

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: May 8, 2023

RE: Official Community Plan (OCP) & Zoning Bylaw Amendments – Faulder Zone Review

Purpose:

The purpose of the proposed amendments is to strengthen the policies and regulations governing subdivision and use of properties in the Faulder Water System, the broader Faulder/Meadow Valley area and the four designated community watersheds (i.e., Farleigh, Peachland, Shingle and Trout) in Electoral Area “F”.

Background:

The Faulder Community relies on groundwater from the Meadow Valley Aquifer for their drinking water supply and, in 2015, a new community well was drilled into the Meadow Valley Aquifer to replace the existing well that supplied domestic water to an estimated 215 residents. This well is seen to be near capacity and is not capable of accommodating unlimited growth, while the greater Meadow Valley Aquifer is subject to irregular recharge rates which can impact the provision of water to properties.

The Regional District has been in receipt of numerous development applications (i.e., rezoning applications to facilitate subdivision and subdivision referrals where no rezoning is required to subdivide) since 2014 (see Attachment No. 1; active files shown in purple).

There are currently four active subdivision applications within the broader Faulder/Meadow Valley area. Of the four, one is associated with an active rezoning application which is required to facilitate subdivision and the other two do not require a rezoning. There is one additional active rezoning application to facilitate subdivision; however, no associated subdivision application has been submitted.

In late 2020, the Regional District received a rezoning application to facilitate a 3-lot subdivision at the property at 8475 Princeton-Summerland. Comments received from residents at the associated public information meetings as well as written representations through the course of the application process illuminated concerns regarding water availability in the Faulder area.

Land Use Bylaws:

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, parcels within the Faulder Water Service Area are all designated as Small Holdings (SH), which supports rural residential, hobby farming, limited agriculture and others land uses “that fit within the rural character of the surrounding area” and “a range of densities and parcel sizes from 0.2 ha to 2.0 ha”.

The OCP Bylaw also contains Local Area Policies specific to the broader Faulder/Meadow Valley area and various background statements which speak to water availability and quality (Sections 7.3.1,

7.3.2, 19.4), as well as policy which “discourages subdivision of properties in order to maintain the rural character of the area” (Section 7.3.3).

At an even broader extent, the OCP Bylaw further speaks to protecting water resources at a watershed-scale, specifically the Farleigh, Peachland, Shingle, and Trout Community Watersheds (see Attachment No. 2), and provides supportive policy for the identification and establishment of a Watershed Resource Area (WRA) for Crown lands within the designated community watersheds (Section 8.3.8).

Similar policy exists within the Electoral Area “H” OCP Bylaw No. 2497, 2012, which has since been implemented through the introduction of a WRA Zone for Crown lands within the designated community watersheds in Electoral Area “H”. The WRA Zone requires a minimum parcel size of 120 ha and provides for a limited range of uses to prioritize the maintenance and management of local water quality and quantity, and to discourage intensive recreation, subdivision and rezoning of these lands.

Lands within the Faulder Water System are predominantly designated Small Holdings (SH) under the OCP Bylaw and zoned Small Holdings Three (SH3), which stipulates a minimum parcel size of 1.0 ha and permits “agriculture”, “accessory dwelling, subject to Section 7.2” and “secondary suite, subject to Section 7.9” as accessory uses.

Under the Regional District’s Subdivision Servicing Bylaw No. 2000, 2002, new parcels to be created by subdivision that area greater than 0.5 ha in area may be serviced by a private water source (i.e. well).

Under the Regional District’s Water Use Regulation Bylaw No. 2824, 2019, the owner or occupier of a parcel of land — regardless of size — that is used for residential, commercial, industrial, or agricultural purposes within a Water Service Area (i.e. the Faulder Water Service Area) must apply for and be connected to that Water Supply System.

RDOS Board Consideration:

At its meeting of August 19, 2021, the Planning and Development (P&D) Committee resolved to initiate the Faulder Zone Review.

Subsequently, at its meeting of December 2, 2021, the P&D Committee reviewed the input received as a result of public engagement on the proposed amendments and resolved that Amendment Bylaw Nos. 2790.03 and 2800.18 (formerly, Amendment Bylaw No. 2641.19) be deferred “until the Meadow Valley Aquifer Study is complete.”

At its meeting of August 4, 2022, the Environment and Infrastructure Committee of the Board received the results from the Meadow Valley Aquifer Study from Associated Environmental.

