over the structure to those walking the beach.

SUMMARY:

The applicant has replaced an older fixed dock with a new fixed dock of the same size and configuration using the existing piles. They have applied for an amendment to the FR1 Zone which would permit a fixed dock to be sited on the foreshore adjacent to the subject property only and would include a variance to allow the dock to be sited within the required setback from the west property boundary as

projected onto the foreshore. Front Counter BC has issued a Specific Permission for this dock. Based on the positive input received from neighbouring property owners for this proposal staff is recommending that Bylaw 900-19 be considered for third reading and adoption.

IMPLEMENTATION:

If the Board reads Bylaw No. 900-19 a third time and adopts the bylaw amendment, staff will advise the owner and applicant of the Board's decision. Bylaw No. 900 will be amended to include the site specific provisions for the subject property and the bylaw enforcement file will be closed.

COMMUNICATIONS:**Consultation Process**

CSRD Policy P-18 regarding Consultation Processes-Bylaws, indicates that a simple consultation process can be followed. Following first reading the applicant posted a Notice of Development sign on the property to alert the neighbourhood regarding the application. A public hearing was held on September 20, 2017 to receive input from the public. All adjacent property owners within 100 m were sent notice of the public hearing by mail and ads were placed in two issues of the Shuswap Market News in accordance with the requirements of the Local Government Act. Notices were also posted on the CSRD bulletin board and the CSRD website.

Referrals were sent to a number of agencies and first nations. Referral comments were summarized in the staff report dated July 28, 2017 (attached).

DESIRED OUTCOMES:

That the Board consider "Lakes Zoning Amendment (Layden) Bylaw No. 900-19" for third reading and adoption.

BOARD'S OPTIONS:

1. *Endorse the Recommendation. Bylaw No. 900-19 will be given third reading and adopted.*
2. *Deny the Recommendation. Bylaw No. 900-19 will be defeated and Bylaw Enforcement would continue.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

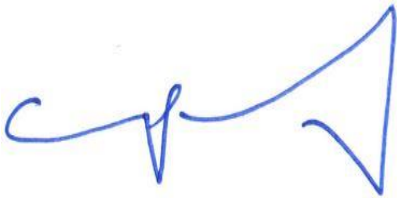
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Lakes Zoning Bylaw No. 900

Report Approval Details

Document Title:	2017-11-16_Board_DS_BL900-19_Layden.docx
Attachments:	<ul style="list-style-type: none">- 2017-06-15_Board_DS_BL900-19_Layden.pdf- 2017-08-17_Board_DS_BL900-19_Layden (2nd PH).pdf- BL900-19_First.pdf- BL900-19_Second_amended.pdf- BL900-19_Third.pdf- Public_Submissions_BL900-19.pdf- Public_hearing_notes_2017-09-20_BL900-19.pdf- Agency_Referral_Responses_BL900-19.pdf- Maps_Plans_Photos_BL900-19.pdf
Final Approval Date:	Nov 6, 2017

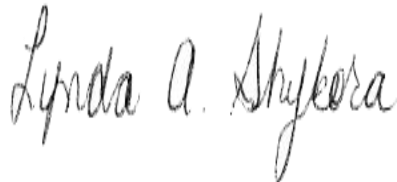
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Nov 2, 2017 - 7:58 AM



Gerald Christie - Nov 6, 2017 - 7:15 AM



Lynda Shykora - Nov 6, 2017 - 10:33 AM



Charles Hamilton - Nov 6, 2017 - 11:04 AM