

# ADMINISTRATIVE REPORT



**TO:** Board of Directors  
**FROM:** B. Newell, Chief Administrative Officer  
**DATE:** March 21, 2019  
**RE:** Zoning Bylaw Amendment – Electoral Area “1” (Twin Lakes Golf Resort Ltd.)

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## **Administrative Recommendation:**

**THAT Bylaw No. 2457.20, 2018, Electoral Area “1” Zoning Amendment Bylaw be read a second time and proceed to public hearing;**

**AND THAT the holding of the public hearing be delegated to Director Monteith or delegate;**

**AND THAT staff schedule the date, time, and place of the public hearing in consultation with Director Monteith;**

**AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.**

**AND THAT prior to third reading of Amendment Bylaw No. 2457.20, 2018, the property owner enter into a servicing agreement with the Regional District in order to ensure that the proposed community water system and community sanitary system is designed and built in accordance with RDOS Bylaws including Subdivision Servicing Bylaw 2000, 2002, and for water system design, Development Variance Permit D2016.051-DVP (as shown on Attachment No. 7) and must include terms and conditions on how the systems will subsequently be turned over the Regional District.**

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**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:** various (see Attachment No. 2)      **Proposed Zoning:** various (see Attachment No. 2)

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## **Proposed Development:**

The applicant is seeking to rezone parts of two legal 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, in two proposed phases, over the next 25 years.”

In order to facilitate this, the applicant is proposing to ‘transfer’ existing residential densities from “Lot 2” to “Lot A” (see Attachment No. 2). This will result in the zoning of “Lot 2” changing from part Residential Single Family One (RS1), Residential Multiple Family (RM1) and Resource Area (RA) to a new Resource Area Site Specific (RAs) with the site specific provision allowing for a “campground” use. The zoning of parts of Lot “A” will correspondingly change from General Commercial Site Specific (C1s) and Golf Course Commercial (CT3) to a new Twin Lakes Village (TLV) Zone and a Residential Multiple Unit Three (RM3) Zone situated around the existing golf course clubhouse.

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The applicant has further advised that initial development of the Twin Lakes Golf Resort (TLGR) is comprised of Phase 1 (see Attachment No. 4) 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 (Attachment No. 5). Of note, the applicant is proposing a “building-strata”, that means one ‘parcel’ with multiple owners, as opposed to a ‘bare land strata’ which entitles multiple owners with shared common property.

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 the 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.

It is also proposed that the amendment bylaw include a provision to remove the RS1 Zone from an approximately 1,500 m<sup>2</sup> 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.

The Board should also be aware that the long-term strategy regarding the infrastructure proposed for the development is for the Regional District to take over the maintenance and operation of domestic water and sanitary systems to be constructed for the development.

**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, 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, while 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 a building permit for alterations to the golf course clubhouse.

The South Okanagan Regional Growth Strategy (RGS) designates Twin Lakes as a Rural Growth Area, 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 in the area centered on the current clubhouse parking lot and RV park area which includes the proposed Phase 1 and Phase 2 areas of the development.

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Under the Electoral Area “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. The RMU designation was placed over the land during the OCP update process and provides strategic direction for concentrating development around the golf course clubhouse area.

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 develop the Twin Lakes Golf Course lands including: the need to provide assessment on the provision of a sustainable water supply without impacting existing residential development and environmental flow; establishment of adequate community on-site water and sewage disposal; compatibility with adjacent land uses; to consider an urban village concept; and be organized around a phased concept.

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 South Okanagan Regional Growth Strategy (RGS) Bylaw No. 2770, 2017.

Under the Electoral Area “1” 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 into a golf course around the clubhouse was previously approved by the Agricultural Land Commission (ALC) in 2007.

At its meeting of August 2, 2018, the Regional Board gave first reading to the zoning amendment bylaw and directed that second reading would be dependent upon the applicant satisfying a number of conditions (which are discussed further below).

**Referrals:**

Approval from the Ministry of Transportation and Infrastructure (MoTI) is required as the subject property is situated within 800 metres of a controlled area (i.e. Highway 3A).

**Public Process:**

On February 1, 2018, the applicant hosted a community open house at the Twin Lakes golf clubhouse, at which approximately 36 members of the public were present.

On June 12, 2018, a Public Information Meeting was held ahead of the Advisory Planning Commission (APC) meeting, and was attended by approximately 37 members of the public.

At its meeting of June 12, 2018, the Electoral Area “D” Advisory Planning Commission (APC) resolved to recommend to the RDOS Board the development application be approved subject to several 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 and*

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*that “Phase 2” may not proceed until the completion of “Phase 1” and an assessment of the local water supply has been completed;*

- 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.*

### **Analysis:**

In considering this proposal, Administration notes that the increased densities centred around a ‘village’ type development which is proposed reflects the direction established through the RGS and the Electoral Area “I” OCP. The OCP process established that the removal of the existing 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, and the Phase 1 building strata is also proposed to be phased;
- The new Twin Lakes Village zone will provide a focus on a village development 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 environmental values and rural character.

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 proposed 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.

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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 RDOS service areas.

