



REGIONAL  
DISTRICT  
NORTH  
OKANAGAN

# PLANNING DEPARTMENT INFORMATION REPORT

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## ZONING AMENDMENT APPLICATION

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**DATE:** February 12, 2026

**FILE NO.:** 25-1016-E-RZ

**OWNER/APPLICANT:** Alfred Maier

**LEGAL DESCRIPTION:** Lot B, Secs 27 & 34, Twp 45, ODYD, Plan EPP138957

**P.I.D.#:** 032-492-782

**CIVIC ADDRESS:** 1439 River Stone Road

**PROPERTY SIZE:** 7.2 ha

**PRESENT ZONING:** Non-Urban (N.U)

**PROPOSED ZONING:** Country Residential (C.R)

**O.C.P. DESIGNATION:** Country Residential

**PROPOSAL:** Three lot subdivision

### PLANNING DEPARTMENT RECOMMENDATION:

That notice be given in accordance with Section 467 of the *Local Government Act* that Zoning Amendment Bylaw No. 3065, 2026, which proposes to rezone the property legally described as Lot B, Secs 27 & 34, Twp 45, ODYD, Plan EPP138957 and located at 1439 River Stone Road, Electoral Area "E" from the Non-Urban (N.U) zone to the Country Residential (C.R) zone, be considered for First Reading at a future meeting.

### SUMMARY:

This report relates to an application to rezone the property located at 1439 River Stone Road from the Non-Urban (N.U) zone to the Country Residential (C.R) zone. If successful in rezoning the property, the owner plans to submit a subdivision application, which requests approval to subdivide the property into three lots. Access to the three lots is proposed to be gained from a common lot road that would connect to River Stone Road. The Planning Department recommends that upon consideration of input from adjacent landowners, the application receive favourable consideration as the proposed rural residential land use is consistent with the Electoral Areas "D" and "E" Official Community Plan (OCP) designation of the property and complies with the relevant OCP Policies.

**BACKGROUND:**

Previous Applications

In 2020, the owner applied to subdivide the 29.45 ha parent property into 4 lots. The subdivision was completed in 2025.

Site Context

The subject property is located on the north side of River Stone Road. The property is approximately 185 m from the intersection of River Stone Road and Highway 6. The property slopes slightly downwards towards the Shuswap River, which borders the northern lot line. As shown on the attached topographic map, it also contains a terrace feature with a vertical decline of approximately 6 m towards the Shuswap River. This feature runs from the northwest corner to the southeast corner of the lot. The property is largely treed, excepting the southern portion which has been cleared. The applicant has indicated that there are three accessory buildings currently on the property, one barn and two sheds, which are located on the northeastern portion of the lot. Access to the property is gained from River Stone Road off of Highway 6. A Statutory Right-of-Way, which grants access to BC Hydro, traverses the southern portion of the property.

The subject property is zoned Non-Urban (N.U) and designated in the Electoral Areas “D” and “E” Official Community Plan as Country Residential. The zoning and OCP land use designations of the surrounding properties is as follows:

- Property to the south (across River Stone Road): zoned Non-Urban; designated Country Residential
- Property to the east: split zoned Non-Urban and Country Residential; designated Country Residential
- Property to the west: zoned Non-Urban; designated Country Residential
- Property to the north: split zoned Non-Urban and Country Residential; designated Country Residential

The attached maps show the location, zoning and OCP designation of the subject and surrounding properties. The attached orthophoto was taken in 2022.

Proposal

As shown on the attached site plan, the applicant proposes to rezone the subject property from the Non-Urban (N.U) zone to the Country Residential (C.R) zone. If the rezoning is successful, the applicant seeks to subdivide the property into 3 lots. Proposed Lot 1 would be 2.43 ha, proposed Lot 2 would be 2.03 ha, and proposed Lot 3 would be 2.36 ha. Proposed Lot 2 would contain the existing barn and sheds and proposed Lots 1 and 3 would be vacant. The applicant is proposing that all 3 lots be serviced by wells and septic systems.

The proposed lots would be accessed from a proposed new common lot road. The road would be created using the existing access from River Stone Road and would include a cul-de-sac turn around area. The proposed new lots would be serviced by new driveways from the proposed new common lot road. The existing BC Hydro Statutory Right-of-Way would traverse the proposed common lot road and the southern portion of proposed Lot 3.

**PLANNING ANALYSIS:**

The Planning Department recommends that the proposal be given favourable consideration as it represents a land use that is consistent with the Electoral Areas “D” and “E” OCP designation of the property and complies with the rural residential policies in that the proposed lots would:

- be outside the ALR;
- not be in an area with excessive slopes, high water table or identified as having a high capability for other uses such as gravel extraction, mining, or forest development;
- not be subject to excessive expenditures for services such as roads, or other services, as such services already exist;
- have the potential to contain suitable building sites which could be serviced with sewage disposal areas and be located outside of riparian and floodplain setback areas;
- likely have the potential to produce adequate water supplies. The Regional District Subdivision Servicing Bylaw states that the subdivision of parcels within Electoral Area “E” may be approved without the provision of a potable water supply;
- not detrimentally affect important habitat for fish and wildlife;
- not undermine the character of existing lots in the surrounding area.