The report assessed the capacity of the aquifer to support the variety of land uses across Faulder and Meadow Valley and included a conceptual model of groundwater flow, groundwater available across four distinct sub-regions of the Meadow Valley Aquifer (North Meadow Valley, South Meadow Valley, North Faulder, and Trout Creek Valley), climate and water demand projections, as well as a number of conclusions and recommendations.

One of the primary recommendations stemming from the Study was to “limit or prevent additional development, land uses or activities that draw water out of [the Meadow Valley Aquifer] within the Meadow Valley or North Faulder areas”.

At its meeting of September 22, 2022, the P&D Committee of the Board resolved to direct staff to “incorporate recommendations contained in the Meadow Valley Aquifer Study (2022) regarding use and density” into the bylaws.

Most recently, at its meeting of April 20, 2023, Administration presented the P&D Committee of the Board with three options in relation to Amendment Bylaw Nos. 2790.03 and 2800.18, and the Committee subsequently resolved that “new policies be introduced to the Area “F” OCP and Zoning Bylaws that speak to the protection, maintenance, and management of water resources within the broader Faulder Area designated community watersheds”.

Analysis:

While there are a number of background statements within the Electoral Area “F” OCP Bylaw speaking to concerns regarding the availability of water in the Faulder community, Administration notes that the current policies statements within the Plan may not accurately reflect these.

For instance, Section 7.3.3 speaks to discouraging subdivision of properties in order to maintain the “rural character” of the Faulder/Meadow Valley area; however, the term “rural character” is seen to be imprecise and does not directly correlate the impacts of increased density on water availability.

Administration is further concerned that, despite an understanding that the Faulder Water System is at or near capacity, the zoning that applies to the Faulder community contemplates the potential subdivision of a number of parcels and also allows for uses and density that may be inconsistent with these water concerns (i.e. allowing agriculture and accessory dwellings).

As such, the proposed OCP amendments intend to introduce stronger policy statements that would speak to not supporting further subdivision within or expansion of the Faulder Water System Service Area, as well as not supporting the construction of accessory dwellings and secondary suites within the water system.

The current versions of the proposed amendments build on the version reviewed by the Board in 2021 by expanding the scope to include not only the Faulder Water System and Meadow Valley Aquifer, but also the four designated community watersheds within the electoral area. This is seen to be appropriate considering the interconnectedness and wide-reaching extent of waterbodies within watersheds, and Administration finds that this approach captures previously identified concerns at both the water system and aquifer level.

In support of this scope expansion, it is noted that since its adoption in 2018, the Electoral Area “F” OCP Bylaw has contained policy which speaks to protecting water resources at a watershed-scale. The proposed amendments would be consistent with the approach previously adopted by the Board in 2012 in relation to watersheds in Electoral Area “H” (NOTE: the western portion of the Trout Community Watershed is in Electoral Area “H”).

The majority of land that would be affected by the proposed OCP policies would be Crown lands, however, there are 200 privately held parcels within the boundaries of the four community watersheds, and only 28 of those parcels currently have subdivision potential (i.e., meet minimum parcel size, are outside of the Agricultural Land Reserve, and have dedicated road access).

Proposed Zoning Amendments

Minimum Parcel Size for Subdivision

The current Small Holdings Three (SH3) zoning which applies to most properties within the Faulder Water System Service Area requires a minimum parcel size of 1.0 ha for subdivision. Not taking into consideration legal, topographical or existing lot layout constraints, there are 13 parcels within the Faulder Water System Service Area which can be subdivided without a rezoning to reduce the minimum required parcel size for subdivision (i.e., parcels at least 2.0 ha in size; see Attachment No. 3).

The proposed Small Holdings Faulder (SH6) Zone would establish a minimum parcel size of 5.0 ha which would effectively prohibit further subdivision within the Faulder Water System absent of a successful rezoning.

Density – Accessory Dwellings & Secondary Suites

The predominant existing SH3 zoning also permits a number of uses which are seen to have the potential to negatively impact water availability within the Faulder Water System via increased density (i.e., accessory dwellings and secondary suites) and water-intensive uses (i.e., agriculture).

The current zoning that applies to parcels within the Faulder Community Water System allows for accessory dwellings on parcels greater than 1.0 ha in area and secondary suites on all parcels, regardless of size, provided the suite is connected to the same sewer system as the principal dwelling.

It is noted that over 70% of parcels (i.e. 57 of 81) within the water system are less than 1.0 ha in area and are, therefore, not currently permitted to have an accessory dwelling. It is currently unknown how many accessory dwellings or secondary suites may already exist within the water system area.

