



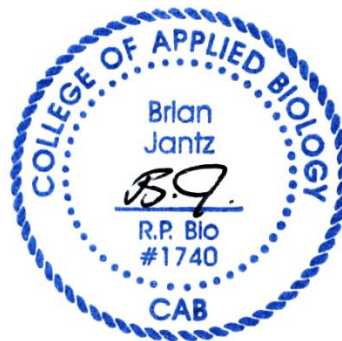
Lakestream

Environmental Services

**DRAFT
ENVIRONMENTAL IMPACT ASSESSMENT
FOR RE-DEVELOPMENT OF A DOCK
At PARADISE PARK
ON SOLANA BAY, OSOYOOS LAKE
AT 5901 – 62 Ave., RR1, Site 14, Comp 50,
Osoyoos, B.C.**

**Report Prepared for:
PARADISE PARK LESSEES ASSOCIATION**

**Prepared by:
LAKESTREAM ENVIRONMENTAL SERVICES**



**Brian Jantz, R.P.Bio, QEP
Resource Biologist**

June 2013

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1.0 Introduction

1.1 Background

In May of 2012 the undersigned of Lakestream Environmental Services was retained by the Paradise Park Lessees Association, to prepare an application to Crown Lands of the Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) for the redevelopment of their dock located on Solana Bay in the town of Osoyoos (see location map Figures 1 and 2).

Paradise Park consists of 69 individual lots and is operated as a shared interest development (Figure 3). According to records of the Integrated Land Management Bureau of MFLNRO their present dock is operated under the tenure of a private moorage dock (File 3408501 - Figure 4). This Specific Permission was issued in the name of Paradise Park for as long as required commencing January 15, 2011 for private moorage purposes. This Specific Permission replaced Licence No. 338317 which has been recorded as expired January 15, 2011.

2.0 Project Overview

2.1 Project and purpose

The residents of Paradise Park wish to apply for a tenure amendment which would change their existing status from private moorage to group/strata moorage. This would allow for the expansion of the existing dock and provide moorage for up to 10 boats. It would also facilitate safer passage and provide more efficient use of the existing facility. In order to qualify for Group/Strata tenure, however, their property would require town re-zoning of that portion of Solana Bay that fronts Paradise Park from W2 to W3 designation. On March 16, 2013 Randy North, president of the Paradise Park Lessees Association requested this zoning change of Steve Shannon, Town of Osoyoos Planner (Figure 5).

On March 22, 2013 Steve Shannon, Osoyoos Town Planner, provided an email transmittal of support to the Paradise Park Lessees Association and stated as follows: "Please be advised that if your tenure is changed at some future date that staff would support a re-zoning application to change the zoning of the foreshore and that portion of Solana Bay that fronts Paradise Park from W2 to W3". (Figure 6). Figures 7 and 8 show the criteria for dock construction according to the Towns Foreshore and Lake Zoning Bylaw no. 1294, 2012.

Recently, the undersigned spoke via telephone with Craig Morrison, Private Moorage Officer of Front Counter B.C., who advised that this proposal for a change in tenure would require an application under the Residential Land Policy. Accordingly, the undersigned has prepared this proposal following the guidelines of the Residential Application Requirements List. Paradise

Park representatives have provided a letter of authorization appointing the undersigned as an agent to act on their behalf (Figure 9).

2.2 Location, size and main features of project

Solana Bay is located off the south basin of Osoyoos Lake (Figures 1 and 2). Paradise Park is a 3.29 acre shared interest development which is located along the north shore of Solana Bay (Figure 3). Legal description is Lot 2, District Lot 43, Similkameen Division of Yale District, Plan 1267. The existing dock occupies an area of approximately 0.0132 hectares and is comprised of an access ramp of 6.10 x 2.44m and a dock section of 18.3 x 2.44m for a total area of 59.53m² (Figure 11). This dock complies with all of the current W2 Town of Osoyoos regulations for size, location to adjacent properties, density and setbacks.

It is proposed that the existing floating dock (18.3 x 2.44m) be re-located at its present location along the shore but moved outward from the shore a distance of 9.14m. This section will then be reconnected to shore by a gangway section (11.7 x 1.22m). Fingers will then be attached to the main dock spine and consist of 2 end fingers of 7.3m x 1.22m (17.8 sq. m) and 4 side fingers of 6m x .76m (18.5 sq. m). Total area of the new dock will be 95.58m². The new dock configuration is shown in Figures 12 and 13. The main spine of this floating dock will be supported by the 2 existing full-length steel drum floats and new floatation will be built for the side fingers. The existing deep water steel post will be incorporated into the anchor system to hold the dock in place.

There are a number of options for construction materials that will be used on the new fingers and approach ramp. The proposed additional fingers will be constructed from one of the following:

- a. polyethylene floats with an aluminum frame and deck
- b. polyethylene floats with a treated wood (hemlock) frame and deck (all wood framing and decking would stay out of the water with a typical freeboard of 12")
- c. steel pile floats with a treated wood (hemlock) frame and deck (all wood framing and decking would stay out of the water with a typical freeboard of 12")

The proposed gangway will be constructed from one of the following:

- a. a single 12.1m (40 foot) aluminum frame and deck gangway
- b. utilize the existing 6m (20 ft.) steel frame wooden deck access ramp by adding polyethylene floats and then attaching a 6m (20 ft.) aluminum frame and deck gangway.

The dock will be secured by one of the following:

- a. install two additional 6" diameter steel posts at the end of the dock and removing the existing shore end 8" diameter steel post
- b. install two anchors at the end of the dock and removing the existing shore end 8" steel post.