The proposed lot sizes are generally consistent with the character of the surrounding area. There are several lots around the area which are zoned Country Residential (C.R) and are close to the minimum lot size standard of 2 ha. The proposed rezoning represents an extension of this zoning cluster and therefore the proposal should not undermine the existing character of the local area.

The proposal has also been reviewed against the OCP policy, which requires rezoning applications to be considered in relation to fire protection issues in the local area. In this regard, the OCP Fire Protection Policy suggests that residents acknowledge and accept that fire protection services are not provided in this area and that residents are encouraged to apply Fire Smart principles for new and existing development.

The OCP states that for any subdivision or land use development that will create fewer than four parcels or dwelling units in a high wildfire hazard area, and for any subdivision or land use development in a moderate wildfire hazard area, the property owner should register a standard restrictive covenant on the property title outlining specific wildfire mitigation practices for building construction and land management to be implemented over the long term to reduce wildfire hazard in their development. While the 2021 Provincial Wildland Urban Interface Risk Class mapping does not provide ranking for private property, it ranks the lands adjacent to the subject property as primarily moderate to high risk class. Should the Board wish to address possible wildfire hazard through the registration of such a covenant, it could be included as a condition of rezoning, in accordance with OCP policy.

The property is within a Riparian Development Permit Area. However, it would be exempt as no modifications are proposed within the Riparian Assessment Area and a Section 219 covenant has been registered on the title of the property restricting development within the Riparian Assessment Area and it has been deemed that a sufficient building envelope, suitable building site and sewage disposal area can be provided outside of the Riparian Area.

OCP policy states that rural residential land development that proposes to create more than 2 new lots shall not be considered for rezoning until a comprehensive plan consistent with the rural residential policies is provided. In this case, staff suggest that a comprehensive plan is not necessary as the subdivision of the subject and adjacent properties can be achieved by utilizing the existing road network in the area.

The Ministry of Transportation and Transit (MOTT) has reviewed the proposal and has granted Preliminary Approval for the rezoning for one year pursuant to section 52(3)(a) of the Transportation Act. The proposed construction standard of the common lot road was also forwarded to MOTT, which they indicated would be reviewed for approval at the time of subdivision.

### Public Hearing

At the Regular Meeting held on April 22, 2020 and in accordance with the provisions outlined in the *Local Government Act*, the Board of Directors resolved to waive the holding of Public Hearings on zoning amendment bylaws if the bylaws are consistent with an applicable official community plan. Under such circumstances, notice was required to be given that the Public Hearing was being waived and such notice was required to be provided after First Reading and before Third Reading of an applicable zoning amendment bylaw.

On November 25, 2021, Bill 26 received Royal Assent. This brought changes to the *Local Government Act* which states that:

- a local government is not required to hold a Public Hearing on a zoning amendment bylaw if the bylaw is consistent with an official community plan; and
- if a local government decides not to hold a Public Hearing, it must provide notice of the proposed date of the First Reading of the applicable zoning amendment bylaw.

In keeping with the above and as the subject bylaw is consistent with the policies and land use designation of the Electoral Areas “D” and “E” OCP, a notice will be posted in accordance with the new provisions of Section 467 of the *Local Government Act* to advise the public that the Board of Directors will consider giving First Reading to Zoning Amendment Bylaw No. 3065 at a future meeting once the applicant has posted a development notice sign in accordance with Section 6.1.7 of Development Application Procedures and Administrative Fees Bylaw No. 2677. At this meeting, the bylaw may also be considered for Second and Third Readings.

Should the Board of Directors wish to hold a Public Hearing for Bylaw No. 3065, a resolution could be passed to give First and Second Reading to the Bylaw and to forward the Bylaw to a Public Hearing. Notice of the Public Hearing would be provided in accordance with the provisions of Section 466 of the *Local Government Act* and the Hearing would be held prior to considering Third Reading.

### **OFFICIAL COMMUNITY PLAN:**

The Official Community Plan designates the land use of the subject property as Country Residential. The following OCP Policies are applicable to the application:

Wildfire Policies

1. It is recognized that all areas within the OCP plan area are generally susceptible to wildfire risks and development should be consistent with provincial Best Practices for reducing risk of loss from wildfires.
2. Work with the Ministry of Forests, Lands and Natural Resource Operations to establish wildfire risk mapping for the plan area and subsequently evaluating and approving new developments in areas where fire hazard is high.
  - a. Prior to undertaking any subdivision or land use development that will create four or more parcels or dwelling units within a high wildfire hazard area, the landowner will provide the Regional District with a Wildfire Hazard Assessment Report for the proposed development, prepared by a Registered Professional Forester registered in BC or an equivalent quality professional. The Wildfire Hazard Assessment Report shall: assess the current wildfire hazard, assess conditions on the site and neighbouring lands, evaluate the proposed development for wildfire susceptibility, and provide Fire Smart wildfire hazard mitigation recommendations to reduce the hazard of wildfire for the land and buildings to moderate or lower. The recommendations of the Wildfire Hazard Assessment Report shall be implemented during development and written into a restrictive covenant to be registered on a property title advising the property owner of the ongoing responsibility to manage their land and buildings in accordance with the recommendations of the Wildfire Hazard Assessment Report.
  - b. For any subdivision or land use development that will create fewer than four parcels or dwelling units in a high wildfire hazard area, and for any subdivision or land use development in a moderate wildfire hazard area, the property owner should register a standard restrictive covenant on the property title outlining specific wildfire mitigation practices for building construction and land management that the landowners should implement over the long term to reduce wildfire hazard in their development.

