

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: October 25, 2021

RE: Zoning Review – Faulder Water System Service Area (Electoral Area “F”)

Purpose:

The Regional District Board is proposing a number amendments to the Electoral Area “F” Official Community Plan (OCP) Bylaw and Zoning Bylaw in order to strengthen the policies and regulations governing subdivision and use of properties in the Faulder Water System Service Area and Meadow Valley Aquifer.

Background:

The Faulder Water System relies on groundwater from the Meadow Valley Aquifer for water supply and, in 2015, a new community well was drilled to address depleting water levels and to add a Uranium Extraction Plant to supply domestic water to an estimated 215 residents. Other properties outside the Faulder Water System area also use the Meadow Valley Aquifer.

Water levels in the aquifer are again depleting and further study is required to determine how growth in the area will affect the greater Meadow Valley Aquifer. The aquifer seems to be subject to irregular recharge rates.

A 1996 review of the Faulder water system completed by Stantec concluded that “the water system was designed to supply a maximum of 80 lots ... [and that] prior to exceeding the original 80 lots, we would recommend a review of the actual demands be completed.”

In 2008, the Faulder water system lost its supply of water due to drought conditions and water was trucked into the community. In 2015, the new deeper well was drilled, yet water quantity remains a concern.

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.”

The SH designation further supports “a range of densities and parcel sizes from 0.2 ha to 2.0 ha” and this is reflected in the *Electoral Area “F” Zoning Bylaw No. 2461, 2008*, which has applied various small holdings zones (i.e. SH2, SH3 & SH4) to parcels within the service area. The SH3 Zone is the predominant zone and requires a minimum parcel size for subdivision of 1.0 ha.

When the Electoral Area “F” OCP Bylaw was reviewed between 2016-18, this situation was captured in a number of statements and policies that speak to water supply and quality concerns in the Faulder community.

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.

Development Activity:

Since 2020, the Regional District has received a number of development proposals involving properties within or immediately adjacent to the Faulder Water Service Area, including:

- 3-lot subdivision of 8025 Princeton-Summerland Road (in Water Service Area);
- 2-lot subdivision and rezoning of 8151 Princeton-Summerland Road (in Water Service Area);
- 2-lot subdivision of 8064 Princeton-Summerland Road (in Water Service Area);
- 2-lot subdivision* of 8208 Princeton-Summerland Road (adjacent Water Service Area); and
- a Petition to enter Water Service Area for District Lot 2893, ODYD, Portion EX PT S & W PL A67, Except Plan A67 27332, which is 11.2 ha in area (adjacent Water Service Area).

* rezoning required.

NOTE: those properties within the Water System Service are required to pay the tax to maintain the system; and, if subdivision was approved, any new lots would also be required to pay.

Since 2014, the Regional District has also received a number of rezoning proposals to facilitate the subdivision of properties within the broader Meadow Valley Aquifer, including:

- 464 Fish Lake Road (rezoning refused in 2014 to allow a 3-lot subdivision);
- 66 Deans Road (rezoning approved in 2016 to allow a 2-lot subdivision);
- 633 Meadow Valley Road (rezoning refused in 2017 to allow a 2-lot subdivision);
- 15 Deans Road (rezoning approved in 2018 to allow a 2-lot subdivision); and
- 8475 Princeton-Summerland Road (active rezoning proposal to allow a 3-lot subdivision).

For reference purposes, the location of these properties vis-à-vis the Faulder Community Water Service Area is shown at Attachment No. 1.

RDOS Board Consideration:

At its meeting of May 6, 2021, the Regional District Board deferred consideration of 3rd reading of Amendment Bylaw No. 2461.15, 2021, and directed that a second public information meeting (PIM) be scheduled.

This amendment bylaw is proposing to rezone the property at 8475 Princeton-Summerland Road in order to facilitate a 3-lot subdivision and deferral of 3rd reading is understood to have been a result of concerns raised by residents in Faulder, as part of the public hearing process, regarding water.

At its meeting of August 19, 2021, the Planning and Development (P&D) Committee of the Board resolved that “the Regional District commence a review of the Area “F” Official Community Plan and

Zoning Bylaw for the purposes of protecting the aquifer which serves the Faulder Water System and those who have wells on the Meadow Valley Aquifer.”

Public Consultation:

On October 13, 2021, a public information meeting (PIM) was held in relation to the proposed Faulder Zone Review and was attended by approximately 14 members of the public.

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, the strongest statement against further growth and development in the Faulder Community Water Service Area is a somewhat generic statement that the Board “discourages subdivision of properties in order to maintain the rural character of the [Faulder] area” [emphasis added]. “Rural character” is an imprecise term that could relate to any number of characteristics, with water being only one of many potential considerations.

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).

In light of this, as well as the direction provided by the Board at its meeting of May 6, 2021 (to undertake additional community engagement on the rezoning of 8475 Princeton-Summerland Road) and recent volume of applications received to facilitate development within and around the Faulder Community Water System, Administration considers it an opportune time to review existing policies and zoning regulations.

