CITY OF KELOWNA

MEMORANDUM

DATE: July 14, 2009
FILE NO.: **DVP09-0047**

TO: City Manager

FROM: Community Sustainability Division

APPLICATION NO.	DVP09-0047	OWNER:	VALENDAS ENTERPRISES LTD.
AT:	180 Sheerwater Ct.	APPLICANT:	THE MISSION GROUP (Jonathan Friesen)

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT TO VARY THE MAXIMUM WIDTH OF THE PROPOSED DOCK FROM 3.0M PERMITTED TO 3.7M PROPOSED, AND TO VARY THE DOCK LENGTH TO 101.4M WHERE THE BYLAW LIMITS THE MAXIMUM LENGTH TO 10.0M AND THE EXISTING DEVELOPMENT VARINCE PERMIT APPROVAL ALLOWS FOR A MAXIMUM LENGTH OF 98.9M.

EXISTING ZONE: RR1 – RURAL RESIDENTIAL 1
W1 – RECREATION WATER USE

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP09-0047; The Mission Group; for Common Property Strata Plan KAS3129, Sec. 6, Twp. 23, O.D.Y.D., located on Sheerwater Court, Kelowna, B.C. subject to:

1. The applicant repairing the storm water outfall structure to the satisfaction of the Environment and Land Use Department,

2. The applicant amending the existing Natural Environmental Development Permit to authorize construction of the new dock facility, and

3. The applicant obtaining authorization from the BC Ministry of Environment for construction of the new dock facility (Section 9 approval);

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 9.9.5.(b) Dock and Boatlift Regulations; vary maximum width of dock from 3.0 m permitted to 3.7m width length proposed,

Section 9.9.5.(c) Dock and Boatlift Regulations; vary maximum length of dock parallel to shoreline from 10 m permitted to 101.4 m length proposed.

2.0 SUMMARY

The applicant received approval for a Development Variance Permit (DVP) in 2006 which authorized a dock length of 98.9m where the bylaw limits the maximum length to 10.0m, and to allow a dock to be sited 40.7m from the natural boundary where the bylaw limits the maximum distance to 40.0m. In the summer of 2008, there was a storm event that damaged the dock structure beyond repair.

This DVP application seeks a variance to allow a dock that is 3.7m wide where the bylaw limits the maximum width of 3.0m, and to allow a length of 101.4m where the bylaw limits the maximum length to 10.0m. and an existing DVP approval allows for maximum length of 98.9m.

The applicant has provided an addendum report from the environmental consultant to update the environmental study that was completed to supplement the 2006 application.

3.0 ADVISORY PLANNING COMMISSION

The above noted application (DVP09-0047) was reviewed by the Advisory Planning Commission at the meeting of June 23, 2009 and the following recommendation was passed:

> THAT the Advisory Planning Commission support Development Variance Application No. DVP09-0047, by Valendas Enterprises Ltd., 180 Sheerwater Court; Lot CP, Plan K3129; to vary width of dock from 3.0 m permitted to 3.7 m propose; vary length of dock from 10 m permitted to 101.4 m proposed.

4.0 BACKGROUND

The area of the subject property was developed in 2006 as a 24 lot bareland strata development under the existing zone of RR1 – Rural Residential 1 zone. As part of that site development, a communal dock for the property owners was the preferred option, rather than installing 12 individual private docks. As a result of the storm event in the summer of 2008, the communal dock was extensively damaged.

4.1 The Proposal

The applicant is proposing the construction of a new dock to replace the destroyed dock structure. A marine engineer consultant was hired to design a more robust replacement dock to be designed to withstand local storm events. As a result of the new design, it has been determined that the new dock structure will be 2.5m longer and 1.2m wider than previously approved.

The main deviations between the previous dock structure that was approved and the new one that is proposed are:

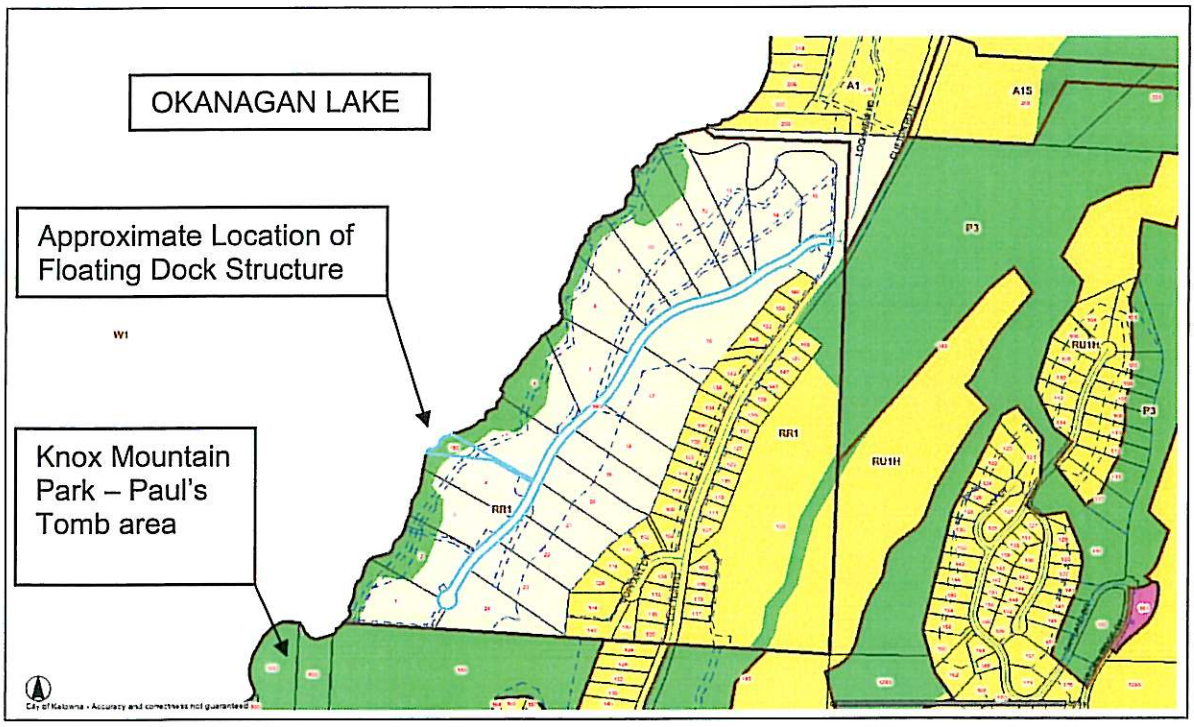
- Increase in deck width from 2.5m to 3.7m;
- Increase in draft (depth below water from 0.4m to 1.0m);
- Increase in length from 98.9m to 101.38m;
- Change in structural materials from steep pipe to concrete.

