

REGIONAL DISTRICT OF NORTH OKANAGAN

Extract from the Minutes of a Meeting of the

Board of Directors

Held on

Wednesday, February 18, 2026

Legal Document Request

DICK, P. c/o SHORTT, J. [File No. 24-0617-B-LD]

425 Highridge Road, Electoral Area "B"

Moved and seconded

That Covenant KW5197 registered on the title of the property legally described as Lot 3, Sec 5, Twp 9, ODYD, Plan KAP80583 and located at 425 Highridge Road, Electoral Area "B", be modified by extending the restricted building site on the property to include the accessory buildings located to the west of the existing restricted building site (identified as 20x20 Concrete Block Pad and 8x16 Wood Shed on the air photo attached to the February 5, 2026 agenda package); and further,

That the existing land alterations outside of the modified restricted building site, including the landscaping and gravel trails shown on the air photo attached to the agenda, be authorized.

CARRIED



-SEA CONT
8x16 wood shed

20x20
Concrete Block
PAD

WATER LINE LOT
3+4

AREA
To Be
Re seed

WATER
Pump

WATER
LINE
NEW
LOT

Highway Rd

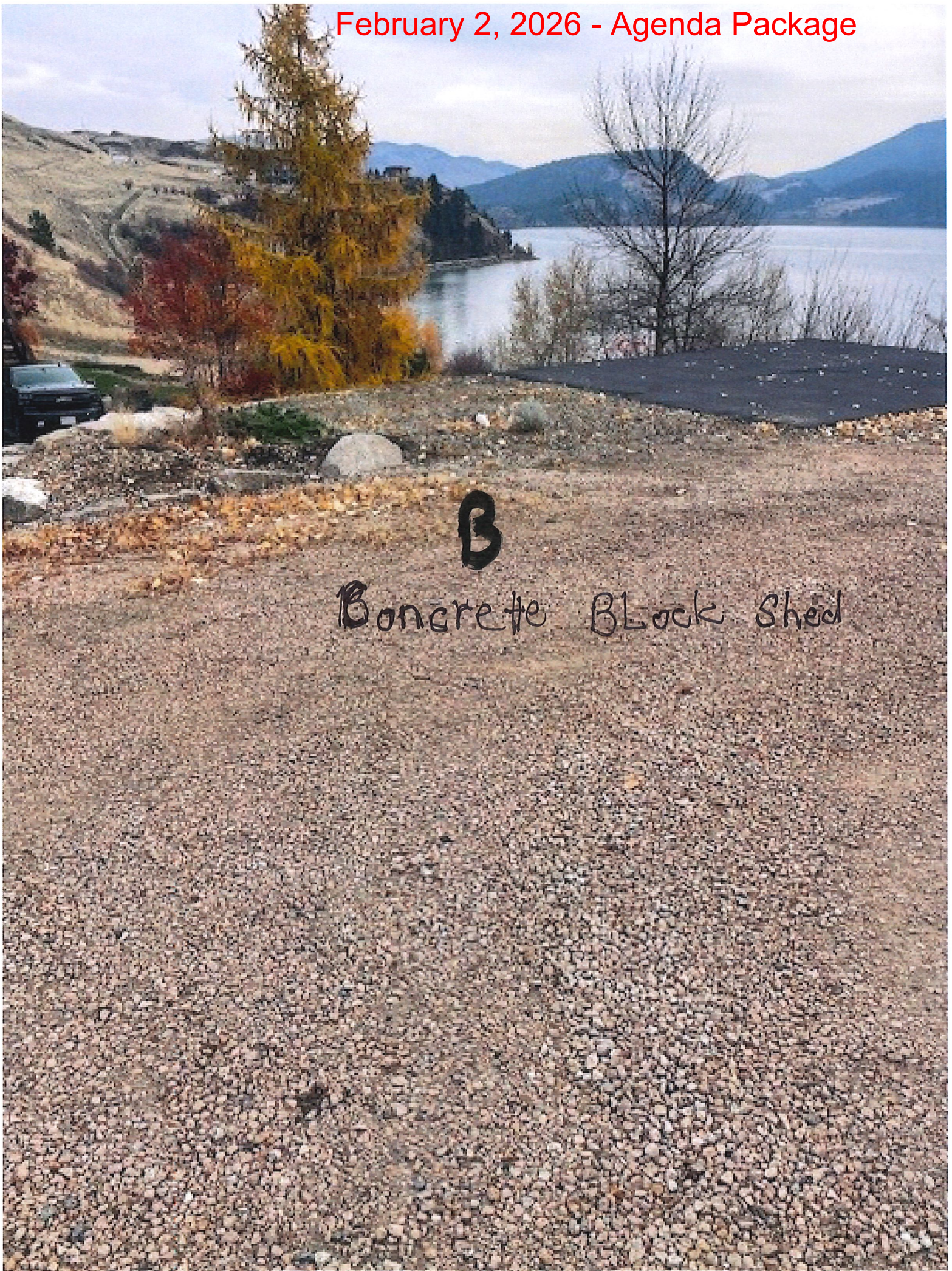
HWY 97

HWY 97

February 2, 2026 - Agenda Package

10' x 16' shed



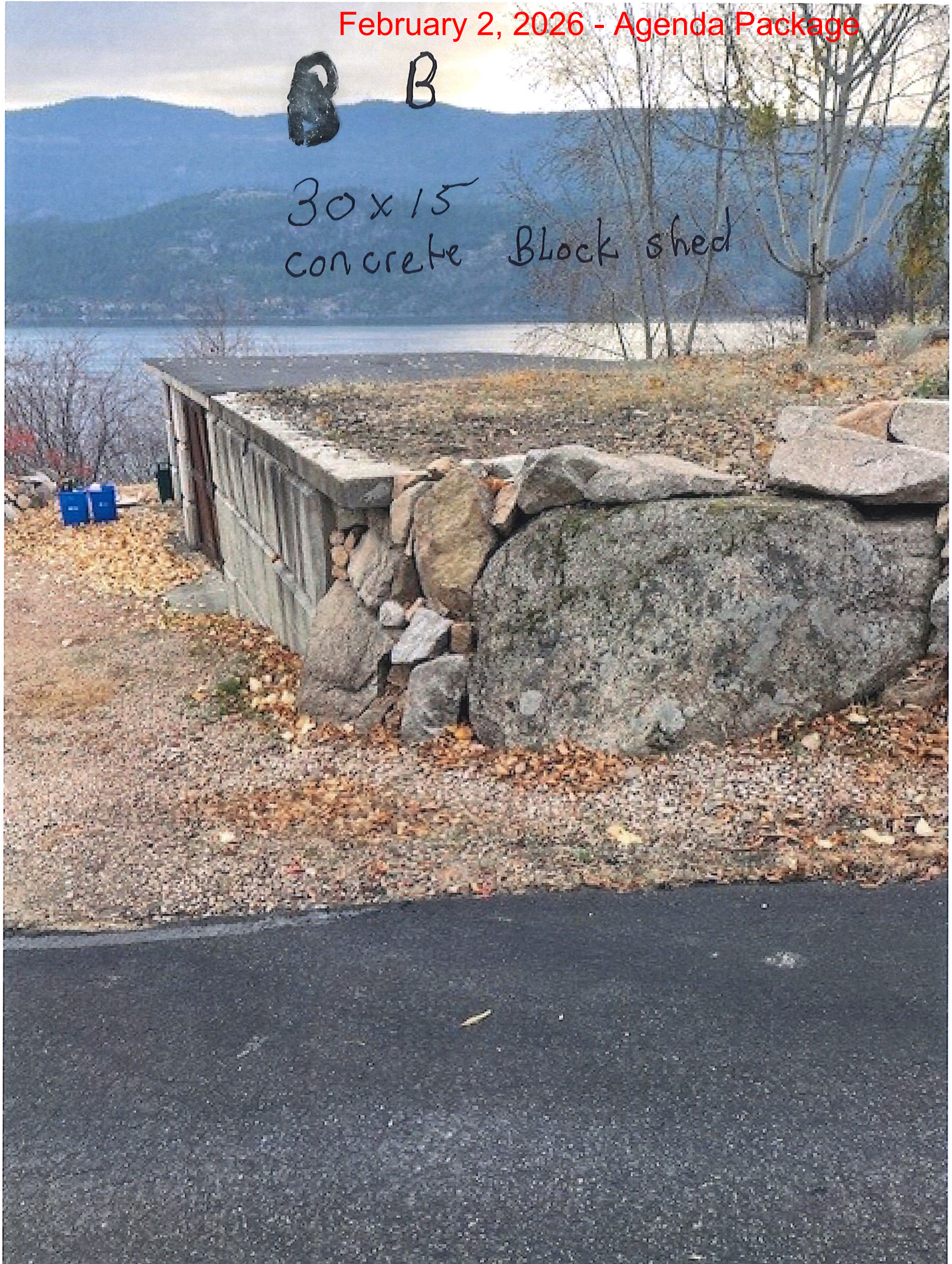


B

Concrete Block Shed

B B

30 x 15
concrete block shed