Specifically, it is being proposed that consideration be given to the introduction of stronger OCP policy statements that speak to not supporting further subdivision within or expansion of the Faulder Water System Service Area and to discouraging the rezoning of parcels within the broader Meadow Valley Aquifer to facilitate subdivision.

It is further proposed that consideration be given to the introduction of a new zoning to be applied to all properties within the Faulder Water System Service Area in order to restrict further subdivision, density (i.e. accessory dwellings) and water-intensive uses (i.e. agriculture).

Conversely, the option to maintain the status quo is available to the Board, in which case no amendments to the OCP and Zoning Bylaws would be required.

Administrative Recommendation:

THAT the APC recommends to the RDOS Board of Directors that the Electoral Area “F” Official Community Plan Amendment Bylaw No. 2790.03, 2021, and Zoning Amendment Bylaw No. 2461.19, 2021 be supported.

Options:

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1. THAT the APC recommends to the RDOS Board of Directors that the Electoral Area “F” Official Community Plan Amendment Bylaw No. 2790.03, 2021, and Zoning Amendment Bylaw No. 2461.19, 2021 be supported.
 2. THAT the APC recommends to the RDOS Board of Directors that the Electoral Area “F” Official Community Plan Amendment Bylaw No. 2790.03, 2021, and Zoning Amendment Bylaw No. 2461.19, 2021 be supported with the following amendments:
 - i) *TBD*
 3. THAT the APC recommends to the RDOS Board of Directors the Electoral Area “F” Official Community Plan Amendment Bylaw No. 2790.03, 2021, and Zoning Amendment Bylaw No. 2461.19, 2021 not be supported.

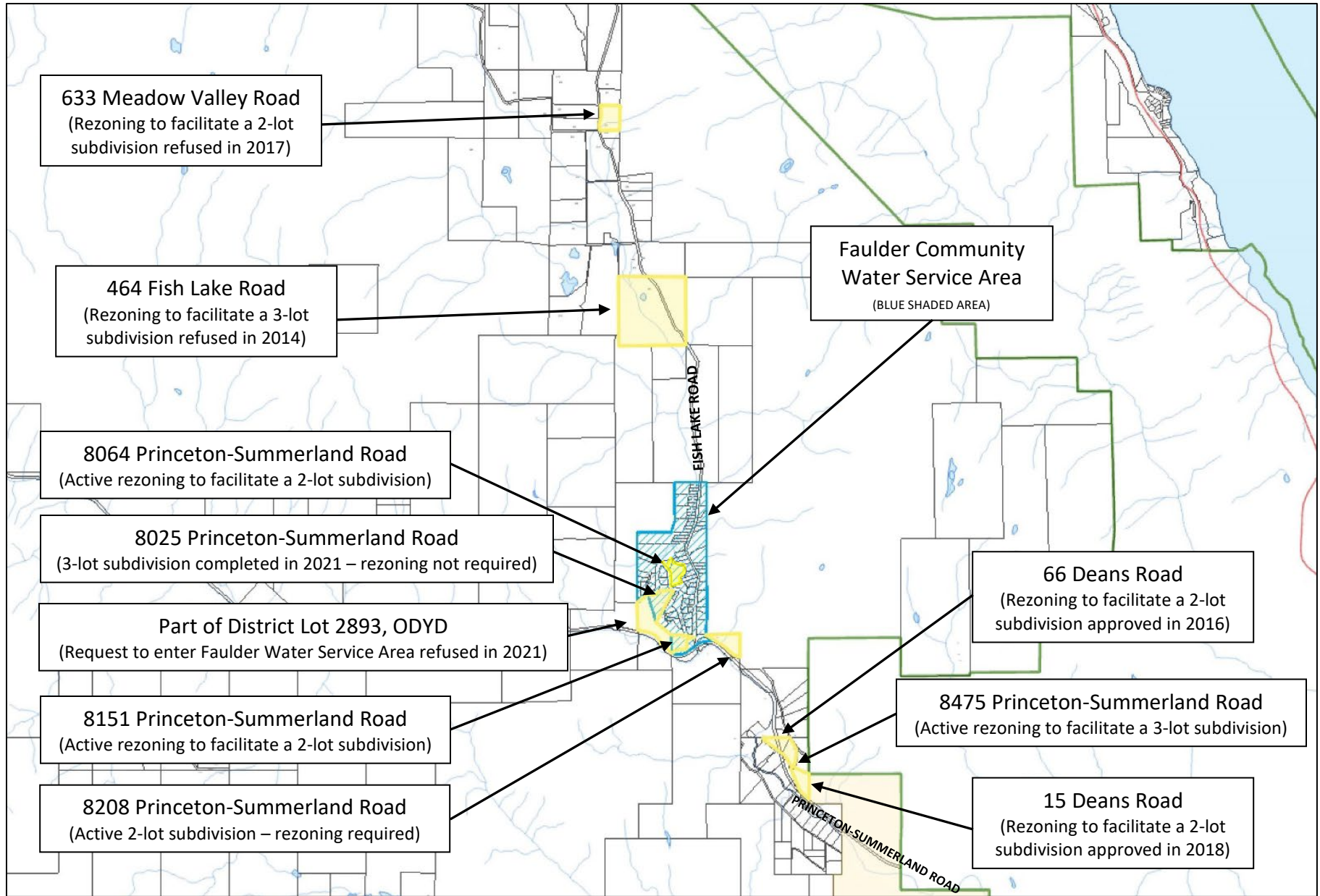
Respectfully submitted:



C. Garrish, Planning Manager

Attachments: No. 1 – Development Proposals in Meadow Valley / Faulder Area (2014-present)
No. 2 – Comparison Table (Existing SH2 & SH3 Zones vs Proposed SH7 Zone)
No. 3 – Parcels in Faulder Water Service Area greater than 2.0 ha in area
No. 4 – Draft OCP Amendment Bylaw No. 2790.03 (version 2021-08-19)
No. 5 – Draft Zoning Amendment Bylaw No. 2461.19 (version (2021-08-19)

Attachment No. 1 – Development Proposals in Meadow Valley / Faulder Area (2014-present)

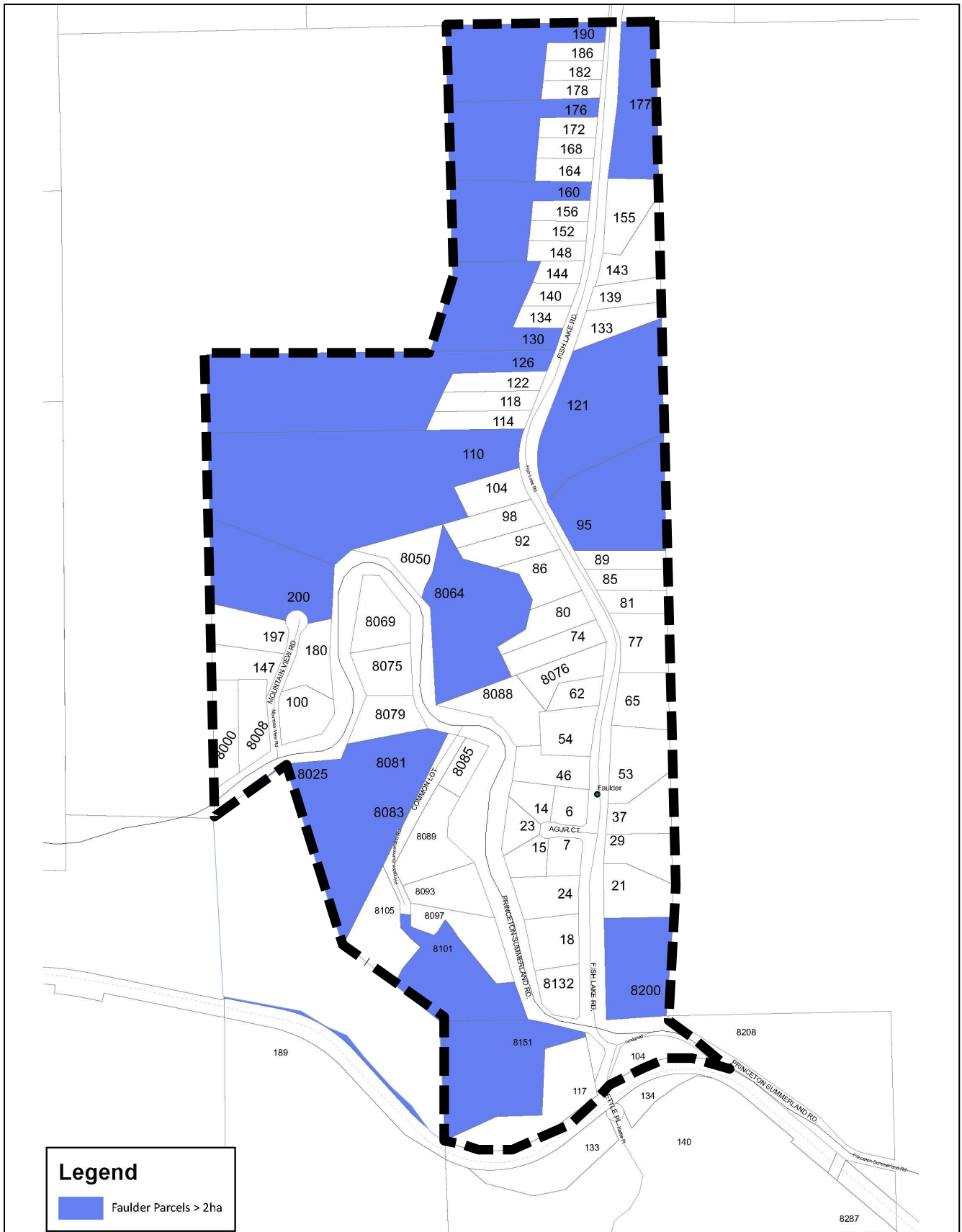


Attachment No. 2 – Comparison Table (Existing SH2 & SH3 Zones vs Proposed SH7 Zone)

