

ADMINISTRATIVE REPORT



TO: Board of Directors
FROM: B. Newell, Chief Administrative Officer
DATE: July 20, 2023
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “F” (F2022.006-ZONE)

Administrative Recommendation:

THAT Bylaw No. 2790.05, 2023, a bylaw to amend the Area “F” Official Community Plan to facilitate a 3-lot subdivision at 8005 Princeton-Summerland Road be denied; and,

THAT Bylaw No. 2800.11, 2023, a bylaw to amend the Okanagan Valley Zoning Bylaw be denied.

Folio: F-06941.000

OCP: Resource Area (RA)

Zone: Resource Area (RA)

Legal: District Lot 2893, ODYD, Except: (1) That Part Thereof Lying South and West of Right of Way Plan A67 & (2) Plans A67 and 27332

Proposed Development:

To amend the Official Community Plan designation and zoning of the subject property in order to facilitate a three-lot subdivision.

In order to accomplish this, the following land use bylaw amendments are being proposed by the applicant:

- amend the land use designation under Schedule ‘B’ (OCP Map) of the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, from Resource Area (RA) to Small Holdings (SH) and Large Holdings (LH); and
- amend the zoning under Schedule ‘2’ (Zoning Map) of the Okanagan Valley Zoning Bylaw No. 2800, 2022, from Resource Area (RA) to Small Holdings Three (SH3) and Large Holdings One (LH1).

In support of the rezoning, the applicant has stated, amongst other things, that:

- *Our goal is to tastefully control where the lot lines will be drawn in order to retain the rural character of the area, helping to supply the region with some much needed rural residential housing inventory, while ensuring that the parcel would never be exploited for resources, as this would in our opinion, devalue the experience of living in this part of Faulder;*
- *Due to the fact that the parcel is flanked on 4 of its 6 facets by SH3/4 land and that the topic of gravel extraction adjacent to rural residential development is not often entertained/supported by authorities having jurisdiction or local stakeholders, we feel that this parcel is a natural candidate for this type of rezoning;*

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- *Our intention is to improve the number of lots on this plateau in order to create land and housing for our expanding family, as well as sustain our construction company and create jobs for years to come in the region. We know that the proposal is in line with the community values and we are not asking for anything unreasonable.*
 - *Our development will have a positive impact on the area by creating high paying jobs for all the associated trades and due to the nature of our development, will have a favourably low impact on the surrounding area all the while improving the housing we need to see in our community.*

Site Context:

The property is 11.08 ha in area and is situated on the south side of Princeton-Summerland Road. It contains a single detached dwelling.

The property is within the boundaries of the Trout Community Watershed, adjacent to, but outside of, the boundary of the Faulder Community Water System Service Area. The surrounding pattern of development is generally characterised by Resource Area parcels to the south and west and rural residential development to the north and east.

Background:

It is unknown when the current boundaries of the property were created. Available Regional District records indicate that a building permit has been issued for a single detached dwelling (2021). BC Assessment has classified the property as “Residential” (Class 01).

On April 5, 2022, the Ministry of Transportation and Infrastructure (MoTI) referred a proposed three-lot subdivision involving the subject property to the Regional District for compliance with any applicable RDOS land use bylaws.

RGS Bylaw:

Under the Regional Growth Strategy (RGS), the Faulder area is not within a designated Primary or Rural Growth Area. A Goal of the RGS is to “focus development in serviced areas in designated Primary and Rural Growth Areas”. In support of this goal, the RGS Bylaw speaks to:

- Discouraging rezoning of large rural land parcels to smaller parcel sizes, outside of Primary Growth Areas and Rural Growth Areas (Policy 1C-3);
- Limiting consideration for rezoning of large rural land parcels to smaller parcel sizes outside of Primary Growth Areas and Rural Growth Areas only where such growth is infill, does not significantly increase the number of units or the established density, and respects the character of its surroundings (Policy 1C-4);
- Strengthening policies in OCPs to discourage incremental and additional rural growth outside of identified growth areas and proposed developments that do not closely adhere to OCP guidelines for the protection of rural and resource areas will not be supported (Policy 1C-5).

OCP Bylaw:

The property is currently designated Resource Area (RA) which speaks to maintaining such lands “as large land parcels” (e.g. 20.0 ha minimum parcel size). Additional policies include:

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- not supporting the rezoning of parcels in order to facilitate subdivision, particularly within the Trout Community Watershed in order to maintain the existing parcel sizes and preserve existing water resources; and
 - supporting the protection of source water and water supply in the Trout, Shingle, Farleigh and Peachland Community Watersheds by discouraging the rezoning of parcels in order to facilitate subdivision or increased densities.

The property is the subject of Watercourse Development Permit (WDP) and Environmentally Sensitive Development Permit (ESDP) Area designations under the OCP.

Zoning Bylaw:

Under the Okanagan Valley Zoning Bylaw No. 2800, 2022, the property is currently zoned Resource Area (RA) which requires a minimum parcel size of 20.0 ha for subdivision.

Previous Board Consideration:

The property owner previously submitted a petition to extend the Faulder Community Water System Service Area to include the subject property and that petition was denied.

March 2, 2023 - Consideration of the proposed amendment bylaws was deferred pending the completion of the Faulder Zoning Review.

June 15, 2023 - the Faulder Zoning Review was adopted.

Referrals:

Approval from the Ministry of Transportation and Infrastructure (MoTI) is not required prior to adoption as the proposed amendments involve lands beyond 800 metres of a controlled access highway.

Pursuant to Section 476 of the *Local Government Act*, the Regional District must consult with the relevant School District when proposing to amend an OCP for an area that includes the whole or any part of that School District. In this instance, School District No. 67 has been made aware of the proposed amendment bylaw.

