

ADMINISTRATIVE REPORT



TO: Advisory Planning Commission
FROM: B. Newell, Chief Administrative Officer
DATE: July 10, 2023
RE: Official Community Plan (OCP) & Zoning Bylaw Amendment – Electoral Area “F”

Purpose: To facilitate a three-lot subdivision. Folio: F-06941.000
Civic: 8005 Princeton-Summerland Rd 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:

This application is seeking 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;*
- *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.*

Site Context:

The subject property is approximately 11.08 ha in area and is situated on the south side of Princeton-Summerland Road. It is understood that the parcel is currently vacant, but is being developed to a single detached dwelling.

The subject 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 subject 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) Bylaw No. 2770, 2017, the Faulder area is not within a designated Primary or Rural Growth Area, being either the District of Summerland or Greta Ranch.

A Goal of the RGS is to “focus development in serviced areas in designated Primary Growth Areas 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:

Under the Electoral Area “F” Official Community Plan (OCP) Bylaw No. 2790, 2018, the subject 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:

- 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.

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

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. At their meeting of September 23, 2021, the Regional District Board resolved to deny the petition.

At its meeting of March 2, 2023, the Regional District Board resolved to defer consideration of the proposed amendment bylaws pending the completion of the Faulder Zoning Review. Amendment Bylaws related to the Faulder Zoning Review were adopted by the Board at its meeting of June 15, 2023.

Analysis:

Administration considers this proposal to be inconsistent with the growth management policies in the South Okanagan Regional Growth Strategy (RGS) as well as the Electoral Area "F" Official Community Plan (OCP) bylaws. 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).

It is also noted that the Electoral 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 Bylaw.

Administration finds that 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 Bylaw.

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 Administration supports the precautionary principal being applied.

Other options are seen to be available to the property owner, such as disposing of this parcel and acquiring other land(s) that better suit their current needs, or retaining the parcel and constructing accessory dwellings.

As an aside, while the applicant has indicated that they are seeking approval to undertake a 2-lot subdivision of the subject property, the requested zoning changes would allow for a 3-lot subdivision (i.e., two 1.0 ha parcels and one 4.0 ha parcel along with a 4.0 ha remainder parcel).

Alternative:

While the option of supporting this application is available to the APC, Administration is challenged to provide a rationale that might speak in favour of this.

Summary:

For the reasons outlined above, Administration supports the current RA designation of the property and maintaining it as a large parcel in recognition that this area will remain as rural, with limited community services and infrastructure. Accordingly, it is recommended that the application be denied.

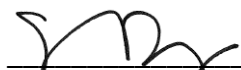
Administrative Recommendation:

THAT the proposed rezoning of the property at 8005 Princeton-Summerland Road, Faulder, in order to facilitate a 3-lot subdivision, be denied.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved.
2. THAT the APC recommends to the RDOS Board of Directors that the subject development application be approved with the following conditions:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the subject development application be denied.

Respectfully submitted:



Shannon Duong, Planner II

Endorsed By:



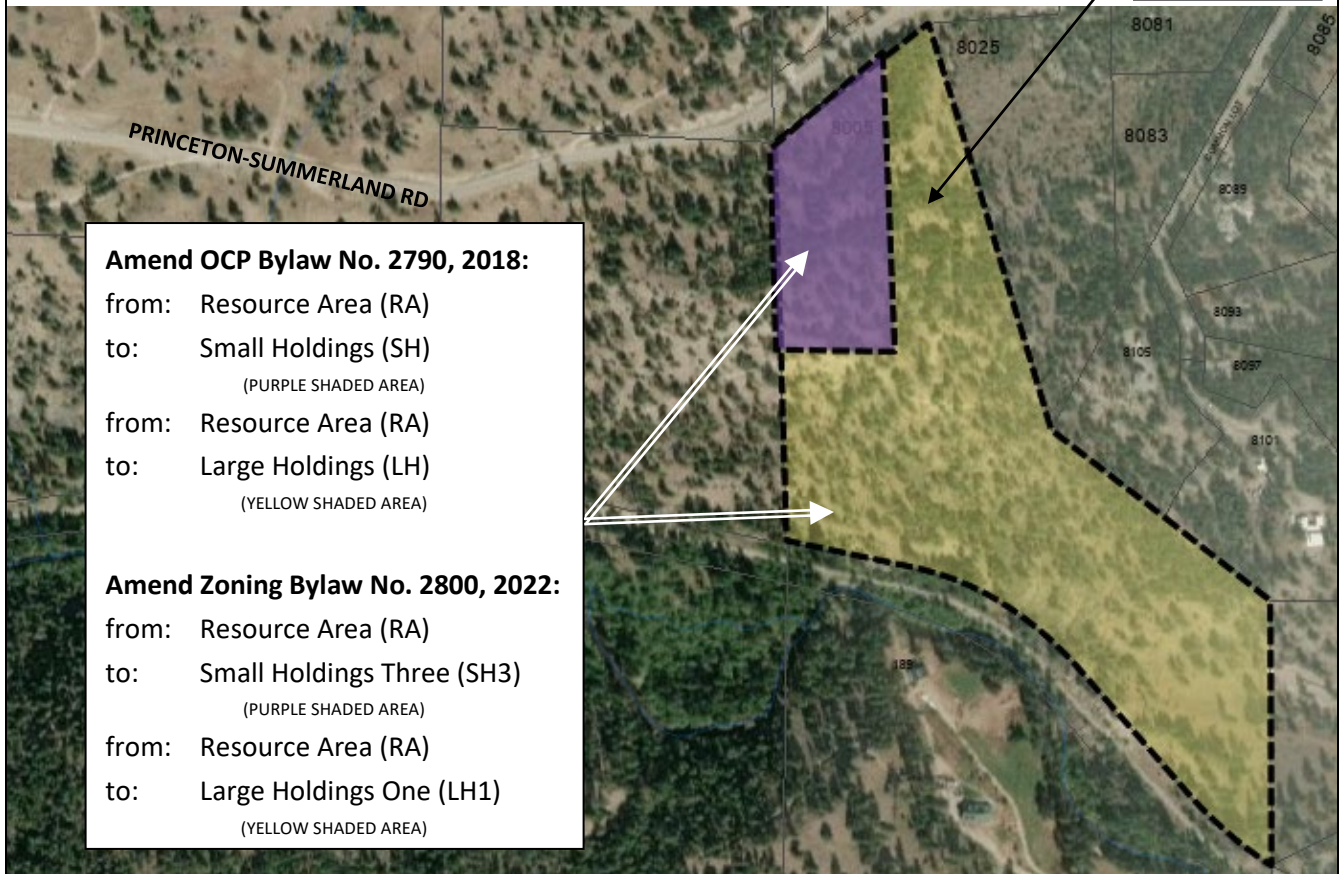
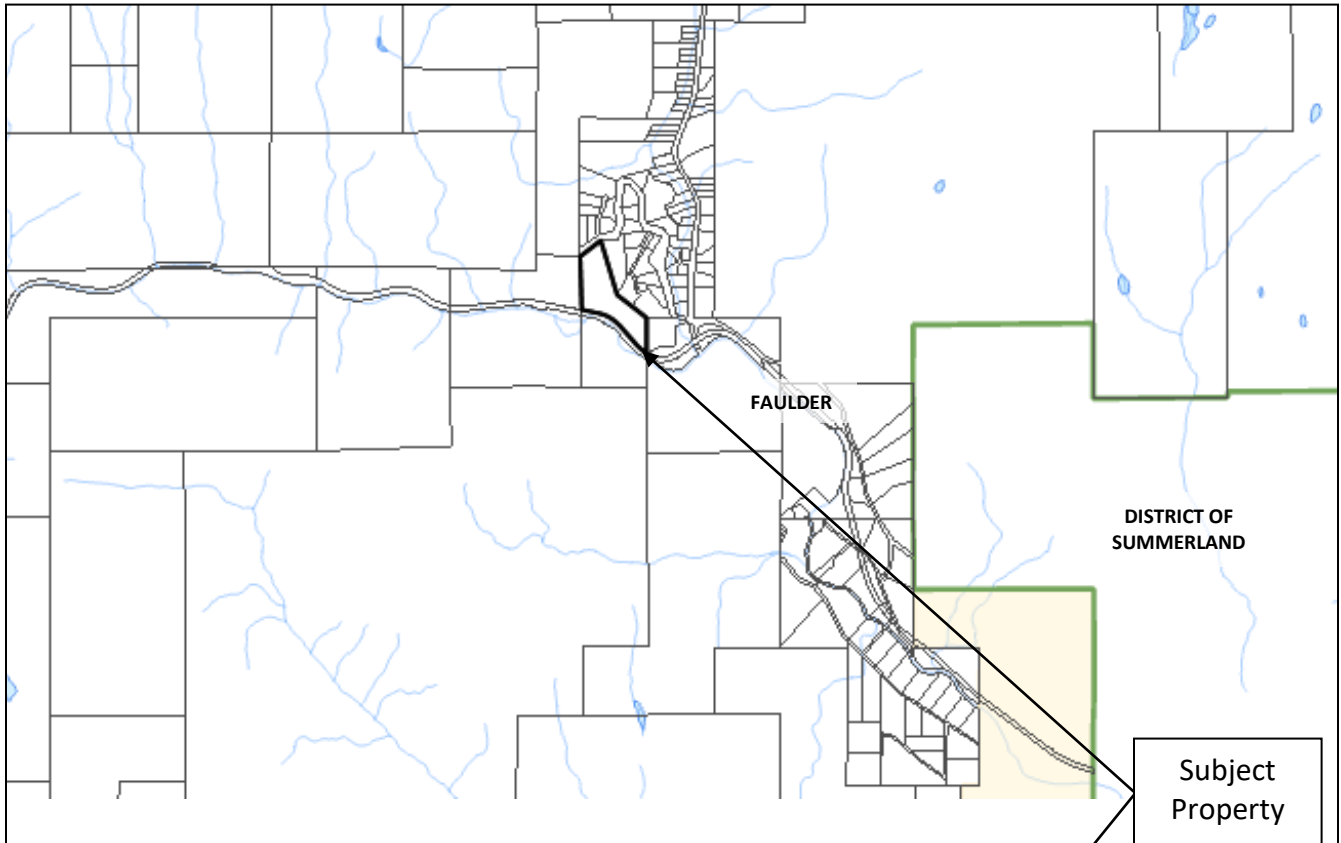
C. Garrish, Planning Manager