EXISTING SH2 ZONE	EXISTING SH3 ZONE	PROPOSED SH7 ZONE
Principal Uses: single detached dwelling; agriculture; equestrian centre; community hall; forestry; church.	Principal Uses: single detached dwelling; agriculture.	Principal Uses: single detached dwelling.
Accessory Uses: bed and breakfast operation; home occupation; accessory buildings and structures; accessory dwelling; home industry; packing, processing and storage of farm and off farm-products; retail sales of farm and off-farm products; secondary suite; veterinary establishment;	Accessory Uses: bed and breakfast operation; home occupation; accessory buildings and structures; accessory dwelling.	Accessory Uses: bed and breakfast operation; home occupation; accessory building and structure.
Minimum Parcel Size: 2.0 ha, subject to servicing requirements	Minimum Parcel Size: 1.0 ha	Minimum Parcel Size: 5.0 ha
Minimum Parcel Width: Not less than 25% of the parcel depth	Minimum Parcel Width: Not less than 25% of the parcel depth	Minimum Parcel Width: Not less than 25% parcel depth
Maximum Number of Dwellings: one (1) principal dwelling; and one (1) secondary suite <i>or</i> one (1) accessory dwelling	Maximum Number of Dwellings: one (1) principal dwelling; and one (1) secondary suite <i>or</i> one (1) accessory dwelling	Maximum Number of Dwellings: one (1) principal dwelling unit

EXISTING SH2 ZONE	EXISTING SH3 ZONE	PROPOSED SH7 ZONE
<p>Minimum Setbacks: <u>Buildings and structures:</u> Front: 7.5 metres Rear: 7.5 metres Interior side: 4.5 metres Exterior side: 4.5 metres <u>Accessory buildings and structures:</u> Front: 7.5 metres Rear: 4.5 metres Interior side: 4.5 metres Exterior side: 4.5 metres <u>Despite Section 10.5.7(a) & (b), livestock shelters, equestrian centres, generator sheds, boilers or walls with fans, greenhouses and cannabis production facilities:</u> Front: 15.0 metres Rear: 15.0 metres Interior side: 15.0 metres Exterior side: 15.0 metres <u>Despite Section 10.5.7(a) & (b), incinerator or compost facility:</u> Front: 30.0 metres Rear: 30.0 metres Interior side: 30.0 metres Exterior side: 30.0 metres</p>	<p>Minimum Setbacks: <u>Buildings and structures:</u> Front: 7.5 metres Rear: 7.5 metres Interior side: 7.5 metres Exterior side: 7.5 metres <u>Accessory buildings and structures:</u> Front: 7.5 metres Rear: 4.5 metres Interior side: 4.5 metres Exterior side: 4.5 metres <u>Despite Section 10.6.7(a) & (b), livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> Front: 15.0 metres Rear: 15.0 metres Interior side: 15.0 metres Exterior side: 15.0 metres <u>Despite Section 10.6.7(a) & (b), incinerator or compost facility:</u> Front: 30.0 metres Rear: 30.0 metres Interior side: 30.0 metres Exterior side: 30.0 metres</p>	<p>Minimum Setbacks: <u>Buildings and structures:</u> Front: 7.5 metres Rear: 7.5 metres Interior side: 7.5 metres Exterior side: 7.5 metres <u>Accessory buildings and structures:</u> Front: 7.5 metres Rear: 4.5 metres Interior side: 4.5 metres Exterior side: 4.5 metres <u>Despite Section 10.10.6(a) & (b), livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:</u> Front: 15.0 metres Rear: 15.0 metres Interior side: 15.0 metres Exterior side: 15.0 metres <u>Despite Section 10.10.6(a) & (b), incinerator or compost facility:</u> Front: 30.0 metres Rear: 30.0 metres Interior side: 30.0 metres Exterior side: 30.0 metres</p>
<p>Maximum Height: No building or structure shall exceed a height of 10.0 metres</p>	<p>Maximum Height: No building or structure shall exceed a height of 10.0 metres</p>	<p>Maximum Height: No building or structure shall exceed a height of 10.0 metres</p>
<p>Maximum Parcel Coverage: 20%</p>	<p>Maximum Parcel Coverage: 20%</p>	<p>Maximum Parcel Coverage: 20%</p>
<p>Minimum Building Width: Dwelling Unit: 5.0 metres, as originally designed and constructed</p>	<p>Minimum Building Width: Dwelling Unit: 5.0 metres, as originally designed and constructed</p>	<p>Minimum Building Width: Dwelling Unit: 5.0 metres, as originally designed and constructed</p>

Attachment No. 3 – Parcels in Faulder Water Service Area greater than 2.0 ha in area



REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2461.19, 2021

A Bylaw to amend the Electoral Area “F” Zoning Bylaw No. 2461, 2008

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the “Electoral Area “F” Zoning Amendment Bylaw No. 2461.19, 2021.”
2. The “Electoral Area “F” Zoning Bylaw No. 2461, 2008” is amended by:
 - i) adding a new reference to “Faulder Small Holdings Zone SH7 under “Rural Zones” at Section 5.1 (Zoning Districts).
 - ii) adding a new sub-section 10.10 (Faulder Small Holdings (SH7) Zone) under Section 10.0 (Rural) to read as follows:

10.10 FAULDER SMALL HOLDINGS ZONE (SH7)

10.10.1 Permitted Uses:

Principal Uses:

- a) single detached dwelling;

Accessory Uses:

- b) bed and breakfast operation, subject to Section 7.19;
- c) home occupation, subject to Section 7.17; and
- d) accessory building and structure, subject to Section 7.13.