Rural Residential

1. Rural Residential lands are intended to provide an alternate to urban living with lots 1.0 hectare or larger. These lots emphasize attachment to the lands and utilization of rural and agricultural uses, but with lesser services and greater distances to community facilities and shopping. Lands that may be suitable for rezoning to accommodate Rural Residential land use are shown on the OCP map schedules as Country Residential (C.R) and Small Holdings (S.H). The minimum parcel size for C.R is 2 ha and for S.H is 1 ha.
2. Rural Residential lands should conform to the following requirements
  - a. outside the Agricultural Land Reserve;
  - b. not in an area with excessive slopes;
  - c. not in an area that has high capacity for other uses such as gravel extraction, mining, or forest development;
  - d. not subject to flooding or in an area with a high water table;
  - e. not subject to excessive expenditures for services such as roads, power and bussing;
  - f. contains suitable building sites;
  - g. contains sewage disposal areas;
  - h. contains adequate water supplies as specified in the Subdivision Servicing Bylaw;
  - i. does not destroy or alienate important habitat for fish and wildlife; and
  - j. does not detrimentally affect neighbouring properties and the community as a whole.

3. Upon receipt of a rezoning application for Rural Residential developments, the Regional Board will give consideration to the fire protection issues in the local area.
4. Rural Residential land development that proposes to create more than 2 new lots shall not be considered for rezoning until a comprehensive plan consistent with the rural residential policies is provided, and until the roads and services adequate for the development are either in place or financial guarantees regarding their installation are provided.
5. Due to the importance of an adequate water supply in Rural Residential areas and the uncertainty about water supply in some areas, assurances about the water supply as specified in the Subdivision Servicing Bylaw shall be provided prior to the zoning of land for Rural Residential Use.

#### Police and Fire Protection

1. Continue to recognize the plan area as a rural area where residents acknowledge and accept that beyond a very limited area close to the Village of Lumby fire protection services are not provided by either the Regional District through local volunteer fire departments. The only fire department with the plan area is located in Lumby and it does service a limited part of Area D. The Regional District will continue to provide emergency services throughout the plan area as part of a region-wide service delivery model.

#### Water Policies

1. Development of land (where more than 1 additional lot is created) that is dependent upon subsurface groundwater supplies in areas that are known to have supply issues should be subject to certification by a professional engineer, or a groundwater geologist, or by a hydrogeologist as to the quality and quantity of water available prior to rezoning or subdivision approval as the case may be. The Regional Board may request information that demonstrates the impact to neighboring wells of such a development. Proven wells with registered well logs may be exempt from the above certification.

#### Sewage Collection and Disposal Policies

1. A study of subsurface soil conditions shall be undertaken to determine the best method of sewage treatment and disposal for new development (where more than 1 additional lot is created). The study shall be carried out prior to rezoning or subdivision approval.

#### Development Permit Areas

All Riparian Assessment Areas within Electoral Areas “D” and “E” are designated as Riparian Development Permit (DP) Areas. Unless an exemption applies, development on land within a Riparian DP Area will require a DP prior to issuance of a Building Permit, subdivision, or land alteration.

#### **ZONING BYLAW:**

The subject property is zoned Non-Urban (N.U). The minimum parcel size in the N.U zone is 7.2 ha. The uses permitted in the N.U zone include agricultural uses, assembly, civic and public service uses, resource use, manufactured homes, single family dwellings, two family dwellings, bed and breakfast, boarding house, home occupation, secondary dwellings and secondary suites.

Under the N.U zone, the existing property would be permitted to have:

- one single family dwelling and one secondary dwelling and one secondary suite; or
- one manufactured home and one secondary dwelling; or
- one two family dwelling and one secondary dwelling.

The applicant proposes to rezone the subject property to the Country Residential (C.R) zone. The minimum parcel size for a lot created by subdivision in the C.R zone is 2 ha. The uses permitted in the C.R zone include agricultural use, limited resource use, single family dwellings, two family dwellings, manufactured homes, agricultural use, assembly, civic, and public service uses, secondary dwellings and secondary suites.

Under the C.R zone, lots 2.0 ha or greater but less than 4.0 ha would be permitted to have:

- one single family dwelling and one secondary dwelling and one secondary suite; or
- one manufactured home and one secondary dwelling; or
- one two family dwelling and one secondary dwelling.

#### Building Sites and Lot Frontage

Section 5.6 of the Zoning Bylaw requires that all lots created within the C.R and N.U zones contain a contiguous area of land 2,000 m<sup>2</sup> or larger in size to service as a suitable building site. A building site must be less than 30% natural slope, and must be accessible from a public highway via a private access driveway. Private access driveways must: have a minimum width of 4 m minimum width; have a maximum slope of 15%; and be wholly contained within the property being created.

Lots proposed to be subdivided in the C.R and N.U zones are required to have road frontage not less than 20 m.