4.2 Site Context

Adjacent zones and uses are, to the:

North - A1 – Agriculture 1 – single unit residential uses
East - RR1 – Rural Residential 1 - single unit residential uses
South - P3 – Parks and Open Space – Knox Mountain Park
West - W1 – Recreation Water Use – Okanagan Lake

SUBJECT PROPERTY MAP



The subject property is a steeply sloped area formerly known as the "Boppart Property". That property has been recently developed with a 24 lot bare land strata subdivision under the existing RR1 zone.

4.3 Existing Development Potential

The existing RR1 – Rural Residential 1 zone provides for a country residential development and complementary uses, on larger lots in areas of high natural amenity and limited urban services.

4.4 Current Development Policy

4.4.1 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 describes a vision of what residents hope Kelowna will be like in the future and has identified as one of the themes that overall, residents aspire to live in a community that:

"aims to co-exist with the **physical environment** and minimize negative impacts to air, land, and water resources, including Okanagan Lake and the surrounding natural and agricultural areas".

5.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and their comments have been attached to this report.

6.0 LAND USE MANAGEMENT DEPARTMENT

Previous approvals for a communal dock structure to accommodate the relatively recent subdivision known as 'Sheerwater' were supported back in 2006. However, due to a major storm event that destroyed the dock structure beyond repair, an amended design of the dock structure requires length and width dimensions that exceed the original Development Variance Permit approvals. This increase in length will not increase the number of boat slips, which remains at 23 slips. As provided by the marine engineering consultants, the revised design reflects the improved durability of the dock to accomplish a reinforced concrete construction, greater structural capacity, increased ability to attenuate incident waves, and improved stability.

Additionally, the applicant has provided a supplemental report from the original environmental consultant to update the initial environmental assessment report. The original 2006 assessment report reviewed the spawning habitat quality of the affected shoreline. The report concludes that historic and recent evidence indicates that the affected length of shoreline is not utilized for kokanee spawning, and therefore it is not expected that the proposed new dock will affect kokanee spawning or have any other impacts on aquatic habitat.

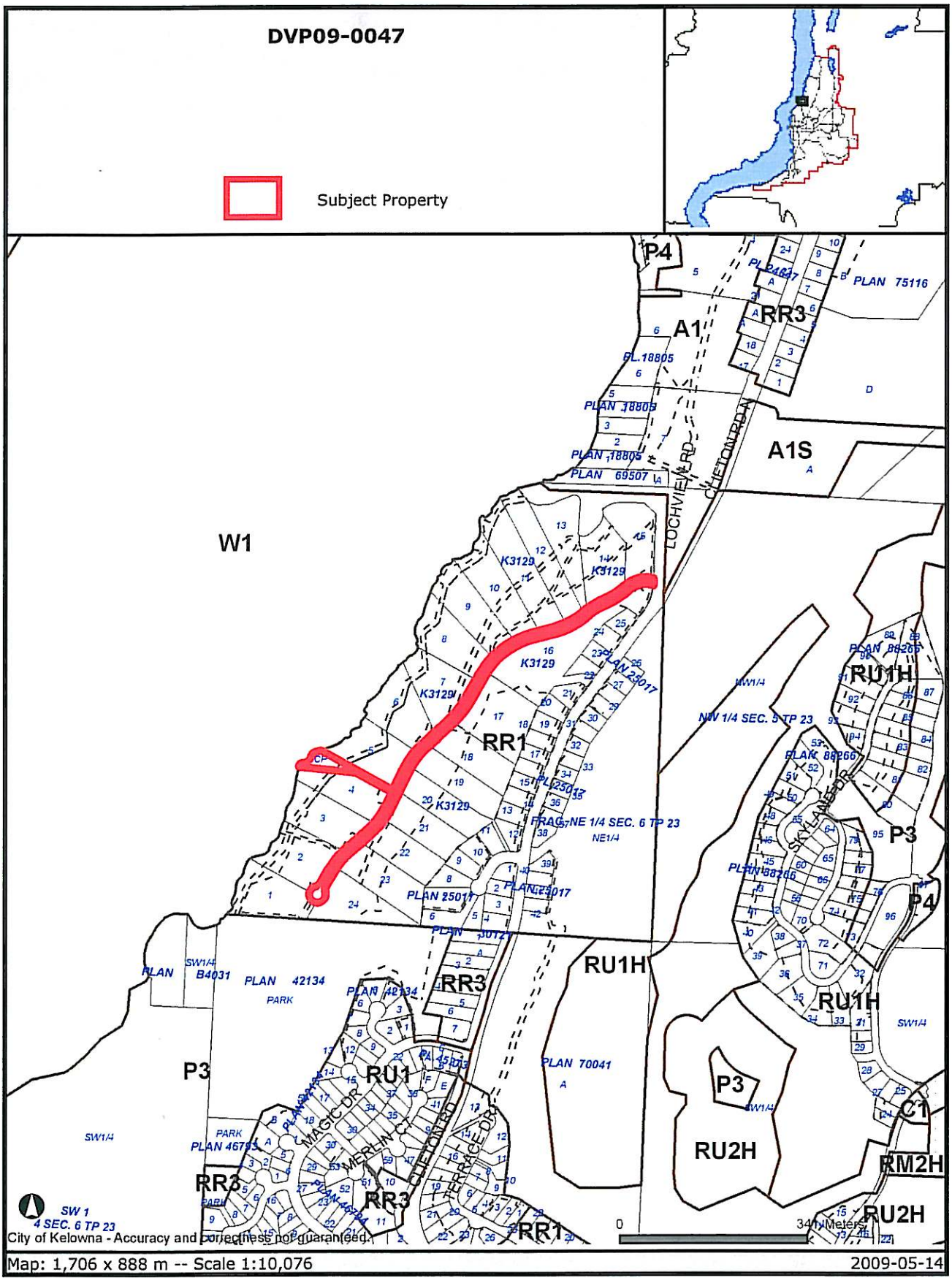
Danielle Noble
Urban Land Use Manager

Approved for inclusion

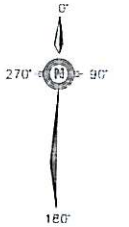
Shelley Gambacort
Director of Land Use Management

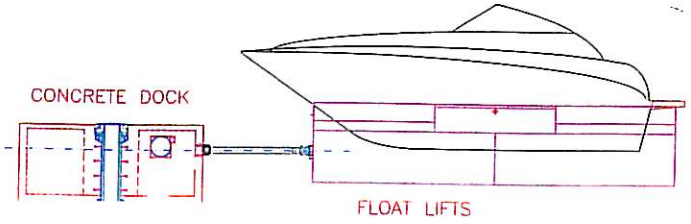
PMc/pmc
Attachments

- Location Map
- Plan of Proposed Dock
- Rationale Letter
- Environmental Letter Report
- Technical comments

