



BOARD REPORT

- TO:** Chair and Directors
- SUBJECT:** Electoral Area C: Lakes Zoning Amendment Bylaw No. 900-34C
- DESCRIPTION:** Report from Hayley Johnson, Planner I, dated June 28, 2024.
4119 Galligan Road, Eagle Bay
- RECOMMENDATION#1 :** THAT: "Lakes Zoning Amendment Bylaw No. 900-34C" be read a second time as amended this 18th day of July 2024.
Stakeholder Vote Unweighted (LGA Part 14) Majority
- RECOMMENDATION #2:** THAT: "Lakes Zoning Amendment Bylaw No. 900-34C" be read a third time this 18th day of July 2024
Stakeholder Vote Unweighted (LGA Part 14) Majority
- RECOMMENDATION #3:** THAT: "Lakes Zoning Amendment Bylaw No. 900-34C" be adopted this 18th day of July 2024.
Stakeholder Vote Unweighted (LGA Part 14) Majority

SUMMARY:

The subject property is owned by Whitehaven Beach Properties Ltd. and has 29 share areas, 17 of which are waterfront and considered to have waterfront units. The foreshore adjacent to the subject property is currently zoned "FM1 – Foreshore Multifamily 1" and allows for one floating dock and one private mooring buoy for each waterfront unit. It is proposed to rezone the foreshore to add a site specific regulation that will permit up to 29 private mooring buoys in addition to the 17 docks, which is up to 12 more private mooring buoys than what is currently permitted by the FM1 zone in Bylaw No. 900.

The Board gave third reading to the bylaw at its meeting held March 17, 2022, and resolved that the applicant be required to provide the CSRD with documentation regarding the final locations of the docks and buoys within the zone area, confirmed with a map and GPS coordinates, and confirmation that the docks and buoys have been tagged with identification and 'BL900-34C'. Foreshore and Water Development Permit No. 725-396 was issued to enable them to fulfill third reading conditions.

There was a numbering and formatting error of Lakes Zoning Bylaw No. 900, which resulted in the incorrect sections being noted in the amending bylaw that was brought to the CSRD Board of Directors in 2022. Therefore, Bylaw No. 900-34 is being brought back for second reading as amended, third, and adoption with the correct sections noted in the amending bylaw.

BACKGROUND:

- See item 17.3 on the [October 21, 2021, Board Meeting Agenda](#) for the board report and all supporting attachments for first reading of Bylaw No. 900-34C.
- See item 16.5 on the [March 17, 2022, Board Meeting Agenda](#) for the board report and all supporting attachments for second and third reading of Bylaw No. 900-34C.

POLICY:

See "[BL900-34C BL725 BL900 Excerpts.pdf](#)" for relevant excerpts from the Electoral Area Official Community Plan Bylaw No. 725 and Lakes Zoning Bylaw No. 900:

[Electoral Area C Official Community Plan Bylaw No. 725](#)

- 2.3 Shoreline Environment
- 3.7 Foreshore Water
- 12.2 Foreshore and Water Development Permit Area

[Lakes Zoning Bylaw No. 900](#)

- Definitions: Waterfront Unit
- 4.6 FM1 – Foreshore Multifamily 1

FINANCIAL:

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

KEY ISSUES/CONCEPTS:Update

At the March 17, 2022, Board Meeting for third reading, staff recommended that the adoption of Bylaw No. 900-34C be withheld, until documentation has been received regarding the final locations of the docks and buoys within the foreshore zone area confirmed with a map and GPS coordinates, and confirmation that the docks and buoys have been tagged with identification and "BL900-34C".

The Board agreed with the staff recommendation and gave the bylaw third reading with the abovementioned conditions.

Since third reading, the applicant has applied for and was issued the required Foreshore and Water Development Permit to enable them to fulfill third reading conditions to provided staff with the GPS coordinates, a surveyed site plan, and photo confirmation of the tagged docks and private mooring buoys with the correct identification. The applicant was also required to tag the private mooring buoys with "DP725-396" in addition to "BL900-34C". Development Permit No. 725-396 is a technical delegated development permit issued by the General Manager of Development Services to authorize the owner to relocate the private mooring buoys to the final locations identified in the development permit.