If any of the above options are deemed unacceptable by the approving authorities we will eliminate that alternative.

At the date of survey (May 17, 2013) Osoyoos Lake level was in flood at 278.54m (913.87 ft) elevation. The lake levels were in decline from an earlier peak at May 15 of 278.64m (914.19 ft.). The Osoyoos Lake High Water Mark is considered at 278.2m (912.72 ft.) and therefore the lake was 0.44m (1.47 ft) above the HWM at the survey time. Using the HWM at the basis for lake depth the existing end of dock depth is 1.37m. According to measurements recorded at the site the proposed end of a new dock depth will be 1.49m.

This new configuration complies with all of the specifications for the W3 designation of the Town of Osoyoos Foreshore and Lake Zoning Bylaw No. 1294, 2012 (Figure 8). The new berths will provide moorage for up to 10 boats and will reduce the present requirement for individual anchor buoys across the property frontage. Presently the residents utilize on average 12 to 15 anchor buoys along the foreshore of Paradise Park. According to Randy North, association president, their requirement for buoys is expected to be reduced as the residents move their boats to storage at the new dock. Anchor buoys are primarily used by larger boats that have difficulty navigating shallow water near the present dock. The 6 proposed fingers will be built on an as required basis as funding is generated. The total dock length will be 30m and the side fingers will project a maximum of 7.3m. This will allow a distance of 47m from the south-east property boundary and 55m from the north-west. Paradise Park Association do not allow any boat lifts at this time and have no intentions to incorporate the use of boat lifts in their new dock design.

2.3 Access plans

The existing dock is located in a central location to the Paradise Park community and is accessible to park residents only. This access will not change with the proposed dock design. The new design complies with the regulation of spacing from adjacent properties.

2.4 Construction schedule

Works are scheduled to begin either in the late fall of 2013 or in the March to April period of 2014. These are periods of traditional low lake levels for Osoyoos Lake and also coincide with low periods of waterfront use from tourists and locals. According to the Ministry of Environment Okanagan Region Large Lakes Protocol, timing for works schedule, Solana Bay falls within a

work window of July 1 to April 1 which is designed to protect Large and Small Mouth Bass spawning habitat in the months of May and June.

3.0 Additional Information

3.1 Environmental

3.1.1 Land Impacts

Land impacts due to dock construction and positioning should be minimal and present low risk to local surroundings. If hemlock decking is chosen as the material for construction of the new fingers the dock sections will be constructed on land away from the lake shore then floated into position with boats or a small excavator working from shore. An anchor system of steel posts will be adequate to support the new dock structure. Solana Bay is well protected from wind and currents and ice movement does not normally affect this protected area. Concurrent with DFO specifications, decking will be treated with either Alkaline Copper Quaternary (ACQ) or Copper Azole (CA).¹ Treatment will be applied away from the site.

Solana Bay is not been previously documented as an archaeological site. This area has long been developed as medium density residential properties and Paradise Park as long been zoned as R8, Recreational Vehicle Residential Strata. The previous Crown Lands designation process, which took place in 2011, did not reveal any archaeological significance at the site.

3.1.2 Atmospheric Impacts

The current status of this dock as a non-commercial resident use only facility is not expected to change. There is no fuel storage, or pumping of waste water facilities in the vicinity of the dock. Boat use in the area is also unlikely to change with the exception that many of the resident boats now anchored to buoys in the bay will have a concentrated and convenient place for storage at the dock.

3.1.3 Aquatic Impacts

Osoyoos Lake is part of the Okanagan River watershed and drains south through Washington State to the Columbia River. Osoyoos Lake levels are controlled by Zosel Dam located at Oroville, Washington which is operated through various agreements by an International Joint Committee. Periodically, a condition will occur where high spring freshet waters in the Similkameen River may back up flows into the Okanagan River at the Osoyoos Lake outlet causing flooding of lakeshore properties in the upper basin areas. These flood conditions

¹ Fisheries and Oceans Canada publication Dock and Boathouse Construction in Freshwater Systems

occurred during the recent spring freshet and caused the high water level conditions observed during the site assessment on May 17, 2013. For this reason the existing dock is designed on floats which allow it to move vertically with changes in water height. The approach ramp can become separated from shore during this period but water levels will usually decline before the onset of high summer tourist traffic. This is also one of the factors considered for the proposed dock design and the need for a 30m length. Solana Bay is a shallow water body and the present dock does not always afford the proper clearance depth to allow boats to utilize its full capability. The proposed 30m dock will allow access to water that is 0.12m deeper than the existing dock.

This proposed dock replacement will not have impact on local drainage effect, sedimentation, water diversion, water quality or private residences in the bay. Solana Bay is fairly isolated from the Osoyoos Lake mainstem and is less subject to wind, wave and current movement.

3.1.4 Fish and Wildlife Habitat

The methods used to gather fish and fish habitat values associated with the subject property included:

- A literature review of previous assessments and reports prepared for other development proposals on Osoyoos Lake;
- A review of the B.C. Conservation Data Centre for rare or endangered species or occurrences near the subject property;
- A literature review of previous studies and reports of Osoyoos Lake features, fisheries values and rare or threatened plant and wildlife use;
- A review of the B.C. Ministry of Environment and Department of Fisheries and Oceans websites for Osoyoos Lake historic and present fish values and use by freshwater and saltwater species;
- Observations recorded by the undersigned during site visits in the fall of 2012 and May 17, 2013. Features of the property and dock such as beach extent and tree locations were GPS recorded using a Garmin Colorado 300. This unit has an estimated position error of $\pm 4\text{m}$;
- A mussel survey was conducted according to survey specifications of the Ministry of Environment Ecosystems Branch. A search was conducted along the full property shoreline and to the 1m depth using waders and a glass viewing box. A boat survey utilizing the viewing box was conducted around the existing dock and to the proposed dock extension area;
- Ecosystem Branch personnel were consulted for listed sightings of rare or endangered plants or animals within Solana Bay²

² Pers comm Oroville Dyer, Environmental Stewardship Division, Penticton, B.C.

