



THOMPSON-NICOLA
REGIONAL DISTRICT
The Region of BC's Best

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Department: Planning

June 11, 2021

Via Email: emcon1@emconservices.ca

Nicola Lakeshore Estates Inc.
c/o Frank Rizzardo
#105 - 1121 McFarlane Way
Merritt, BC V1K 1B9

Dear Sir:

Subject: **Zoning Amendment Application No. BA 204**
Lots 75, 76 & 77, District Lot 530, KDYD, Plan KAP79399
PID: 026-485-699, 026-485-702, 026-485-711
6528 Monck Park Road, Nicola Lake, BC, (Nicola Lakeshore Estates Inc.)

Please find enclosed, a copy of the information that is included on the Board of Directors' agenda concerning your Zoning Amendment application.

Your application will be reviewed by the Board of Directors at their meeting to be held on June 17, 2021.

If you require further information, please contact the undersigned.

Yours truly,

A handwritten signature in blue ink that reads "Dan Wallace". The signature is fluid and cursive, written over a light blue circular stamp.

Dan Wallace, RPP, MCIP
Planner

DW/ko

Encl. Board Report



TO: Chair and Board of Directors **MEETING DATE:** June 17, 2021

FROM: Director of Development Services

SUBJECT: **Zoning Amendment Bylaw No. 2745** **Application BA 204**
Lots 75, 76 and 77, District Lot 530, KDYD, Plan KAP79399
PIDs: 026-485-699, 026-485-702 & 026-485-711 (the "**Properties**")
Monck Park Road, Nicola Lake
Nicola Lakeshore Estates/Frank Rizzardo (the "**Owner**")

RECOMMENDATION(S):

THAT Public Hearing input and the Report be considered and, if no amendments are proposed:

- 1. That Zoning Amendment Bylaw 2745, 2021, be read a third time.**
- 2. That Zoning Amendment Bylaw 2745, 2021, be adopted.**
- 3. That covenants LA146875 and LB092597 be discharged as a part of the subdivision.**

R. Sadilkova
Director of Development Services

Approved for
Board Consideration
CAO

Prepared by: Dan Wallace

PURPOSE:

To consider the rezoning of three Nicola Lake parcels to enable a multi-family strata subdivision of single family dwellings for residential and/or traveler accommodation use.

As of June 2nd, no written submissions have been received.

SUMMARY:

This report presents an application to consider 3rd reading and adoption of Zoning Amendment Bylaw 2745 to enable residential and traveler accommodation uses in a new lakeshore multi-family strata development on Nicola Lake. It would rezone the Properties from the *C-4: Recreational Commercial* to the *LR-2: Lakeshore Residential Multi-Family Zone*. If adopted, the Owner would complete the strata subdivision, broaden use to residential, and develop/market *single family dwelling* units.



In addition, the Owner seeks a site-specific amendment to the LR-2 zone as follows:

12.1.1 Permitted Uses – Site Specific

(c) *Lots 75, 76 and 77, District Lot 530 KDYD, Plan KAP79399 (Monck Park Road - Nicola Lake) the permitted uses shall include a development consisting of a maximum of 40 single family dwellings each upon minimum 500 square metre strata parcel area;*

AND, on the strata common property: a restaurant, an entertainment establishment, retail sale of groceries and household items catering to the day to day needs of residents, and a caretaker's residence.

This site-specific amendment would allow additional site amenities for neighbourhood residents and limit density. All told, the proposed amendments will expand building uses, reduce previously approved density and enable a new neighbourhood commercial node to serve this community and provincial park visitors.

BACKGROUND:

Site Characteristics

Nicola Lake (Lake) is located northeast of Merritt. The Properties are accessed off Monck Park Road, ~13km east of the Highway 5A intersection along the Lake's western shore. Monck Park Road bounds the northern width of the Properties while Waterside Trail, a public access road to the Lake, runs the full length of Lot 75 to the east. Lakeshore multi-family residential parcels exist to the west, east and immediately across Monck Park Road. All three Properties front onto the Lake.

