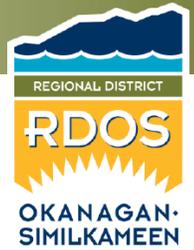


ADMINISTRATIVE REPORT



TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: June 12, 2018

RE: Zoning Bylaw Amendment – Electoral Area “D”

Purpose: To allow for the development of a phased multi-use development resort at the Twin Lakes Golf Course

Owner: Twin Lakes Golf Resort Ltd **Applicant:** Suki Sekhon **Folio:** D-02342.001 & D-02343.000

Legal: Lot 2, Plan KAP26332, DL 228s & 2169, SDYD, except Plan H15455; and **Civic:** 79 Twin Lakes Road
Lot A, Plan KAP46761, District Lots 228s, 2169 & 4098s, SDYD, except Plan KAP53180

Zones: Resource Area (RA); **Proposed Zoning:** various (see Attachment No. 2)
Residential Single Family (RS1);
Residential Multi-Family (RM1); and
Tourist Commercial Six (CT6)

Proposed Development:

The applicant is seeking to rezone the subject parcels in order to facilitate the development of the Twin Lakes Golf Resort, which is going to “compliment the existing golf course use with up to 232 new residential units and tourism facilities over the next 25 years.”

In order to facilitate this Twin Lakes Golf Resort development, the applicant is proposing to transfer the RS1 & RM1 zonings associated with “Lot 2” to “Lot A” in the form of a new Twin Lakes Village (TLV) Zone and a Residential Multiple Unit Three (RM3) Zone situated around the existing golf course clubhouse (see Attachment No. 2). This will result in the zoning of “Lot 2” reverting to Resource Area (RA).

The applicant has further advised that initial development of the Twin Lakes Golf Resort is comprise of Phase 1 that is a one lot subdivision and building strata of up to 46 residential units (to be built in phases). This first phase is to be located on the south east side of the golf course and accessed off of Range Road (see Attachment Nos. 4-5), with subsequent phases being “contingent on water supply confirmation”.

In support of the proposal, the applicant has stated that the “Twin Lakes vision proposes development that will strongly build on the guidance provided by OCP Vision and Broad Goals.” Additional benefits will also include greater safety of the community through increased daily residential interaction; maintaining a rural like setting with less than 10% of the Twin Lakes Golf Resort Lands used as residential; a mix of housing types; encouraging both seasonal and permanent use; and land stewardship and preservation.

Administration is further proposing that, should the Regional District Board be supportive of this proposal, that the amendment bylaw also include a provision to remove the RS1 Zone from an

approximately 1,500 m² area of Crown land (legally described as District Lot 4098S, SDYD, Portion EX BLK A, Except Plan KAP53180) adjacent to “Lot 2” and replace it with an RA zoning.

Site Context:

The TLGR currently owns two parcels of land in the Twin Lakes area with development proposed on both. The parcels are located to the south adjacent to Highway 3a and north of Nipit / Twin Lake.

One parcel (Lot 2), is approximately 41.4 ha in size is currently vacant and consists of rolling hills, steep rocky outcrops grasslands and treed areas. The applicant has recently prepared an area for farming on this parcel.

The second parcel (Lot A) is approximately 66 ha in size and is principally used as a golf course and clubhouse with the majority of this parcel within the Agricultural Land Reserve (ALR). There is also a seasonal RV Park Campground on this parcel.

Surrounding properties are a mixed land use of larger Resource Area and Large Holdings properties and the properties surrounding Nipit Lake are a mix of residential zonings.

Background:

The current boundaries of the subject property date to a plan of subdivision deposited with the Land Titles Office in Kamloops on October 2, 1975, while available Regional District records indicate the previous issuance of building permit for alterations to the golf course clubhouse.

The South Okanagan Regional Growth Strategy (RGS) designates Twin Lakes as a Rural Growth Strategy, done mainly because of the amount of existing zoning in place at the time around the golf course. The actual boundaries of the Rural Growth Area were delineated during the OCP update process and are shown to concentrate any growth the area centred around the current clubhouse parking lot and RV park area.

Under the Electoral Area “D-1” OCP Bylaw No. 2683, 2016, “Lot A” is currently designated part Tourist Commercial (CT), part Residential Mixed Use (RMU) and part Resource Area (RA), while “Lot 2” is designated RA.