10.10.2 Site Specific Faulder Small Holdings (SH7s) Provisions:

- a) see Section 17.25

Commented [CG1]: Proposed to delete allowance for agriculture and accessory dwellings as permitted uses. Secondary Suites are not currently permitted.

10.10.3 Minimum Parcel Size for Subdivision:

- a) 5.0 ha

Commented [CG2]: Proposed minimum parcel size of 5.0 ha for subdivision would preclude subdivision within the Faulder Water Service Area.

10.10.4 Minimum Parcel Width:

- a) Not less than 25% of the parcel depth.

10.10.5 Maximum Number of Dwellings Permitted Per Parcel:

- a) one (1) principal dwelling unit.

Commented [CG3]: Proposed to delete allowance for agriculture and accessory dwellings as permitted uses.

10.10.6 Minimum Setbacks:

- a) Buildings and structures:
 - i) Front parcel line: 7.5 metres
 - ii) Rear parcel line: 7.5 metres
 - iii) Interior side parcel line: 7.5 metres
 - iv) Exterior side parcel line: 7.5 metres
- b) Accessory buildings and structures:
 - i) Front parcel line: 7.5 metres
 - ii) Rear parcel line: 4.5 metres
 - iii) Interior side parcel line: 4.5 metres
 - iv) Exterior side parcel line: 4.5 metres
- c) Despite Section 10.10.6(a) & (b), livestock shelters, generator sheds, boilers or walls with fans, and on-farm soil-less medium production facilities:
 - i) Front parcel line: 15.0 metres
 - ii) Rear parcel line: 15.0 metres
 - iii) Interior side parcel line: 15.0 metres
 - iv) Exterior side parcel line: 15.0 metres
- d) Despite Section 10.10.6(a) & (b), incinerator or compost facility:
 - i) Front parcel line: 30.0 metres
 - ii) Rear parcel line: 30.0 metres
 - iii) Interior side parcel line: 30.0 metres

iv) Exterior side parcel line: 30.0 metres

10.10.7 Maximum Height:

- a) No building or structure shall exceed a height of 10.0 metres.

10.10.8 Maximum Parcel Coverage:

- a) 20%

10.10.9 Minimum Building Width:

- a) Dwelling Unit: 5.0 metres, as originally designed and constructed.

- iii) replacing Section 17.5.2 (Site Specific Small Holdings Two (SH2s) Provisions) under Section 17.0 (Site Specific Designations) in its entirety with the following:

.2 *deleted.*

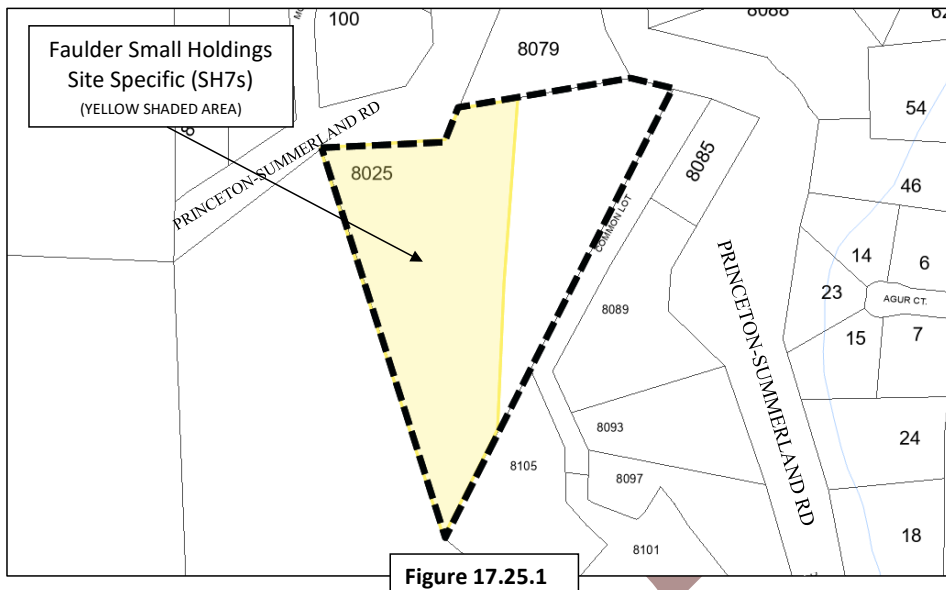
- iv) replacing Section 17.7.1 (Site Specific Small Holdings Four (SH4s) Provisions) under Section 17.0 (Site Specific Designations) in its entirety with the following:

