



# BOARD REPORT

<b>TO:</b>	Chair and Directors
<b>SUBJECT:</b>	Electoral Area F: Lakes Zoning Amendment Bylaw No. 900-39F
<b>DESCRIPTION:</b>	Report from Christine LeFloch, Planner III, dated February 20, 2025. 1134 Pine Grove Road, Scotch Creek
<b>RECOMMENDATION #1:</b>	THAT: "Lakes Zoning Amendment Bylaw No. 900-39F" be read a first time this 20 <sup>th</sup> day of March, 2025;  <i>Stakeholder Vote Unweighted (LGA Part 14) Majority</i>
<b>RECOMMENDATION #2:</b>	THAT: the Board utilize the simple consultation process for "Lakes Zoning Amendment Bylaw No. 900-39F" and the bylaw be referred to the following agencies and First Nations: <ul style="list-style-type: none"><li>• CSRD Community and Protective Services;</li><li>• Ministry of Transportation &amp; Transit</li><li>• Ministry of Forests – Lands Branch;</li><li>• Ministry of Forests – Archaeology Branch;</li><li>• Transport Canada;</li><li>• BC Parks; and</li><li>• All applicable First Nations and Bands</li></ul>

## SUMMARY:

The subject property is a building strata called Shuswap Lake Resort which has a total of 40 units and common property fronting on Shuswap Lake. The foreshore adjacent to the subject property is currently zoned FM2 Foreshore Multi-Family 2 and allows for 60-berths as part of a group moorage facility by special regulation. The FM2 zone allows 2 private mooring buoys and does not permit floating docks. The owners have installed 24 private mooring buoys and 1 floating dock in contravention of the Lakes Zoning Bylaw and are now seeking a bylaw amendment to bring the property into compliance. It is proposed to amend the special regulation for the property to replace the "60-berths" with "24 private mooring buoys" and add floating dock as a permitted use in the FM2 zone.

## BACKGROUND:

ELECTORAL AREA:  
F

LEGAL DESCRIPTION:  
Common Property, Strata Plan KAS3099

PID:  
N/A

CIVIC ADDRESS:  
1134 Pine Grove Road, Scotch Creek

**SURROUNDING LAND USE PATTERN:**

North = Shuswap Lake Provincial Park

South = Residential

East = Shuswap Lake

West = RV Park

**CURRENT USE:**

24 private mooring buoys and one floating dock

**PROPOSED USE:**

No change is proposed to the use. The application is proposing to amend the zoning to bring the current use into compliance.

**PARCEL SIZE:**

~0.78 ha

**DESIGNATION:**

[Electoral Area F Official Community Plan Bylaw No. 830](#)

NR Neighbourhood Residential

**ZONE:**

[Scotch Creek/Lee Creek Zoning Bylaw No. 825](#)

Land = C1 Commercial 1

[Lakes Zoning Bylaw No. 900](#)

Lake = FM2 Foreshore Multi-Family 2

A site-specific regulation for the subject property permits up to 60 berths in a group moorage facility.

**PROPOSED ZONE:**

[Lakes Zoning Bylaw No. 900](#)

Lake = FM2 Foreshore Multi-Family 2

It is proposed to amend the site-specific regulation for the subject property to remove the "60-berths" and add "24 private mooring buoys". It is also proposed to amend the FM2 zone by adding "floating dock" to the list of permitted uses, with the number of floating docks permitted as 1, and the size and dimensions consistent with other zones that permit floating docks.

**AGRICULTURAL LAND RESERVE:**

0%

**SITE COMMENTS:**

The subject property is a strata development known as Shuswap Lake Resort. There are 40 units in the strata along with common property that is waterfront to Shuswap Lake. On the foreshore there are currently 24 private mooring buoys and 1 floating dock that is 28 m<sup>2</sup> in size. The property abuts Shuswap Lake Provincial Park to the north, Pine Grove Resort to the west and a residential area to the south.

**BYLAW ENFORCEMENT:**

There is an open bylaw enforcement file related to unauthorized buoys and a dock in association with the strata on the subject property.