- The location of the Osoyoos Lake High Water Mark was determined from legal survey drawings that were provided by the Paradise Park Leese Association; and
- Photographs were recorded from various locations on the subject property in October 2012 and May 2013.

3.1.4.1 Description of Fisheries and Wildlife Resource Values

Osoyoos Lake supports a wide variety of salmonid and non-salmonid species. The lake provides a sport fishery primarily based on native populations of kokanee, sockeye, and rainbow trout³. Other sport fish include mountain whitefish, lake whitefish, yellow perch, steelhead, Chinook salmon, largemouth bass, smallmouth bass, and black crappie. Non-game species include: black catfish, pumpkinseed, bluegill sunfish, carp, northern pikeminnow, largescale sucker, prickly sculpin, slimy sculpin and goldfish.⁴

Table 1. Fish Species⁵

Common Name	Scientific Name	Native (N) or Exotic
Black Catfish (formerly Black Bullhead)	<i>Ameiurus melas</i>	E
Black Crappie	<i>Pomoxis nigromaculatus</i>	E
Bluegill Sunfish	<i>Lepomis macrochirus</i>	E
Burbot	<i>Lota lota</i>	N
Carp	<i>Cyprinus carpio</i>	E
Chinook Salmon	<i>Oncorhynchus tshawytscha</i>	N
Goldfish	<i>Carassius auratus</i>	E
Kokanee	<i>Oncorhynchus nerka</i>	N
Lake Whitefish	<i>Coregonus clupeaformis</i>	N
Largemouth Bass	<i>Micropterus salmoides</i>	E
Mountain Whitefish	<i>Prosopium williamsoni</i>	N
Northern Pikeminnow	<i>Ptchocheilus oregonensis</i>	N
Peamouth	<i>Mylocheilus caurinus</i>	N
Prickly Sculpin	<i>Cottus asper</i>	N
Pumpkinseed	<i>Lepomis gibbosus</i>	E
Rainbow Trout	<i>Oncorhynchus mykiss</i>	N
Smallmouth Bass	<i>Micropterus dolomieu</i>	E
Sockeye Salmon	<i>Oncorhynchus nerka</i>	N
Steelhead	<i>Oncorhynchus mykiss</i>	N
Yellow Perch	<i>Perca flavescens</i>	E

Sockeye salmon in Osoyoos Lake have received considerable interest as they represent one of only two populations remaining in the Columbia River system. They are valued for their

³ MOE Okanagan Regional Lake Files 40-3502-02 Osoyoos Lake.

⁴ Source: B.C. government Ministry of Environment Habitat Wizard Fisheries Inventory Data Query.

⁵ B.C. Habitat Wizard website 2013

contribution to commercial and sport fisheries and provide ceremonial and food resources to First Nations. Sockeye spawn in the Okanagan River, upstream of Osoyoos Lake, and the emerging fry utilize Osoyoos Lake for one year of rearing before migrating downstream to the Pacific Ocean. Adult sockeye will stage in the north basin of Osoyoos Lake for a period of time while waiting for spawning habitats to reach ideal conditions upstream in the Okanagan River Channel. Other species which utilize Osoyoos Lake for early rearing include Chinook salmon, kokanee and steelhead. Table 1 identifies the origin of these species.

Fish habitat within Solana Bay, however, is far removed and differs from habitats within the main lake. This area is characterized as a very shallow basin with high temperature regimes and low oxygen levels and exhibits advanced stages of eutrophication. This habitat is more suited to warm water species of bass, perch, black crappie and carp and is very marginally suited for salmonids. The main lake basin, outside of Solana Bay, is the less preferred for salmonids which traditionally utilize the deeper and cooler north basin zones.

3.1.4.2 Littoral and Riparian Zone Features

Foreshore habitat below the high water mark and along the lakefront of the subject property consists primarily of sandy/muddy mix substrate with limited gravels to 1 inch diameter. Aquatic vegetation is poorly developed near the high water zone but eventually transitions to a dense growth of Eurasian milfoil mixed with potamogeton sp.(photos 5 and 6) in deeper areas. There are no spawning streams located within at least five kilometers of this property and the littoral zone adjacent to the proposed development site has not been specified as spawning habitat either by DFO or the Ministry of Environment. It is unlikely with the limited complexity of the frontal littoral zone that largemouth or smallmouth bass utilize this area for spawning as there is limited cover for these species to utilize but they do frequent the bay for adult foraging. There is no known shore spawning use by salmonids in Osoyoos Lake, and it is unlikely that juvenile salmonids (including sockeye, Chinook, steelhead and whitefish) would use this littoral area for rearing and feeding purposes in the spring as they do in other areas of Osoyoos Lake before moving offshore as temperatures increase⁶. It is also unlikely that Sockeye smolts would use these littoral areas of Solana Bay because of its remoteness to mainstem Osoyoos Lake. The littoral area adjacent to the property may provide limited rearing habitat for non-salmonid and exotic species⁷.