Under Section 7.5 (Local Area Policies – Twin Lakes) of the OCP Bylaw, there are a number of assessment criteria to be applied to any rezoning proposal that seeks to development the Twin Lakes Golf Course lands, and which include the following:

- a) *clearly demonstrate its consistency with the broad goals and objectives of this OCP;*
- b) *provide an assessment of the proposal against the following criteria:*
 - i) *provision of sustainable water supply without impacting existing residential developments and environmental flows;*
 - ii) *establishment of adequate community on-site domestic water and sewage disposal in accordance with:*
 - .1 *the Regional District’s Subdivision Servicing Bylaw*
 - .2 *provincial regulations and*
 - .3 *submission of an assessment from a Qualified Professional.*
 - iii) *compatibility with adjacent land uses and designations, and the character of the existing area; and*

-
- iv) type, timing and staging of the development.*
 - c) consider an urban village concept with pedestrian focus;*
 - d) clearly demonstrate best practice residential water conservation standards, including water metering, water re-use, and xeriscaping; and*
 - e) be organized around a phased concept plan where any future development phases are contingent upon sustainable water availability and supply based on at least ten-years of supply data monitored by a Qualified Professional from both existing groundwater observation wells and measured residential and Twin Lakes Golf Course use.*

Both parcels are also the subject of an Environmentally Sensitive Development Permit (ESDP) Area designation under the OCP Bylaw while that part of “Lot A” surrounding the golf course clubhouse comprises the designated “Rural Growth Area” for Twin Lakes under the Regional Growth Strategy (RGS) Bylaw No. 2770, 2017.

Under the Electoral Area “D-1” Kaleden-Apex Southwest Sector Zoning Bylaw No. 2457, 2008, the two parcels are subject to a number of different zones, including the Residential Single Family One (RS1), Residential Multiple Family (RM1), General Commercial (C1), Tourist Commercial Six (CT6) and Resource Area (RA).

The current residential zoning of the parcels dates to 1995 and the adoption of Amendment Bylaw No. 1550, which contemplated the development of approximately 258 units at the site.

A majority of “Lot A” is also situated within the Agricultural Land Reserve (ALR) and the development of the area around the golf course clubhouse was previously approved by the Agricultural Land Commission (ALC) in 2007.

Additional background information related to the servicing history of the Twin Lakes areas is included at Attachment No. 6.

Analysis:

In considering this proposal, Administration notes that the increase in densities centred around a ‘village’ type development reflects the boundaries established through the RGS. The Advisory Planning Commission (APC) is asked to be aware that this was one of the principal considerations in designating the area around the clubhouse as the Twin Lakes “Rural Growth Area” in accordance with the RGS Bylaw. Specifically, that removal of the RS1 and RM1 zones from “Lot 2” would be part of any discussion regarding the introduction of new zonings for “Lot A”.

In considering the local area policies contained within the OCP Bylaw, Administration notes that the proposed rezoning generally meets the criteria provided to assess any new development, including:

- Water supply will be monitored prior to further development;
- Establishment of adequate community water and sewer infrastructure;
- The overall development is phased, as well the Phase 1 building strata is also proposed to be phased;
- The new Twin Lakes Village zone will provide a focus on a village concept;
- Water conservation including water metering, re-use and xeriscaping will be incorporated;
- Water will be monitored for availability from groundwater wells servicing residential and from the golf course use.

The proposal is generally consistent with the direction provided for in the OCP Bylaw which speaks to the area around the clubhouse being the focal point for development at Twin Lakes.

The proposal will also remove any existing residential zoning from the hillside to the east and return that land to a Resource Area zone in order to help preserve the environmental values.

In requesting the RM3 Zone, the applicant is seeking to introduce “vacation rentals” as a permitted use as part of this development (i.e. a Temporary Use Permit would no longer be required for such a use). At present, the only community in which “vacation rentals” are a permitted use is at Apex Mountain Resort, and this is largely a reflection of the resort nature of that community. Given the applicant is similarly developing the Twin Lakes Golf Course as a “resort”, permitting “vacation rentals” is not seen to be unreasonable and will also be permitted in the TLV Zone.

In recognition of the significant concerns expressed by the community on groundwater sustainability during the review of the OCP Bylaw, the Plan recognizes that balancing any new development with water conservation and environmental stewardship is the community’s driving objective.

In order to meet the infrastructure servicing objectives of the Plan, the applicant is proposing to create a community water and sewer system that will subsequently be turned over to the Regional District to own and operate under new proposed service areas.