**POLICY:**

[Electoral Area F Official Community Plan Bylaw No. 830](#)

3.2 Shoreline Environment

11.2 Foreshore and Water Use (FW)

13.2 Foreshore and Water Development Permit Area

[Lakes Zoning Bylaw No. 900](#)

4.7 FM2 Foreshore Multi-Family 2

**Definitions**

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

FLOATING DOCK is a structure used for the purpose of mooring boat(s) which may include multiple *berths* but which does not include permanent physical links to shore or lakebed, except cables.

FORESHORE is the land between the *natural boundary* of a *lake* and the water.

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*.

WATERFRONT PARCEL is a *parcel* having a boundary, including a point, in common with the *natural boundary* of a *lake*.

WATERFRONT UNIT is a *dwelling unit* on a *shared waterfront parcel* which has no strata lot (other than common property), *dwelling unit* or portion of a *dwelling unit*, or improved *highway* or *park*, directly between it and the *natural boundary* of a *lake*.

**FINANCIAL:**

This property is subject to bylaw enforcement due to infractions related to the number of private mooring buoys and placement of a floating dock. If the bylaw amendment is not approved to bring the property into compliance, there would be costs associated with bylaw enforcement activities including staff time and legal costs.

**KEY ISSUES/CONCEPTS:**

This application was made as a result of bylaw enforcement regarding the installation of 24 private mooring buoys and a floating dock in the foreshore adjacent to the subject property. The applicant represents the owners of Strata KAS3099 known as Shuswap Lake Resort which is in Scotch Creek and is waterfront to Shuswap Lake. The foreshore zoning for the property is FM2 Foreshore Multi-Family 2, which does not permit floating docks and limits the number of private mooring buoys to 2. The zone includes a site-specific special regulation for the subject property that permits a group moorage facility with up to 60 berths.

### License of Occupation

License of Occupation No. 349483 covering all that unsurveyed Crown foreshore being part of the bed of Shuswap Lake and fronting on the common property of KAS3099 has been issued by the Lands Branch for a term of 10 years commencing May 15, 2022 for strata moorage purposes and covers an area that is 95 m wide by 80 m extended into the lake. See attached "BL900-39F\_License\_349483.pdf\_redacted". The license does not specify the type or number of docks and buoys which may be located within the license area.

### Electoral Area F Official Community Plan Bylaw No. 830 (Area F OCP)

Section 11.2 of the Area F OCP contains policies regarding foreshore and water use. The objective is to prevent inappropriate use of the foreshore. The surface of Shuswap Lake is designated FW Foreshore and Water. This designation permits recreational watercraft use, commercial marinas and associated water uses which are further regulated by Lakes Zoning Bylaw No. 900. Section 3.2 of the Area F OCP contains policies related to the shoreline environment with respect to private moorage. In particular, Policy 3 indicates that private moorage is not to impede pedestrian access along the beach portion of the foreshore; and the siting of new private moorage shall be consistent with the orientation of neighbouring private moorage, be sensitive to views and other impacts on neighbours and avoid impacts on access to existing private moorage and adjacent properties. The policies also encourage shared docks in the interest of having a smaller footprint on the foreshore with less impacts on fish habitat.

### Lakes Zoning Bylaw No. 900

The foreshore zoning for the property is FM2 Foreshore Multi-Family 2. The FM2 zone applies to the foreshore areas adjacent to properties that have a building strata or shared interest where there is a need for moorage for multiple vessels. This zone also permits group moorage facility, 2 private mooring buoys, boat lift and boat launch. It also includes a special regulation for the subject property that permits up to 60 berths for a group moorage facility.

### Site Specific Regulations

There is a site-specific density regulation in Section 4.7.2(b) of Bylaw No. 900 applicable to the subject property that permits a maximum of 60 berths as part of a group moorage facility. The applicant would like to amend this site-specific density regulation to change the 60 berths to a maximum of 24 private mooring buoys for the foreshore area adjacent to the subject property.

### Other Amendments

The application also requests that the floating dock adjacent to the property be permitted. Staff propose to add "*floating dock*, including *removable walkway*, that is accessory to a permitted use on the adjacent *waterfront parcel*" as a permitted use in the FM2 Zone. This will bring the dock associated with the subject property into compliance and also permit floating docks for other properties with FM2 zoning. The proposed amendments would specify that 1 floating dock including removable walkway is permitted in the FM2 Zone and would further specify that the dock may have a maximum upward facing surface area of 33.45 m<sup>2</sup> and a maximum width of 3 m while the removable walkway may have a maximum width of 1.52 m. These regulations are consistent with other foreshore zones that permit floating docks.