The land slopes down from Monck Park Road to the Lake. Mature Ponderosa pines and sagebrush dot the vacant parcels. Greater Nicola Lakeshore Estates is comprised of single family dwellings with a mix of seasonal and full-time residents.

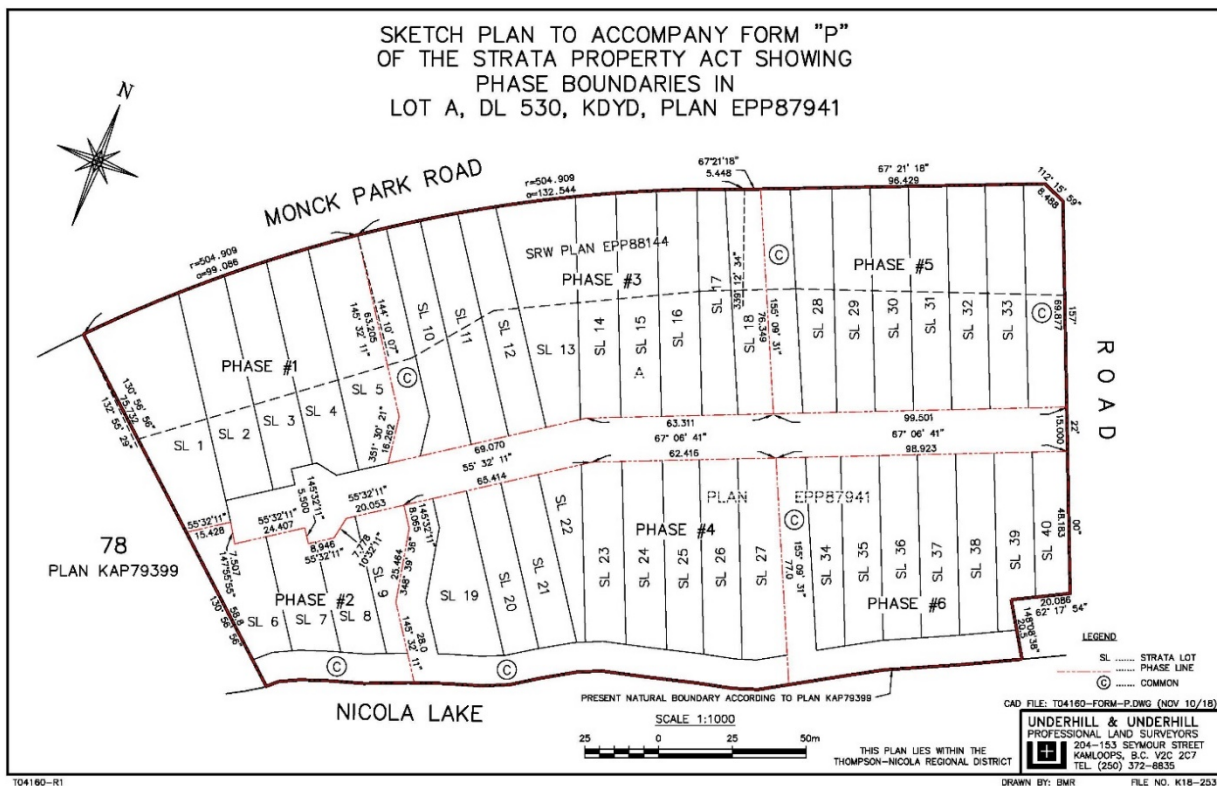


History

In January of 1998, the Board of Directors adopted Zoning Amendment Bylaw 1659, approving rezoning for the whole Nicola Lakeshore Estates development from RL-1 to LR-1, LR-2 and for these three parcels, C-4. While the residential portion of the project commenced first, the Applicant's overall development concept always envisioned a centralized commercial resort with rentable units and a marina at this location. A 2005 application

subdivided the 4.6 ha of C-4 zone into three parcels. As part of the 2006 bylaw amendment process - with Board approval - the Owner registered a s. 219 covenant restricting the number of rentable units (3-bedroom equivalent) to a max of 46, more specifically, Lot 75-16 units, Lot 76-15 units and Lot 77-15 units.