While it is recognized that accessory dwellings and suites may have lower consumption levels than a principal dwelling due to a smaller allowable floor area, the development of these units does introduce additional demand on the water system.

The proposed SH6 Zone would remove accessory dwellings, secondary suites, and agriculture as permitted uses as a means of limiting uses which could further strain the water system.

Summary:

In summary, the proposed amendments are seen to address the concerns heard from residents regarding water availability in Faulder and would also provide additional protections to safeguard the health of the four designated community watersheds in Electoral Area “F”.

Administrative Recommendation:

THAT the Electoral Area “F” Official Community Plan Amendment Bylaw No. 2790.03, 2023, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.18, 2023, be supported.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the proposed land use bylaw amendments be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the proposed land use bylaw amendments be approved with the following conditions:
 - i) *TBD*


3. THAT the APC recommends to the RDOS Board of Directors that the proposed land use bylaw amendments be denied.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:



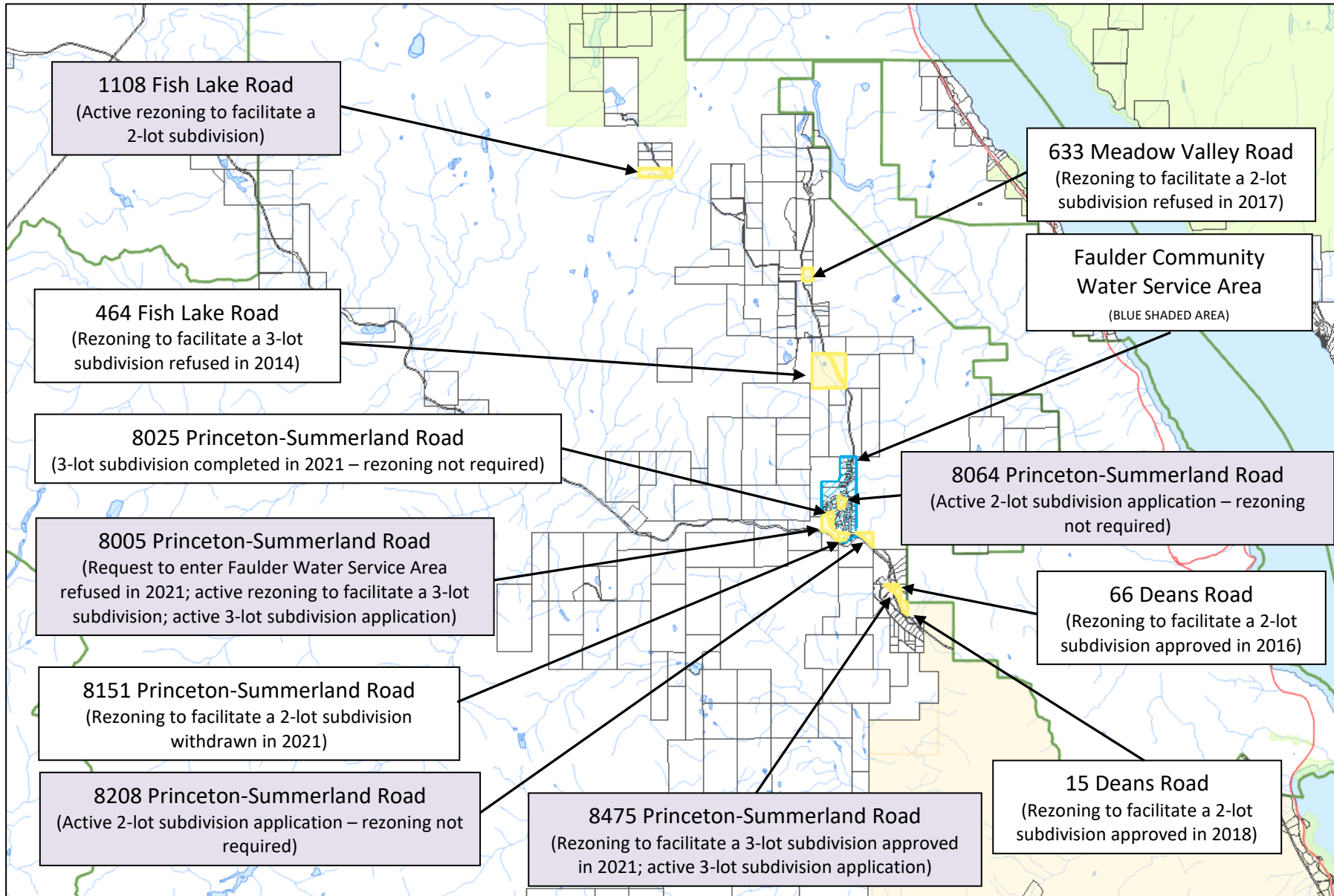
C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