**Compliance with Board Conditions:**

In approving first reading of Amendment Bylaw No. 2457.20, 2018, at its meeting of August 3, 2018, the Board resolved to impose a number of conditions related to the Twin Lake Golf Resort development and required that these be met prior to further readings of the zoning amendment bylaw. The following provides an overview of the applicant's compliance with these conditions:

1. Ground Water Sustainability:

Prior to consideration of second reading, the Board required that the applicant register a 'no build' covenant on the title of Lot A, Plan KAP46761, District Lots 228s, 2169 & 4098s, SDYD, except Plan KAP53180, in order that the area identified as "Phase 2" could not proceed until:

a) *groundwater sustainability and availability is proven to warrant further development;*  
*and*

b) *36 dwelling units in "Phase 1" have been constructed and issued occupancy permits.*

The intent of this condition is to monitor the water availability throughout the development of Phase 1 and determine if there is adequate water to warrant the further development of Phase 2.

A final version of this covenant has been completed and agreed to by the applicant and the RDOS; however, is not yet registered on Title. Importantly, the covenant includes a monitoring Terms of Reference that will ensure the groundwater will be monitored and subsequently modelled to an agreed upon standard. The Terms of Reference were developed in collaboration with Golder Associates Ltd, Don Dobson, P.Eng and the RDOS. A copy of this covenant is provided as a separate attached item. Also included is the Terms of Reference submission provided by Golder Associates Ltd to RDOS.

The 'no build' covenant will be placed on "Lot A" with a 'priority' clause to carry over once the parcel is subdivided. The covenant will need to be registered prior to the adoption of the amendment bylaw.

2. Establishment of Service Areas

Prior to consideration of second reading, the Board required that "the property owner petitions and receives approval from the RDOS Board of Directors for the creation of applicable Service Areas for the monitoring of domestic water, sanitary, and irrigation systems."

The original intent of this condition was to provide a mechanism to enable the RDOS to oversee the monitoring of water availability required for the infrastructure (domestic water and sewer) systems as they develop for Phase 1 and prior to establishing service areas and taking over the systems prior to Phase 2.

However, through ongoing discussion with the applicant and Administration, it has been determined that the best course of action is for the RDOS to establish service areas for the domestic water and sanitary systems at the initiation of Phase 1 instead of Phase 2 as originally anticipated. As a result, it is no longer required to establish a separate "water monitoring" service, as water availability monitoring will simply be included in the establishment of the

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domestic water service. As RDOS will be managing the domestic water service, RDOS will ensure that the monitoring adheres to the collection and methodology outlined in the Terms of Reference.

The service area establishment bylaw(s) will be required to be adopted prior to the approval of the subdivision for Phase 1.

As a result of the change in direction described above, the Board is asked to waive the condition for the establishment of a 'monitoring' service. Administration is satisfied that the intent of the two conditions required for this application to proceed to second reading and a public hearing have been met.

### 3. Design, Construction and Transfer of Water & Sewer Infrastructure

Prior to consideration of third reading, the Board required that "the property owner enter into a servicing agreement with the Regional District in order to ensure that the proposed community water system and community sanitary system is designed and built in accordance with RDOS Bylaws including Subdivision Servicing Bylaw 2000, 2002, and for water system design, Development Variance Permit D2016.051-DVP ... and must include terms and conditions on how the systems will subsequently be turned over the Regional District."

The intent of this condition is to ensure that the design of the infrastructure contemplated for the domestic water and sanitary systems complies with the applicable RDOS bylaws.

Normally, a servicing agreement is not required until the building permit or the subdivision approval stage. However, as the development proposes a one lot subdivision with a corresponding strata development, and because RDOS is planning to establish service areas for these systems, Administration recommends that this be dealt with up front and through the rezoning process. Within this servicing agreement there will be provisions that address the criteria for the takeover of the system by the RDOS.

Regional District staff will continue to work with the applicant on meeting this last condition and recommend that it be retained by the Board to be fulfilled prior to 3<sup>rd</sup> reading.

#### **Summary:**

In summary, at this stage, Administration supports the 2<sup>nd</sup> reading of the zoning amendment bylaw, but recognizes that the technical details related to water and sewer servicing and design still need to be finalised.

At first reading, Administration recommended a number of conditions that were needed to be met by the applicant prior to approval of the rezoning. The first two of these conditions were to be satisfied prior to second reading and Administration feels that these two conditions have been met.

The recommended conditions were made to deal with a proposal that is not typical of most development applications that the RDOS receives, given that the applicant is essentially proposing to transfer his existing development rights zoned on the upper hillside (which constitutes an environmentally sensitive area), that the phasing of the proposal is dependent on proving water sustainability, and that the Regional District will own and operate the water and sewer infrastructure.

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**Alternatives:**

1. THAT first reading of Bylaw No. 2457.20, 2018, Electoral Area "I" Zoning Amendment Bylaw be rescinded and the bylaw abandoned;
2. THAT consideration of second reading of the Electoral Area "I" Zoning Amendment Bylaw No. 2457.20, 2018, be deferred.