Also included in this bylaw amendment is a correction to the bylaw to remove a site-specific regulation related to setbacks for buoys from Section 4.7.2(c) Size of dock and move it to a new Section 4.7.2(e) Site Specific Size and Siting. This will help to make the bylaw more understandable and create a space for future amendments that include site specific size or siting for docks and buoys.

### Foreshore and Water Development Permit

The placement of docks and private mooring buoys on the foreshore requires the issuance of a Foreshore and Water Development Permit. This type of permit deals with the size and siting of structures to ensure that they are in accordance with Bylaw No. 900 and is registered on title. This provides some certainty to the owners that the structures placed on the Crown foreshore are registered to their property. Prior to adoption of the zoning amendment bylaw the owners will need to make application for and be issued a development permit for the proposed dock and private mooring buoys.

### Analysis

The owners of the subject property have applied for and been issued a License of Occupation from the Province for use of the foreshore area adjacent to the property. The license is for a 10-year term commencing May 15, 2022 and does not specify the use proposed for the license area. The CSRD did not receive a referral from the Province prior to issuance of this license so did not have the opportunity to provide comments regarding permitted uses for their consideration and communication to the owners.

Shuswap Lake Resort currently has a special regulation permitting a group moorage facility with up to 60 berths; whereas the proposal is for 24 private mooring buoys and a floating dock that are located on the foreshore adjacent to the common strata property. The proposal represents a significant reduction in the number of permitted moorage spaces for the resort. The applicant has confirmed that the buoys are managed by the resort and shared amongst the owners on an as needed basis, and this has been working well for them. Boats are not permitted to be left on a buoy when the owner is not at the resort, thereby freeing up moorage for others. The dock is used primarily for loading and unloading of boats and is not permitted to be used for moorage. Staff support the shared moorage concept and reduced number of moorages which is generally in line with the OCP policies regarding shared moorage. While this proposal is not for a dock, the applicants are proposing a reduced number of moorages that will be shared between the 40 owners.

The subject property has 95 m of frontage on Shuswap Lake. This is wide enough to accommodate the proposed buoys and meet the required 5 m setback from both property lines projected into the lake for the dock and the buoys. This is demonstrated on the site plan included in "BL900-39F\_Maps\_Plans\_Photos.pdf", attached. There is also a required setback of 20 m between private mooring buoys. The most recent orthophotos of the area show that the buoys appear to be placed in accordance with the site plan provided by the applicant. The site plan also shows that the dock is located at the south side of the property in accordance with the setback requirements, and the buoys were not placed in front of the dock thereby allowing room to maneuver boats to and from the dock to open water. Staff are supportive of the proposed special regulation to recognize these buoys as an alternative to a large multi-berth group moorage facility.

The amendments proposed by staff to the FM2 Zone include adding floating dock to the list of permitted uses along with associated regulations. The proposed regulations are consistent with the regulations for floating docks in other foreshore zones. Group owned "buoy marinas" typically have a dock that is used for the loading and unloading of boats which are moored at a buoy. As there are a number of site-specific regulations permitting group owned buoy "marinas" in the FM2 zone it makes sense to include a floating dock as a permitted use so that it does not need to be included in each site-specific regulation.

Prior to adoption of the amending bylaw the owners will need to make application for a Foreshore and Water Development Permit. As part of the permitting process the dock and all buoys will need to be tagged. Tags are to include the strata name and development permit number. Tagging the buoys ensures that they can be identified as being part of the group of buoys permitted by the development

permit. GPS coordinates of the tagged private mooring buoys are to be provided to staff prior to issuance of a development permit for private mooring buoys owned by a strata or shared interest to confirm that they are located in compliance with required setbacks.