The applicant is proposing that the development of this infrastructure correspond to the residential development following phases as follows:

Phase 1 (46 units, within one parcel)

- Sanitary sewer collection system and treatment plant;
- Water distribution system and water treatment plant;
- Consideration of separate golf course irrigation RDOS service area for over-sight of water use;
- Timing consideration of the Regional District to take control of the sanitary and water systems;
- Consideration of future expansion for Phase 2 and the sanitary collection and water distribution systems into the greater Twin Lakes Community;
- Water use monitoring in conjunction with the RDOS.

Phase 2 (+/- 182 units)

- Expansion of the sanitary collection and water distribution systems;
- Expansion of the sanitary and water treatment plants;
- Upland water reservoir (storage);
- Consideration of the sanitary collection and water distribution systems into the Twin Lakes Community;
- Continuation of water monitoring and decision making on amount of future development.

This proposed community infrastructure will be designed to provide water and sewer to all phases of the proposed Twin Lakes Golf Resort development, as well as potentially servicing the existing residences which surround Twin Lakes.

To date, several meetings have been held with the developer, their engineer and Regional District staff in order to examine the infrastructure and servicing details. A number of key legal and development agreements will need to form part of the rezoning process, as this is the only

opportunity the RDOS has to ensure design and amount of future development and infrastructure services.

In summary, Administration supports the proposed rezoning, particularly the changes to land use, but recognizes that many of technical details related to servicing still needs to be finalised. On this basis, a number of conditions of approval of the rezoning are recommended to ensure these servicing aspects are achieved. These conditions include:

1. A 'no build' covenant be registered on the title of "Lot A" prior to adoption of Amendment Bylaw 2457.20 in order that those areas identified as "Phase 2" cannot proceed until groundwater sustainability and availability can be proven to warrant further development;
2. The property owner enter into a servicing agreement with the Regional District prior to adoption of Amendment Bylaw 2457.20 in order to ensure that the proposed community water system and community sanitary system is designed and built in accordance with RDOS Subdivision Servicing Bylaw 2000, 2002, and for water system design, Development Variance Permit D2016.051-DVP;
3. That the property owner petitions and receives approval from the RDOS Board of Directors for the creation of applicable Service Areas for the community water and sanitary systems; and
4. That the property owner petitions and receives approval from the RDOS Board of Directors for the creation of applicable Service Area for the monitoring and regulation the existing irrigation wells utilized for the golf course.

As an aside, at such time as Phase 2 is able to proceed, it is anticipated that the existing RV Park may be re-located from "Lot A" to "Lot 2".

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved, subject to the following conditions:

1. **THAT a 'no build' covenant be registered on the title of "Lot A" prior to adoption of Amendment Bylaw 2457.20 in order that those areas identified as "Phase 2" cannot proceed until groundwater sustainability and availability can be proven to warrant further development;**
2. **THAT the property owner enter into a servicing agreement with the Regional District prior to adoption of Amendment Bylaw 2457.20 in order to ensure that the proposed community water system and community sanitary system is designed and built in accordance with RDOS Subdivision Servicing Bylaw 2000, 2002, and for water system design, Development Variance Permit D2016.051-DVP;**
3. **THAT the property owner petitions and receives approval from the RDOS Board of Directors for the creation of applicable Service Areas for the community water and sanitary systems; and**
4. **THAT the property owner petitions and receives approval from the RDOS Board of Directors for the creation of applicable Service Area for the monitoring and regulation the existing irrigation wells utilized for the golf course.**

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted

Endorsed by:

Endorsed By:



E. Riechert, Planner



C. Garrish Planning Supervisor



B. Dollevoet, Dev. Services Manager

Attachments: No. 1 – Context Maps

No. 2 – Current vs. Proposed Zoning

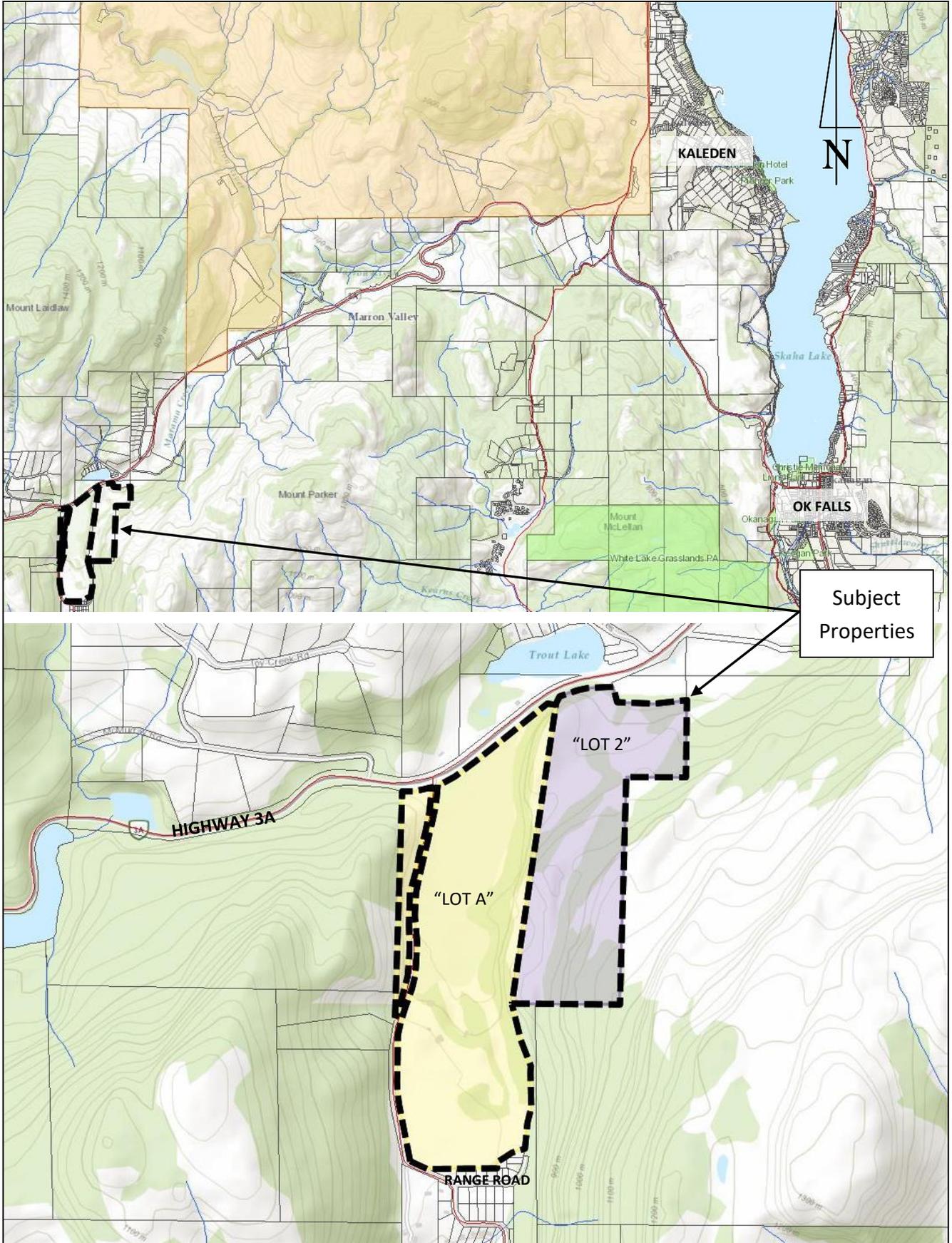
No. 3 – Site Photo (Google Earth)

No. 4 – Applicant’s Site Plan

No. 5 –Applicant’s Site Plan (Phase 1)