**Respectfully submitted**

**Endorsed by:**

**Endorsed by:**

*E Riechert*

*CG*

*B Dollevoet*

E. Riechert, Planner

C. Garrish, Planning Manager

B. Dollevoet, Gen. Manager, Dev. Services

Attachments: No. 1 – Applicant’s Proposed Phasing Plan

No. 2 – Current vs Proposed Zoning

No. 3 – Site Photo (Google Earth)

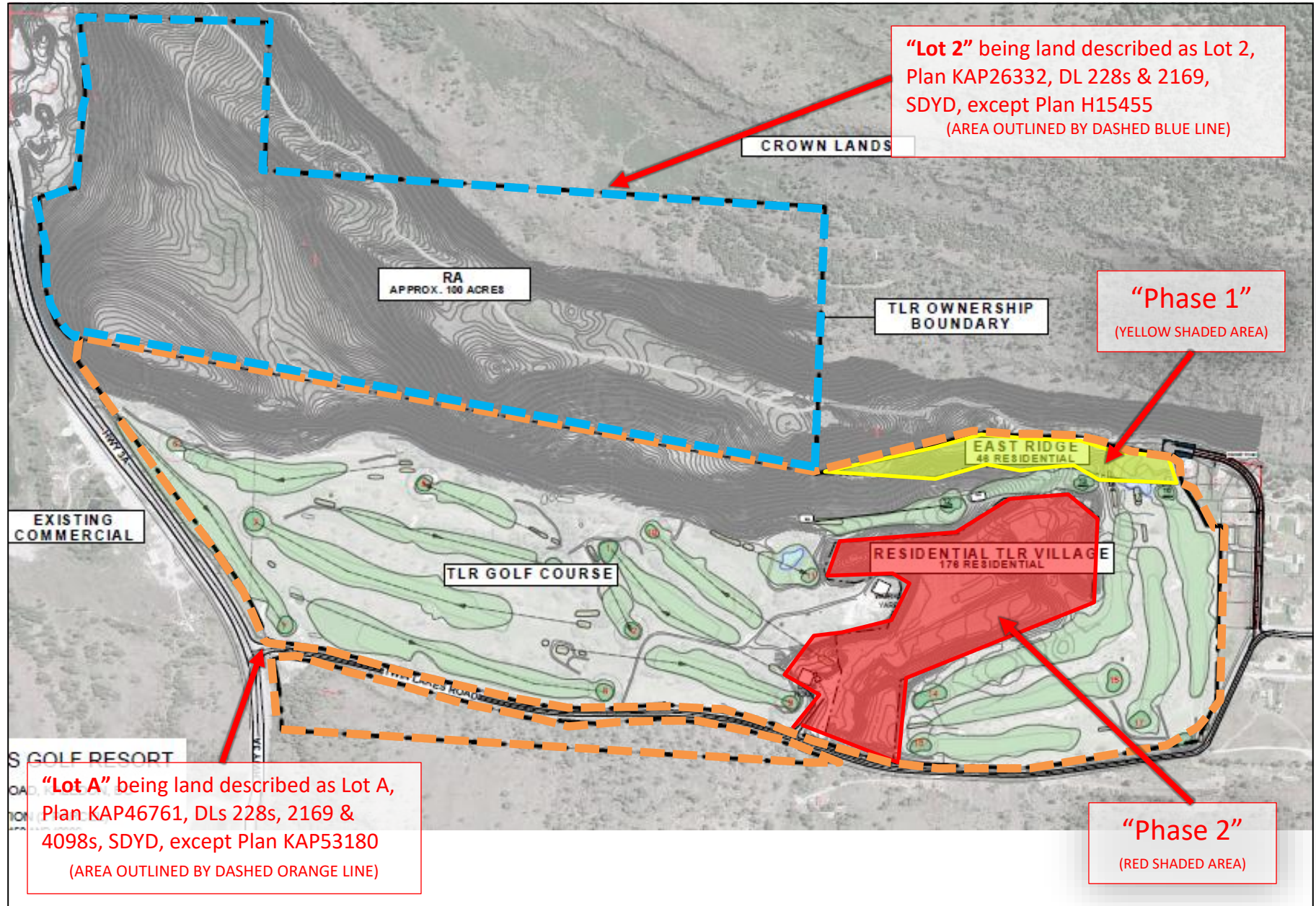
No. 4 – Applicant’s Site Plan concept – Phase 1 and Phase 2