A search of the B.C. Conservation Data Centre records and the Okanagan Region Foreshore Protocol mapping (Figure 10) determined that there are no records showing for Rocky Mountain Ridged Mussels (*Gonidea angulata*), or rare or endangered fish or aquatic plant species within the foreshore areas of Selano Bay near Paradise Park. A conversation with

⁶ Wilson, MOE, 2006, reported in Fish Habitat Assessment of Osoyoos Lake at 8000 Cottonwood Drive For Proposed Works at the Indigo Resort. Matrix Solutions Inc. February 2008.

⁷ B. Jantz, MOE, 2005, reported in Fish Habitat Assessment of Osoyoos Lake at 8000 Cottonwood Drive For Proposed Works at the Indigo Resort. Matrix Solutions Inc. February 2008.

Orville Dyer of the Penticton Ecosystems Section determined that these website records are up to date. An on-site search of the littoral zone fronting Paradise Park, utilizing an undersurface viewing box, did not reveal the presence of these or any other species of mussels. A beach walk and survey of the waters up to 1m depth along the full frontage of Paradise Park did not confirm the presence of mussels, either abandoned shells or live, or any amphibians. The area of extension of the proposed replacement dock was also examined, utilizing the viewing box from a boat, and there were no mussels observed. The water temperatures at the date of search were 17 degrees Celsius which conforms to the Ecosystem Branch protocols for mussel surveys.

3.2 Socio-Community

3.2.1 Land Use

The Town of Osoyoos recently revised its Foreshore and Lake Zoning Bylaw no. 1294, 2012. Areas of the Town that lie within the high water mark and the boundaries of the Town were divided into the zones described below:

Short Form	Zone Designation
W1	Public Water Use
W2	Private Moorage
W3	Group / Strata Moorage
W4	Commercial Moorage

Details and specifications of W2 and W3 Town of Osoyoos foreshore zoning bylaws are provided in figures 7 and 8. The specifications of proposed dock design, as outlined in section 2.2 above, all conform to the requirements for W3 zoning. There should not be any increase in impacts to adjacent residential properties as a result of this change in zoning and dock design.

3.2.2 Socio-Community Conditions

This project will not have any adverse effects on water supply, transportation, fire protection or emergency services. Access routes to the replacement dock will follow existing routes and will remain as private access.

3.2.3 Public Health

The existing dock does not have any present facilities for sewage offloading or fuel servicing and this will not change with the new design. There will therefore not be any increased risk to public health.

3.2.4 First Nations

Solana Bay is not been previously documented as an archaeological site. This area has long been developed as medium density residential properties and Paradise Park as long been zoned as R8, Recreational Vehicle Residential Strata. The previous Crown Lands designation process, which took place in 2011, did not reveal any archaeological significance at the site.

4.0 APPROVALS AND DISCLAIMER

This document has been prepared independently and the content is based on the opinions of Brian Jantz of Lakestream Environmental Services. This report was prepared for the account of Paradise Park Lesees Association. The material in it reflects Lakestream Environmental Service's best judgment, in the light of information available to it, at the time of preparation. Any use which a third party makes of this report, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. The undersigned accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report.

Respectfully submitted,
July 2013



Brian Jantz, R.P.Bio, QEP
Lakestream Environmental Services
P.O. Box 1788, Summerland, B.C. V0H 1Z0
Phone 250-494-1765 Cell 250-488-9560
bajantz@shaw.ca

Appendix A -- Figures`



Figure 1. Location of proposed development of replacement dock. Photo source Google Earth. Scale = 1:14000.



Figure 2. Solana Bay and Paradise Park Dock development area. Map scale = 1:1800.



Figure 3. Overview of the 69 lot development at Paradise Park Leases Association at 5901 – 67 Ave., Osoyoos, B.C.



Our File: 3408510

March 9, 2011

Paradise Park Lessees Association (Osoyoos), Society No. 31741
5901 – 62 Ave
RR 1, Site 14, Comp 50,
Osoyoos, BC V0H 1V0

Dear Paradise Park Lessees Association:

Enclosed is an originally executed copy of Specific Permission Number 345351 covering All that unsurveyed Crown foreshore being part of the bed of Osoyoos Lake and fronting on Lot 2, District Lot 43, Similkameen Division of Yale District, Plan 12670, shown outlined on sketch containing 0.0132 hectares, more or less..

The Specific Permission is issued in your name for as long as required commencing January 15, 2011 for private moorage purposes. This Specific Permission replaces Licence No.338317 which has been recorded as expired January 15, 2011.

Please ensure that this document is kept in a safe location, as it must be presented to Integrated Land Management Bureau for assignment if the upland property is sold.

Should you have any questions regarding this matter, please contact Assistant Portfolio Administrator Cheryl Mellows at (250) 828-4323.

Yours truly,

Cheryl D. Mellows
Assistant Portfolio Administrator
Integrated Land Management Bureau

Attachment

pc: B.C. Assessment Authority, Kelowna
Regional District of Okanagan-Similkameen
Canadian Coast Guard, Attn John Mackie

Ministry of Natural
Resource Operations

Regional Operations

Mailing Address:
441 Columbia Street
Kamloops, BC V2C 2T3

Phone: (250) 828-4323
Fax: (250) 828-4442
Email:
Cheryl.Mellows@gov.bc.ca

Figure 4. Letter of the present Crown Lands License of occupation for a private dock.