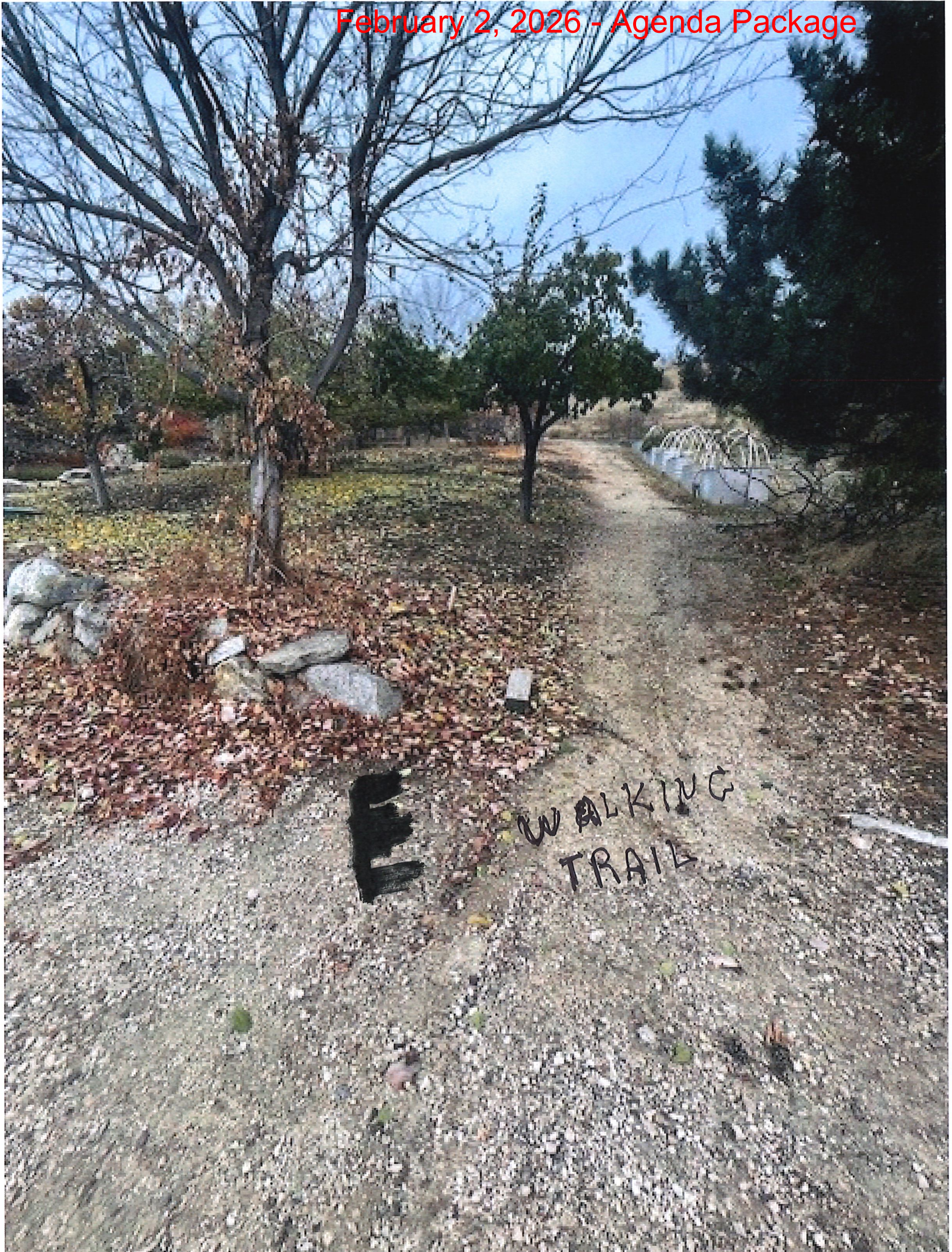


D

→ OLD SWING SET

→ WATER LINE NEW LOT





E

WALKING
TRAIL

G



REGIONAL DISTRICT OF NORTH OKANAGAN

Extract from the Minutes of a Meeting of the

Board of Directors

Held on

Wednesday, October 15, 2025

Legal Document Request

**DICK, P. c/o SHORTT, J. [File No. 24-0617-B-LD]
425 Highridge Road, Electoral Area "B"**

Moved and seconded

That the request to modify Covenant No. KW5195 associated with the property legally described as Lot 3, Sec 5, Twp 9, ODYD, Plan KAP80583 and located at 425 Highridge Road, Electoral Area "B" to potentially allow the property to be subdivided into two lots be forwarded to a Public Hearing.