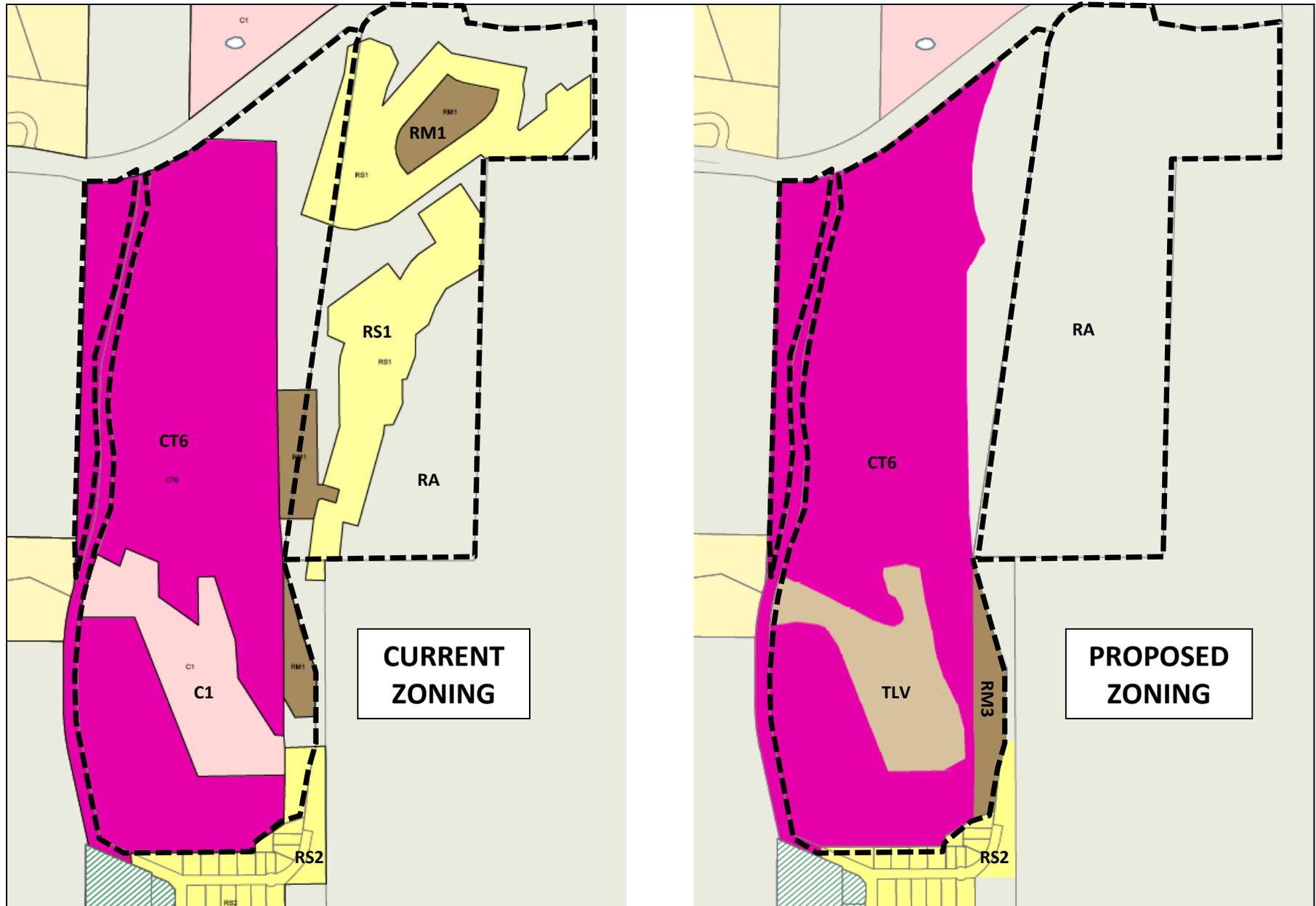
No. 6 – Subdivision and Servicing Background

