



BOARD REPORT

TO: Chair and Directors

File No: DP725-137
PL20180000028

SUBJECT: Electoral Area C: Development Permit No. 725-137 (Shepherd)

DESCRIPTION: Report from Erica Hartling, Development Services Assistant, dated March 28, 2018.
4162 Galligan Road, Eagle Bay

RECOMMENDATION THAT: in accordance with Section 490 of the Local Government Act Development Permit No. 725-137 (Shepherd), on Lot 1, Section 4, Township 23, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Plan 43738, be approved for issuance this 19th day of April 2018.

SHORT SUMMARY:

The subject property is located at Eagle Bay in Electoral Area C, split by Galligan Road and adjacent to Shuswap Lake. The applicant is proposing to install a floating dock on the foreshore adjacent to the subject property. A Foreshore and Water Development Permit (DP) is required for all dock and buoy installations in Electoral Area C. The proposed dock exceeds the size requirements in Lakes Zoning Bylaw No. 900 by more than 10% and therefore cannot be considered for approval by the Manager of Development Services. As such a DP and the requested variance of the maximum permitted surface area from 24 m² to 27.87 m² must be approved by the Regional District Board. In addition to the proposed new floating dock, two existing private mooring buoys are to remain on the foreshore and proposed to be included in the Foreshore and Water DP.

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

BACKGROUND:

REGISTERED OWNER(S):
Elizabeth Anne Robertson Shepherd

APPLICANT/AGENT:
Nadine Mayer, Triton Docks Inc.

ELECTORAL AREA:
C

LEGAL DESCRIPTION:
Lot 1, Section 4, Township 23, Range 9, West of the 6th Meridian, Kamloops Division Yale District, Plan 43738

PID:
016-441-605

CIVIC ADDRESS:

4162 Galligan Road, Eagle Bay

SURROUNDING LAND USE PATTERN:

North = Rural residential

South = Rural residential

East = Shuswap Lake

West = Rural residential

CURRENT USE:

Residential - single family dwelling, dock, two private mooring buoys

PROPOSED USE:

The proposed dock is to replace the floating dock that is currently existing at this location. The proposed dock measures 9.144 m (30 ft.) x 3.048 m (10 ft.) with a surface area of 27.87 m² (300 ft²) in size and a width of 3.048 m (10 ft.). The proposed associated walkway is 0.9144 m (3 ft.) x 9.144 m (30 ft.), with a width of 0.9144 m (3 ft.). In addition to the proposed new floating dock, two existing private mooring buoys are to remain on the foreshore and proposed to be included in the Foreshore and Water DP.

PARCEL SIZE:

0.74 ha (1.84 ac)

DESIGNATION:

Electoral Area C Official Community Plan Bylaw No. 725

RR - Rural Residential

ZONE:

South Shuswap Zoning Bylaw No. 701

Land = RR1 - Rural Residential (.4ha)

Lakes Zoning Bylaw No. 900

Foreshore = FR1 - Foreshore Residential 1

SHUSWAP WATERSHED INVENTORY MAPPING:

Aquatic Habitat Index Rating – Moderate

Shoreline Type - Rocky

SITE COMMENTS:

See "Maps_Plans_DP725-137.pdf" attached.

A site visit was not done for this application. Information provided in this report is based on orthophoto interpretation, site plan, and details provided by the applicant/agent.

The subject property is located at Eagle Bay in Electoral Area C, split by Galligan Road and adjacent to Shuswap Lake, with a lake boundary length >50 m. The upland has a single family dwelling and the foreshore has an existing dock and two private mooring buoys.

POLICY:

Electoral Area C Official Community Plan Bylaw No. 725

See "BL725_Policies_DP725-137.pdf" attached.

- Section 2.3 Shoreline Environment
- Section 3.7 Foreshore Water (FW) (Moorage)
- Section 12.2 Foreshore and Water Development Permit Area

Lakes Zoning Bylaw No. 900

Section 4.4 FR1 – Foreshore Residential 1

- One floating dock, including removable walkway, per waterfront parcel.
- Two private mooring buoys per waterfront parcel having a lake boundary length 30 m (98.43 ft.) or more.
- A dock must not exceed 24 m² (258.33 ft²) in total upward facing surface area and must not exceed 3 m (9.84 ft) in width.
- A walkway surface must not exceed 1.5 m (4.92 ft.) in width for any portion of the walkway.
- The minimum setback of a floating dock and private mooring buoy for a waterfront parcel is 5 m (16.4 ft) from the side parcel boundaries of that waterfront parcel projected onto the foreshore and water.
- The minimum setback for private mooring buoys from any existing structures on the foreshore and water is 20 m (65.62 ft).

Development Services Procedures Bylaw No. 4001

Section 9.0 Processing Applications for Permits and Flood Plain Exemptions

- The Board approves Technical Development Permits for which the applicant is also seeking to vary the provisions of a bylaw under Division 7 of Part 26 of the Local Government Act, when such a variance would exceed what is allowed under the bylaw by more than 10%.

FINANCIAL:

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

KEY ISSUES/CONCEPTS:

The proposed dock is to replace the floating dock (9.25 m x 3.048 m, with a surface area of 28.2 m²) that is currently existing at this location. The proposed dock measures 9.144 m (30 ft.) x 3.048 m (10 ft.) with a surface area of 27.87 m² (300 ft²) in size and a width of 3.048 m (10 ft.). The proposed associated walkway is 0.9144 m (3 ft.) x 9.144 m (30 ft.), with a width of 0.9144 m (3 ft.).