#### Floodplain Setbacks

Section 6.1 defines building floodplain setbacks to the natural boundary of watercourses. In this instance a 30 m setback is required to the natural boundary of the Shuswap River. 15 m is also required from the natural boundary of any other lake, marsh, or pond.

#### **SUBDIVISION SERVICING BYLAW:**

The subdivision of parcels within Electoral Area “E” may be approved without the provision of a potable water supply.

#### **LAND TITLE ACT REGULATION:**

Section 12 of the Land Title Act Regulation (B.C. Reg.334/79) states that an approving officer may approve a subdivision where the subdivider is a registered owner in fee simple of an existing parcel together with an undivided share or shares in one or more parcels that individually or collectively are contiguous to the existing parcel and the subdivider submits a subdivision plan showing: the existing parcel divided into lots; and a table drawn in the manner prescribed by section 11 (4), completely allotting to those lots the subdivider's share or shares in the lands which are contiguous to the existing parcel.

**TRANSPORTATION ACT:**

Section 52 (3) of the Transportation Act states that a zoning bylaw of a municipality or regional district does not apply to a controlled area unless the bylaw has been approved in writing by the minister or any person designated in writing by the minister before its adoption.

**REFERRAL COMMENTS:**

The application was referred for comments to the following:

**1. Ministry of Transportation and Infrastructure**

Preliminary Approval is granted for the rezoning for one year pursuant to section 52(3)(a) of the Transportation Act. Please forward a copy of the bylaw for endorsement after third reading.

**2. Ministry of Environment**

**3. Building Inspection Department**

**4. BC Hydro**

The proposed access design cannot be approved without a full technical review by BC Hydro transmission personnel upon receipt of construction drawings. Pole locations with measurements must be included in the construction drawings. Note that the "proposed driveway" in the site plan of EPP138957 – at the location of the Common Lot 4 - was not previously approved as BC Hydro's engineers required soil resistivity testing from the owner, as well as a detailed design drawing of the proposed driveway construction. Also note further that any other services for the three new lots (such as gas, electrical service, fibre, etc.) within Common Lot 4 will also require technical review by transmission staff prior to installation. The owner should be aware that a transmission compatible use review can take approximately 12-16 weeks. If the Common Lot 4 access is approved, BC Hydro will require a blanket statutory right of way for distribution works in order to service the three new lots – on current Lot B Plan EPP138957 prior to subdivision registration.

**5. RDNO Community Services Department**

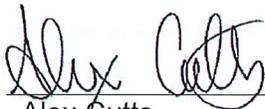
**6. RDNO Parks Department**

**7. RDNO Rural Services**

**8. RDNO Protective Services**

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Submitted by:



Alex Cutts  
Planner

Reviewed by:



Greg Routley  
Planning Manager

Endorsed by:



Rob Smalles, RPP, MCIP  
General Manager, Planning and Building

Approved for Inclusion:



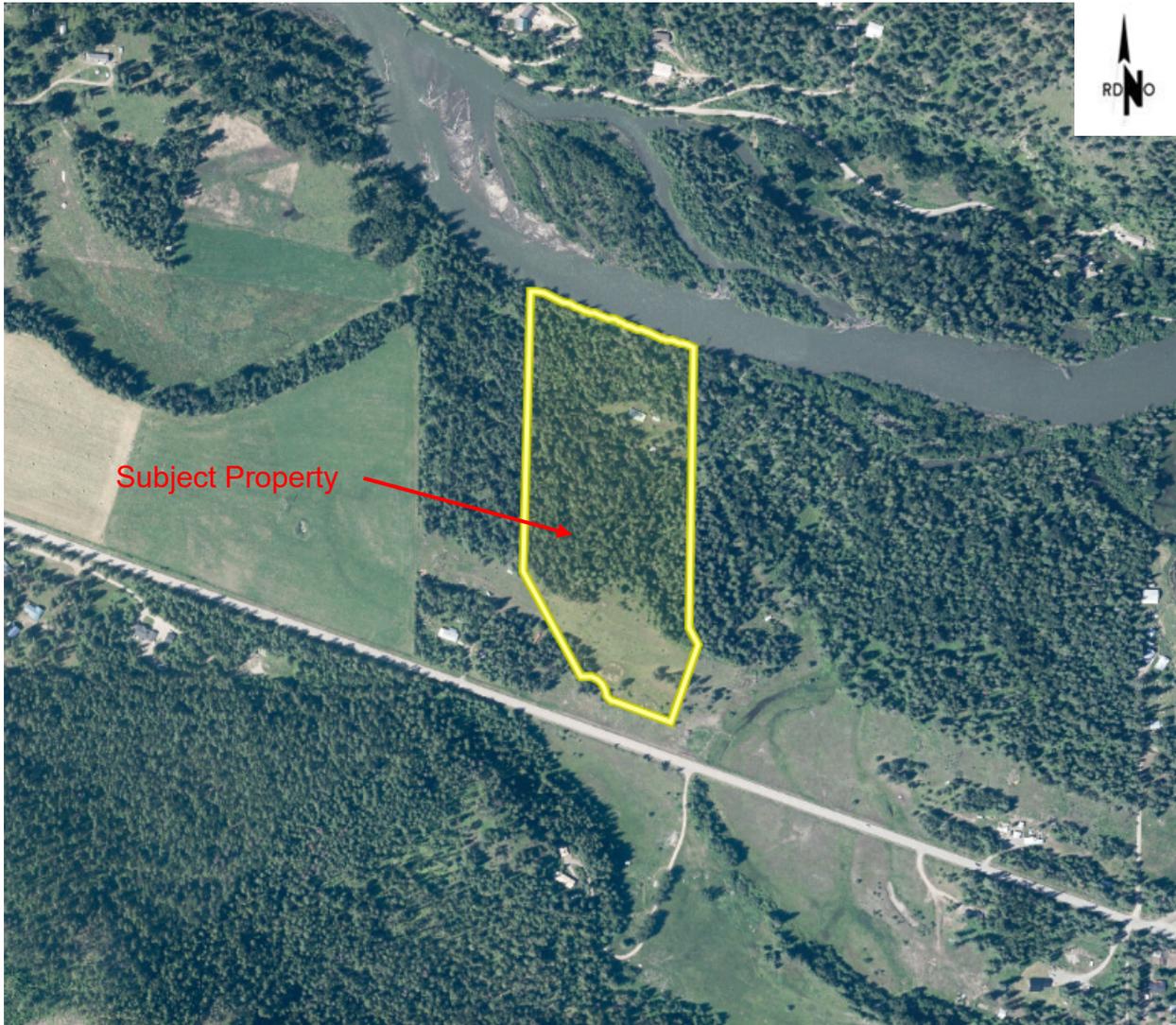
David Sewell  
Chief Administrative Officer