.1 *deleted.*

- v) adding a new Section 17.25 (Site Specific Faulder Small Holdings (SH7s) Provisions) under Section 17.0 (Site Specific Designations) to read as follows:

17.25 Site Specific Faulder Small Holdings (SH7s) Provisions:

- .1 in the case an approximately 3.3 ha part of the land described as Lot 10, Plan 27332, District Lot 2893, ODYD, Except Plan KAP51912 (8025 Princeton-Summerland Road), and shown shaded yellow on Figure 17.25.1:
- i) despite Section 7.18.2, the maximum floor area utilized for a home industry, including the indoor and outdoor storage of materials, commodities or finished products associated with the home industry shall not exceed 300.0 m².



.2 in the case of land described as Lot 3, Plan KAP51211, District Lot 2893, ODYD (8132 Princeton-Summerland Road), and shown hatched on Figure 17.25.2:

- i) the following accessory uses shall be permitted on the land in addition to the permitted uses listed in Section 10.10.1:
 - a) eating and drinking establishment; and
 - b) retail store, convenience.

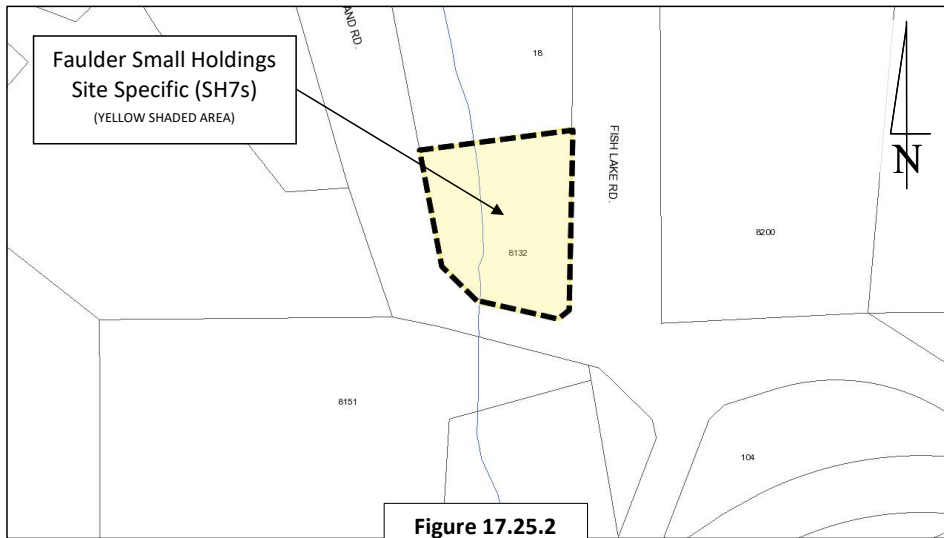


Figure 17.25.2

3. The Official Zoning Map, being Schedule '2' of the Electoral Area "F" Zoning Bylaw No. 2461, 2008, is amended by changing the land use designation of the land shown:
- i) shaded yellow on Schedule 'A', which forms part of this Bylaw, from Small Holdings Three (SH3) to Faulder Small Holdings (SH7);
 - ii) shaded orange on Schedule 'A', which forms part of this Bylaw, from Small Holdings Two Site Specific (SH2s) to Faulder Small Holdings Site Specific (SH7s);
 - iii) shaded blue on Schedule 'A', which forms part of this Bylaw, from Small Holdings Four Site Specific (SH4s) to Faulder Small Holdings Site Specific (SH7s); and
 - iv) shaded purple on Schedule 'A', which forms part of this Bylaw, from Small Holdings Two (SH2) to Faulder Small Holdings (SH7).

READ A FIRST AND SECOND TIME this ____ day of _____, 2021.

PUBLIC HEARING held on this ____ day of _____, 2021.

READ A THIRD TIME this ____ day of _____, 2021.

ADOPTED this ____ day of _____, 2021.