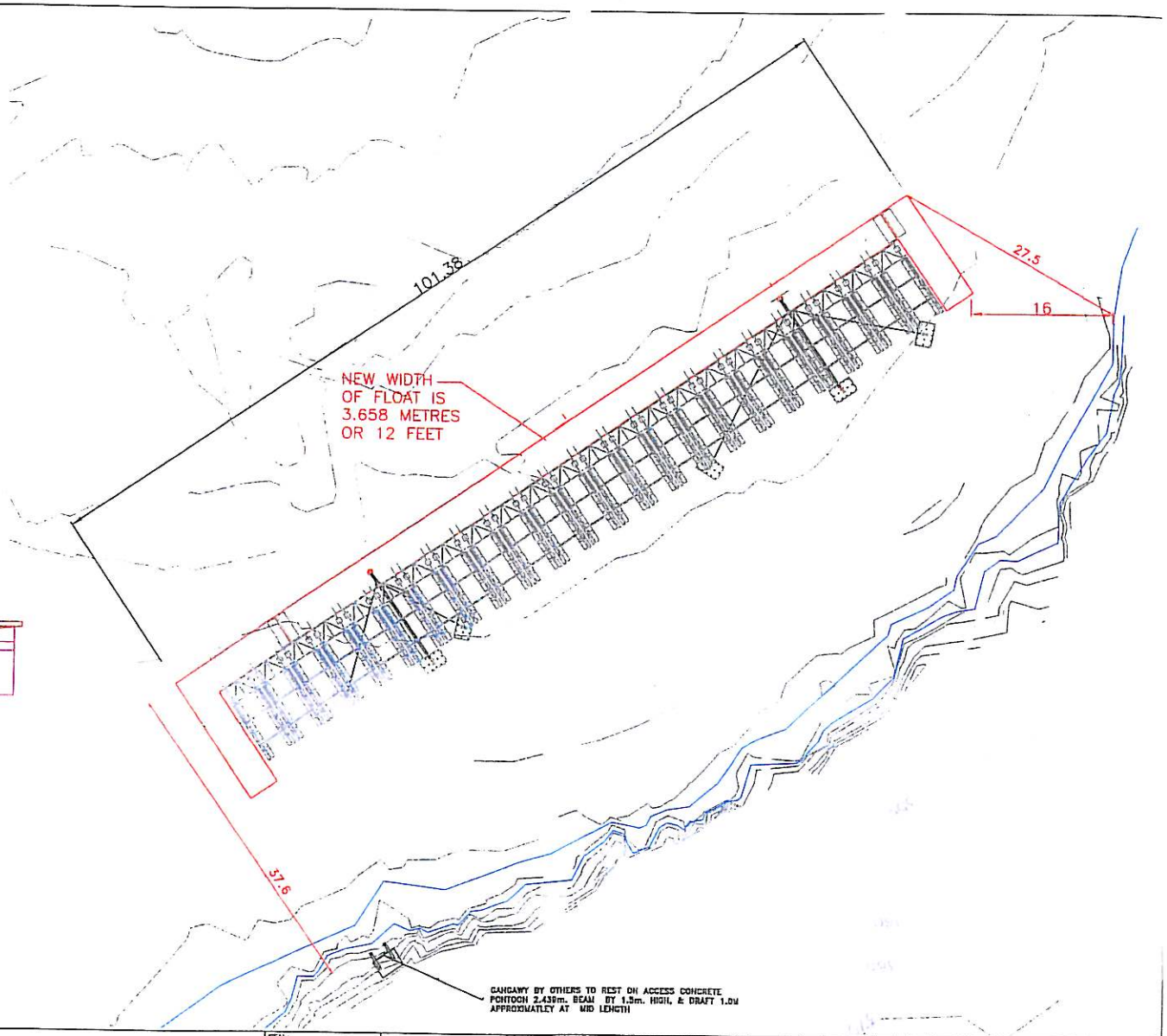


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.





CROSS SECTION



No.	DATE	DESCRIPTION	BY	APPROVED

REVISIONS

No.	DESCRIPTION	DATE	APPROVED

DRAWING STATUS

HAY & COMPANY CONSULTANTS

SEAL:

EBA Engineering Consultants Ltd. eba

DESIGNED: GG	DRAWN: GJG
CHECKED:	APPROVED:
SCALE: 1:250	

CLIENT: THE MISSION GROUP

TITLE: SHEERWATER PARTNERSHIP MARINA KELOWNA, BC

CONCRETE MARINA DOCK GENERAL LAYOUT

DATE: 09/03/09	SHEET:
JOB No. PV311010181	
REVISION: / STATUS:	DRAWING: S101

File: DVP09-0047

Application

File: DVP09-0047 Type: DEVP VARIANCE PERMIT

File Circulation

Seq	Out	In	By	Comment
	B.C. Assessment Authority (info only)	2009-05-15		
	Building & Permitting	2009-05-15	RREADY	No comment
	Development Engineering Branch	2009-05-15		See "Documents" Tab
	Environment	2009-05-15		The Environment & Land Use Branch are generally supportive of the proposed dock application pending the following conditions being met: 1. The applicant must provide a draft no build/no disturb Section 219 Restrictive Covenant for lots 1 to 13 to be registered under the Land Title Act against the title of the subject properties to effectively preserve the steep slope area on each lot from the crest of slope to Okanagan Lake. The covenant area must be reviewed and approved by the Environment & Land Use Branch. 2. The storm outfall (overflow) that discharges into an open channel between lots 2 and 3 must be repaired at the headwall location in order to prevent further erosion and sediment from entering Okanagan Lake. 3. The proposed dock will require authorization from the Ministry of Environment. 4. Construction of the dock will require a Natural Environment Development Permit from the City of Kelowna Land Use Management Department.
2	Environment	2009-05-15		Revised comments: The Environment & Land Use Branch are generally supportive of the proposed dock application pending the following conditions: 1. The storm outfall (overflow) that discharges into an open channel between lots 2 and 3 must be repaired at the headwall location in order to prevent further erosion and sediment from entering Okanagan Lake. 2. The proposed dock will require authorization from the Ministry of Environment. 3. Construction of the dock will require a Natural Environment Development Permit from the City of Kelowna Land Use Management Department.
	Fire Department	2009-05-15	MNEID	To be referenced: Section 2.15 of the BC Fire Code 2006, Fire Protection for Marinas and Boatyards; NFPA 303, Fire Protection Standard for Marinas and Boatyards; NFPA 1, Uniform Fire Code.
	FortisBC	2009-05-15		
	Parks Planning Manager	2009-05-15	TBARTON	No comment
	Public Health Inspector	2009-05-15		
	RCMP	2009-05-15		No comment
	Real Estate & Building Services Manager	2009-05-15	SALEXANE	RE&BS Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Real Estate & Building Services Department requires a full-sized copy, together with an 8 ? x 11 copy, of any survey plans.
	Shaw Cable	2009-05-15		No requirements for Shaw Cable.
	Telus	2009-05-15		Telus has no comment regarding this application.
	Terasen Utility Services	2009-05-15		

** End of Report **

CITY OF KELOWNA

MEMORANDUM

Date: May 21, 2009

File No.: DVP09-0047

To: Land Use Management (PMcV)

From: Development Engineering Manager (SM)

Subject: 180 Sheerwater Court – Lot 3 Plan 3129

The Development Engineering Services comments and requirements regarding this application are as follows:

The application to vary the length and width of a common moorage facility does not compromise Engineering Services.