# SUBJECT PROPERTY MAP REZONING 2022 ORTHOPHOTO

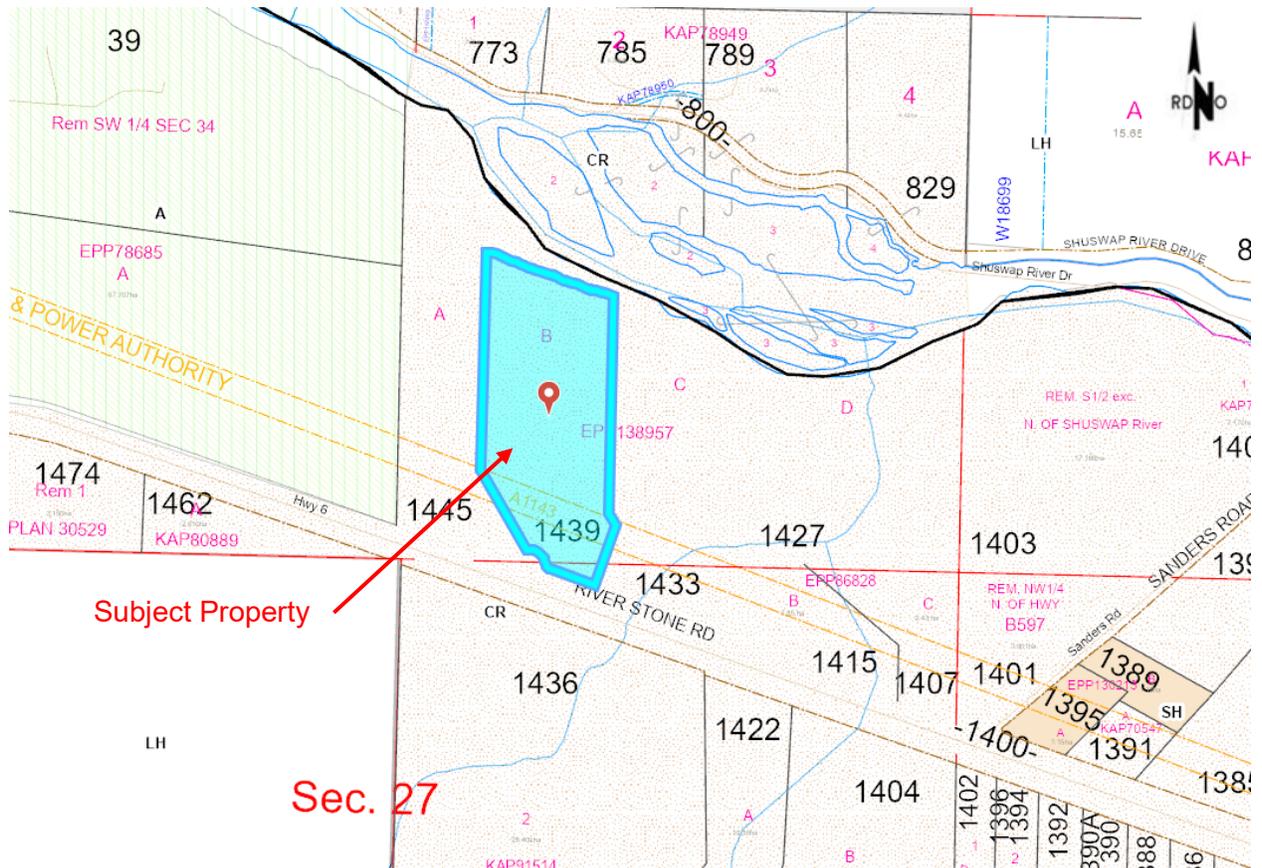
File: 25-1016-E-RZ  
Location: 1439 River Stone Road

