



ELECTORAL AREA DIRECTORS REPORT

TO:**Chair and Directors****File No:**BL900-25
PL20180043**SUBJECT:**

Electoral Areas C, E & F: Lakes Zoning Amendment (CSR) Bylaw No. 900-25

DESCRIPTION:Report from Jennifer Sham, Planner, dated May 9, 2018.
Electoral Areas C, E & F**RECOMMENDATION:**

THAT: the Electoral Area Directors direct Development Services staff to bring forward, to a regular Board meeting, a report and amendment to the Lakes Zoning Bylaw No. 900 to:

1. Increase the total upward facing surface area of a dock to 30 m²;
2. Increase the maximum width of any portion of a floating or fixed dock surface to 3.05 m; and,
3. Increase the maximum width of any portion of a permanent or removable walkway surface to 1.52 m.

SHORT SUMMARY:

Development Services staff is proposing to amend the Lakes Zoning Bylaw No. 900 (Bylaw No. 900) by increasing the total upward facing surface area of a floating or fixed dock, increasing the width of a floating or fixed dock surface, and increasing the width of a permanent or removable walkway surface. Staff is also seeking direction from the Board regarding recommended referral agencies, stakeholders, and special interest groups.

The purpose of this proposed bylaw amendment is to:

- potentially reduce the number of Board approved variances required to place a dock in Shuswap and Mara Lakes;
- to reduce the time and the cost to issue a development permit for a dock; and,
- to reduce the number of bylaw enforcement complaints regarding oversized docks.

BACKGROUND:

Lakes Zoning Bylaw No. 900 (Bylaw No. 900) was adopted on August 16, 2012 in response to concerns about the proliferation of docks and buoys on Shuswap and Mara Lakes. Bylaw No. 900 regulates the use, size and siting of docks, buoys, and swimming platforms in Electoral Areas C (South Shuswap), E (Rural Sicamous), and F (North Shuswap).

Over the course of the past 6 years, Bylaw No. 900 has been amended twice by Development Services staff for CSR-initiated amendments including mapping corrections, a new zone, and new definitions.

The Provincial Private Moorage Program was amended on January 17, 2017 to streamline Provincial approval processes for private docks. A summary of these changes was presented at an EAD meeting on April 4, 2017. Prior to the January 2017 amendment, the Province permitted a total maximum upward facing surface area of a dock of 24 m², which was reflected in Bylaw No. 900. The Province retained a maximum dock width of 3 m, but slightly larger dock widths are often approved to account for the imperial to metric measurement conversion issue. The primary Provincial change made to the

Private Moorage Policy in 2017 was that there is no longer a total maximum upward facing surface area of a dock of 24 m² to qualify for a General Permission; when applying the maximum distance that a dock may extend off a walkway, the maximum permitted area could be 128.1 m² (42 m x 3.05 m). See "2017-04-04_EAD_DS_BL900_GEN.pdf" attached.

At the November 2, 2017 EAD meeting, DS staff presented a verbal report regarding Bylaw No. 900 (bylaw administration update and next steps) including considerations for future Lakes Zoning priorities. At that time, the EAD agreed that Bylaw No. 900 should continue to regulate private mooring buoys and that the maximum dock surface area of 24 m² should be reviewed and options for a larger area be provided for the Committee's consideration. See "2017-11-02_EAD_Docks_Buoys.pdf" and Agenda Item 4.2 of "2017-11-02_EAD_Minutes.pdf" attached.

Staff have presented a number of bylaw amendments and development permits with variances for larger docks or walkways to the Board. These variances range from minor variance requests at 27.87 m² sized docks (16.13% increase from 24 m²) to over 40 m² sized docks (+66.67% increase from 24 m²). The Manager of Development Services has the ability to issue technical development permits, but only if the variance requested does not exceed the bylaw by more than 10% and if there is a hardship.

In almost every application to the Board for a dock size (increase of over 10%, 10% with no hardship, or a fixed dock instead of a floating dock), a variance due to conversion from Imperial to Metric units was required for the dock width. See "Applications_BL900-25.pdf" attached. Since the summer of 2017, the Manager of Development Services has been issuing Development Permits with a minor variance, with the hardship being the conversion between Imperial and Metric units in using standardized building materials (i.e. dock width from 3 m to 3.05 m) in order to expedite the dock permitting process.