Steve Muenz, P. Eng.
Development Engineering Manager

DC

NAITO ENVIRONMENTAL

2406 14th St Vernon BC V1T 8K5
Phone: (250) 558-9842
Fax: (250) 558-3815
gnaito@junction.net

April 2, 2009

Our File: **409-01-01**

Sheerwater Limited Partnership
620 – 1632 Dickson Avenue
Kelowna, BC V1Y 7T2

Attention: Ms. JoAnne Adamson, Development Manager

Re: **Sheerwater Boat Moorage Modifications – Assessment of Aquatic Impacts**

Dear Ms. Adamson:

The following letter report provides an assessment of proposed changes to the Sheerwater Boat Moorage Facility in relation to aquatic impacts, especially effects on kokanee spawning habitat.

Okanagan Lake kokanee are a fish species of special management concern due to a near collapse of the population in the early 1990s. Since then, the population has been gradually increasing but recovery efforts are continuing, including strict protection of spawning habitat along the lake shoreline. Kokanee shore-spawning occurs at various locations on both sides of the lake between Kelowna and Vernon and on the east side of the lake along Okanagan Mountain Park south of Kelowna. Preferred spawning habitat consists of shallow water over broken rock that allows the eggs to settle into crevices where they are protected from predators and the elements.

The Sheerwater subdivision development is located on the east shore of Okanagan Lake north of Kelowna, immediately north of the local landmark known as Pauls' Tomb. The entire east shoreline of Okanagan Lake from the Kelowna water pump station north to Winfield, including the Sheerwater property, is a known kokanee spawning area based on Ministry of Environment (MOE) records. In 2006, regulatory authorities approved a floating moorage facility for the subdivision along a section of shoreline with minimal kokanee spawning potential. Although habitat quality for kokanee spawning appeared marginal to nil and no kokanee spawner observations were known from this site, the possibility that kokanee might spawn there was considered in case the area might be utilized if the fish population increased in the future. Therefore, extensive modeling of wave energy was conducted to determine an exact location and orientation for the structure that would minimize effects on wave action along the shoreline in case these waves were important in preventing accumulation of fine sediment that could occupy crevices and make the substrate less suitable for spawning.

The moorage design that was approved had 23 floating boat lifts attached to an 8-foot wide steel pipe header float, and was installed in spring and summer of 2008. Subsequently, the header float was damaged beyond repair by a storm in July 2008, and it is now proposed to install a

...2

stronger structure with a 12-foot wide concrete caisson float (refer to EBA/Hayco Drawing No. S101 – attached). The main differences between the previous structure that was approved and the new one that is proposed are as follows:

1) increase in deck width from 8' (2.5 m) to 12' (3.7 m);
2) increase in draft (depth below water) from 0.4 m to 1.0 m;
3) slight increase in length from 98.9 m to 101.38 m;
4) change in composition of header float from steel pipe to concrete;
5) slight decrease in distance from shore, from 40.7 m to 37.6m.

Due to greater width, draft, mass, and rigidity, the new structure is expected to result in greater wave attenuation than the previous header float. However, in the time since the initial environmental assessment of the moorage facility was conducted in 2006, newer data have become available that shed more light on the spawning habitat quality of the affected shoreline. According to MOE counts, 2007 had the highest kokanee shorespawner count in 30 years (refer to MOE Information Bulletin – attached) yet no spawning was observed along the shoreline affected by the new proposed structure (refer to Figure 1 – attached). At the time of the 2006 assessment, the potential value of the spawning habitat was based on the possibility that even though no spawning had yet been observed along the shoreline affected by the moorage structure, it might occur there if the kokanee population increased. The fact that the population appears to have substantially increased but the shoreline along the Sheerwater moorage location is still not being used for kokanee spawning is a good indication that this specific section of shoreline has little if any suitability for this purpose.

As noted in the 2006 assessment report, I viewed the section of shoreline along the proposed boat moorage location on October 24 and again on October 25, 2006 to look for kokanee spawners but none were observed. The nearest sightings were approximately 1 dozen kokanee in each of the sections north and south of the wave impact zone of the moorage facility. In contrast, hundreds to thousands of kokanee were observed at nearby preferred spawning areas such as south of Paul's Tomb.

Not only does historic and recent evidence indicate that the affected length of shoreline is not utilized for kokanee spawning, but the placement of the new dock away from the shore well beyond the 6 m bottom contour (refer to Drawing S101) avoids littoral zone shading impacts and will still allow normal, uninterrupted sediment transport along shore by waves and wind-driven currents. **Therefore, it is not expected that the proposed new dock will affect kokanee spawning or have any other impacts on aquatic habitat.**

As a condition of the original approval of the dock in 2006, The Sheerwater Limited Partnership committed to a kokanee incubation study involving placement of capsules containing live eggs in the substrate and the installation of gravel-filled buckets to monitor sediment accumulation. A pilot study was conducted in fall of 2006 but had limited success. However, since it now appears

that kokanee spawning impacts are not an issue, it may be worthwhile to discuss with MOE the release of the bond set aside for monitoring activities.

I trust that the foregoing report meets your needs. Please feel free to contact me if you have any questions or require further information.

Sincerely yours,
NAITO ENVIRONMENTAL

Gerry Naito

Gerry Naito, R.P.Bio.
Senior Biologist/Principal

COLLEGE OF APPLIED BIOLOGY
APR 2/09
Gerry J. Naito
GN
R.P. Bio #708
CAB

Attachments:
1) EBA/Hayco Drawing No. S101 – Concrete Marina Dock General Layout.
2) MOE Information Bulletin – Kokanee Stocks Hit 30-Year High in Okanagan Lakes.
3) Figure 1 - Locations of kokanee shorespawner observations by MOE in fall 2007.

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INFORMATION BULLETIN

For Immediate Release
2007ENV0130-001590
Dec. 7, 2007

Ministry of Environment

KOKANEE STOCKS HIT 30-YEAR HIGH IN OKANAGAN LAKES

PENTICTON – Kokanee escapement numbers in 2007 were positive for all of the Okanagan region lakes and exceptional in Okanagan Lake, Environment Minister Barry Penner said today.

The Ministry of Environment's 2007 survey of spawning kokanee in Okanagan Lake counted a total of 296,000 fish, which was the highest total spawner count since 1981. The large increase in numbers was primarily due to the shore-spawning component of the population, which was at the highest level since 1977. The positive numbers result from a culmination of factors, including improved lake level management and habitat protection/restoration.