Attachment No. 1 – Context Maps

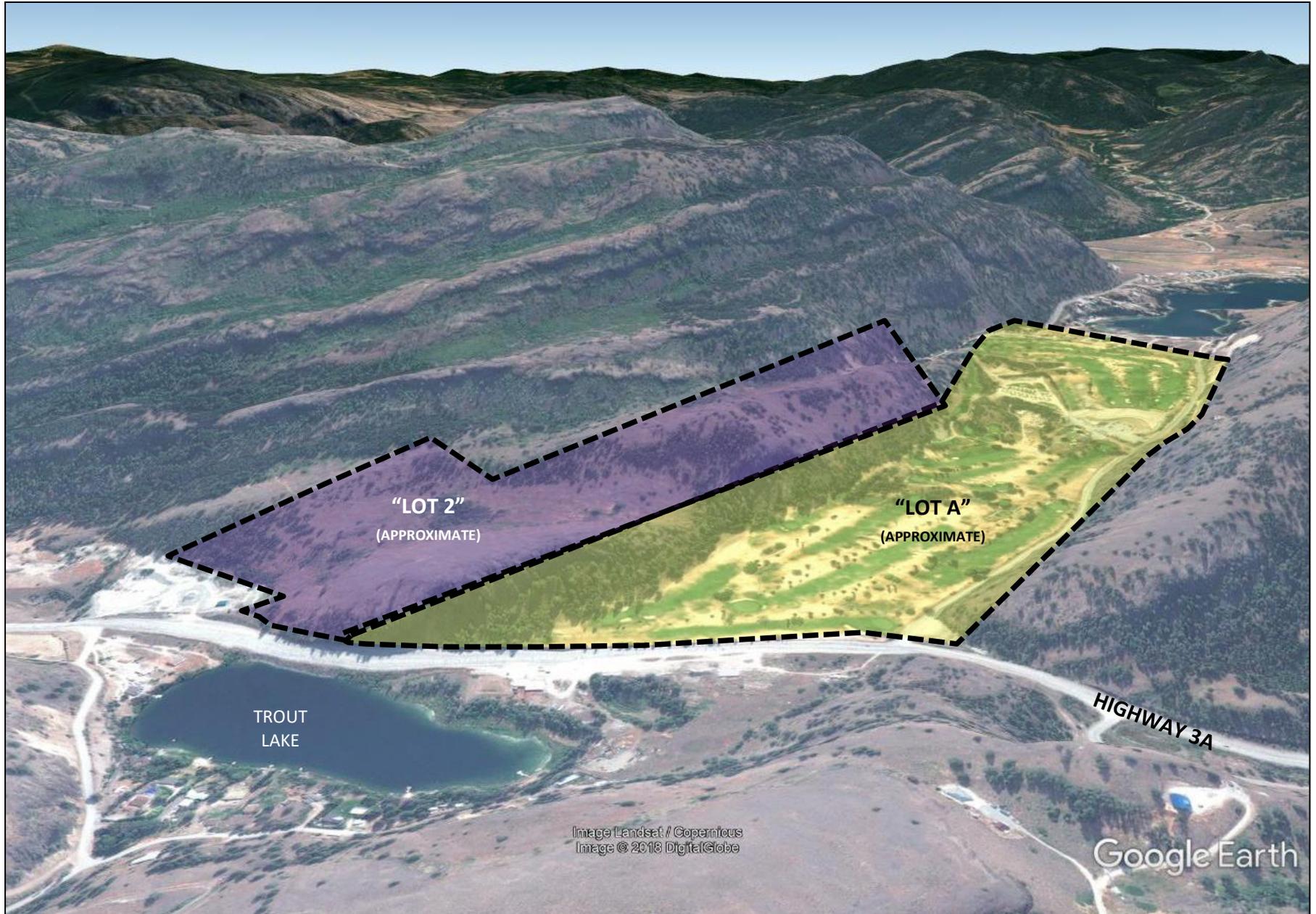


Subject Properties

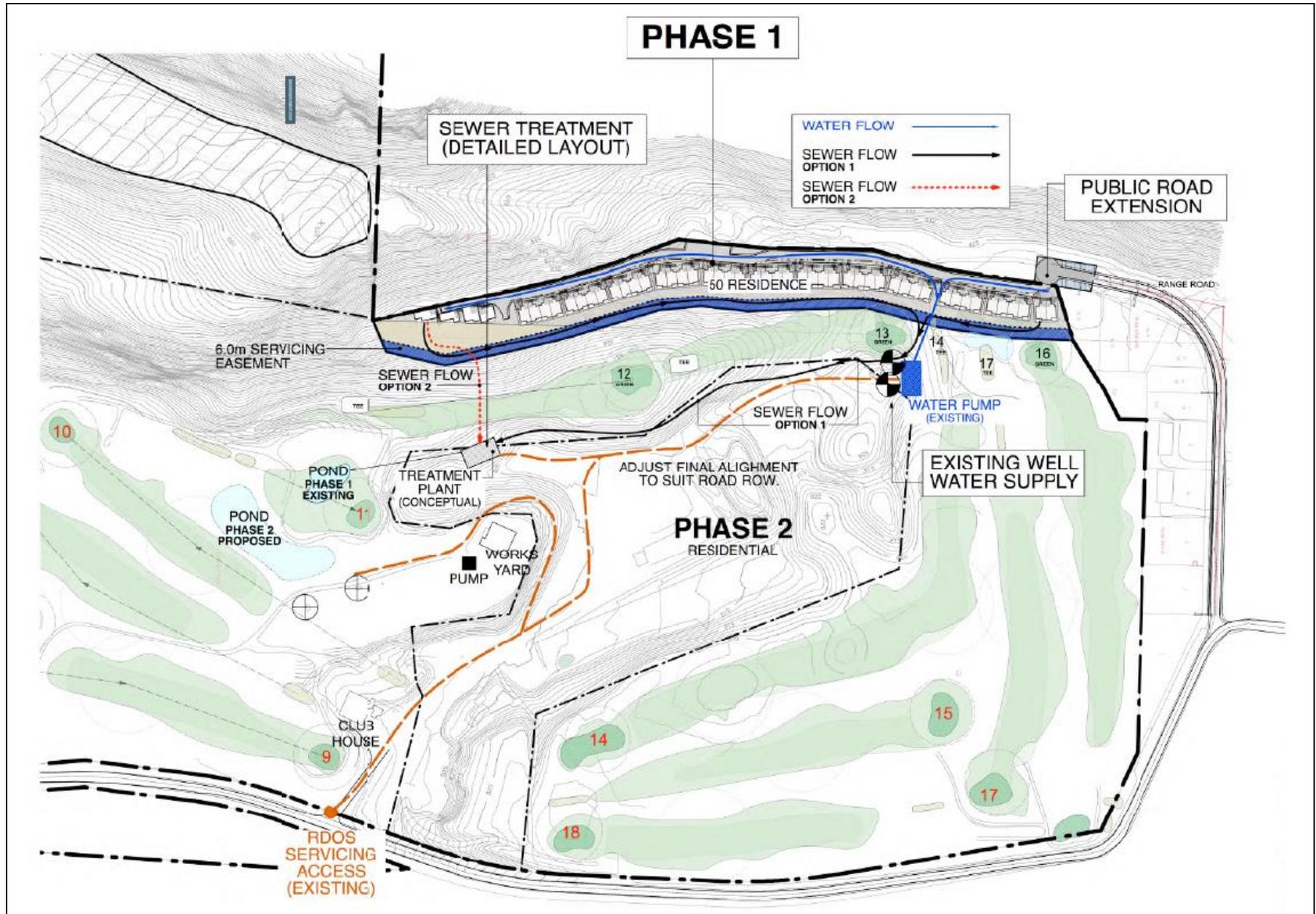