No. 5 – Applicant’s Site Plan concept - Phase 1

No. 6 – Servicing Background

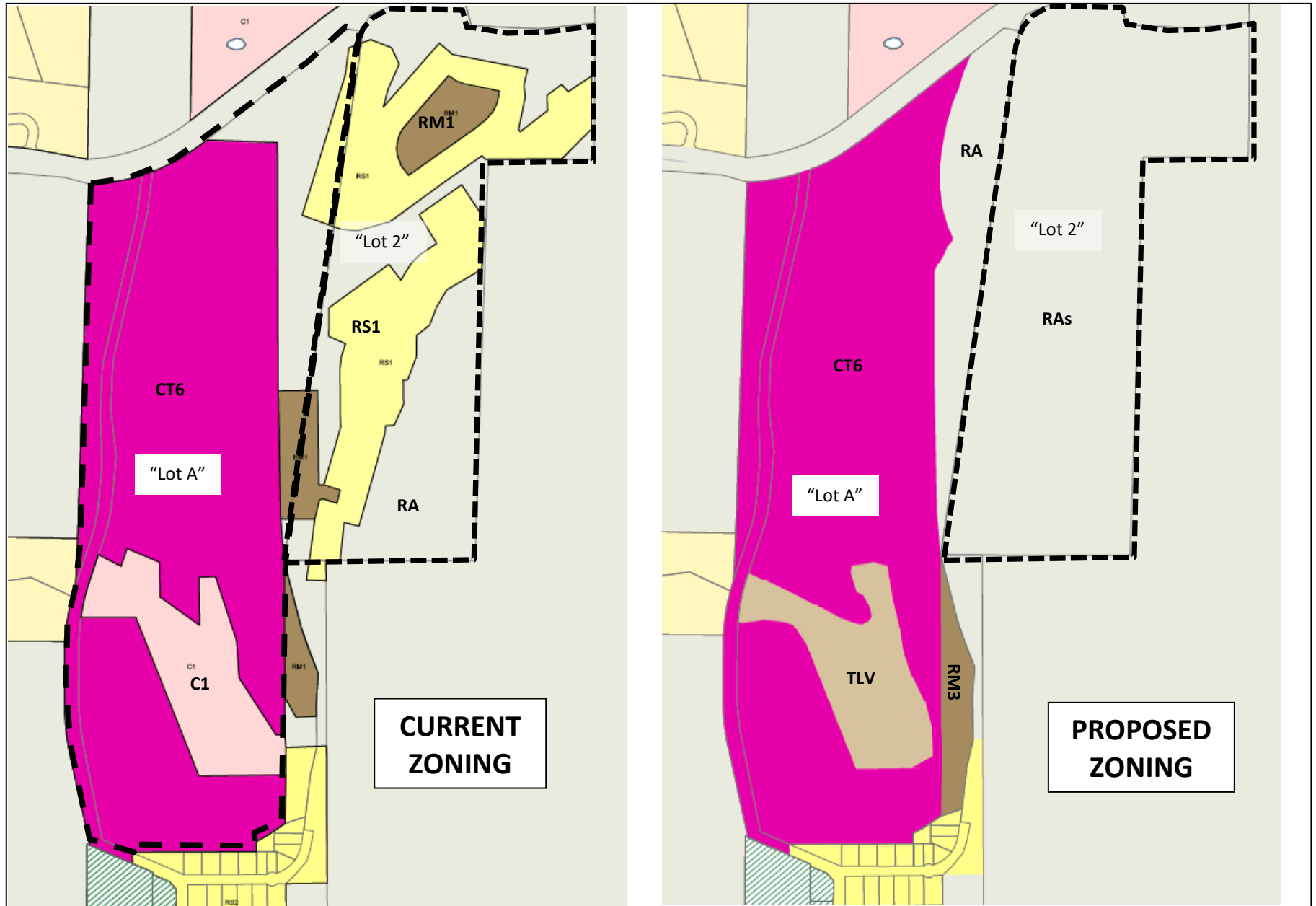
No. 7 – Development Variance Permit No. D2016.051-DVP