Spawner results for three of the lakes show:

- The total Okanagan Lake kokanee spawning population was 296,000. Out of this total, 251,000 fish were of the shore-spawning ecotype and 45,000 spawned in the various tributaries to Okanagan Lake.
- Wood Lake kokanee spawners totalled 13,400, almost doubling last year's tally of 7,300. Shore-spawners were also of note in this lake as they reached their highest total on record, 4,100.
- Skaha Lake had a total kokanee spawning population of 62,000, an increase from 52,000 in 2006 and the sixth consecutive year of strong spawner returns in the system.
- In Kalamalka Lake, kokanee spawner numbers totalled 22,000. This total was almost entirely due to stream spawners, which were at a 10-year high. However, shore-spawners appear to be having a weak year with numbers totalling only about 100 fish.

While population fluctuations are normal and expected, all lakes show an increasing or steady trend in recent years.

The ministry and its partners will continue efforts to restore spawning and rearing habitats and ensure the long-term health of kokanee populations.

Penner reminds all anglers that fishing licences, classified water permits and conservancy stamps are now available online through the new e-licensing program at www.fishing.gov.bc.ca.

-30-

Media contact:
Kate Thompson
Media Relations
250 953-4577

Paul Askey
Stock Assessment Biologist
250 490-8267

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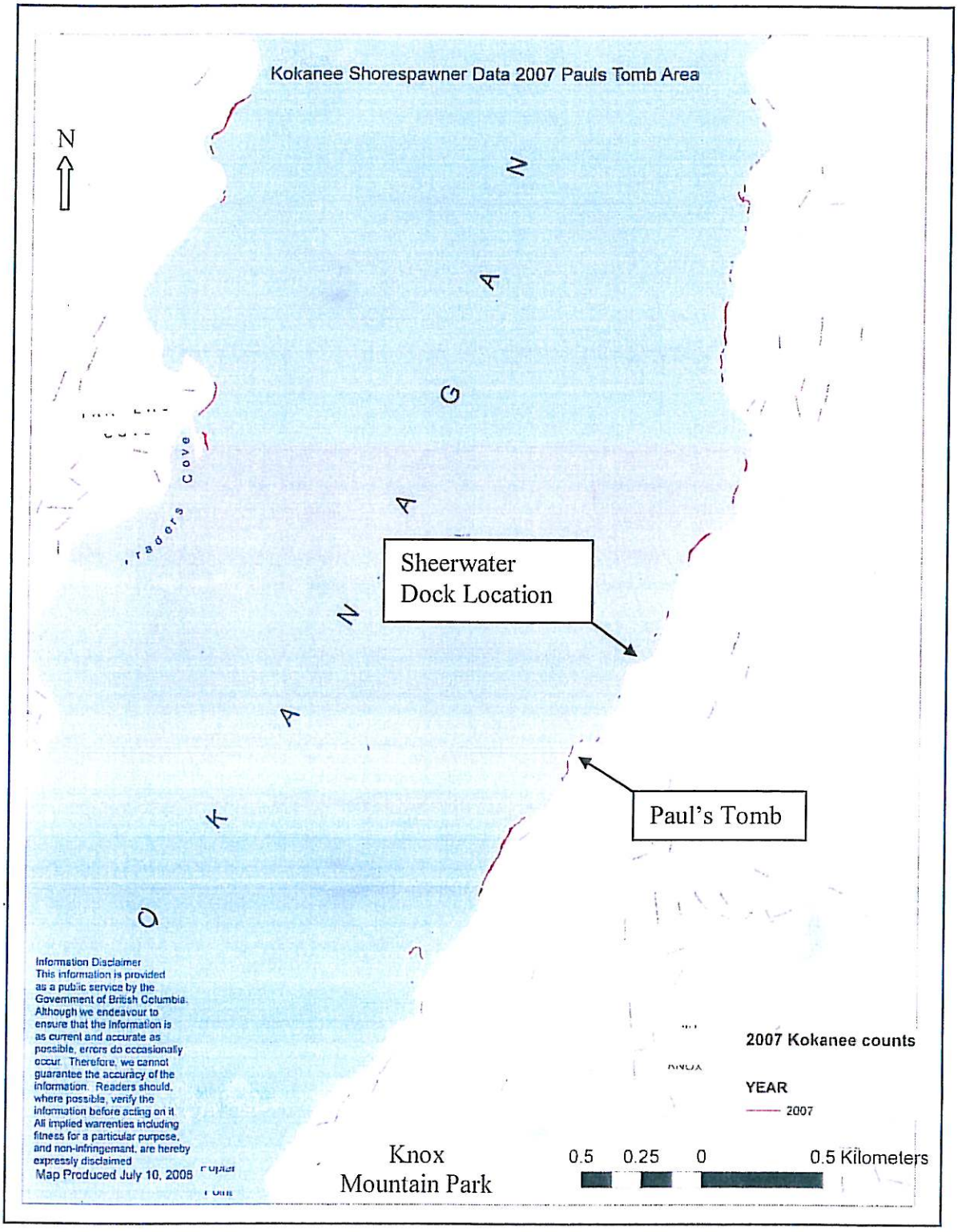

Figure 1. Locations of kokanee shorespawner observations (red lines) by MOE in fall 2007.

TECHNICAL MEMO

CREATING AND DELIVERING BETTER SOLUTIONS

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TO: Jonathan Friesen
Sheerwater Partnership Ltd
620 - 1632 Dickson Ave.
Kelowna, BC V1Y 7T2

DATE: April 29, 2009

C:

MEMO NO:

FROM: Ralph Everts

FILE: PV31101081

SUBJECT: **Sheerwater Marine Facilities – Technical Advantages of Replacement Design**

INTRODUCTION

The Sheerwater Marine facility will provide moorage for up to 23 pleasure craft. The facility consists of a floating header pontoon, moored into position by two submerged spars anchored to the lake bed, to which boat lift assemblies, manufactured and installed by others, are attached. The facility was installed during 2007/2008 and, during a significant storm event that occurred on July 10, 2008, the header float failed. The facility was subsequent decoupled from its moorings and moved to an upland storage facility. Designs for a replacement facility have been prepared and Sheerwater Partnership Ltd is seeking approval for implementation.

This memorandum provides engineering justification for the changes in design that are currently being proposed for the Sheerwater Marine facilities. The replacement design has been supported by extensive hydro-technical and structural analysis.

The table below provides a comparison of the characteristics provided by the previously approved float and the proposed structure. As indicated the proposed structure will be of similar shape and length to the previously approved structure:

SUMMARY OF CHARACTERISTICS – PREVIOUS DESIGN RELATIVE TO PROPOSED DESIGN		
CHARACTERISTIC	**PREVIOUS**	**PROPOSED**
Construction Materials	Welded Steel Pipe Frame	Concrete with Polystyrene Foam Core
Width	2.44 m	3.66 m
Length	98.9 m	101.38 m
Draught	0.4 m	1.0 m
Mass	0.5 t/m	3.7 t/m
Distance From Shore	40.7 m	37.6 m

The following sections document the performance advantages associated with these characteristics.