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# SUBJECT PROPERTY MAP REZONING OCP DESIGNATION MAP

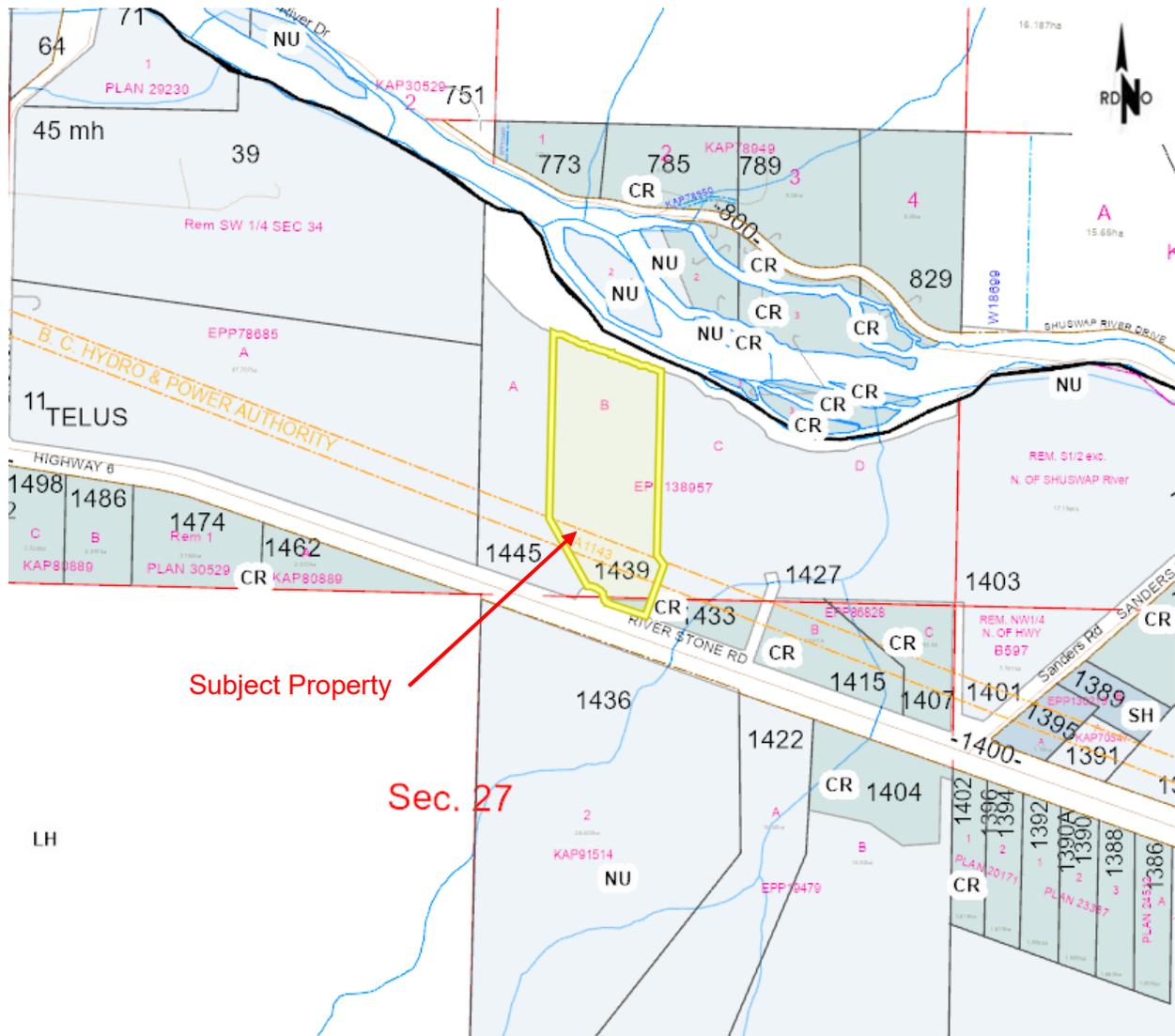
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Location: 1439 River Stone Road