Attachment No. 1 – Applicant’s Proposed Phasing Plan

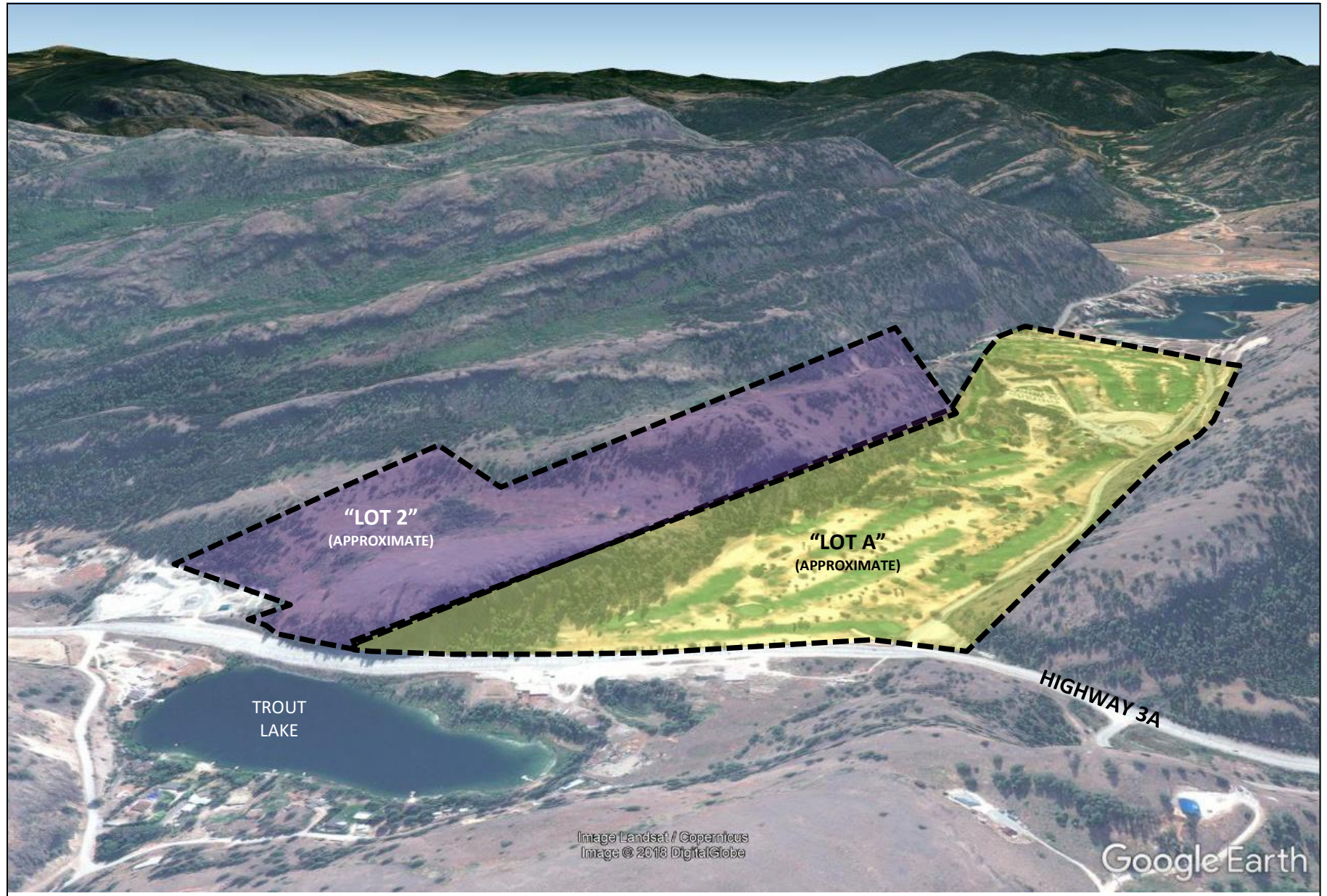




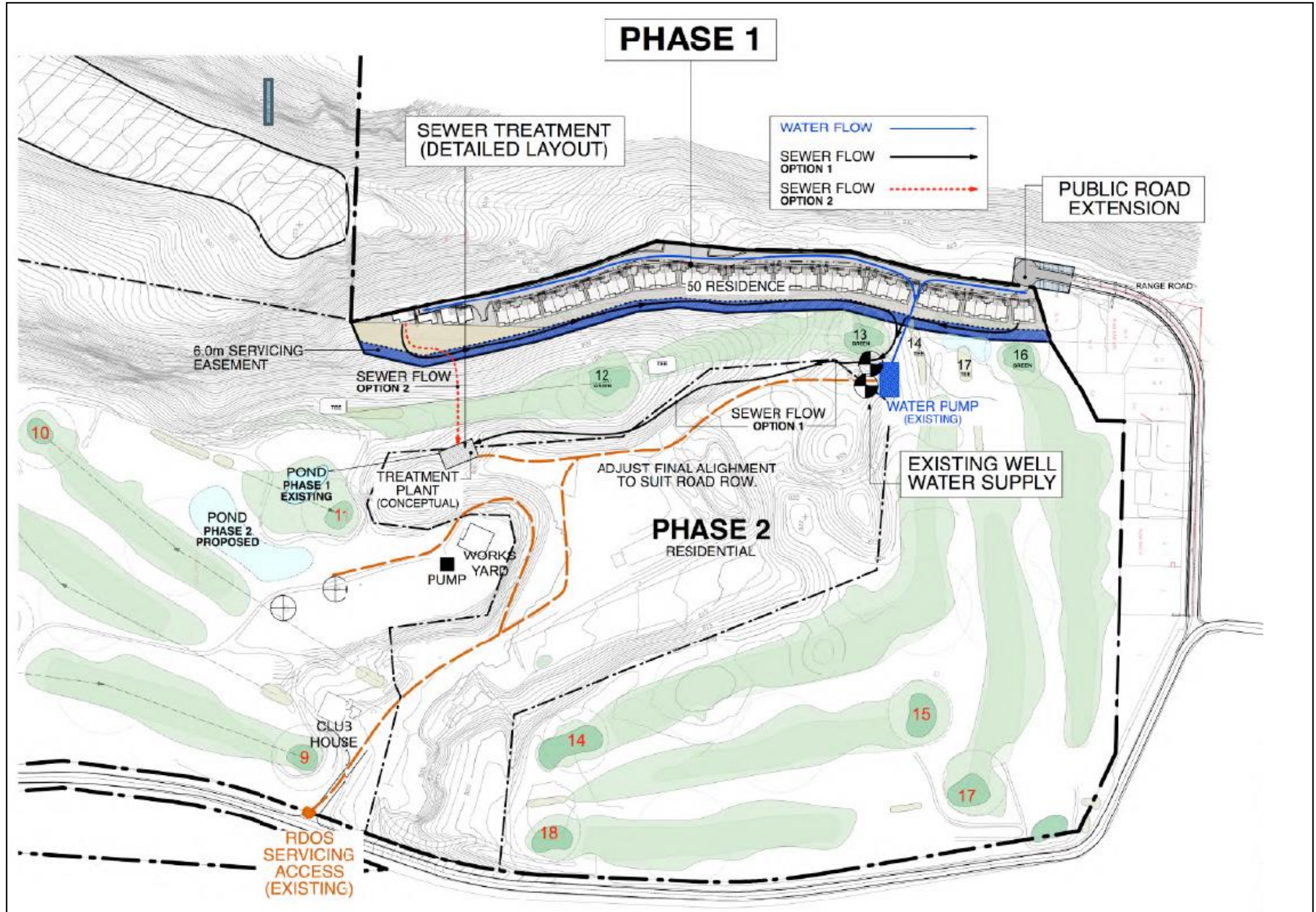
Attachment No. 2 – Current vs Proposed Zoning