CARRIED

Moved and seconded

That the Public Hearing for Covenant No. KW5195 be delegated to the Electoral Area Advisory Committee under Section 231 of the Local Government Act.

CARRIED



REGIONAL
DISTRICT
NORTH
OKANAGAN

STAFF REPORT

TO: Board of Directors

FROM: Planning Department

SUBJECT: Legal Document Request - 425 Highridge Road

File No: 24-0617-B-LD

Date: October 1, 2025

RECOMMENDATION:

That the request to modify Covenant No. KW5195 associated with the property legally described as Lot 3, Sec 5, Twp 9, ODYD, Plan KAP80583 and located at 425 Highridge Road, Electoral Area "B" to potentially allow the property to be subdivided into two lots be forwarded to a Public Hearing.

BACKGROUND:

This report relates to a legal document request from the owner of the property located at 425 Highridge Road. The owner has requested the Regional District's authorization to modify a restrictive covenant registered on the title of the property to potentially allow the property to be subdivided into two lots pursuant to Section 514 of the *Local Government Act* (subdivision to provide a residence for a relative).

The request was considered by the Board of Directors at the Regular Meeting held on January 22, 2025, and the Board resolved to support it in principle. The Board also resolved that the Public Hearing for the request to modify the covenant be withheld until the applicant has provided:

1. confirmation from both the Province and the Regional District that the subject property has been or will be issued two water licences which meet the water quantity requirements of the Subdivision Servicing Bylaw No. 2600 and that a utility crossing has been approved for the proposed water service across the Okanagan Rail Trail; or the applicant has provided a water supply study which takes into consideration the potential to service the proposed new lot and the impact it could have on the water supply in the area;
2. confirmation from a qualified professional that the proposed new lot would have an area that is adequate for on-site sewage disposal meeting the requirements of Subdivision Servicing Bylaw No. 2600 and a building site meeting the requirements of the Zoning Bylaw No. 3000;
3. the applicant has provided a report prepared by a professional engineer who has:
 - a. reviewed the proposed development and the physical characteristics of the property;
 - b. provided recommendations, if any, regarding the protection of the proposed development from hazards associated with steep slopes or terrain instability; and
 - c. has confirmed that the proposed new lot would be safe for the use intended.

The Board further resolved that as a condition prior to the covenant being modified, the applicant must:

1. obtain the Board of Directors' approval to modify Covenant KW5197 for all or a portion of the development and land alterations that have occurred outside of the restricted building site identified in the covenant; and

2. register a covenant on the title of the subject property to state that it may not be subdivided as proposed unless the existing easement on the subject property, which provides legal access to the property to the west, is amended to reflect the proposed new shared driveway location.

DISCUSSION:

Water Service

In follow up to the Board's resolution, the applicant has provided a letter from the Province dated February 1, 2025. The letter acknowledges the receipt of an application for a domestic water licence to supply the proposed new lot. The letter states that the Province supports the application but cannot commit to any decision regarding the granting of a water licence until a technical review of the application has been completed and the subdivision has been completed. The letter further states that the Comptroller or Regional Water Manager has not refused any previous domestic water licence applications on Kalamalka Lake not already serviced by a water purveyor.

The applicant has also provided an Okanagan Rail Trail Utility Crossing Agreement that was approved on February 14, 2025. The Agreement allows a water supply line associated with the above noted water licence to cross the Okanagan Rail Trail.

In regards to the Board's resolution, the condition states for the applicant to provide "...confirmation from both the Province and the Regional District that the subject property has been or will be issued two water licences...". While the information provided from the Province does not specifically state that the property will be issued an additional water licence, the Province has indicated that they are unable to provide the confirmation that has been requested until the subdivision takes place but has provided a reasonable level of certainty that a water licence will likely be issued. Should the application progress, further information will be required in order to meet the requirements of the Subdivision Servicing Bylaw and Building Bylaw related to proof water. As such, for the purposes of the Board's resolution, staff suggest the information provided is sufficient. However, should the Board wish to require greater assurances related to proof of water, the Board could require a covenant to be registered on title which would prohibit subdivision or construction of a dwelling until a water licence has been issued by the Province.

