



# BOARD REPORT

**TO:** Chair and Directors

<b>File No:</b> 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 November 15, 2017. 2001 Eagle Bay Road, Blind Bay.

**RECOMMENDATION #1:** THAT: "Lakes Zoning Amendment (Finz Resort Ltd.) Bylaw No. 900-21" be read a third time this 1<sup>st</sup> day of December, 2017.

**RECOMMENDATION #2:** THAT: "Lakes Zoning Amendment (Finz Resort Ltd.) Bylaw No. 900-21" be adopted this 1<sup>st</sup> day of December, 2017.

## 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 had referred the bylaw to the Electoral Area 'C' Advisory Planning Commission, affected Ministries, agencies and First Nations and comments received were summarised in an attachment to a previous report. Additionally, the applicant had supplied more information, including an updated parking plan, to help the Board in its consideration of this expanded marina proposal.

The Board considered this information and gave the Bylaw second reading at the September 21, regular meeting and delegated a Public Hearing.

The Public Hearing was held Tuesday November 14, 2017 at the Blind Bay Community Hall in Blind Bay. 48 members of the public attended and 74 pieces of correspondence have been received.

It is now appropriate for the Board to consider third reading and adoption of Bylaw No. 900-21.

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<b>VOTING:</b>	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 CSR 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:

- |                      |  |
|----------------------|--|
| • Marina             | 1 stall per 2 berths                           |
| • Neighbourhood Pub  | 1 per 3 seats                                  |
| • Restaurant, Eat-in | 1 per 10 m <sup>2</sup> of gross leasable area |
| • Convenience Store  | 1 per 35 m <sup>2</sup> 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 Public Input received at the Public Hearing, as well as correspondence received and then consider the bylaw for third reading and adoption.

## **IMPLEMENTATION:**

### **Consultation Process**

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. Staff forwarded the bylaw and staff report to referral agencies for review and comment, a summary of the responses has been provided in previous reports to the Board.

### **Public Hearing**

The delegated Public Hearing for the proposed bylaws was held Tuesday November 14, 2017, at the Blind Bay Community Hall in Blind. 48 members of the public attended. Please see the attached Public Hearing Notes for details about public input. 19 speakers addressed the issue with 9 expressing support and 10 opposed. Many of the speakers chose to address the Public Hearing multiple times.

74 pieces of correspondence were received with 60 supporting the proposal, and 14 opposed. 1 letter from Shuswap Water Action Team (SWAT) was read aloud at the Public Hearing. All correspondence has been attached for the Board's information.

**COMMUNICATIONS:**

Staff notified adjacent property owners, advertised and held the Public Hearing in accordance with the Local Government Act. If the bylaws are given third reading, as amended, and adopted, the applicant will be advised of the Board decision. CSRD staff will amend Bylaw No. 900, which will be posted on the CSRD website and copies will be provided to the Directors.

**DESIRED OUTCOMES:**

That the Board endorse staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation(s).*
2. *Deny the Recommendation(s).*
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:	2017-12-01_Board_DS_BL900-21_Finz.docx
Attachments:	<ul style="list-style-type: none"><li>- 2017-07-20_Board_DS_BL900-21_Finz.pdf</li><li>- 2017-10-19_Board_DS_BL900-21_Finz.pdf</li><li>- BL900-21 ThirdandAdoption.pdf</li><li>- Public_submissions_BL900-21.pdf</li><li>- PH_Notes Nov14-2017.pdf</li><li>- Agency_referral_responses_BL900-21.pdf</li><li>- Maps_Plans_BL900-21.pdf</li></ul>
Final Approval Date:	Nov 21, 2017

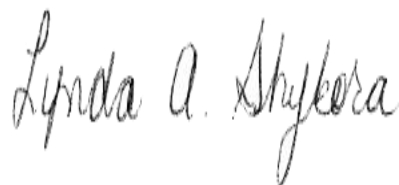
This report and all of its attachments were approved and signed as outlined below:



**Corey Paiement - Nov 20, 2017 - 4:20 PM**



**Gerald Christie - Nov 20, 2017 - 4:32 PM**



**Lynda Shykora - Nov 21, 2017 - 10:35 AM**



**Charles Hamilton - Nov 21, 2017 - 2:12 PM**