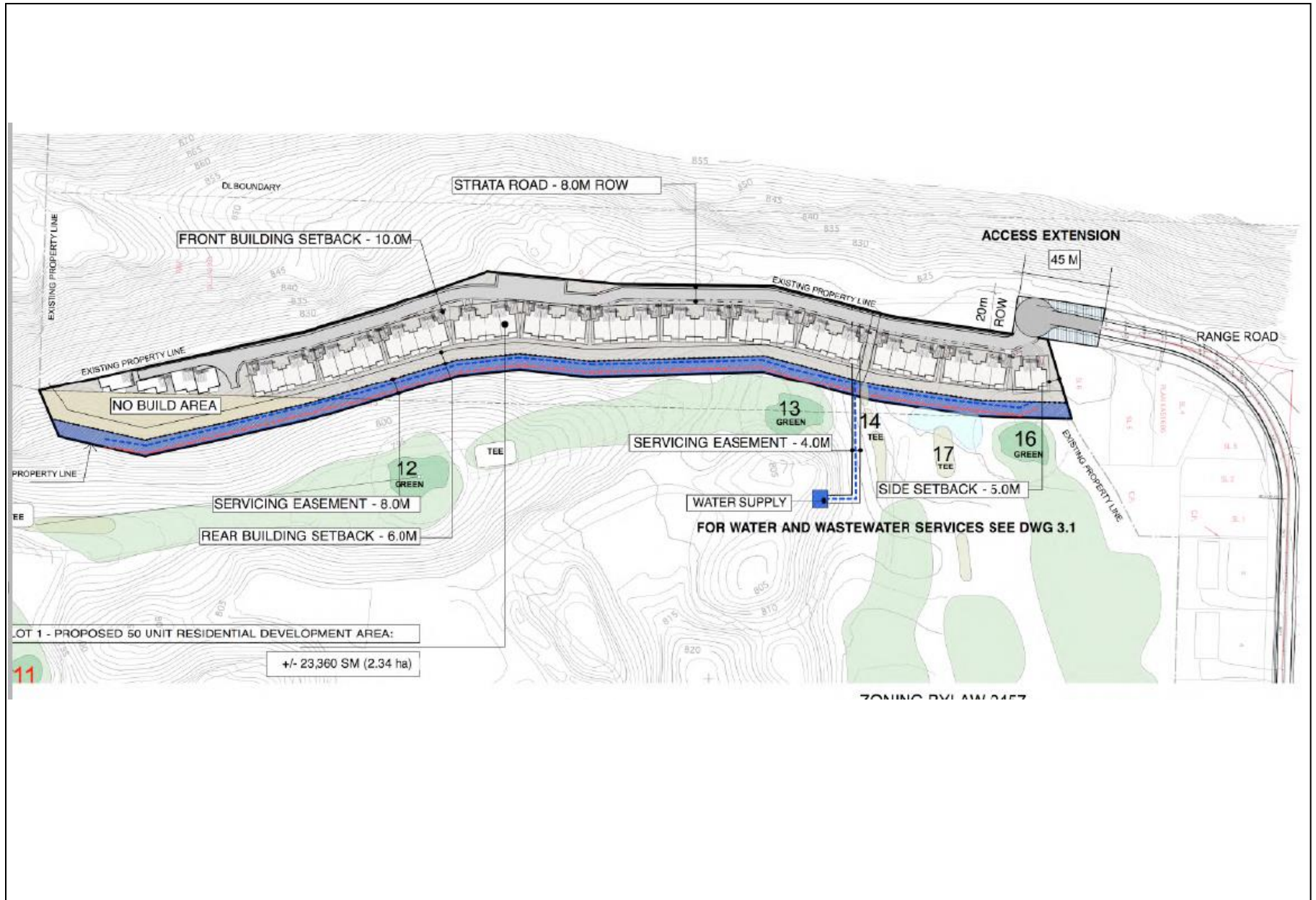
Attachment No. 3 – Site Photo (Google Earth)



Attachment No. 4 – Applicant’s Site Plan concept Phase 1 & Phase 2



Attachment No. 5 – Site Plan concept Phase 1





# Development Variance Permit

FILE NO.: D2016.051-DVP

**Owner:** Twin Lakes Golf Resort  
79 Twin Lakes Road  
Kaleden, BC  
V0H 1K0

**Agent:** CRS Group of Companies  
920 - 475 West Georgia Street  
Vancouver, BC  
V6B 4M9

## GENERAL CONDITIONS

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District of Okanagan-Similkameen applicable to the land specified in Section 5, except as specifically varied by this Permit.
2. The land described shall be developed strictly in accordance with the terms and conditions and provisions of this Permit, and any plans and specifications attached to this Permit that shall form a part thereof.
3. Where there is a conflict between the text of the Permit and permit drawings or figures, the drawings or figures shall govern the matter.
4. This Development Variance Permit is not a Building Permit, Development Permit or Subdivision Approval.