Board Chair

Corporate Officer

DRAFT

Regional District of Okanagan-Similkameen

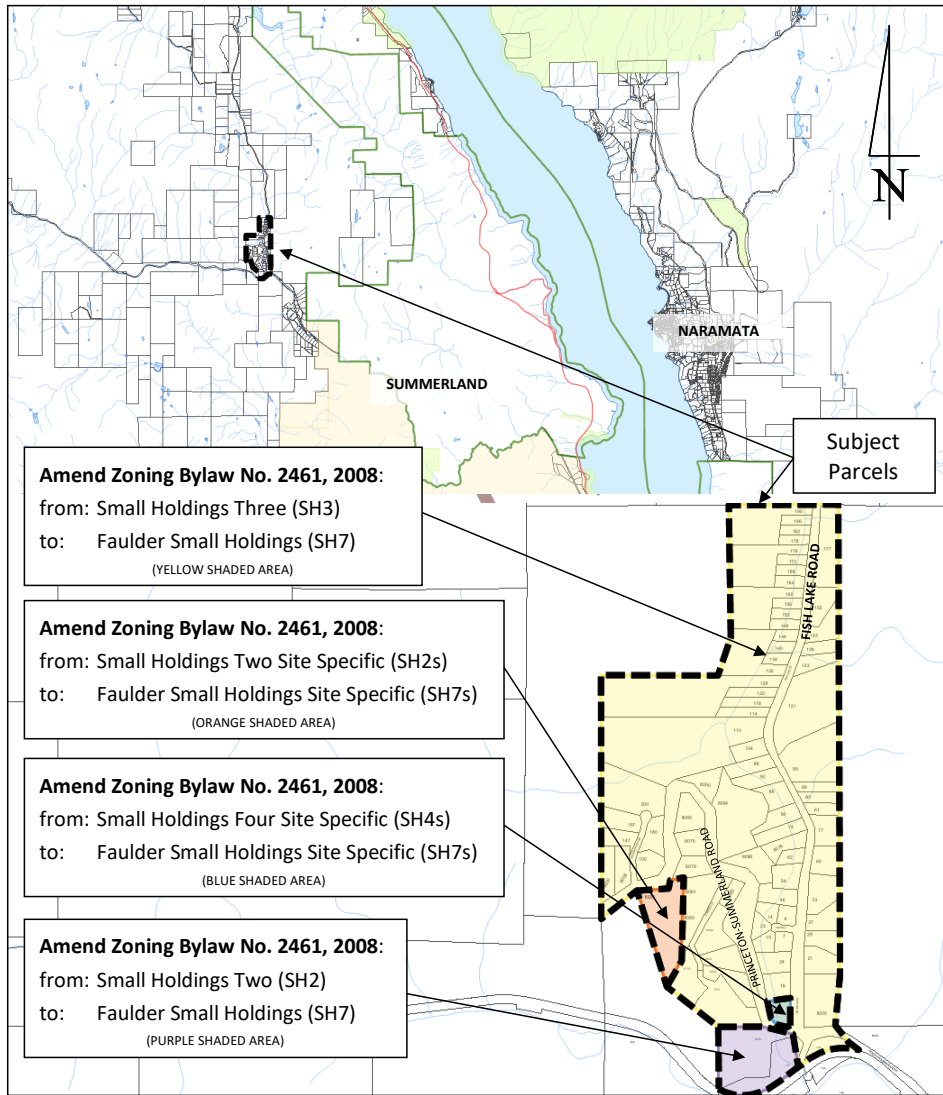
101 Martin St, Penticton, BC, V2A-5J9
Tel: 250-492-0237 Email: info@rdos.bc.ca



Amendment Bylaw No. 2461.19, 2021

File No. F2021.011-ZONE

Schedule 'A'



Amendment Bylaw No. 2461.19, 2021
(F2021.011-ZONE)

DRAFT VERSION — 2021-08-19

Page 7 of 7

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN

BYLAW NO. 2790.03, 2021

**A Bylaw to amend the Electoral Area “F”
Official Community Plan Bylaw No. 2790, 2018**

The REGIONAL BOARD of the Regional District of Okanagan-Similkameen in open meeting assembled, ENACTS as follows:

1. This Bylaw may be cited for all purposes as the “Electoral Area “F” Official Community Plan Amendment Bylaw No. 2790.03, 2021.”
2. The Electoral Area “F” Official Community Plan Bylaw No. 2790, 2018, is amended by:
 - i) replacing Section 7.3.1.3 (Policies) under Section 7.3 (Faulder / Meadow Valley Local Area Policies) in its entirety with the following:
 - .3 Does not support the subdivision of parcels within the Faulder Community Water System Local Service Area.
 - ii) adding a new Section 7.3.1.4 (Policies) under Section 7.3 (Faulder / Meadow Valley Local Area Policies) to read as follows and re-numbering all subsequent sections:
 - .4 Does not support the expansion of the Faulder Community Water System Local Service Area.
 - iii) adding a new Section 7.3.1.5 (Policies) under Section 7.3 (Faulder / Meadow Valley Local Area Policies) to read as follows and re-numbering all subsequent sections:
 - .5 Supports the professional decommissioning of all private water wells within the Faulder Community Water System Local Service Area in order to protect the local aquifer and prevent contamination.
 - iv) adding a new Section 7.3.1.6 (Policies) under Section 7.3 (Faulder / Meadow Valley Local Area Policies) to read as follows and re-numbering all subsequent sections:

- .6 Discourages the rezoning of parcels in order to facilitate subdivision, particularly within the Meadow Valley Aquifer in order to maintain the rural character of the area and preserve existing water resources.
- v) adding a new Section 7.3.1.7 (Policies) under Section 7.3 (Faulder / Meadow Valley Local Area Policies) to read as follows and re-numbering all subsequent sections:
 - .7 Supports an Aquifer Vulnerability Assessment being completed for the Meadow Valley and Enesas Creek Aquifers to develop aquifer vulnerability mapping and to inform future land use policy and decision making.
- vi) adding a new Figure 7.3.1 (Meadow Valley Aquifer) under Section 7.3 (Faulder / Meadow Valley Local Area Policies) to present as follows:

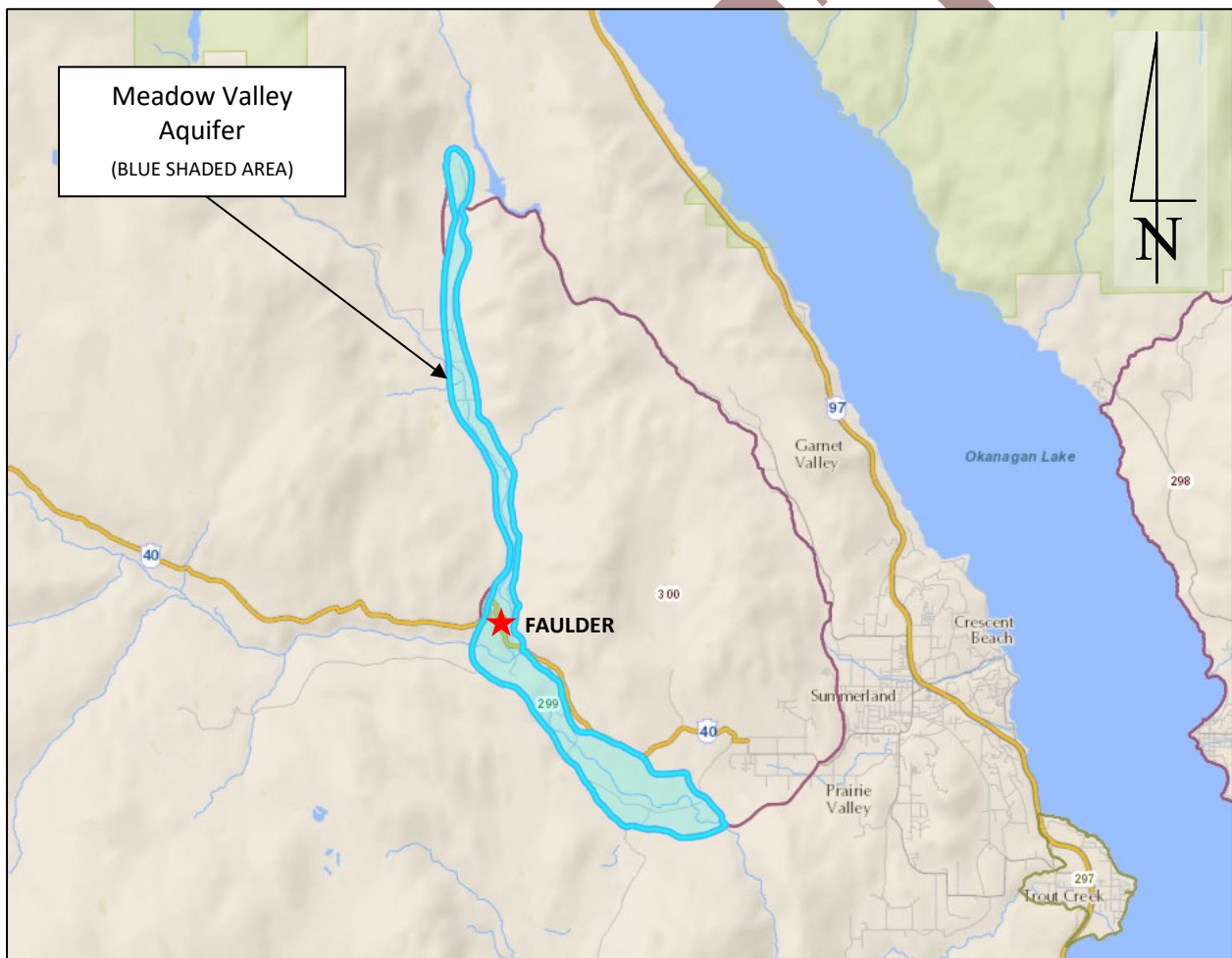


Figure 7.3.1: Meadow Valley Aquifer

- vii) replacing the first three (3) sentences of the second paragraph under Section 19.4 (Water Supply and Distribution) in its entirety with the following:

The Faulder system, which is currently is at capacity, was upgraded with a new well and uranium treatment and made operational in early 2017, bringing one of the two uranium removal canisters online.

viii) replacing Section 19.4.2.1 (Policies) under Section 19.4 (Water Supply and Distribution) in its entirety with the following:

.1 *deleted.*

READ A FIRST AND SECOND TIME this ____ day of _____, 2021.

PUBLIC HEARING held on this ____ day of _____, 2021.

READ A THIRD TIME this ____ day of _____, 2021.

ADOPTED this this ____ day of _____, 2021.

Board Chair

Corporate Officer

DRAFT