Pursuant to Section 477 of the *Local Government Act*, after first reading the Regional Board must consider the proposed OCP amendment in conjunction with Regional District's current financial and waste management plans. The proposed OCP amendment has been reviewed by the Public Works Department and Finance Department, and it has been determined that the proposed bylaw is consistent with RDOS's current waste management plan and financial plan.

Public Process:

October 5, 2022 - a Public Information Meeting was held online and was attended by five members of the public.

July 10, 2023 - the Area "F" Advisory Planning Commission (APC) recommended that the development application be refused.

The written notification of affected property owners, the public meetings as well as formal referral to the agencies listed at Attachment No. 1, is considered appropriate consultation for the purpose of Section 475 of the *Local Government Act*.

All comments received to date in relation to this application are included as a separate item on the Board Agenda.

Analysis:

This proposal is inconsistent with the growth management policies in the RGS as well as the Area “F” OCP. This is primarily due to it seeking to change the land use designation of a property to facilitate subdivision outside of a Growth Area (Primary or Rural) and within a designated community watershed.

The RGS directs development to *settlement areas where services are located* [emphasis added]. While Faulder is an identified existing settlement area, the property is not located within an area of existing services (i.e., it is outside the boundaries of the Faulder Community Water System).

The Area “F” OCP was recently reviewed (2016-18) and the RA designation of the property was confirmed at this time and there are no policies that support increasing density in the Faulder Area.

Where proposals are submitted for the creation of additional Rural Holdings parcels, the applicant is tasked with demonstrating and articulating the need for the proposal in the context of its impact on the community and objectives of the OCP, as well as meeting specified evaluation criteria under Section 10.3.4(b) of the OCP.

The applicant has not clearly demonstrated the need for the proposed subdivision, nor that the proposal is in alignment with the objectives of the OCP. Furthermore, it is not clear how the proposal satisfies the evaluation criteria under Section 10.3.4(b), such as compatibility with and impact on the natural environment, presence of natural hazards (steep slopes) and proximity to services, among other factors.

While the applicant has submitted a supportive Groundwater Supply Investigation report for the establishment of new wells on the proposed parcels, the cumulative impacts of placing continued stressors (i.e., additional residential development) on a community with known water resourcing issues is also a consideration and precautionary principals should be applied.

While the applicant has indicated that they are seeking approval to undertake a 3-lot subdivision of the property, the requested zoning changes would allow for a 4-lot subdivision (i.e., two 1.0 ha parcels and one 4.0 ha parcel along with a 4.0 ha remainder parcel).

Alternatives:

1. THAT the Area “F” Official Community Plan Amendment Bylaw No. 2790.05, 2023, and the Okanagan Valley Zoning Amendment Bylaw No. 2800.11, 2023, be read a first and second time and proceed to public hearing;

AND THAT the Board of Directors considers the process, as outlined in the report from the Chief Administrative Officer dated July 20, 2023, to be appropriate consultation for the purpose of Section 475 of the *Local Government Act*;

AND THAT, in accordance with Section 477 of the *Local Government Act*, the Board of Directors has considered Amendment Bylaw No. 2790.05, 2023, in conjunction with its Financial and applicable Waste Management Plans;

AND THAT the holding of the public hearing be scheduled for the Regional District Board meeting of August 3, 2023;

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

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:



C. Garrish, Senior Manager of Planning

Attachments: No. 1 – Agency Referral List

No. 2 – Applicant’s Site Plan

No. 3 – Aerial Photo (2023)

Attachment No. 1 – Agency Referral List

Referrals to be sent to the following agencies as highlighted with a , prior to the Board considering first reading of Amendment Bylaw Nos. 2800.11, 2790.05:

<input type="checkbox"/>	Agricultural Land Commission (ALC)	<input checked="" type="checkbox"/>	Fortis
<input checked="" type="checkbox"/>	Interior Health Authority (IHA)	<input type="checkbox"/>	City of Penticton
<input type="checkbox"/>	Ministry of Agriculture	<input checked="" type="checkbox"/>	District of Summerland
<input type="checkbox"/>	Ministry of Energy, Mines & Petroleum Resources	<input type="checkbox"/>	Town of Oliver
<input type="checkbox"/>	Ministry of Municipal Affairs & Housing	<input type="checkbox"/>	Town of Osoyoos
<input checked="" type="checkbox"/>	Ministry of Lands, Water and Resource Stewardship	<input type="checkbox"/>	Town of Princeton
<input type="checkbox"/>	Ministry of Forest, Lands, Natural Resource Operations & Rural Development (Archaeology Branch)	<input type="checkbox"/>	Village of Keremeos
<input type="checkbox"/>	Ministry of Jobs, Trade & Technology	<input checked="" type="checkbox"/>	PIB / OIB (via NationsConnect)
<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure	<input type="checkbox"/>	Environment Canada
<input type="checkbox"/>	Integrated Land Management Bureau	<input type="checkbox"/>	Fisheries and Oceans Canada
<input type="checkbox"/>	BC Parks	<input type="checkbox"/>	Canadian Wildlife Services
<input type="checkbox"/>	School District #53 (Areas A, B, C, D & G)	<input type="checkbox"/>	OK Falls Irrigation District
<input type="checkbox"/>	School District #58 (Area H)	<input type="checkbox"/>	Kaleden Irrigation District
<input checked="" type="checkbox"/>	School District #67 (Areas D, E, F, I)	<input type="checkbox"/>	Fraser Valley Regional District
<input type="checkbox"/>	Central Okanagan Regional District	<input type="checkbox"/>	Kootenay Boundary Regional District
<input type="checkbox"/>	Thompson Nicola Regional District		

Attachment No. 2 – Applicant’s Site Plan