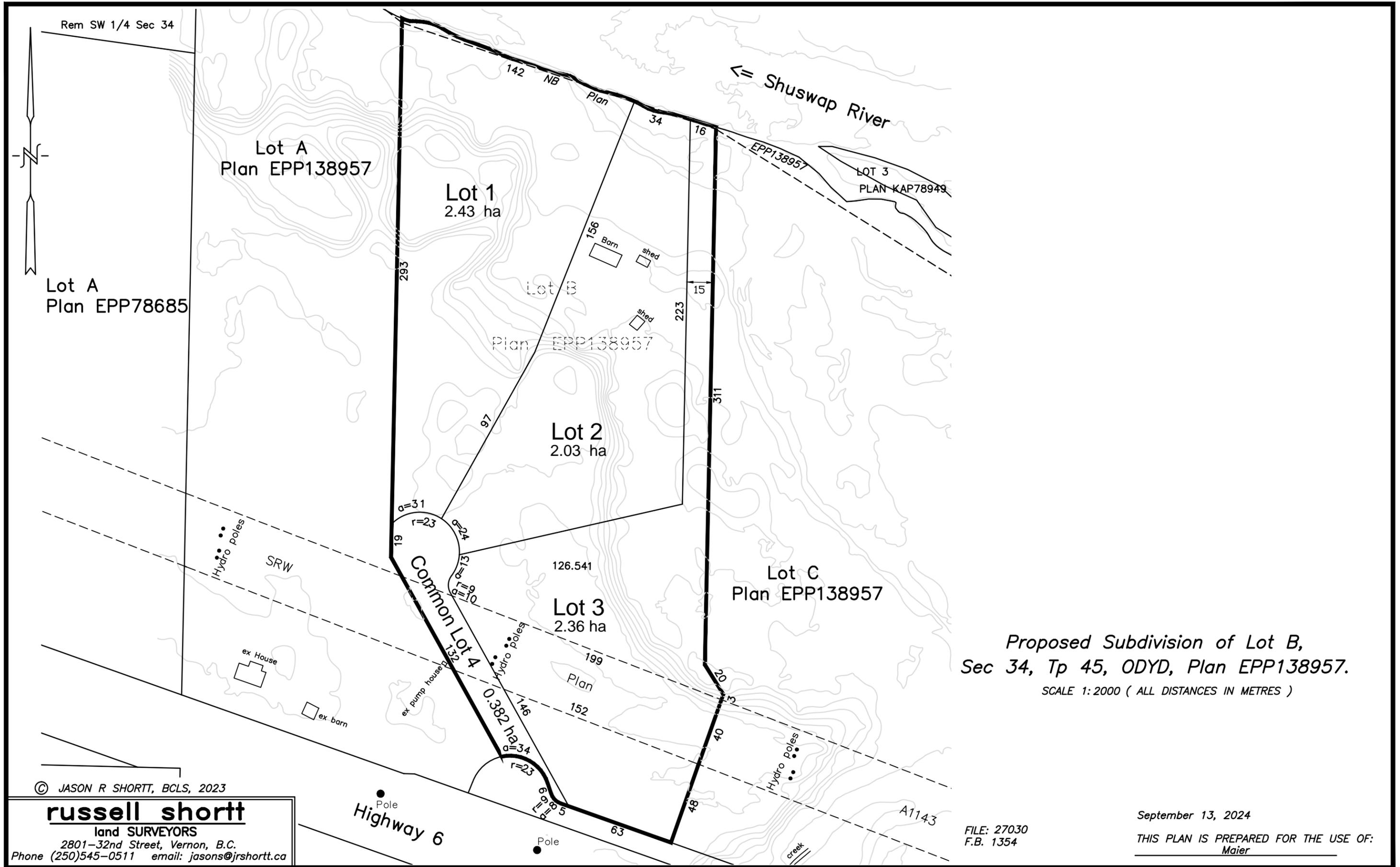
**CR - Country Residential**  
**A - Agricultural**  
**LH - Large Holding**  
**SH - Small Holding**

# SUBJECT PROPERTY MAP REZONING ZONING MAP

**File:** 25-1016-E-RZ  
**Location:** 1439 River Stone Road



**CR - Country Residential**  
**NU - Non-Urban**  
**LH - Large Holding**  
**SH - Small Holding**



*Proposed Subdivision of Lot B,  
 Sec 34, Tp 45, ODYD, Plan EPP138957.  
 SCALE 1:2000 ( ALL DISTANCES IN METRES )*

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**russell shortt**  
 land SURVEYORS  
 2801-32nd Street, Vernon, B.C.  
 Phone (250)545-0511 email: jasons@jrshortt.ca