POLICY:

Delegation Bylaw No. 5582, 2010

Delegation of Authority to Issue Development Permits

4. The power to issue technical development permits is delegated to the Manager of Development Services.

Development Services Procedures Bylaw No. 4001

9.1.1 The Board approves:

- Technical Development Permits for which the applicant is also seeking to vary the provisions of a bylaw under [Part 14] of the Local Government Act, when such a variance would exceed what is allowed under the bylaw by more than 10%;
- Development Variance Permits;

9.2.1 The CSRD Board hereby delegates to the Manager the power to issue or grant the following:

- Technical Development Permits;
- Technical Development Permits for which the applicant is also seeking to vary the provisions of a bylaw under [Part 14] of the Local Government Act, when such a variance application can illustrate hardship and would not exceed what is allowed under the bylaw by more than 10%;

Electoral Area C Official Community Plan Bylaw No. 725

12.2 Foreshore and Water Development Permit Area

Electoral Area F Official Community Plan Bylaw No. 830

13.2 Foreshore and Water Development Permit Area

A Foreshore and Water Development Permit is required in Electoral Area C & F for new and replacement docks or swimming platforms, new private mooring buoys, and other land alterations.

Proposed Electoral Area E Official Community Plan Bylaw No. 840

18.2 Foreshore and Aquatic Development Permit Area

A Foreshore and Water Development Permit may be required in Electoral Area E for structures including docks, private mooring buoys, and community moorage facilities on all lakes in Electoral Area E including Shuswap Lake and Mara Lake.

Lakes Zoning Bylaw No. 900

Foreshore Residential 1 (FR1), Foreshore Residential 2 (FR2), Foreshore Multi-Family 1 (FM1), Foreshore General 1 (FG1), Foreshore General 2 (FG2), Foreshore Park (FP) all contain a maximum upward facing surface area and maximum dock and walkway surface widths.

Foreshore Multi-Family 2 (FM2), Foreshore Multi-Family 3 (FM3), Foreshore Commercial 1 (FC1), Foreshore Commercial 2 (FC2), Foreshore Commercial 3 (FC3), Foreshore Commercial 4 (FC4), Foreshore Industrial (FI) contain maximum dock surface width.

| Lakes Zoning Bylaw No. 900 | Current Regulation | | |
|----------------------------|--|---|---|
| | Maximum Upward Facing Surface Area of 24 m ² for a floating or fixed dock | Maximum floating or fixed dock surface width of 3 m | Maximum Permanent or Removable walkway width of 1.5 m |
| Zone | | | |
| Foreshore Residential 1 | ✓ | ✓ | ✓ |
| Foreshore Residential 2 | ✓ | ✓ | ✓ |
| Foreshore Multi-Family 1 | ✓ | ✓ | ✓ |
| Foreshore General 1 | ✓ | ✓ | ✓ |
| Foreshore General 2 | ✓ | ✓ | ✓ |
| Foreshore Park | ✓ | ✓ | ✓ |
| Foreshore Multi-Family 2 | | ✓ | |
| Foreshore Multi-Family 3 | | ✓ | |
| Foreshore Commercial 1 | | ✓ | |
| Foreshore Commercial 2 | | ✓ | |
| Foreshore Commercial 3 | | ✓ | |
| Foreshore Commercial 4 | | ✓ | |
| Foreshore Industrial | | ✓ | |
| Foreshore Water | | | |

FINANCIAL:

There may be minor financial implications to the CSRD with regard to this proposed amendment. With the increase in the total upward facing dock surface area, staff expect to see fewer applications requiring Board approval, which could result in a reduction of income from application fees. Generally, Board approval (permit) application fees are a minimum of \$650, plus \$150 Land Title Office (LTO) registration fee. A delegated approval permit application fee is \$200, plus the LTO registration fee. This reduction in income would be offset by reduced application expenses, including allocation of staff time. In addition, DS staff expect to receive fewer bylaw enforcement complaints regarding oversized docks, which may allow bylaw enforcement resources to be reallocated to other bylaw enforcement issues.

KEY ISSUES/CONCEPTS:

Dock Size

The current upward facing surface area of a fixed or floating dock is 24 m² in the FR1, FR2, FM1, FG1, FG2, and FP zones. Based on general dock inquiries received, the applications received, and in consultation with a local dock builder/installer, staff is recommending that the maximum dock size be increased to 30 m² or 322.92 ft². This is an increase of 25% from the current maximum dock size. Staff note that if an applicant can illustrate hardship, the Manager of Development Services may issue a delegated Foreshore and Water DP for a 33 m² (355.21 ft²) dock with the proposed maximum dock size increase; however, it is expected that this scenario would be rare.

Dock Size Increase Options

| Dock Size | Imperial Size | Dock width x length (Feet) | Metric Size | Dock width x length (Metres) | Increase from current size |
|---|-------------------------|----------------------------|----------------------|------------------------------|----------------------------|
| Current | 258.33 ft ² | 9.84 x 26.45 | 24 m ² | 3 x 8 | - |
| Option 1 | 301.39 ft ² | 10 x 30 | 28 m ² | 3.05 x 9.18 | 16.67% |
| Option 2 | 322.92 ft ² | 10 x 32 | 30 m ² | 3.05 x 9.84 | 25.00% |
| Option 3 | 344.35 ft ² | 10 x 34 | 32 m ² | 3.05 x 10.49 | 33.33% |
| Option 4 | 409.03 ft ² | 10 x 40 | 38 m ² | 3.05 x 12.46 | 58.33% |
| Option 5 | 430.56 ft ² | 10 x 43 | 40 m ² | 3.05 x 13.11 | 66.67% |
| Maximum size permitted by the Province* | 1378.86 ft ² | 10 x 137.89 | 128.1 m ² | 3.05 x 42 | 433.75% |