Please see the final site plan showing the location of the existing foreshore structures in front of Whitehaven Beach Properties "[BL900-34C_Final_Site_Plan.pdf](#)". The initial site plan and the final site plan have a few minor differences. The proposed location for one of the buoys (buoy 2) had been proposed on a sandbar, and therefore needed to be relocated. Buoy locations often change slightly depending on wind and lake levels. The buoy locations referenced in this final site plan meets the requirements for density and setbacks as intended by the amending bylaw.

Whitehaven has allocated the 29 private mooring buoys to their shareholders, and has 24 private mooring buoys currently installed. Whitehaven has provided photo confirmation, GPS coordinates, and confirmation of the correct identification 23 of the private mooring buoys. Whitehaven has had disagreements with one the shareholders on the allocation of one of the buoys, and therefore has submitted a letter (See [BL900-34C_Applicant_Letter.pdf](#)" attached), stating that they are not allocating the buoy referred to as "Whitehaven A" in the 29 permitted private mooring buoys, and will be taking the necessary steps to remove this trespass buoy after adoption of the bylaw.

As future private mooring buoys are installed on the foreshore adjacent to Whitehaven, the applicant will be required to submit GPS coordinates, photos and labels showing that the installed private mooring buoy has been correctly placed and allocated as shown in the issued development permit. The applicant will also be required to provide confirmation when private mooring buoy referred to as "Whitehaven A" has been removed.

Staff are agreeable to the Whitehaven proposal regarding the "Whitehaven A" buoy.

There had been a non-compliant dock adjacent to Share Area 2 that was subject to bylaw enforcement, which has now been modified to comply with the maximum size requirements in Bylaw No. 900 and has been confirmed by the applicant providing GPS coordinates and photos to staff.

There was a number and formatting error in Lakes Zoning Bylaw No. 900, which resulted in the incorrect sections being noted in the amending bylaw that was brought to the CSRD Board of Directors in 2022. Therefore, Bylaw No. 900-34C is being brought back for second reading as amended, third, and adoption with the correct sections noted in the amending bylaw. The content of the bylaw considered previously by the Board at first, second, and third readings has not changed.

Rationale for Recommendations:

It is proposed to add a site specific regulation to the FM1 zone, only for the foreshore adjacent to the subject property, to allow for up to 17 docks and 29 private mooring buoys. Staff is recommending that Bylaw No. 900-34C be read a second time as amended, third time, and adopted for the following reasons:

- Bylaw No. 725 policies regarding private moorage support this proposal;
- The foreshore adjacent to Whitehaven Beach Properties is wide enough to accommodate the additional docks and buoys and still meet the required setbacks in Bylaw No. 900;
- If these were individual fee simple lots and zoned FR1, the foreshore would be permitted the same number of docks and similar number of buoys;
- The impact to the adjacent properties should be minimal, as the subject property is within a natural bay, with adjacent properties separated by natural points in the foreshore; and,
- All docks and private mooring buoys have been tagged and documented as a condition of the rezoning, other than the one buoy in trespass

Despite the one buoy "Whitehaven A" not been labelled or allocated to the 29 permitted buoys, Whitehaven still has less than 29 buoys installed and commits to not exceeding the permitted number of buoys.

IMPLEMENTATION:

If the Board endorses the staff recommendation and adopts Bylaw No. 900-34C the bylaw will be consolidated, and the changes will come into effect.

COMMUNICATIONS:

See previous board reports and documentation regarding communications at different stages of this application process: Staff will inform the applicant on the outcome of this application after the Board meeting.

DESIRED OUTCOMES:

That the Board endorse the staff recommendation(s).

BOARD'S OPTIONS:

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

Report Approval Details

Document Title:	2024-07-18_Board_DS_BL900-34C_adopt.docx
Attachments:	- BL900-34C_Second_Amended_Third_Adopt.pdf - BL900-34C_BL725-BL900_Excerpts.pdf - BL900-34C_Applicant_Letter_redacted.pdf - BL900-34C_Final_Site_Plan.pdf - BL900-34C_Maps_Plans.pdf
Final Approval Date:	Jul 8, 2024

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



Corey Paiement

No Signature - Task assigned to Gerald Christie was completed by assistant Jennifer Sham

Gerald Christie



Jennifer Sham



John MacLean