#### Rationale for Recommendation:

The applicant is proposing to amend the site-specific regulation applicable to the foreshore adjacent to the subject property to allow placement of 24 private mooring buoys to bring the property into compliance with Lakes Zoning Bylaw No. 900. It is also proposed that floating dock be added to the list of permitted uses for the FM2 Zone along with associated regulations. Staff are recommending that the amending bylaw be read a first time and referred to applicable agencies and First Nations for the following reasons:

- Bylaw No. 830 policies regarding private moorage generally support this proposal;
- The foreshore adjacent to Shuswap Lake Resort is wide enough to accommodate the proposed dock and buoys and still meet the required setbacks in Bylaw No. 900;
- The proposed site-specific regulation to permit 24 private mooring buoys to be shared among the strata owners represents a significant reduction in the number of permitted moorage spaces for the resort;
- Adding floating dock to the list of permitted uses in the FM2 zone will bring the existing dock associated with the subject property into compliance and also permit a floating dock for other properties zoned FM2 which may have multiple buoys for strata or shared interest use; and,
- Reading the amending bylaws a first time will provide the opportunity to solicit referral comments from applicable agencies and First Nations to find out if there are any related issues that may need to be considered through the bylaw amendment process.

Staff may have additional recommendations based on referral comments that will be provided in a future Board report.

Prior to staff bringing the amending bylaws back to the Board for adoption the applicant will need to apply for a Foreshore and Water Development Permit. As part of the Development Permit application photo confirmation of identification tags on each buoy along with GPS coordinates of the tagged private mooring buoys will be required.

#### **IMPLEMENTATION:**

Neighbourhood residents will first become aware of this application when a notice of applications sign is posted on the property. The notice of application sign is required to be posted on the subject property no more than 30 days after the Board has given the amending bylaw first reading, in accordance with Development Services Procedures Bylaw No. 4001-2, as amended. One sign is required for every 400 m of street frontage. This property has less than 400 m of frontage so only one sign is required.

#### **COMMUNICATIONS:**

##### Consultation Process

It is recommended that the public hearing be waived for this application because the proposal is consistent with the Electoral Area F Official Community Plan Bylaw. In accordance with [Development Services Procedures Bylaw No. 4001-2, as amended](#), staff prepared a notice which will be posted on the CSRD website prior to first reading of the bylaw, notifying of the application and that a public hearing is not required. Notifications will also be mailed to landowners and tenants in occupation of properties located within 100 m of the subject property prior to first reading. Further notifications will

be mailed out and a notice posted to the CSRD with the deadline for written submissions prior to third reading of the bylaw (4 PM on the Tuesday prior to the Board meeting where the bylaw will be considered for third reading). All written public submissions received regarding the proposed bylaw amendment will be attached to a future report when the Board considers the bylaw for third reading.

Simple consultation has been recommended in accordance with Policy P-18 Consultation Processes as the proposed special regulation does not require a change to the current FM2 zoning and does not require an OCP land use designation change. This means the applicant does not need to hold a public information meeting regarding the proposed bylaw amendment.

### Referrals

If the Board gives Bylaw No. 900-39F first reading, the bylaw will be sent out to referral agencies and First Nations. Referral responses will be provided to the Board with a future Board report, prior to consideration of second reading.

The following list of referral agencies is recommended:

- CSRD Community and Protective Services;
- Ministry of Transportation & Transit;
- Ministry of Forests – Lands Branch;
- Ministry of Forests – Archaeology Branch;
- Transport Canada;
- BC Parks;
- Adams Lake Indian Band;
- Skw'lx te Secwepemc;
- Neskonalith Indian Band;
- Okanagan Indian Band;
- Shuswap Indian Band;
- Simpcw First Nation; and
- Splatshin First Nation.

### **DESIRED OUTCOMES:**

That the Board endorse the staff recommendations.

### **BOARD'S OPTIONS:**

1. *Endorse the Recommendations.*
2. *Deny the Recommendations.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**Report Approval Details**

Document Title:	2025-03-20_Board_DS_BL900-39F_First.docx
Attachments:	- BL900-39F_First.pdf - BL900-39F_License_349483_Redacted.pdf - BL900-39F_Maps_Plans_Photos.pdf
Final Approval Date:	Mar 11, 2025

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

**No Signature - Task assigned to Corey Paiement was completed by assistant Jennifer Sham**

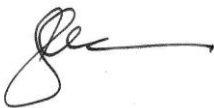
Corey Paiement



Gerald Christie



Jennifer Sham



John MacLean