



TO: Board of Directors

FROM: B. Newell, Chief Administrative Officer

DATE: November 19, 2020

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

Administrative Recommendation:

THAT Bylaw No. 2862, 2020 the Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw, be read a third time.

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:

Public Information Meetings were hosted electronically on July 30th, August 4th and August 5th, 2020, and were attended by approximately twenty (20) members of the public.

At its meeting of May 21, 2020, the Planning and Development Committee resolved “that the Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 proceed to first reading.”

At its meeting of October 1, 2020, the Regional District Board resolved to approve first and second reading of the amendment bylaw and scheduled a public hearing ahead of its meeting of November 19, 2020.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required prior to adoption as the proposed amendments involve lands within 800 metres of a controlled access highway (i.e. Highway 97/3).

Analysis:

Further to the direction previously provided by the Board, 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.

In general, the draft regulations are designed so that most residential-scale docks, swimming platforms, moorage buoys, and boat launches would not require the Board's approval. The proposed zoning regulations align with the Provincial General Permission for the Use of Crown Land for Private Moorage, including these key regulations:

- one (1) dock, one (1) boat launch, or one (1) standalone boatlift is permitted per upland parcel;
- 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; and
- a dock does not impede pedestrian access along the foreshore.

In addition, the adjacent upland parcel must be zoned to permit a single detached dwelling, and a maximum of one (1) standalone swimming platform is permitted per upland parcel, so long as the total area of the platform does not exceed 10.0 m².

Following stakeholder input, discussions with the Province, and further analysis, some key improvements were made to the draft bylaw since the May 21, 2020 Committee meeting:

- All references to moorage buoys are removed from the draft bylaw, given the Board's primary objectives of the dock regulations initiative, higher-level government jurisdictional issues, and capacity issues related to the RDOS's capacity to properly monitor and enforce the widespread installation of moorage buoys.
- Shared neighbour docks are a permitted use, in order to promote responsible shared dock ownership and cost sharing, while potentially reducing future dock construction on the lakes over time (these are first still subject to provincial approval).
- The maximum number of boat moorage areas per dock has increased from two (2) to four (4) moorage areas, in order to reflect current private residential moorage practices, and to remove a possible disincentive for shared neighbour docks.

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.

Zoning Bylaw Map:

The new “Okanagan Basin Lakes 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, and swimming platform.

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.

Alternatives:

1. THAT third reading of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 be deferred; or
2. THAT first and second readings of Regional District of Okanagan-Similkameen Okanagan Basin Lakes Official Community Plan and Zoning Amendment Bylaw No. 2862 be rescinded and the bylaw abandoned.

Respectfully submitted:

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Endorsed By:


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