On-site Sewage Disposal

In follow up to the Board's resolution, the applicant has provided a letter dated March 12, 2025 from Taber's Services Ltd. The letter concludes that there is sufficient area ($\pm 381 \text{ m}^2$) on the proposed new lot to accommodate Type 1 primary and secondary onsite wastewater distribution field systems.

Property Safe for Use Intended

In follow-up to the Board's resolution, the applicant has provided a report from Valley Geotechnical dated September 9, 2025. The report confirms that the subject site is safe for the use intended. The report contains recommendations related to site preparation, excavation, radon protection and drainage, all of which are industry standards that can be addressed at the building construction stage.

Conclusion

As the conditions of the Board have been substantially met, the request to modify Covenant No. KW5195 associated with the subject property can now be forwarded to a Public Hearing.

Report to: Board of Directors
From: Planning Department
Re: Legal Document Request – 425 Highridge Road

File No.: 24-0617-B-LD
Date: October 1, 2025
Page 3 of 3

Submitted by:



Jennifer Miles, RPP, MCIP
Planner II

Reviewed by:



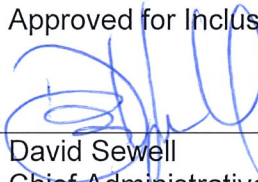
Greg Routley
Planning Manager

Endorsed by:



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

Approved for Inclusion:



David Sewell
Chief Administrative Officer

REGIONAL DISTRICT OF NORTH OKANAGAN

Extract from the Minutes of a Meeting of the

Board of Directors

Held on

Wednesday, January 22, 2025

Legal Document Request

DICK, P. c/o SHORTT, J. [File No. 24-0617-B-LD]

425 Highridge Road, Electoral Area "B"

Moved and seconded

That the request to modify Covenant No. KW5195 associated with the property legally described as Lot 3, Sec 5, Twp 9, ODYD, Plan KAP80583 and located at 425 Highridge Road, Electoral Area "B" to potentially allow the property to be subdivided into one new lot, be supported in principle; and further,

That the Public Hearing for the request to modify the covenant be withheld until the applicant has provided:

1. confirmation from both the Province and the Regional District that the subject property has been or will be issued two water licences which meet the water quantity requirements of the Subdivision Servicing Bylaw No. 2600 and that a utility crossing has been approved for the proposed water service across the Okanagan Rail Trail; or the applicant has provided a water supply study which takes into consideration the potential to service the proposed new lot and the impact it could have on the water supply in the area;
2. confirmation from a qualified professional that the proposed new lot would have an area that is adequate for on-site sewage disposal meeting the requirements of Subdivision Servicing Bylaw No. 2600 and a building site meeting the requirements of the Zoning Bylaw No. 3000;
3. the applicant has provided a report prepared by a professional engineer who has:
 - a. reviewed the proposed development and the physical characteristics of the property;
 - b. provided recommendations, if any, regarding the protection of the proposed development from hazards associated with steep slopes or terrain instability; and
 - c. has confirmed that the proposed new lot would be safe for the use intended; and further,

That as a condition prior to the covenant being modified, the applicant must:

1. obtain the Board of Directors' approval to modify Covenant KW5197 for all or a portion of the development and land alterations that have occurred outside of the restricted building site identified in the covenant; and
2. register a covenant on the title of the subject property to state that it may not be subdivided as proposed unless the existing easement on the subject property, which provides legal access to the property to the west, is amended to reflect the proposed new shared driveway location.

CARRIED



PLANNING DEPARTMENT INFORMATION REPORT

LEGAL DOCUMENT REQUEST

DATE:	December 9, 2024
FILE NO.:	24-0617-B-LD
OWNER/APPLICANT:	Paul Dick c/o Jason R. Shortt
LEGAL DESCRIPTION:	Lot 3, Sec 5, Twp 9, ODYD, Plan KAP80583
P.I.D.#:	026-623-650
CIVIC ADDRESS:	425 Highridge Road
PROPERTY SIZE:	3.34 ha
SERVICING:	Water license (Kalamalka Lake) and on-site sewage disposal
PRESENT ZONING:	Country Residential (C.R)
O.C.P. DESIGNATION:	Country Residential
PROPOSAL:	Request to modify a restrictive covenant to potentially allow the property to be subdivided into one new lot pursuant to Section 514 of the <i>LGA</i> (subdivision to provide a residence for a relative)

PLANNING DEPARTMENT RECOMMENDATION:

That the request to modify Covenant No. KW5195, associated with the property legally described as Lot 3, Sec 5, Twp 9, ODYD, Plan KAP80583 and located at 425 Highridge Road, Electoral Area "B", to potentially allow the property to be subdivided into one new lot, not be authorized.