Attachment No. 2 – Current vs. Proposed Zoning



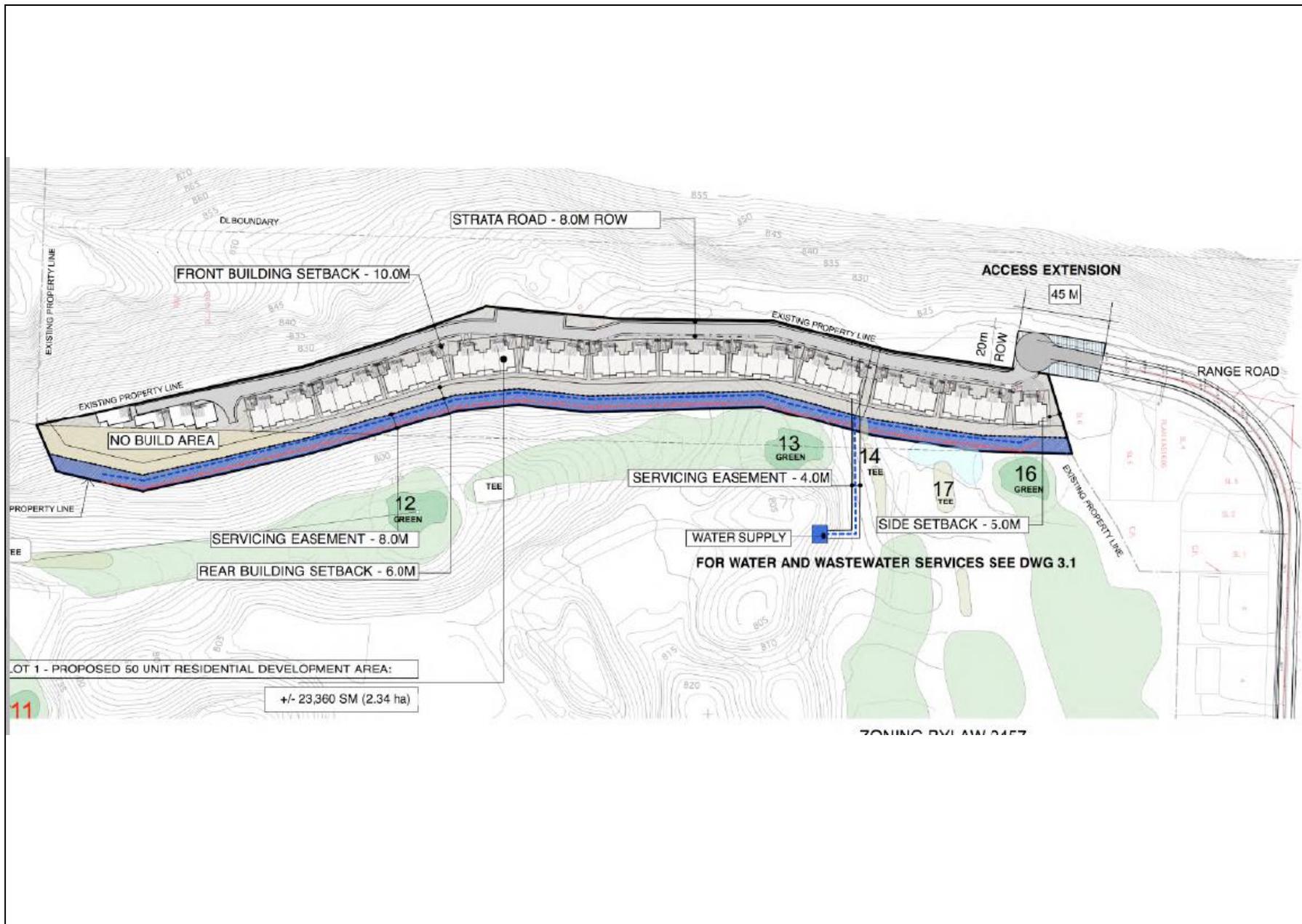
Attachment No. 3 – Site Photo (Google Earth)



