

ADMINISTRATIVE REPORT



TO: Planning and Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: May 21, 2020

RE: Official Community Plan (OCP) and Zoning Bylaw Amendments
Proposed Dock Regulations – Okanagan Basin Lakes

Administrative Recommendation:

THAT the Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 proceed to first reading.

Purpose:

The purpose of this report is to seek direction from the Board regarding revised Official Community Plan (OCP) and Zoning Bylaw amendments related to the regulation of docks on major lakes within Electoral Areas “A”, “C”, “D”, “E”, “F”, and “I”.

Background:

The construction and placement of private moorage facilities on aquatic Crown land (foreshore) requires authorization from the Ministry of Forests, Lands, and Natural Resource Operations. Private moorage facilities include docks, boat ways/ramps or boat lifts that are used for private residential use.

Provincial permission is typically granted for docks on aquatic Crown land, as long as the dock is constructed in accordance with the terms and conditions contained in the General Permission to Use Crown Land for a Private Moorage Dock. For larger scale facilities (e.g. commercial dock or marina), a more complex tenure from the Province must first be obtained to lease Crown land.

In the past, the RDOS has responded to Crown Land Referrals for larger scale commercial docks that met the province’s approval, but did not necessarily align with the RDOS’s expectations. While Administration responded with expressed concerns over potential uses and conflicts with other upland properties, there were no zoning regulations governing such water based uses.

At its meeting of May 3, 2018, the P&D Committee directed staff to research further the potential of creating a new water zone along the lakeshore of Okanagan Valley lakes

At its meeting March 17, 2019, the P&D Committee resolved “that the Okanagan Electoral Area Zoning Bylaws be amended to introduce a Water Use Zone in order to regulate the development of commercial docks.”

Analysis:

Further to the direction previously provided by the Committee at its meeting of March 17, 2019, Draft Amendment Bylaw No. 2862 contains a number of proposed General Regulations that would govern the placement of docks on Okanagan, Osoyoos, Skaha, and Vaseux Lakes, such as:

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- one single dock that has two boat moorage areas or less (or one boat lift and a moorage area);
 - one moorage buoy (which counts as one of the two allowable moorage area);
 - one swimming platform;
 - a boat launch;
 - adjacent upland parcel is zoned to permit a single detached dwelling;
 - a dock does not extend a distance greater than 42.0 metres into the lake from the upland parcel;
 - a dock does not exceed a width of 1.5 metres, or a platform exceeding a width of 3.0 metres;
 - the total area of a swimming platform is not to exceed 10.0 m²; and
 - a dock does not impede pedestrian access along the foreshore.

These proposed zoning regulations align with the Provincial General Permission for the Use of Crown Land for Private Moorage.

In general, most residential-scale docks, swimming platforms, moorage buoys, and boat launches would not require the Board's approval, as long as they meet the aforementioned regulations.

Intensive Uses Requiring Board Approval:

However, larger scale docks and related developments that do not meet all of the above listed requirements would automatically be subject to the Board's review through a Site Specific Rezoning process.

This will provide an opportunity for the Board to review any proposals that do not conform to the requirements, including group moorage, commercial docks and marinas, float plane moorage, on a case-by-case basis. The supporting OCP policy amendments list a number of criteria that could be used in such a review (see Attachment No. 1).

Official Community Plan (OCP) Bylaw - Objectives and Policies:

In support of the amendments, Administration is proposing the introduction of supportive objectives and policies to the Electoral Area Official Community Plan Bylaws (see Attachment No. 1).

In addition, it is being proposed to apply a new "Basin Lakes (BL)" land use designation to the surface of the lakes to indicate where these new objectives and policies are to be applied and to include this on the applicable OCP Map schedules.

Both of these proposals are new since the P&D Committee last considered this matter at its meeting of March 19, 2019.

Zoning Bylaw Map:

It is now being proposed to replace the proposed "Water Use Zone" that was considered by the P&D Committee at its meeting of March 19, 2019, and that was to extend 50.0 metres below the high water mark of the lakes with a new "Okanagan Basin Lakes Zone".

This zone would generally apply to the whole of the lakes within each respective Electoral Area boundary and would allow as a principal permitted use "water-based recreation". Permitted accessory uses are to include a smaller scale dock, boatlift, swimming platform, and moorage buoy.

Parks and Recreation (PR) Zone

Due to the PR Zone currently permitting “public moorage and marina”, it is being proposed to amend this to ensure consistency with other amendments to “public moorage”, thereby ensuring that any marina proposals are subject to the Board’s review through a site-specific rezoning process.

Electoral Area “F”:

Electoral Area “F” is the only Electoral Area that currently has zoning regulations for docks and boat lifts. The zoning designations along Okanagan Lake upland properties currently all extend out over the water and there is a section contained in the general regulations specifically for Docks and Boatlifts that outlines the size, shape, setbacks from property line, and conditions of use.

In the case of Electoral Area “F” Zoning Bylaw, the proposed Zoning Bylaw would replace the existing regulations related to docks and marinas, and also pull any existing zones that extend over the lake back to the shoreline.

It should be noted that for any existing docks or moorage that do not meet the new zoning, they will be considered legally non-conforming.

Consultation (Next Steps):

If the recommended direction to make these changes are supported by the Committee, then the next step would be to engage with the communities for their feedback. If necessary, any recommended changes would be presented to the Committee, followed by a formal Board adoption process.

Alternatives:

1. THAT consideration of Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 be deferred; or
2. THAT Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 not proceed to first reading; or
3. THAT prior to first reading, Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 be amended to:
 - i) *TBD*

Respectfully submitted:

Cory Labrecque
C. Labrecque, Planner II

Endorsed by:


C. Garrish, Planning Manager

Attachment: No. 1 – Proposed OCP Bylaw Objectives and Policies
No. 2 - Draft Amendment Bylaw No. 2862 (version 2020-05-21)

Attachment No. 1 – Proposed OCP Bylaw Objectives and Policies

Objectives

- .1 Provide opportunities for water-based recreation on Okanagan/Skaha/Vaseux/Osoyoos Lake, including small-scale docks and swimming platforms associated with adjacent residential use.

Policies

The Regional Board:

- .1 Generally supports the use of waters designated Okanagan Basin Lakes (BL) identified in Schedule 'B' (Official Community Plan Map) for water-based recreation, docks, boat launches, boatlifts, swimming platforms and moorage buoys.
- .2 Supports docks and swimming platforms being located away from or designed to have minimal impact on riparian habitat.
- .3 Requires dock and swimming platform proposals affecting lands designated as Watercourse Development Permit (WDP) Area to obtain a development permit in accordance with the requirements of Section 18.3 of this Bylaw.
- .4 Encourages docks to be designed, including anchor points, in a way that will not disturb riparian areas, except at the immediate footprint.
- .5 Encourages docks and swimming platforms to be located away from or designed to avoid negative impacts on adjacent structures and uses, including other docks and swimming platforms, beach access points, parks, utilities, water intakes, and other similar uses.
- .6 Consider that docks, swimming platforms, and marinas should not include non-moorage structures such as storage sheds, gazebos, raised decks or hot tubs.
- .7 Will consider group moorage, marina and other commercial dock proposals on a case-by-case basis through a zoning amendment process, and may use the following criteria to assess an application:
 - i) location of any existing community infrastructure such as water intakes, sewer lines and underground cables;
 - ii) presence of environmental and riparian values, such as fish habitat, as identified by a habitat assessment;
 - iii) compatibility with, and proximity to adjacent land uses; and
 - iv) intensity of the use (e.g. number of berths or inclusion of non-moorage structures).