Steve Shannon

From: TOSOYOOS
Sent: Friday, March 22, 2013 10:38 AM
To: Steve Shannon (sshannon@osoyoos.ca)
Subject: FW: PUBLIC HEARING - Foreshore and Lake Zoning Bylaw No. 1294, 2012 on March 19, 2013

Steve,

Forwarded from tosoyoos@osoyoos.ca

From: Randy and Sue North [<mailto:randysuenorth@shaw.ca>]
Sent: March 16, 2013 1:13 PM
To: TOSOYOOS
Subject: FW: PUBLIC HEARING - Foreshore and Lake Zoning Bylaw No. 1294, 2012 on March 19, 2013

Dear Sir,

My name is Randy North, President of the Paradise Park Lessees Association (owning body of Paradise Park at 5901 Main Street). I have recently received the attached notice of your proposed 'Foreshore and Lake Zoning Bylaw No. 1294, 2012' and on review, I see that I have just missed the Friday Mar/15, noon deadline for written submissions. However, I wish to submit this formal written request for the record and one of our Park Directors will attend the Public Hearing to ask that our request be given consideration.

Paradise Park requests that their designated zoning be changed from W2 (Private Moorage) to W3 (Group/Strata Moorage).

- Since Paradise Park consists of 69 individual lots, the group/strata moorage facility designation would be more applicable.
- If the zone designation remains as W2, the dock size would be restricted unfairly considering the Park's large property size and group usage.
- It appears that the W3 "Density" rules are more applicable to Paradise Park. The W3 Group/Strata Moorage Density rule b) states "number of berths in a strata moorage facility shall not exceed one per two upland residential strata units". With Paradise Park's 69 lots, this would allow up to 34 berths. For "W2" Private Moorage the "Density" rule states "berths shall not to exceed three per waterfront parcel". Since Paradise is one parcel with 15 waterfront lots, does this mean up to 45 berths or does this mean 3 berths?
- Paradise Park is unique in that it has both permanent and seasonal residents, which should be given consideration.

Overall, I am in agreement with the Town's initiative to promote environmental sustainability of Osoyoos Lake through this new bylaw.

On behalf of the Paradise Park owners, it is our hope that the Town will incorporate this W3 zoning designation change to us at this time in order to prevent future clarification/application issues.

Thank you for consideration.

Best regards,
Randy North
President of the Paradise Lessees Association

Figure 5. Email from Randy North to Town Planner Steve Shannon requesting consideration of a change from W2 to W3 zoning.

From: Randy and Sue North [<mailto:randysuenorth@shaw.ca>]
Sent: March-22-13 9:31 PM
To: 'Steve Shannon'
Cc: 'ppkrv@telus.net'
Subject: RE: Proposed Foreshore & Lake Zoning Bylaw - Paradise Park

Hi Steve,

On behalf of Paradise Park thanks for your quick response and consideration of our request for W3 zoning. I am really happy to hear that if we were to change or dock tenure the Town of Osoyoos would support rezoning the portion of Solana Bay that fronts Paradise Park from W2 to W3.

Sincerely

Randy North

From: Steve Shannon [<mailto:sshannon@osoyoos.ca>]
Sent: March-22-13 2:40 PM
To: randysuenorth@shaw.ca
Cc: ppkrv@telus.net
Subject: Proposed Foreshore & Lake Zoning Bylaw - Paradise Park

Hi Randy

Re: Proposed Foreshore and Lake Zoning Bylaw - Request W3 Zoning Designation rather than W2

On March 16, 2013 staff received the attached letter from you via email requesting that the proposed zoning for Paradise Park be changed from W2- Private Moorage to W3 - Group / Strata Moorage (see attached email.pdf). You presented the information to Council during the Public Hearing held on Tuesday evening at the Sonora Community Centre. FYI On March 18, 2013 the Province advised staff that Paradise Park has a private moorage dock licence and that your moorage licence is not for strata moorage purposes (see attached email). Therefore, the proposed zoning for Paradise Park is W2- Private Moorage (see attached email from the Province).

I understand that you would rather the zoning designation be W3 because Paradise park consists of 69 individual lots. I agree, however the definition of "strata moorage facility" (in the new bylaw) means one or more multi-berth fixed or removable docks used by the residents of a waterfront strata development or shared interest development, and not for commercial use unless supported by Council and approved by the Province.

FYI I met today with Brian Jantz a qualified environmental professional and he advised me that you were preparing an application to the Province to amend your Tenure. This will take some time and the likelihood is that the Town Council may adopt the new Foreshore and Lake Zoning Bylaw No. 1294 before your Tenure is changed a strata moorage facility.

Please be advised that if your tenure is changed at some future date that staff would support a rezoning application to change the zoning of the foreshore and that portion Solana Bay that fronts Paradise Park from W2 to W3.

Feel free to call or stop in if you have any further questions.

Steve Shannon B.Sc., MCIP / Community Planner / Approving Officer / **Town of Osoyoos** / 8711 Main Street, Box 3010, Osoyoos BC, V0H 1V0
T250.495.4608 / **F**250.495.0407 / **TF**1.888.495.6515 / **E** sshannon@osoyoos.ca / **W**

www.osoyoos.ca

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Figure 6. Letter of re-zoning support received from Steve Shannon, Town of Osoyoos Planner.