Attachments: No. 1 – Context Maps

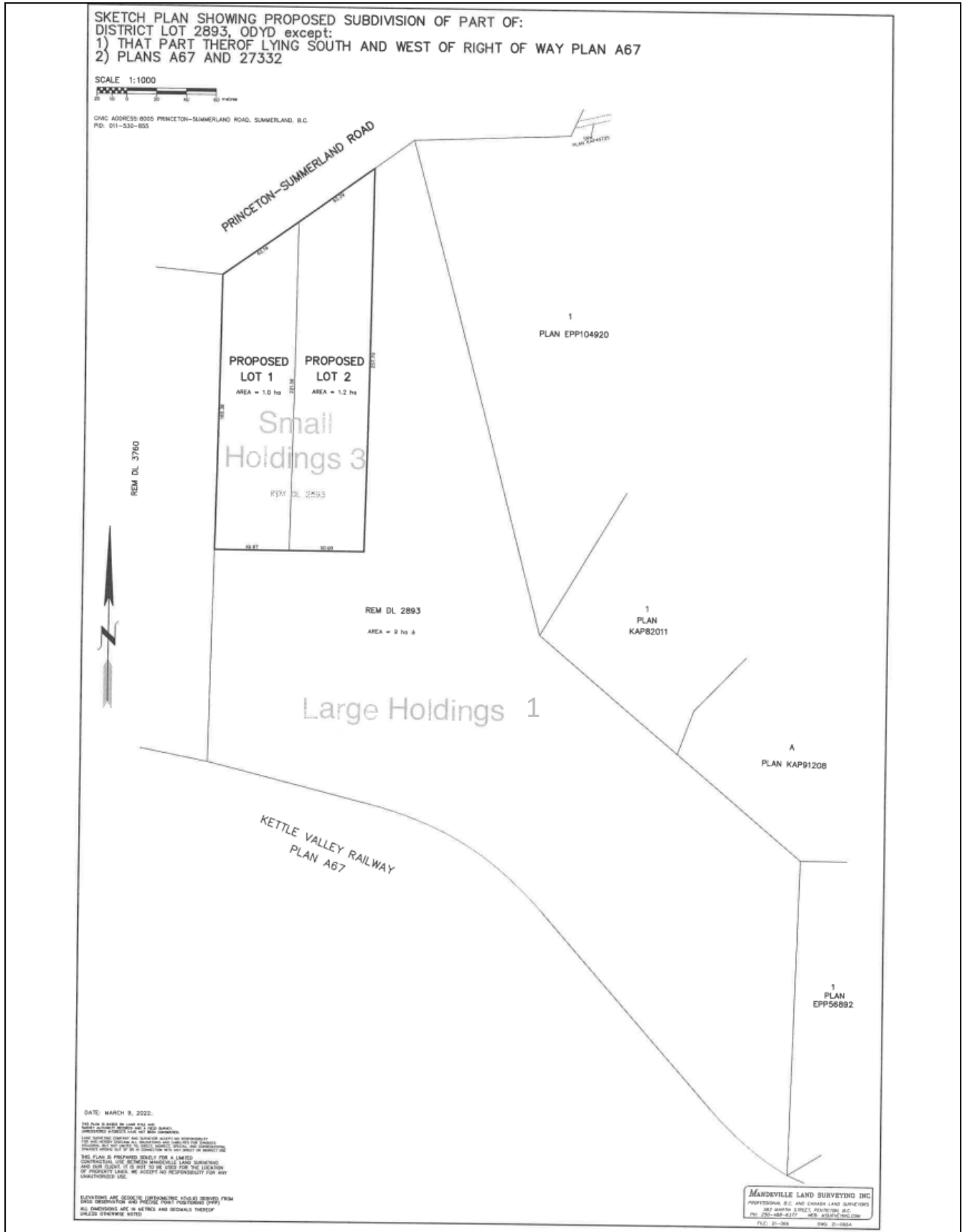
No. 2 – Applicant’s Site Plan

No. 3 – Aerial Photo (2023)

Attachment No. 1 – Context Maps



Attachment No. 2 – Applicant’s Site Plan



Attachment No. 3 – Aerial Photo (2023)