On November 1st of 2016 staff received a strata subdivision referral from the Ministry of Transportation and Infrastructure (MoTI) proposing the consolidation of these Properties for a 40 lot strata subdivision of the consolidated parcel. Planning Services and MoTI are near completion of the subdivision approval.



The subdivision approval process is not directly impacted by this bylaw; however, the future use of the *dwelling*s would lawfully permit short-term rentals in a residential setting. As part of the subdivision, existing foreshore protection and wildfire covenants will remain on the new parcels.

In 2006 and 2007, Covenants LA146875 (LA) and LB092597 (LB) were registered against the Properties, both of which included the TNRD as a co-Transferee. LA limited the density and referenced a 1997 environmental impact assessment (EIA) completed by Agra Earth and Environmental. LB similarly limited density on each parcel and referenced the same environmental impact assessment. The form and intent of both covenants would be redundant with the exception of the need to implement the environmental impact assessment.

The 1997 EIA concludes that *in order to determine current and future nutrient levels in Nicola Lake adjacent to the proposed development, a water quality monitoring program to measure trends in nutrient levels in Nicola Lake will be implemented prior to the commencement of any construction activities on the site.* On May 14, 2021, the Owner confirms that he completed total nitrate testing of the effluent water produced at the permitted sewage treatment plant via ALS labs in Kamloops. Their technical report, completed by Golder & Associates, identified the calculated level of 36.4 mg/L as the design number. Water testing occurred on April 21, 2021 which verified an anticipated level of 36.4mg/L, indicating the designed system continues to perform as required. The Owner also tested Nicola Lake water at their dock (float) and advise the results are 0.0272 for nitrates (May 5, 2021) compared to the maximum of 45mg/L in the Canadian drinking water standards.

A resolution supporting the discharge of LA and LB, is recommended with the understanding that a new covenant to implement the Environmental Impact Assessment will be registered. Covenant changes typically occur alongside the deposit of the subdivision plan.

DISCUSSION:

Long Range Plans

The Regional Growth Strategy (RGS) encourages rural residential development to locate in existing settlement areas that have or can establish community services, and develop in clusters using creative design concepts to minimize servicing costs and maximize open space and environmental amenities. The proposed development will expand upon previous development approvals and support existing and future lakeshore residential activities that may strengthen social, cultural and economic relationships in the Nicola Valley. Nicola Lake is currently classified as both a



'Critical' and 'Special Case' lake in the TNRD's Lakeshore Development Guidelines. The Applicant addressed these designations in reports prepared by Arc Environmental Ltd. entitled "*Nicola Lakeshore Estates Inc : Critical Lakes / Environmental Impact Assessment*" and by Agra Earth and Environmental Ltd. entitled "*Environmental Impact Assessment – Proposed Lakeshore Development, Nicola Lake, BC*". The Board reviewed these reports as part of

the original rezoning proposal in 1997 and subsequently approved the initial zoning amendments based in part on these analyses.

Zoning Bylaw Requirements and Site Servicing

As stated, the current zoning, *C-4: Recreational Commercial*, was approved by the Board in 1998. The Owner's vision at the time was to develop a multi-unit resort on one large property. Now, 24 years later, the recreational market has changed, especially development in high value amenity areas. Current trends suggest individual ownership with flexible building use across four seasons. The proposed site-specific land uses were always



part of the original Nicola Lakeshore Development's vision, primarily intended to act as a neighbourhood commercial hub for convenience items and social connectivity.

Development in *the LR-2 zone* will have community services. Existing community water and sewer systems, owned and operated by Nicola Lakeshore Water Utility Co., currently service Nicola Lakeshore Estates and will provide water and sanitary sewer services to this new strata development. The Nicola Lakeshore Development is also served with a private fire service.

Development Services staff, the Owner and his architect have discussed required fire separations (aka limiting distance) between the strata property line and dwelling side elevations given the narrow lots (~12 - 13 metres). It is anticipated that no openings (windows, soffit vents or other vents, etc.) will be possible on the majority of these strata lots given a setback of 1.5 metres. The construction will likely have to be entirely non-combustible, even if the units are stepped along the row of strata lots.