5.2 W2 - PRIVATE MOORAGE

W2

1.0 Permitted Uses

The following uses are permitted in the W2 zone:

1. *boating*
2. *recreational water activities*
3. *fixed or removable dock*
4. *fixed or removable walkway*
5. *public moorage buoy*
6. *boat lift*

2.0 Private Moorage Regulations

1. Density

- a) The maximum number of *berths* shall not exceed three per waterfront parcel, but may be substituted on a one-to-one basis with boat lifts or private moorage buoys.

2. Size of Dock and Walkway

- a) *Fixed or removable dock* must not exceed 24m² (258.4 ft²) in total upward facing surface area, not including a *permanent* or *removable walkway*.
- b) *Fixed or removable dock* surface must not exceed 3.0 m (10.0 ft) in width for any portion of the dock.
- c) *Fixed or removable walkway* surface must not exceed 1.8 m (6.0 ft) in width for any portion of the walkway.

3. Setbacks

- a) The minimum setback of structures is 6.0 m (19.6 ft) from the side parcel boundaries of that *waterfront parcel*, projected onto the *foreshore* and Osoyoos Lake.

Figure 7. Town of Osoyoos W2 moorage designation bylaws.

5.3 W3 - GROUP / STRATA MOORAGE

1.0 Permitted Uses

The following uses are permitted in the W3 zone:

1. *boating*
2. *recreational water activities*
3. *group moorage facility*
4. *strata moorage facility*
5. *boat lift*

2.0 Group / Strata Moorage Regulations

1. Density

- a) The maximum number of *berths* in a *group moorage facility* shall not exceed one per *waterfront parcel* forming part of the group or association of residents from a surrounding area.
- b) The maximum number of *berths* in a *strata moorage facility* shall not exceed one per two upland residential strata units.
- b) In a *group* or *strata moorage facility* *berths* may be substituted on a one-to-one basis with *boat lifts* but not with *private moorage buoys*.

2. Size of Dock and Walkway

- a) *Group* or *strata moorage facilities* shall not extend a distance greater than 30.0 metres from the *high water line* of Osoyoos Lake.
- b) *Fixed* or *removable dock* surface must not exceed 3.0 m (10.0 ft) in width for any portion of the docks.
- c) *Permanent* or *removable walkway* surface must not exceed 1.8 m (6.0 ft) in width for any portion of a walkway.
- d) Different shaped *group* or *strata moorage facilities* are permitted, if the length of the *moorage facility* which is parallel to the shoreline does not exceed half the width of the frontage of the *waterfront parcel*.

3. Setbacks

- a) The minimum setback of structures is 6.0 m (19.6 ft) from the side parcel boundaries of that *waterfront parcel*, projected onto the *foreshore* and Osoyoos Lake.

Figure 8. Town of Osoyoos W3 moorage designation bylaws.

***Paradise Park & R.V. Resort
#71 5901 Main Street
Osoyoos B.C. V0H 1V3***

***Phone 250 495 7670
Fax 250 495 7845
Email ppkry@telus.net***



May 6, 2013

To whom it may concern,

This letter is authorizing Brian Jantz of Lakestream Environmental Services to act on behalf of the Paradise Park Lessees Association, Society No. 31741, for the purpose of processing and obtaining approvals for its dock.

Paradise Park Lessees Association is the owning body of Paradise Park which is located on Osoyoos Lake and fronting on Lot 2, District Lot 43, Similkameen Division of Yale District, Plan 12670.

At the Association's April 27, 2013 Annual General Meeting a motion was approved to determine allowable dock options, apply and obtain a group/strata usage dock permit.

Randy North
President of the Paradise Lessees Association
Cell- 604-816-3762

Figure 9. Paradise Park letter of authorization for undersigned to act as their agent.

Okanagan Region Foreshore Protocol

Osoyoos Lake



Legend

- yellow zone - Rocky Mountain ridged mussel
- red zone - Rocky Mountain ridged mussel
- red zone - plants
- Parks and Protected Areas - Colour Filled



1:35,000



DISCLAIMER: This map is provided for general information purposes. The accuracy of the information in this map is not guaranteed. Before taking any action or making any decision you should consult official sources. Map created December 2008.

Figure 10. Osoyoos Lake species of concern locations.