As the maximum permitted dock surface area in the FR1 zone is 24 m² and maximum width is 3 m, two variances are required for the proposed dock size.

- Section 4.4.2(b) maximum total upward facing surface area of a floating dock from 24 m² (258.33 ft²) to 27.87 m² (300 ft²); and, maximum width of a floating dock from 3.0 m (9.84 ft) to 3.048 m (10 ft).

The applicant has identified that the proposed variance to the total surface area of dock is intended to meet the required depth of 1.5 m to moor a boat, as outlined in the Ministry of Environment best management design practices. The design minimum clearance below a floating structure at low water

is 1.5 m to avoid the wash from propellers disturbing the waterbody floor. As the property sits in a shallow bay, the applicant has increased the walkway but any further increase to the structure would require additional floatation and result in a breakwater, which would impede water flow. To avoid this issue, the applicant has also proposed to increase the dock length, in order to meet the 1.5 m depth. The dock length has been proposed to be 1.144 m greater than the typical 8 m length, with a total length of 9.144 m (30 ft.).

The proposed minor dock width variance is requested for ease of construction and saving material, as the standard dock materials and frame kits are measured and sold in feet and when converted to metric (metres), exceed the dock maximum width by 0.048 m.

The proposed floating dock and two existing private mooring buoys conform to the FR1 zone siting and setback regulations.

Front Counter BC grants general permissions for dock structures constructed and used in accordance with the terms and conditions contained in the General Permission with no application required. Where a dock is proposed that does not comply with any one of the conditions, the owner must apply for a Specific Permission through Front Counter BC. All structures built below the foreshore require a Water Act Section 11 approval to construct. An application to Front Counter BC for a Section 11 approval was made for the proposed dock.

SUMMARY:

The applicant has applied for a Foreshore and Water DP for two existing private mooring buoys and to install a new floating dock on the foreshore adjacent to the subject property.

The proposal includes a request to vary the maximum upward facing area for a dock from 24 m² as permitted in Lakes Zoning Bylaw No. 900 to 27.87 m²; and, maximum width of a floating dock from 3.0 m to 3.048 m. As this variance exceeds what is allowed by bylaw by more than 10%, it cannot be approved by the Manager of Development Services and must be approved by the Board.

Development Services staff is recommending issuance of Development Permit No. 725-137 for the following reasons:

- The proposed increase in the total surface area of the new floating dock is minor and will be smaller than the existing dock size;
- The proposed increase in the dock length is needed in order to meet the 1.5 m depth of the Ministry of Environment best management design practices;
- The new dock and existing private mooring buoys meet the siting and setback regulations of Lakes Zoning Bylaw No. 900;
- Staff believe that the proposed dock size will not negatively impact or impede neighbouring foreshore properties.

The possibility of increasing the surface area for docks in Lakes Zoning Bylaw No. 900 was a discussion item at the November 1, 2017 Electoral Area Directors meeting. The Directors supported staff preparing options and recommendations about increased surface area of dock size options for their consideration. Staff have been researching options and will be providing related information and recommendations at a future meeting. The proposed variance in this DP application would likely be permitted in the new recommended maximum surface area for a dock.

IMPLEMENTATION:

If the Board approves the Foreshore and Water Development Permit, the owner will be notified and notice of a Development Permit will be registered on the title of the property.

COMMUNICATIONS:

Property owners and tenants in occupation within 100 m of the subject property will be given notification a minimum of 10 days prior to the CSRD Board of Directors considering this application. All interested parties will have the opportunity to provide written comments regarding this application prior to the Board Meeting. Copies of the written submissions are provided to the Board of Directors.

Referrals have been sent to the following:

- Electoral Area C Advisory Planning Commission (APC)

The Electoral Area C APC reviewed the application at their March 26, 2018 meeting and passed a resolution in support of the application.

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.*

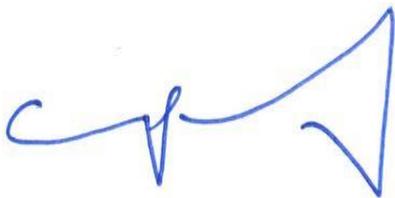
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Electoral Area C Official Community Plan Bylaw No. 725
2. Lakes Zoning Bylaw No. 900
3. Development Services Procedures Bylaw No. 4001
4. APC C Minutes

Report Approval Details

Document Title:	2018-04-19_Board_DS_DP725-137_Shepherd.docx
Attachments:	- DP725-137.pdf - BL725_Policies.pdf - Maps_Plans_DP725-137.pdf
Final Approval Date:	Apr 9, 2018

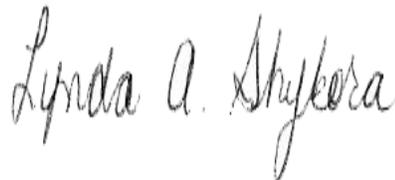
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Apr 9, 2018 - 11:18 AM



Gerald Christie - Apr 9, 2018 - 11:26 AM



Lynda Shykora - Apr 9, 2018 - 12:00 PM

No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora

Charles Hamilton - Apr 9, 2018 - 12:00 PM