The proposed neighbourhood commercial use will provide household and convenience items for local residents and visitors and reduce trip generations outside the community. Planning Services supports the rezoning as it will allow the Owner to develop and market single family dwellings that cater to prospective owners wishing to reside full time on their property or *lawfully* allow short-term rentals to those seeking a lakeshore experience.

REFERRALS AND LIAISON:

Advisory Planning Commission met on April 28th and unanimously endorsed this application. The APC offered the following points/questions:

- On question of subdivision status, the Owner advised it is nearing completion with the paving to be completed tomorrow (29th of April).
- On question, the Owner advised that potable water is provided via a community service sourced from an aquifer, not Nicola Lake.
- On question, it was confirmed the watercourse is actually an underground drainage accommodated via a costly 4ft diameter underground pipe which drains a minimal volume of water.
- On question, the Owner advised that the water and sewage systems were designed and sized for up to 260 three bedroom dwellings including up to 46 smaller C-4 resort units.
- On question about the lot width and the setbacks, it was confirmed that the internal frontage of each strata lot was generally 12 to 13 metres. Staff spoke to limiting distance and required BC Building Code spatial separation on lands not served 24/7 by professional fire protection (with a 10 minute response time).
- It was confirmed that the commercial space, cafe space, and caretaker unit would be on common property along Waterside Trail.
- The Chair asked whether the units would be sold as constructed or if each buyer of a strata lot would proceed with construction individually. The Owner advised that the buyer would be taking that on but that there were under a strict design scheme and approvals for each unit go thru the developer.
- The Chair asked if the other owners were aware of the proposal for the subject lands. The Owner replied that the other LR-1 buyers/residents were aware of what density and uses were proposed for these 3 parcels and that the density was slightly down from the current allowance of 46.
- It was asked if property management booking would be by on-site caretaker or would individuals look after each of their own? The Owner stated that it was not finalized, but they were looking at a central broker thru VRBO or similar.

Ministry of Transportation and Infrastructure (MoTI) confirms that approval does not fall under Section 52 of the *Transportation Act* and will not require formal bylaw approval. Ministry staff have been actively working with the Owner on their subdivision application and have no concerns regarding this rezoning.

Interior Health Authority (IHA) confirms that the Interior Health Drinking Water Program has received a request for comments on zoning amendments for the Nicola Lakeshore Estates Water System: Lots 75, 76 and 77, District Lot 530 KDYD, Plan KAP79399. Nicola Lakeshore Estates Water System currently has 75 building connections with existing single family dwellings. The additional 40 single family dwelling units and store, coffee and wine bar would bring the total number of building connections to 115 with the population served as ~403 individuals in 24 hours.

Water systems serving under 500 individuals in 24 hours are still classified as “small water systems” under the BC *Drinking Water Protection Regulation*.

Nicola Lakeshore Estates Water System received a construction permit (CP2020-102322) from Interior Health on August 6, 2020 for the water main extension and tie-ins for 40 additional connections. This Interior Health permit will expire on August 5th, 2021. The construction specifications and schematics have been reviewed and approved by an Interior Health public health engineer. **Upon completion of this construction, the Emergency Response and Contingency Plan (ERCP) for the water system must be updated to include the new buildings and higher risk connections such as the food store.**

The groundwater wells are in well pits and must be re-assessed by a professional hydrogeologist or geotechnical engineer to determine whether they meet the requirements of the BC *Groundwater Protection Regulation*. Once completed, an updated source assessment will be completed by Interior Health’s environmental health officers. Recent chemical analyses and bacterial analyses have been acceptable based on the *Guidelines for Canadian Drinking Water Quality* and Provincial legislation.

Based on this information, this zoning amendment should not negatively impact the community drinking water system and is supported by the Interior Health Drinking Water Program.

ALIGNMENT TO THE 2020-2022 STRATEGIC PLAN:

This report is tied to legislated responsibilities and no specific Strategic Focus Area(s) and Priorities in the current Strategic Plan.