## APPLICABILITY

5. This Development Variance Permit applies to and only to a residential development of up to 50 dwelling units on the portion of the lands outlined on Schedule "B" as "Development Area" on those lands within the Regional District described below, and any and all buildings, structures and other development thereon:

**Legal Description:** Lot A District Lots 228s, 2169 And 4098s Similkameen  
Division Yale District, Plan KAP46761 Except Plan KAP53180

**Civic Address:** 79 Twin Lks Rd And 85 Twin Lks Rd

**Parcel Identifier (PID):** 017-694-841                      Folio: D-02342.001

## VARIANCE

6. The land specified in Section 5 may be developed with up to 50 dwelling units in accordance with the following variance to Section 3.2.1 of Schedule A to Subdivision Servicing Bylaw No. 2000, 2002:

From:

Minimum design flows for domestic demand shall be:

Maximum daily domestic flow	8,000 l/single family unit/day
Peak hour domestic flow	13,600 l/single family unit/day

To:

Minimum design flows for domestic demand shall be:

Maximum daily domestic flow	5,500 l/single family unit/day
Average daily domestic flow	2,200 l/single family unit/day
Peak hour domestic flow	10,000 l/single family unit/day

**EXPIRY OF PERMIT**

7. If a zoning amendment is not adopted for a residential development of the "Development Area" by the date that is 2 years after the date this Permit was issued, the Permit lapses.

Authorising resolution passed by the Regional Board on July 21, 2016.

  
B. Newell, Chief Administrative Officer

# Regional District of Okanagan-Similkameen

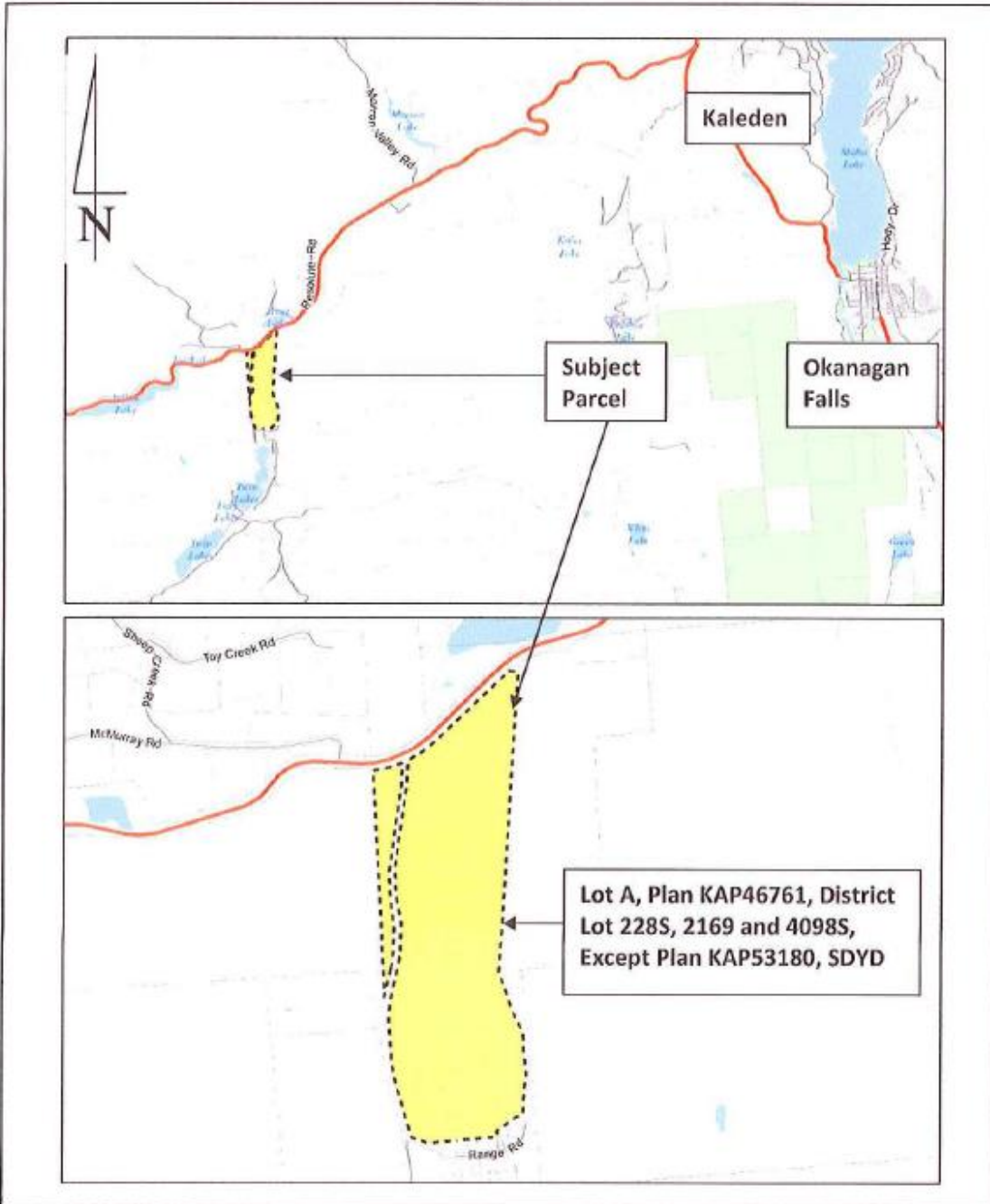
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2016.051-DVP

