



REGIONAL DISTRICT OF NORTH OKANAGAN

BOARD POLICY NO: BPOL-007

Statutory Right of Way Release	
Approval Date:	May 19, 2021
Amendment Date(s):	

PURPOSE

To provide guidelines to staff on how to process requests to release Statutory Right of Ways (SRWs) from property owners that balance the needs of the property owner with the need to protect land rights for current or future needs.

POLICY STATEMENT

The Regional District of North Okanagan (RDNO) will not release Statutory Right of Ways (SRWs) if there is deemed to be a current or potential future use by either the RDNO or the partner municipality.

The RDNO will only consider release of SRWs for the following reasons:

- A. The SRW was originally registered as a blanket SRW on a parent property under development for the purpose of protecting infrastructure on a short term basis until the road right of way or a site specific SRW was registered and the applicant has paid the appropriate application fee and all association costs,

OR

B. For all other SRWs:

- The SRW does not protect current or future assets or access,
- The SRW is fragmented, isolated or terminates with no connectivity to other public lands or infrastructure,
- The SRW cannot be moved to another area on the site to provide another use or access point, and
- The partner jurisdiction has provided written authorization they are in favour of the release,
- The Board has provided authorization to release the SRW, and
- The applicant has paid the appropriate application fee, 50% of the land cost based on market value and all other associated costs.

PROCEDURE

1. Property owners or their agent must submit their request and Legal Document Amendment or Discharge Fee to staff for consideration to release a SRW.

2. Staff will consider the conditions of the request to assess if consideration should be made to release the SRW.
 - a. In condition A of the policy above, if staff determine that the SRW was implemented as a short term protection of infrastructure to be built during development and that all the infrastructure has been protected, staff will write the Corporate Officer a memo to recommend release of the SRW. In this case the Corporate Officer is authorized to release the SRW and no further action is required.
 - b. In condition B above, if staff has determined that there is no current or future need of the SRW for utilities, a referral is to be sent to the RDNO parks department and the member municipality requesting input as to whether they oppose the release or not. The SRW will not be released if there is any opposition to its release.
 - c. In condition B above, if there is no reason to retain the SRW and no opposition from the RDNO Parks Department and the member municipality, the applicant will be required to pay the Legal Document Amendment or Discharge Fee to obtain a Board resolution to release it. Staff will provide a report with a recommendation to the Board that includes the estimate of reimbursement required to release the SRW that is equivalent to 50% of land value of the SRW. If the estimated amount to be paid to the RDNO is under \$20,000, staff can complete the estimate based on current land value and area of the SRW. Where the estimated value is above \$20,000, an assessment must be completed by a qualified professional.
 - If the Board approves the SRW release, then the Corporate Officer can sign off on releasing the SRW once the property owner provides the reimbursement to the RDNO for 50% of the land value. All other costs to release the SRW are the responsibility of the property owner (i.e. legal, surveying, etc.).
 - d. If staff deem that the SRW can be moved to another location on the property that is amenable to the property owner and would benefit the RDNO, the member municipalities or the RDNO Parks Department, staff can make these arrangements without Board approval.