No. 2 – Designated Community Watersheds (Electoral Area “F” OCP – Figure 16)

No. 3 – Subdivision Potential within the Faulder Water System

Attachment No. 2 – Development Proposals in Meadow Valley / Faulder Area (2014-present)



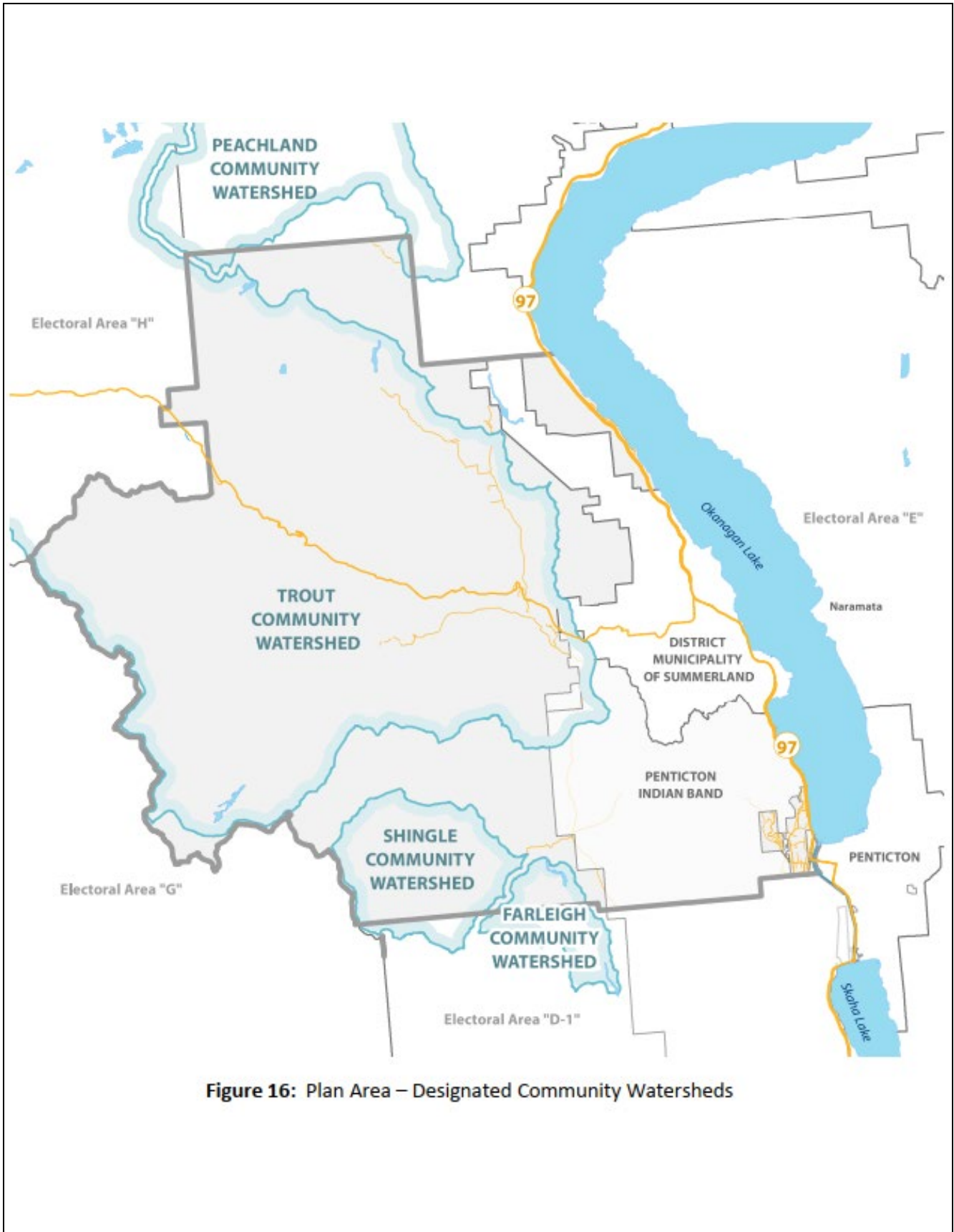


Figure 16: Plan Area – Designated Community Watersheds

Attachment No. 3 – Subdivision Potential in the Faulder Water System