## Schedule 'A'



File No. D2016.051-DVP

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# Regional District of Okanagan-Similkameen

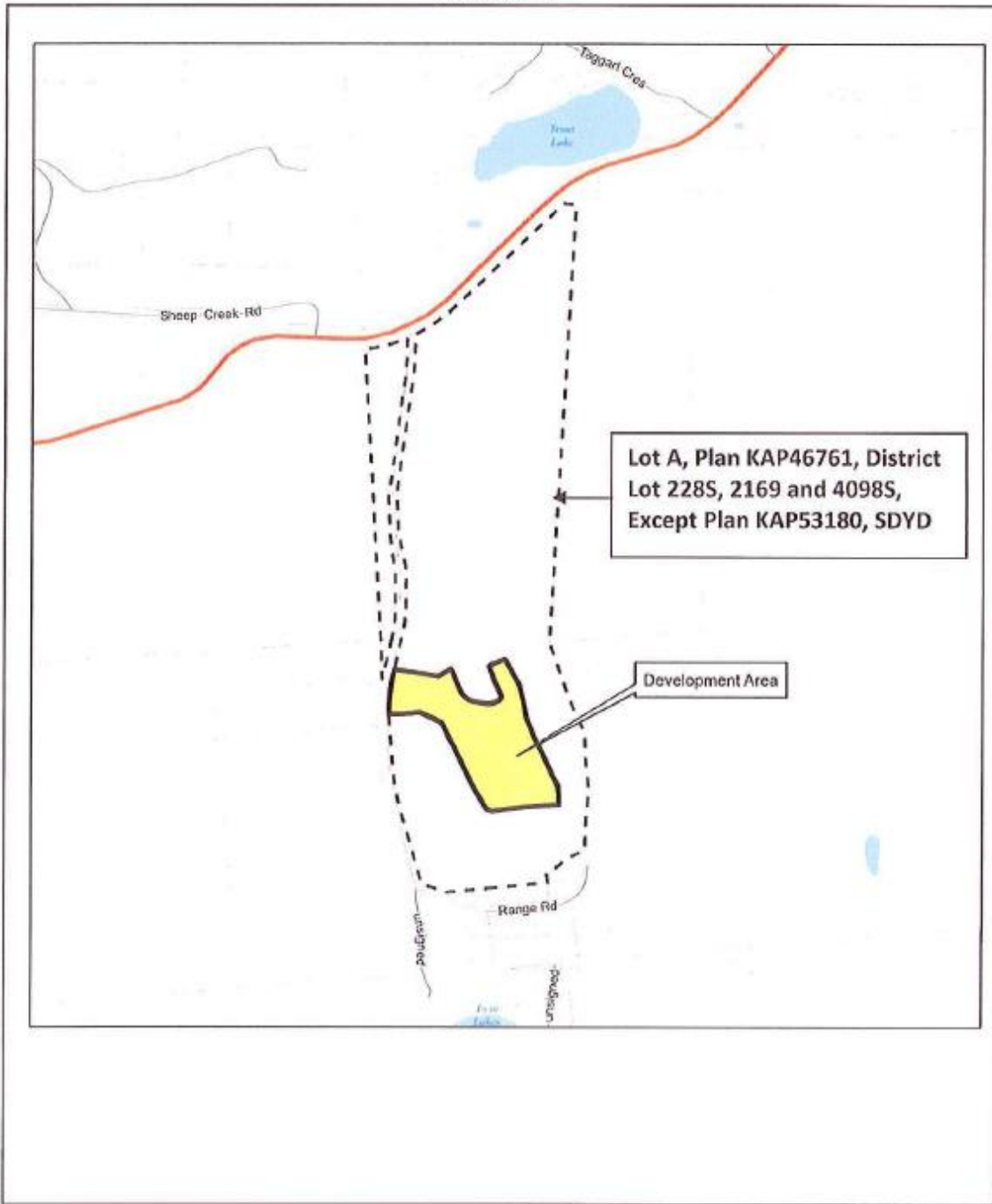
101 Martin St, Penticton, BC V2A 5J9  
Tel: (250) 492-0237 Fax (250) 492-0063



Development Variance Permit

File No. D2016.051-DVP

Schedule 'B'



File No. D2016.051-DVP

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