*Crown Land Use – General Permission for Private Moorage

Conversion

It is commonly known that the construction industry continues to use the Imperial system of measuring units, whereas most of the measurements listed in Canadian bylaws or regulations are in Metric units. Due to converting between these two units of measurements, discrepancies have occurred causing non-compliance with maximum sizes and widths, or additional dock materials being purchased and modified to meet the metric units. Staff are proposing to change the dock and walkway width measurements in Bylaw No. 900 to reflect two decimal places to account for the conversion from Imperial to Metric.

| Widths | Current | Proposed |
|--|---------------|----------------|
| Maximum floating or fixed dock surface width | 3 m (9.84 ft) | 3.05 m (10 ft) |

| | | |
|--|-----------------|---------------|
| Maximum Permanent or Removable walkway width | 1.5 m (4.92 ft) | 1.52 m (5 ft) |
|--|-----------------|---------------|

Referrals

After first reading at a future Board meeting, staff will be recommending sending this bylaw amendment to the following referral agencies, stakeholders, and special interest groups for comments:

- Advisory Planning Commission C;
- Ministry of Environment;
- Ministry of Forests, Lands, Natural Resource Operations, and Rural Development;
- Ministry of Forests, Lands, Natural Resource Operations, and Rural Development – Lands Branch;
- FrontCounterBC;
- Department of Fisheries and Oceans;
- Transport Canada;
- City of Salmon Arm;
- District of Sicamous;
- CSRD Operations Management;
- All relevant First Nation Bands and Councils;
- Dock builders and installers working in the Shuswap; and,
- Shuswap Waterfront Owners Association (SWOA).

SUMMARY:

Staff are seeking input from the EAD regarding:

- the proposed maximum dock size of 30 m²;
- the proposed conversions for maximum floating or fixed dock surface width from 3 m to 3.05 m and maximum permanent or removable walkway width from 1.5 m to 1.52 m; and,
- the recommended agencies/stakeholders/special interest groups for referrals after first reading.

IMPLEMENTATION:

Should the EAD require further amendments to the proposed draft amendments, staff will make the changes prior to Board consideration of first reading.

COMMUNICATIONS:

The referral agencies, stakeholders, and special interest groups will be confirmed through discussion at the EAD meeting. If the proposed bylaw amendment receives first reading at a future Board meeting, referrals will be sent to these agencies, stakeholders, and special interest groups.

In addition to referrals, staff will advertise in local newspapers and publications including the Shuswap Market News, the Kicker and the Scoop, and CSRD Social media regarding the online comment form on the CSRD website about the proposed amendments.

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.*

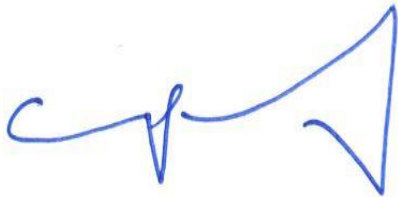
LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. Delegation Bylaw No. 5582, 2010
2. Development Services Procedures Bylaw No. 4001
3. Electoral Area C Official Community Plan Bylaw No. 725
4. Electoral Area F Official Community Plan Bylaw No. 830
5. Proposed Electoral Area E Official Community Plan Bylaw No. 840
6. Lakes Zoning Bylaw No. 900
7. Provincial General Permission for the Use of Crown Land for Private Moorage Version: January 17, 2017

Report Approval Details

| | |
|----------------------|---|
| Document Title: | 2018-06-07_EAD_DS_BL900-25_CSRD.docx |
| Attachments: | <ul style="list-style-type: none">- 2017-11-02_EAD_Docks_Buoys.pdf- 2017-11-02_EAD_Minutes.pdf- 2017-04-04_EAD_DS_BL900_GEN.pdf- Applications_BL900-25.pdf |
| Final Approval Date: | May 30, 2018 |

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



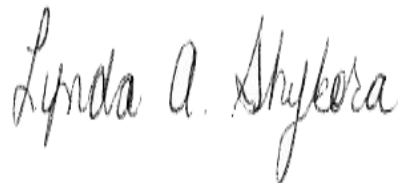
Corey Paiement - May 10, 2018 - 12:17 PM



Gerald Christie - May 23, 2018 - 11:58 AM

No Signature - Task assigned to Jodi Pierce was completed by assistant Sheena Haines

Jodi Pierce - May 25, 2018 - 7:59 AM



Lynda Shykora - May 29, 2018 - 11:50 AM



Charles Hamilton - May 30, 2018 - 8:18 AM