Attachment No. 4 – Applicant's Site Plan (concept)



Attachment No. 5 – Site Plan concept (Phase 1)



Attachment No. 6 – Subdivision and Servicing Background

March 4, 2008: an application to subdivide the Twin Lakes Golf Resort (TLGR) lands for a Phase 1 development proposing 33 single family strata units and 18 multi-family strata units for a total of 51 units was received by the Regional District from the Ministry of Transportation and Infrastructure (MoTI). The overall TLGR development proposal was comprised of a bare land strata with a total of 136 single detached dwellings units and 72 multi-family dwelling units over a 64 hectare parcel.

July 26, 2011: the Provincial Approving Officer gave the subdivision application a non-approval under the Land Title Act, Section 85 because in his opinion the proposal was not within the “public interest” due to concerns with risk of not having sustainable water for the proposed bare land strata development, and even the existing Twin Lake area properties without the development proceeding.

Sept. 20, 2012: the TLGR group applied for a Development Variance Permit (DVP) requesting a reduction of the Water Supply, Design Parameters under the Regional District’s Subdivision Servicing Bylaw No, 2000, 2002. The requested DVP would reduce Maximum Daily Domestic Flow of 8,000 litres per single family unit per day to 1,900 litres per single family unit per day.

The Regional District Board deferred the DVP until such time a new hydrogeological report (Golder Report) was to be completed by the TLGR developer.

July 10, 2014: the draft Golder Report was received by the Regional District. The science of hydrology in the report was to be reviewed by the Ministry of Forest Lands and Natural Resource Operations (MFLNRO). The water use of the proposed development and existing water users in the Twin Lakes area was reviewed by Staff.

Feb., 2015: MFLNRO and the Regional District completed its reviews and comments are returned to the TLGR developer.

Jan. 26, 2016: a revised draft Golder Report is distributed to the Regional District and the Provincial Approving Officer. The revised report has been reviewed by MFLNRO and the Regional District commissioned a secondary review of the proposed water use by Western Water Associates Ltd.

The DVP was brought forward for discussion to the July 7, 2016, Planning and Development Committee meeting. The DVP to reduce the water system design flows was then adopted at the Board on July 21, 2016. The varied requirements are as follows:

“Minimum design flows for domestic demand shall be:”

1. Addition of an “Average Daily Flow to 2,200 L/single family unit/day”;
2. Reduction of the existing “Maximum Daily Domestic Flow from 8,000 L/single family unit/day” to 5,500 L/single family unit/day; and,
3. Reduction of the existing “Peak hour domestic flow from 13,600 L/single family unit/day” to 10,000 L/single family unit/day.