FILE: 27030  
 F.B. 1354

September 13, 2024  
 THIS PLAN IS PREPARED FOR THE USE OF:  
 Maier

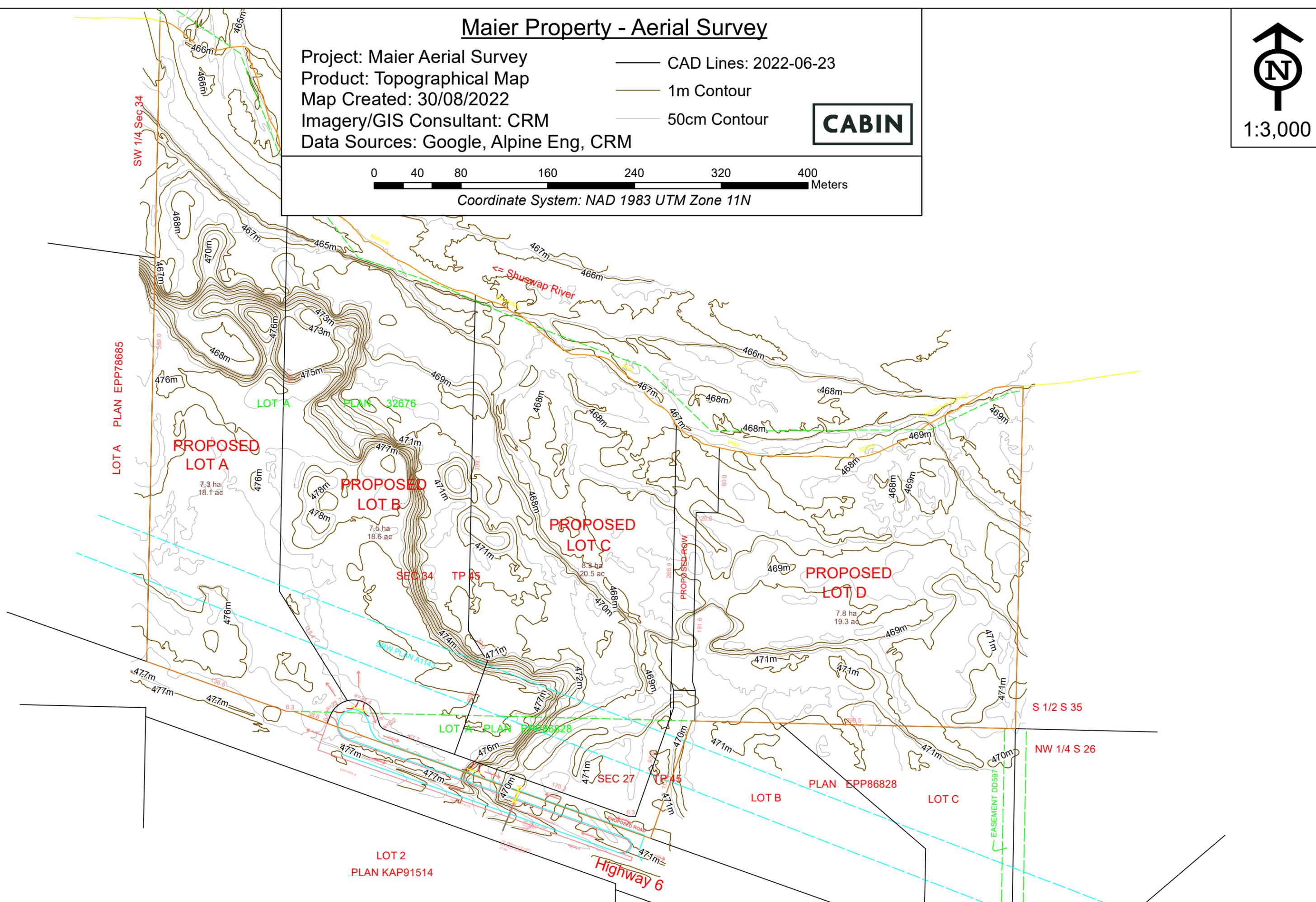
# Maier Property - Aerial Survey

Project: Maier Aerial Survey  
Product: Topographical Map  
Map Created: 30/08/2022  
Imagery/GIS Consultant: CRM  
Data Sources: Google, Alpine Eng, CRM

— CAD Lines: 2022-06-23  
— 1m Contour  
— 50cm Contour



Coordinate System: NAD 1983 UTM Zone 11N



# REGIONAL DISTRICT OF NORTH OKANAGAN

## BYLAW No. 3065

A bylaw to rezone lands and amend the Zoning Map attached to the Regional District of North Okanagan Zoning Bylaw No. 3000, 2023 to change a zone designation.

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**WHEREAS** pursuant to Section 479 [Zoning bylaws] of the *Local Government Act*, the Board of the Regional District of North Okanagan may, by Bylaw, divide the whole or part of the Regional District into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

**AND WHEREAS** the Board has created zones, named each zone, established boundaries for these zones and regulated uses within those zones by Bylaw No. 3000, being the "*Regional District of North Okanagan Zoning Bylaw No. 3000, 2023*" as amended;

**AND WHEREAS**, pursuant to Section 460 [*Development approval procedures*] of the *Local Government Act*, the Board must, by bylaw, define procedures under which an owner of land may apply for an amendment to a Zoning Bylaw and must consider every application for an amendment to the bylaw;

**AND WHEREAS** the Board has enacted the "*Regional District of North Okanagan Development Application Procedures and Administrative Fees Bylaw No. 2677, 2018*" as amended to establish procedures to amend an Official Community Plan, a Zoning Bylaw, or a Rural Land Use Bylaw, or to issue a Permit:

**AND WHEREAS** the Board has received an application to rezone property;

**NOW THEREFORE**, the Board of the Regional District of North Okanagan in open meeting assembled, hereby **ENACTS AS FOLLOWS**:

1. This Bylaw may be cited as "**Zoning Amendment Bylaw No. 3065, 2026**".
2. The zoning of the property legally described as Lot B, Secs 27 & 34, Twp 45, ODYD, Plan EPP138957 and located at 1439 River Stone Road, Electoral Area "E" is hereby changed on Schedule "A" of the *Regional District of North Okanagan Zoning Bylaw No. 3000, 2023* from the **Non-Urban (N.U)** zone to the **Country Residential (C.R)** zone

Advertised on	this	day of	, 2026
	this	day of	, 2026
<b>Read a First, Second and Third Time</b>	this	day of	, 2026
Approved by Minister of Transportation and Transit (Transportation Act s. 52(3))	this	day of	, 2026

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**ADOPTED**

this

day of

, 2026

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Chair  
Shirley Fowler

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Corporate Officer  
Ashley Bevan