HAY & COMPANY CONSULTANTS –
p. 604.875.6391 • f. 604.875.8363
#900 - 1066 West Hastings Street • Vancouver, British Columbia V6E 3X2 • CANADA

CONSTRUCTION

The header float that was implemented during 2007/2008 was a steel fabrication consisting of two parallel steel pipes joined by interconnecting members and supporting a timber deck. The parallel steel pipes were sealed at either end and served as the buoyancy elements for the float. The cyclic wave loading to which the structure was subjected resulted in crack development within the pipe walls and, ultimately, to ingress of water to the interior of the two parallel pipes. The resulting flooding of the pipes led to partial sinking of the facility.

The current design calls for a header float formed of reinforced concrete with the interior filled with polystyrene foam. The original design had a unit weight of approximately 0.5t/m whereas the current design has a unit weight of approximately 3.7t/m. The increased unit mass significantly increases the stability of the structure when subjected to incident waves and the increased physical dimensions provide substantially increased structural capacity. Furthermore, the fact that the interior space of the proposed design is foam filled precludes infiltration of water into the interior of the header.

WAVE ATTENUATION EFFICIENCY

Wave attenuation efficiency is a measure of the capacity of the header floats to attenuate incident waves and is expressed in terms of an attenuation coefficient Kt, the ratio of the height of waves in the lee of the header float (transmitted waves) to those on the lakeward side of the header float (incident wave). Wave attenuation efficiency is generally derived for wave conditions that are characteristic of storms predicted to occur once every fifty years.

The increased mass and increased beam and draught dimensions of the current header float design have resulted in significant improvements to the wave attenuation efficiency of the header float as demonstrated by the attached table:

WAVE ATTENUATION EFFICIENCY COMPARISON:
INITIAL DESIGN IMPLEMENTED 2007/2008 VS CURRENT DESIGN

Storm Severity (Years)	Incident Wave Height (m)	Transmission Coefficient (Initial Design - 2.44 m Wide)	Transmitted Wave Height (m) (Initial Design - 2.44 m Wide)	Transmission Coefficient (Current Design - 3.66 m Wide)	Transmitted Wave Height (m) (Current Design - 3.66 m Wide)
50	1.05	0.84	0.88	0.57	0.60

Thus, the current design is approximately 30% more effective in attenuating waves than was the initial design.

WAVE INDUCED HEADER FLOAT MOTIONS

The relative motions between the header float and the adjoining boat lift system were determined to be a contributor to the failure of the original system. Thus, in preparing the current design, efforts were expended to derive a configuration for which wave induced motions of the header float were minimized. The motions of interest are Heave (vertical translation of the header float); Sway (longitudinal translation of the header float and; Roll (Rotation about the longitudinal axis of the header float), with Roll being the motion of most concern for connection design. These motions are compared in the following table for the original header float design and the currently proposed design. The motions are reported for incident waves associated with a severe storm, statistically predicted to occur once every 50 years:

HEADER FLOAT PERFORMANCE CHARACTERISTICS – 50 YEAR STORM EVENT		
Performance Characteristic	**Previous Design** **Pipe Float** **2.44 m Beam x 0.4 m Draught**	**Proposed Design** **Concrete Caisson** **3.66 m Beam x 1.0 m Draught**
Heave	0.32 m (0.64 m Total)	0.23 m (0.46 m Total)
Sway	0.33 m (0.66 m Total)	0.24 m (0.48 m Total)
Roll	13.0 deg (26.0 deg Total)	6 deg (12 deg Total)
* Motions are relative to neutral position. Total motions are twice those relative to neutral position.		

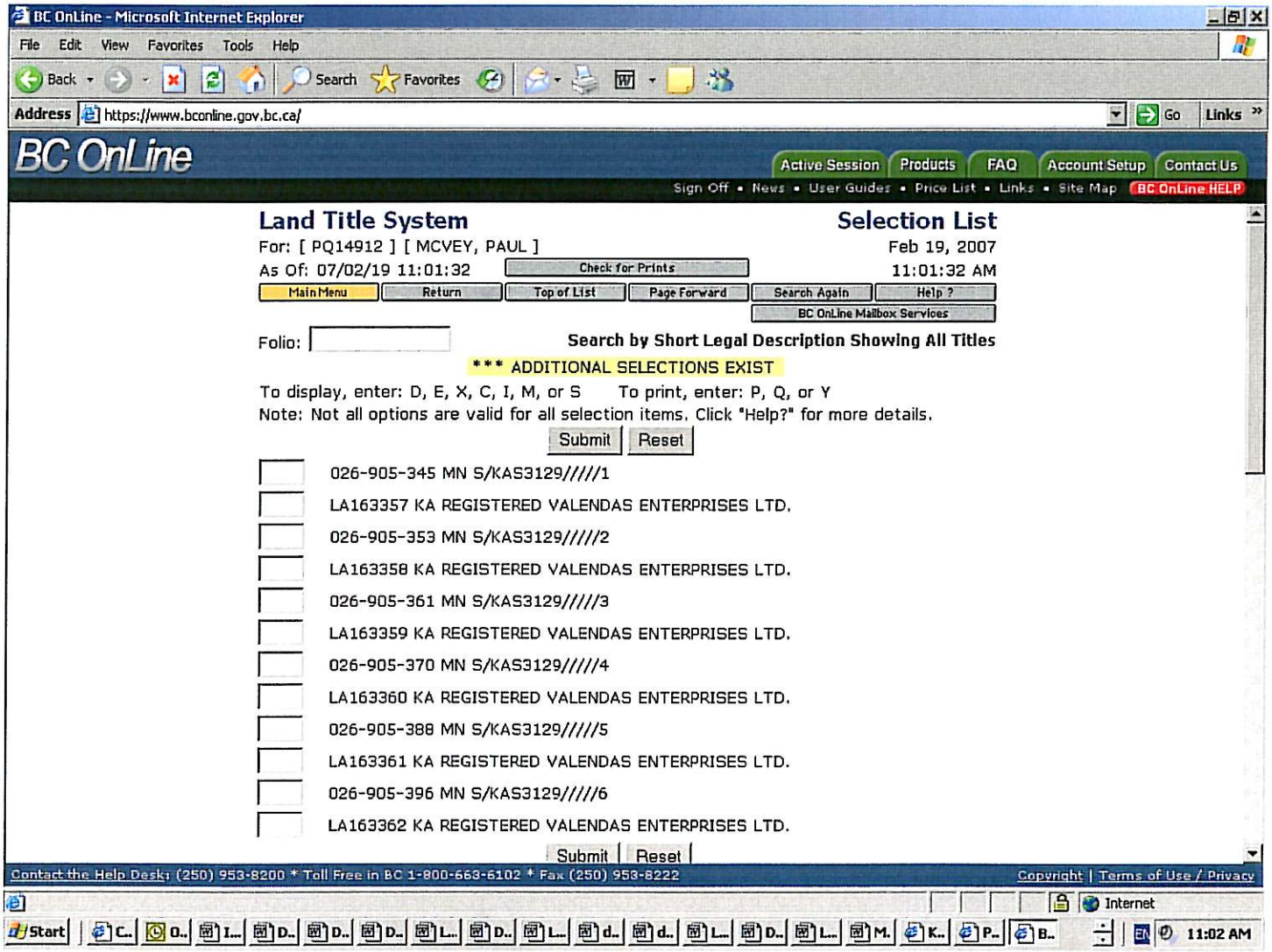
As indicated, heave and sway are both reduced by a factor of approximately 50% for the proposed (current) design relative to the original design. Roll has been reduced by 100% for the currently proposed design relative to the original design.