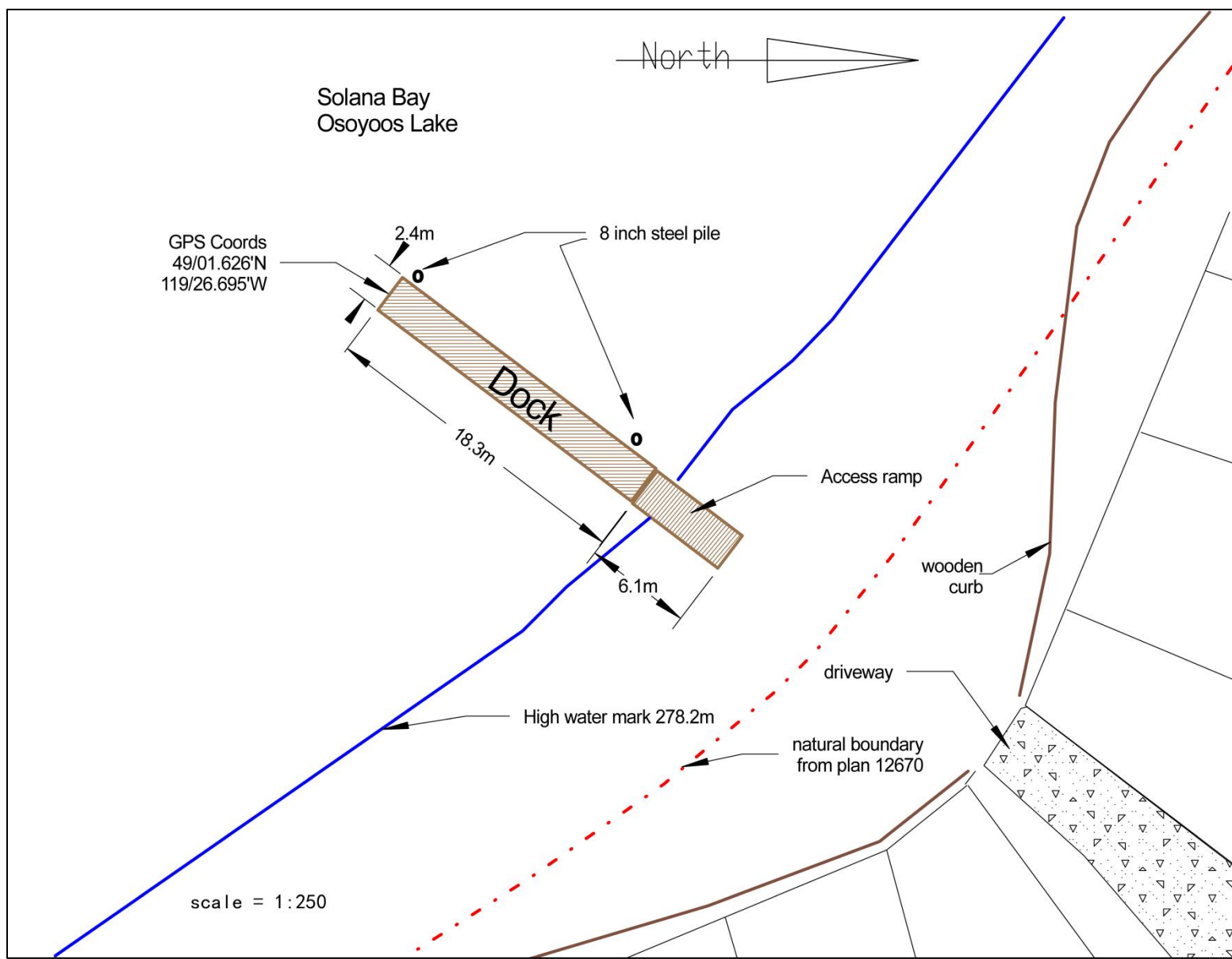


Figure 11. Existing configuration of Paradise Park dock.