COMMUNICATIONS OR PUBLIC CONSULTATION:

The decision of the Board of Directors regarding this item was communicated to the public in the minutes of the meeting and via both legislative and bylaw requirements, including a development notice sign on the Property, 150 metre mail-out to owners and occupiers, and notification in two consecutive newspaper issues of Kamloops This Week and one issue of the Merritt Herald. **At the time of writing this report, no public submissions have been received.**

Attachment(s)

- Overview Map
- Location Map
- Ortho Map
- Zoning Map
- Bylaw 2745

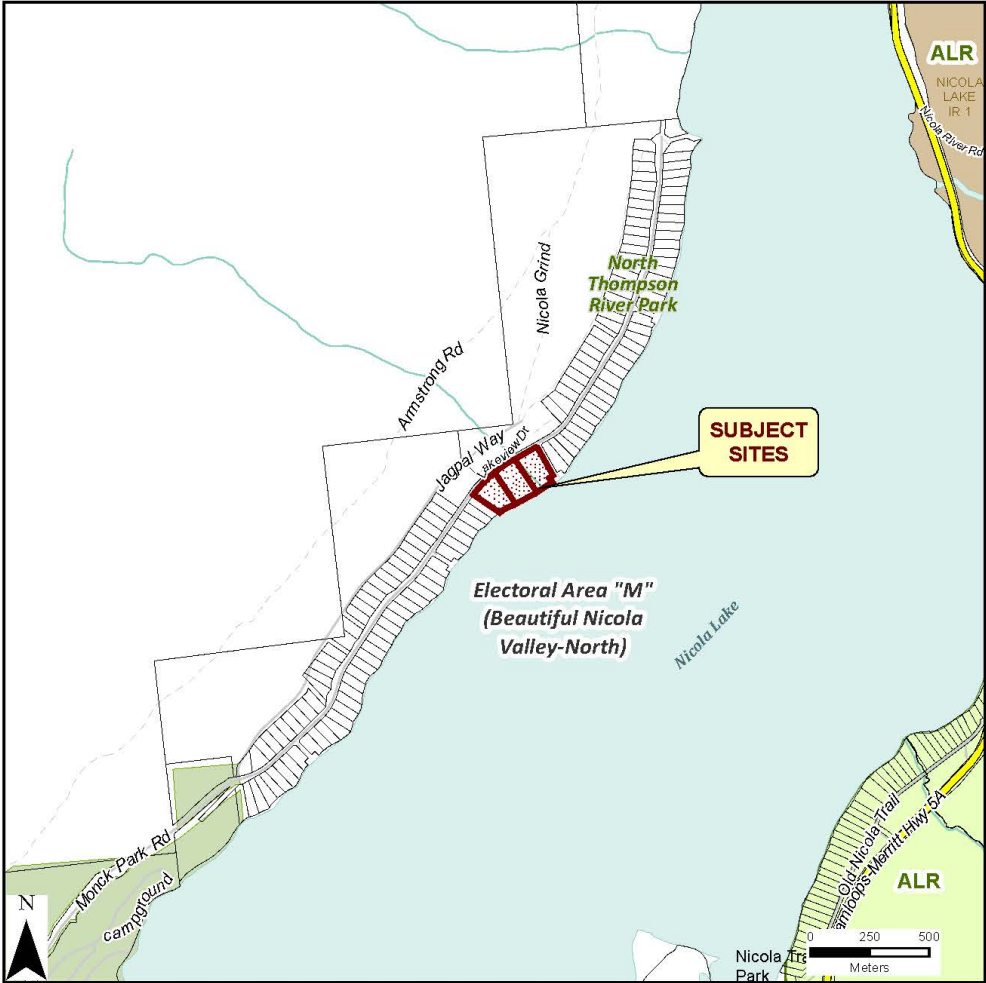
REZONING APPLICATION BA 204

Overview



REZONING APPLICATION No. BA 204

Location Map



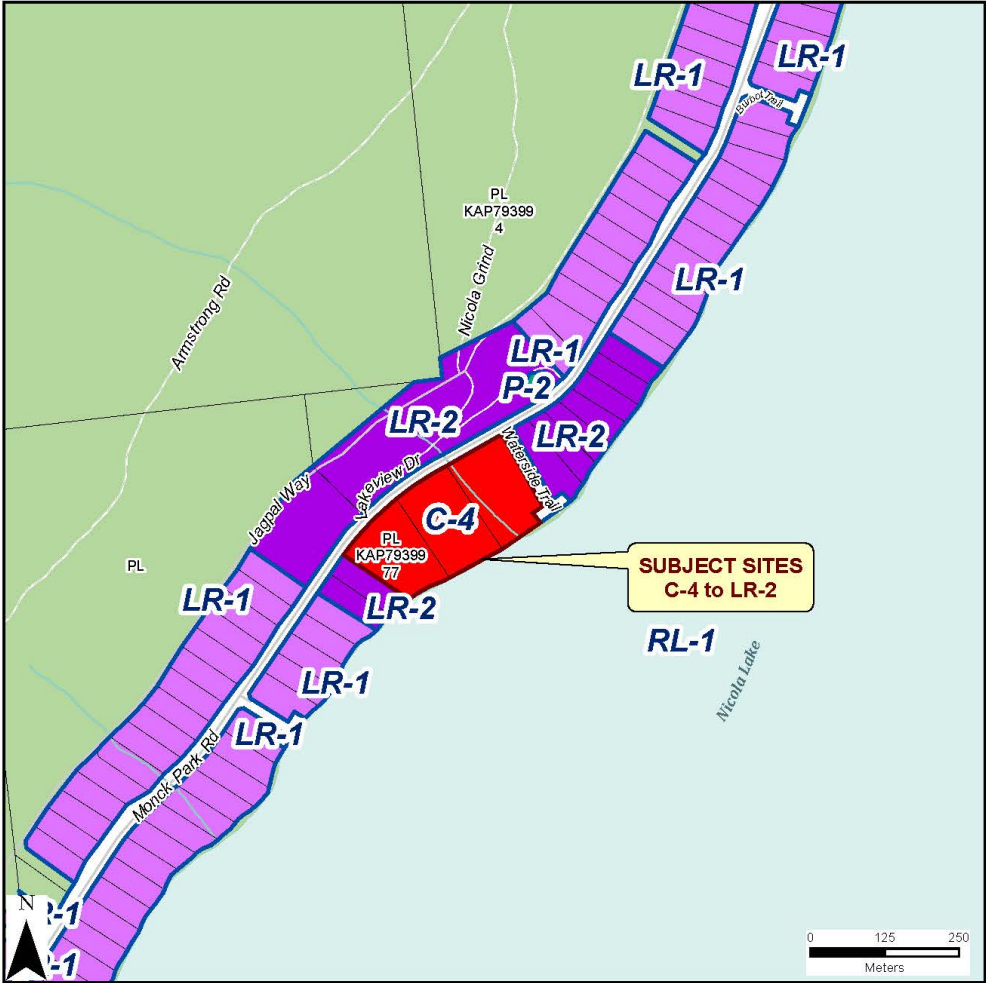
REZONING APPLICATION No. BA 204

Ortho Map



REZONING APPLICATION No. BA 204

Zoning



THOMPSON-NICOLA REGIONAL DISTRICT

BYLAW NO. 2745

A bylaw to amend "Thompson-Nicola Regional District Zoning Bylaw No. 2400"

WHEREAS an application for amendment to Zoning Bylaw No. 2400, 2012 has been made.

AND WHEREAS the proposed changes in uses of land and buildings are deemed advisable;

NOW THEREFORE, the Board of Directors of the Thompson-Nicola Regional District, in open meeting assembled, enacts as follows:

1. CITATION

1.1 This bylaw may be cited as "Thompson-Nicola Regional District Zoning Amendment Bylaw No. 2745, 2021."

2. AMENDMENTS

2.1 Schedule 'A' Zoning Map, to Bylaw 2400, is changed by rezoning three parcels (legally described as Lots 75, 76 & 77, District Lot 530, KDYD, Plan KAP79399) from *C-4: Recreational Commercial* to *LR-2: Lakeshore Residential Multi-Family*, as shown shaded on Schedule "1" attached hereto and forming a part of this Bylaw.