MOORINGS

The header float will be moored in position along the Okanagan Lake foreshore with two mooring spars extending from the underside of the header float to reinforced concrete footings situated on the lake bed. The spars will be reinforced as a component of the work envisaged by the new design. This will require removal of the spars, transport of the spars to a fabrication shop were reparations will be undertaken, followed by reinstallation. Removal and reinstallation simply requires pulling a pin from the top and bottom ends of each spar and can be accomplished with diver assistance. No modification is required to the concrete footings on the lake bed as these elements have sufficient capacity to withstand the predicted loads.

SUMMARY

The currently proposed design, that is based upon a pontoon having beam and draught of 3.66 and 1.0 m respectively and employs reinforced concrete construction, offers substantial performance improvements over and above those characteristic of the previous design. These performance improvements include: Substantially greater structural capacity; increased capacity to attenuate incident waves and; improved stability (reduced motion) when subjected to incident wave conditions.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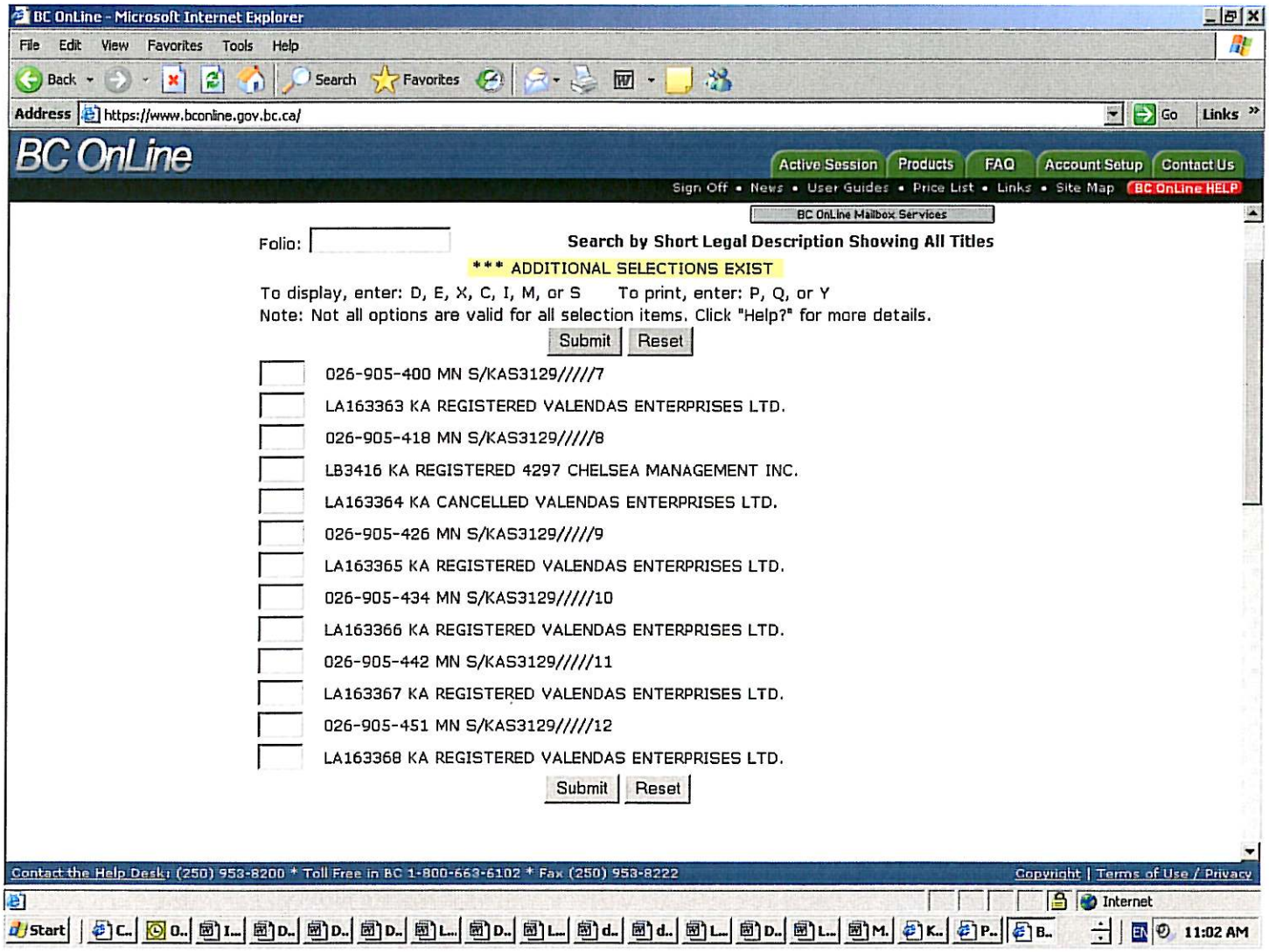
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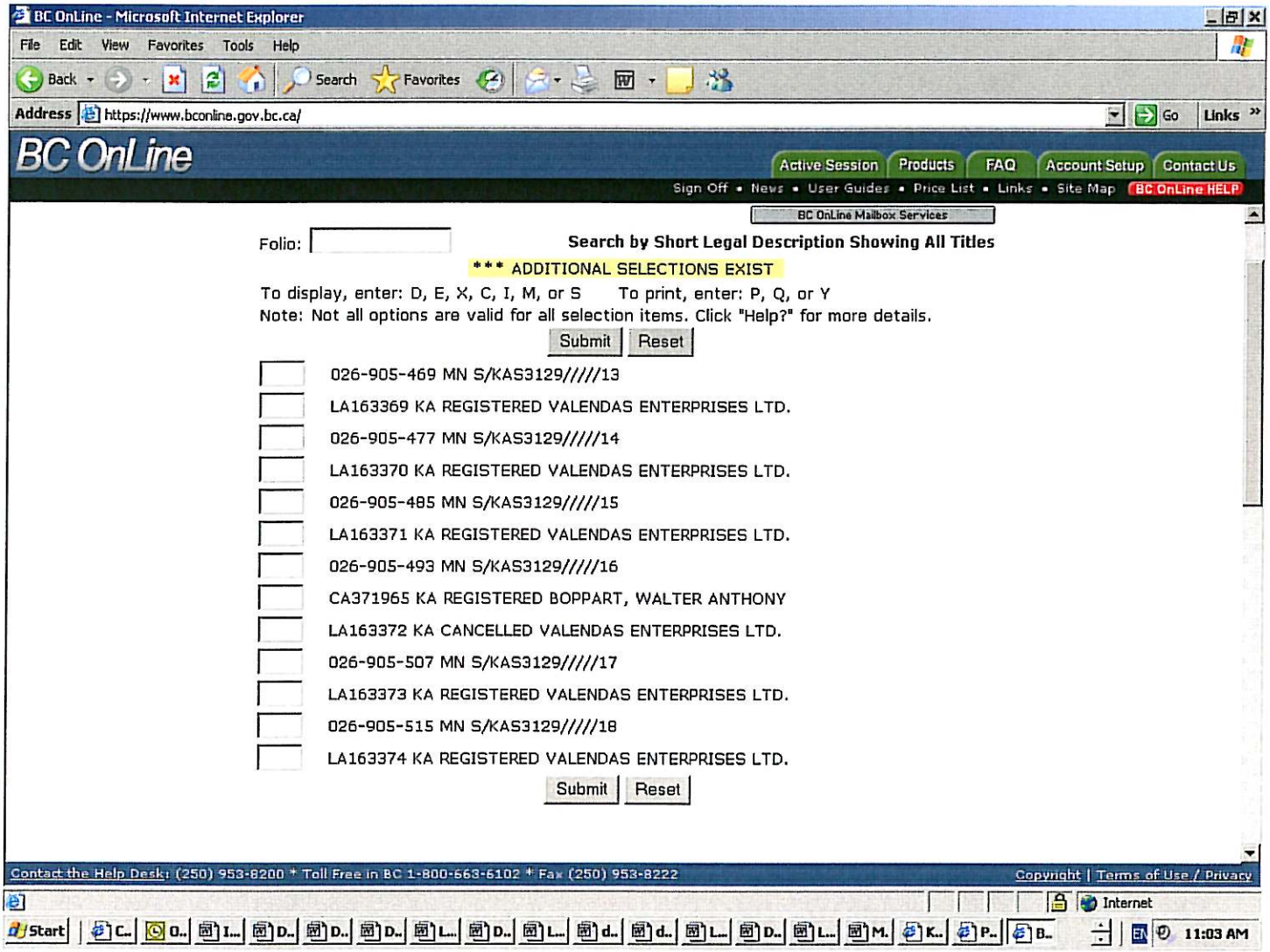
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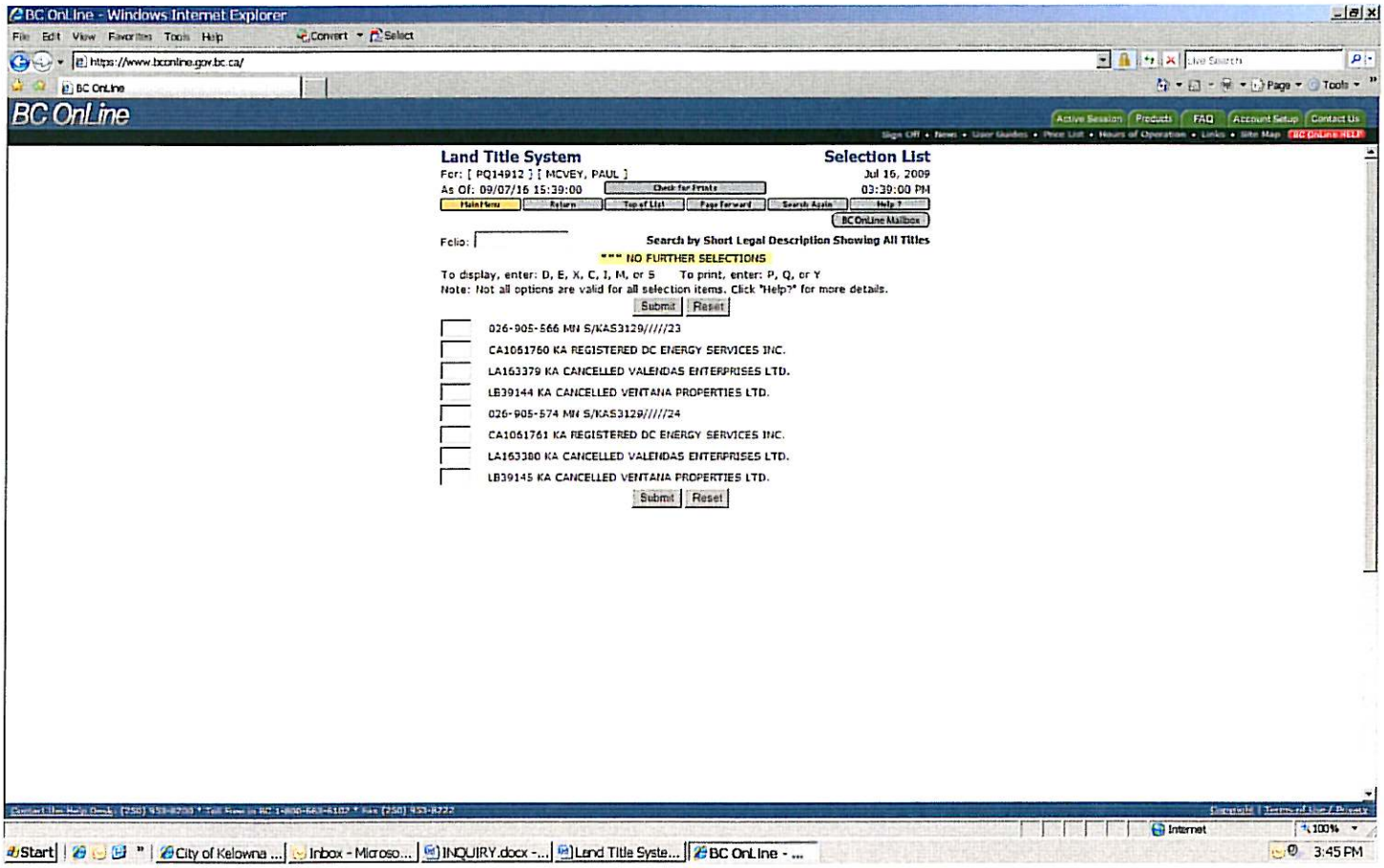

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