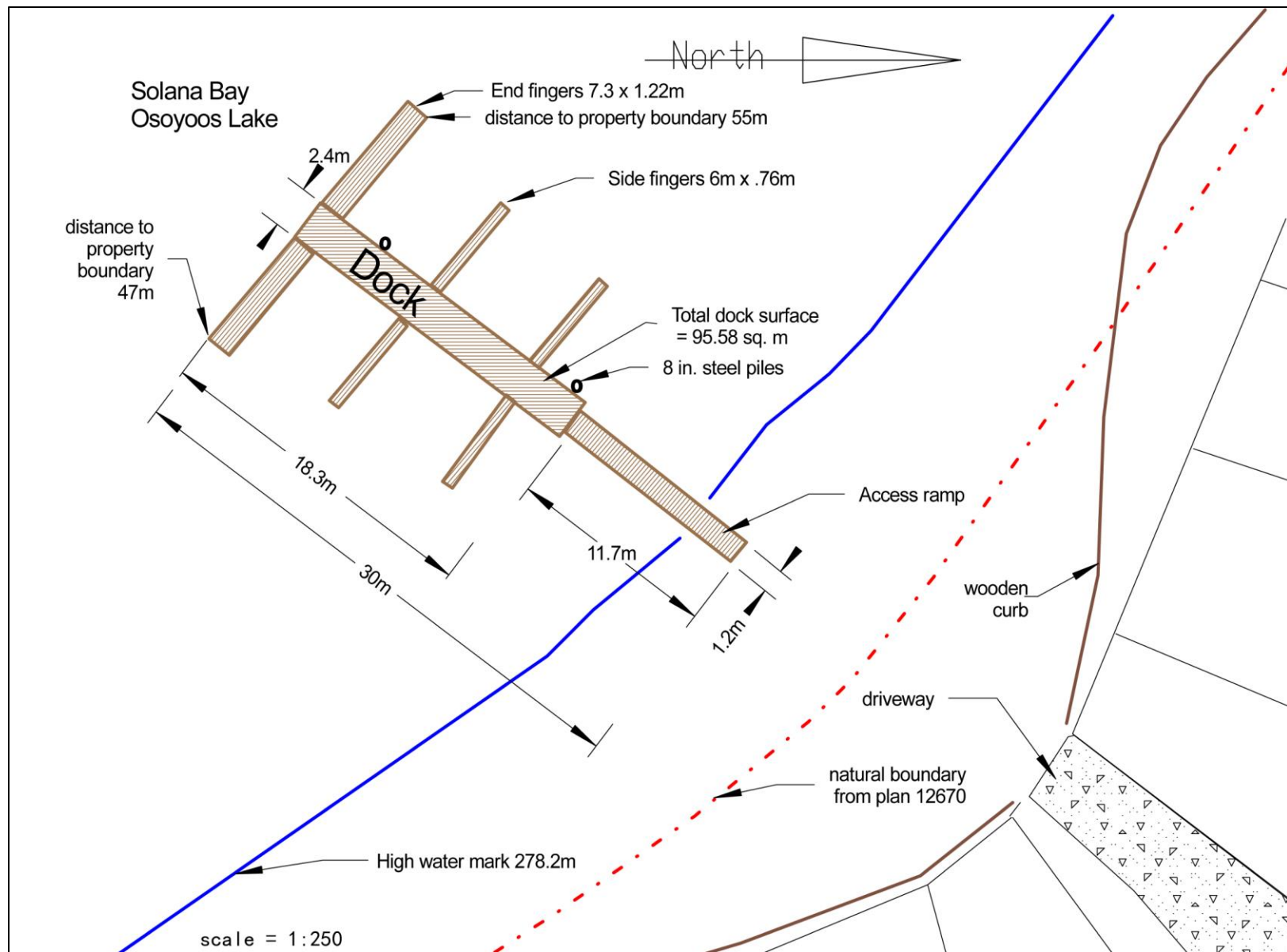


Figure 12. Proposed configuration of new dock at Paradise Park.

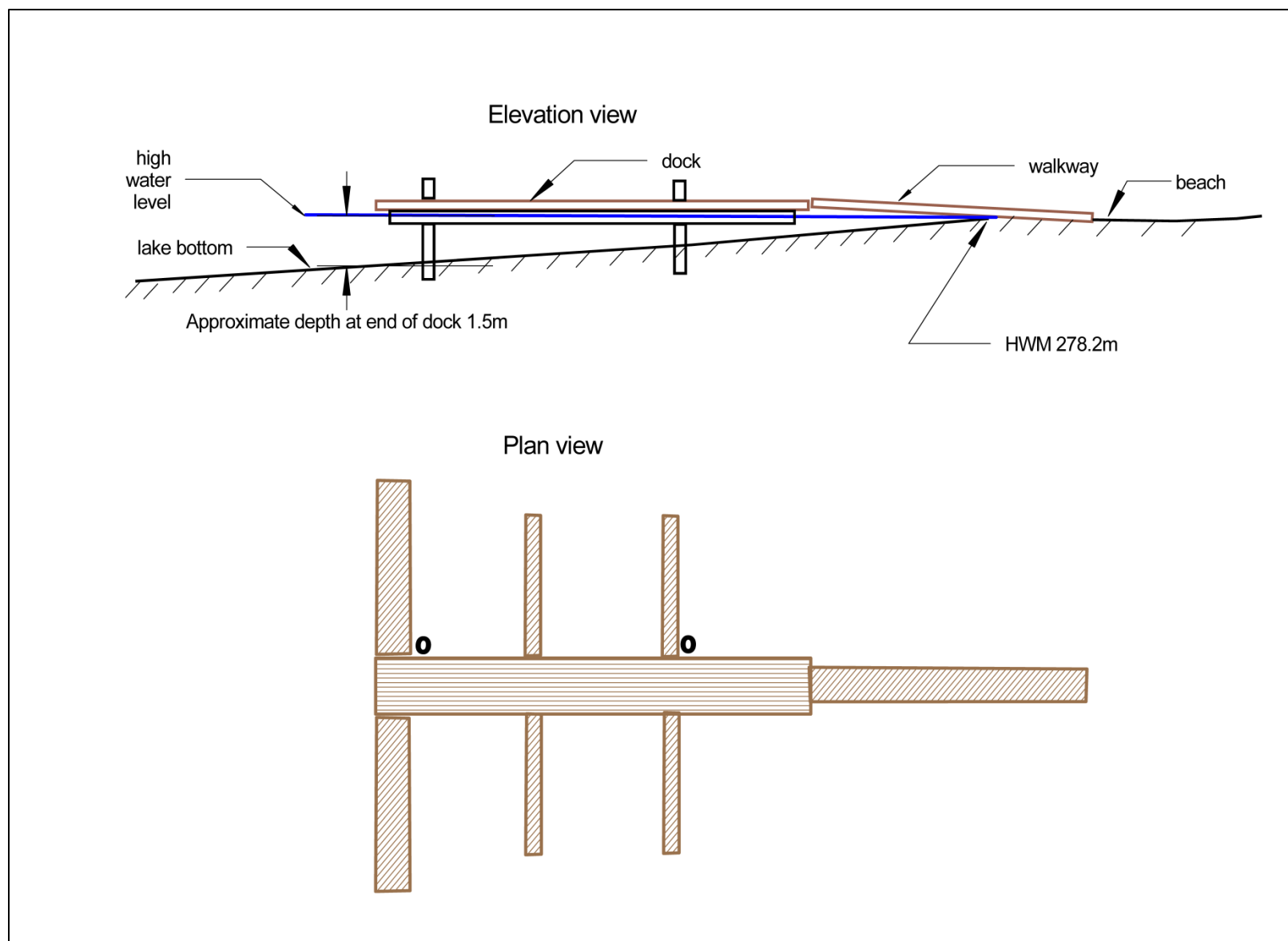


Figure 13. Elevation and plan view of proposed new dock at Paradise Park.

Appendix B – Site Photographs



Photo 1. A view of existing dock taken Oct. 31, 2009. Water levels were approaching the Osoyoos low lake level mark.



Photo 2. A view of existing dock taken May 19, 2013 while Osoyoos Lake is in flood conditions.



Photo 3. A view from the shore line May 19, 2013. Arrow indicates Osoyoos Lake HWM.



Photo 4. A view of the steel post anchoring system and steel drum floatation tanks.



Photo 5. Example of the Eurasian milfoil growth at the approximate .5m depth.



Photo 6. Example of potamogeton sp. Growth at the approximate 1m depth.