2.2 The following is added to Bylaw No. 2400 as s. 12.1.1:

12.1.1 Permitted Uses – Site Specific

(c) Lots 75, 76 and 77, District Lot 530 KDYD, Plan KAP79399 (Monck Park Road - Nicola Lake) the permitted uses shall include a development consisting of a maximum of 40 single family dwellings, each upon minimum 500 square metre strata parcel area;

AND, on the strata common property: a restaurant, an entertainment establishment, retail sale of groceries and household items catering to the day to day needs of residents, and a caretaker's residence.

READ A FIRST TIME this 13th day of May, 2021.

READ A SECOND TIME this 13th day of May, 2021.

PUBLIC HEARING held on the 17th day of June, 2021.

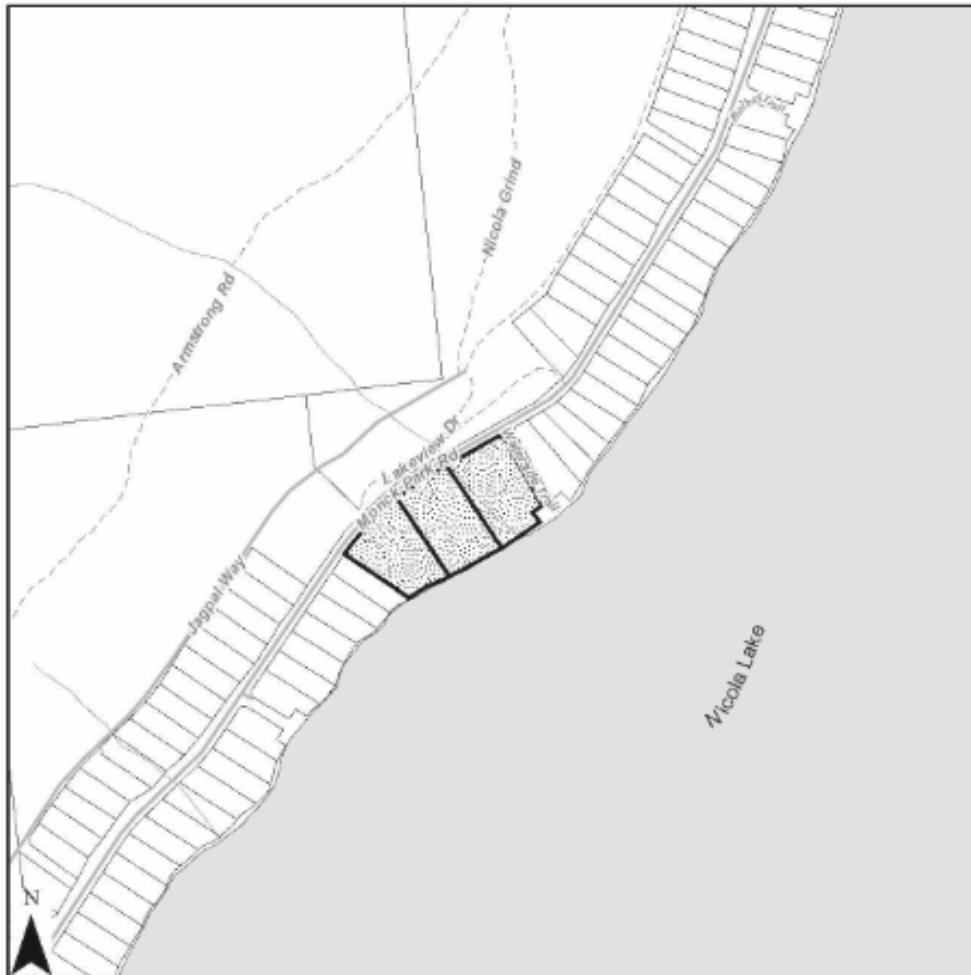
READ A THIRD TIME this 17th day of June, 2021.

ADOPTED this 17th day of June, 2021.

Corporate Officer

Chair

SCHEDULE "1"



This Schedule "1" is incorporated in and forms part of Bylaw No. 2745, 2021

Certified Correct:

Corporate Officer