SUMMARY:

The owner of the property located at 425 Highridge Road has requested the Regional District's authorization to modify a restrictive covenant registered on the title of the property to potentially allow the property to be subdivided into one new lot pursuant to Section 514 of the *Local Government Act* (subdivision to provide a residence for a relative). The Planning Department recommends that the proposal not be supported as it represents a rural residential land use that is not consistent with the land use designation of the subject and surrounding properties as it would create a lot which is less than 2 ha in size. Should the Board wish to modify the covenant to permit the proposed subdivision, an alternative recommendation, including rationale and recommended conditions of approval, has been provided.

BACKGROUND:

Site Context

The 3.34 ha subject property is located on the south side of Highridge Road. It is located between Highway 97 and Kalamaka Lake. The property slopes downward from Highridge Road to the Okanagan Rail Trail which borders the southeast side of the lot. The property currently contains a single family dwelling and a detached garage. The dwelling is serviced with an onsite septic system and water intake from Kalamaka Lake. Two accessory buildings are also located near the southeast corner of the subject property. A driveway connects the buildings to Highridge Road. An easement is registered over a portion of the driveway to allow it to be used to gain access to the adjacent property to the southwest.

Portions of the subject property outside of the existing approved building site are being used for parking, landscaping, buildings, and outdoor storage. This includes landscaping surrounding the building site, driveway, and accessory buildings. An outdoor storage area has also been developed near Highridge Road. Storage containers are located within this area. The applicant advises that this area still contains asphalt from the old highway bed.

The property is outside of the Agricultural Land Reserve (ALR), is designated Country Residential in the Official Community Plan (OCP) and is zoned Country Residential (C.R). Adjoining and adjacent properties to the north (across Highway 97), west, and east are outside of the ALR, designated Country Residential and zoned Country Residential (C.R). Highway 97 to the north of the property and the Okanagan Rail Trail to the south are designated Transportation Corridor in the OCP. The attached orthophoto was taken in 2022.

The Proposal

The owner of the subject property has requested the Regional District's authorization to modify Covenant No. KW5195 to potentially allow the property to be subdivided into one new lot pursuant to Section 514 of the *Local Government Act* (subdivision to provide a residence for a relative). Covenant No. KW5195 is registered on the title of the subject property and prohibits further subdivision of the property.

The proposed remainder lot (Lot A) would be 2.34 ha in size and would contain the existing buildings, septic field and water licence. The lot would be accessed by a portion of the existing driveway which would connect to Highridge Road via a new section of driveway. The applicant has indicated that easements would be modified in relation to the proposed realigned driveways.

The proposed new lot (Lot B) would be 1.0 ha in size, would be vacant and would be serviced with a new septic field and new water intake from Kalamaka Lake. The applicant has submitted an application to the Province for an additional water licence to draw water from Kalamaka Lake for the additional lot. The new intake would require a crossing agreement for the Okanagan Rail Trail. The applicant has indicated a 2000 m² building site area could be provided on the north side of the proposed new lot in order to meet the building site requirements of the Zoning Bylaw. The proposed new lot would be accessed from Highridge Road via the existing driveway.

Application History

At the Regular Meeting held on October 7, 2003, the Board of Directors approved an application to change the Official Community Plan (OCP) designation and the zoning of the parent property of the subject property from Large Holding to Country Residential. Through the application approval process and before the OCP and zoning amendment bylaws were prepared, the applicant reduced the number of proposed lots from 5 to 4 and offered a restrictive covenant prohibiting further subdivision of the proposed 4 lots. The reason for the offer of the covenant was to avoid the requirement to install a community water system in accordance with RDNO Subdivision Servicing Bylaw of the time which required that such a system be provided for subdivisions of 5 lots or greater. As a condition of approving the rezoning, Restrictive Covenant KW5195 was registered on the title of the subject property.

Another condition of approving the rezoning was that the applicant register a covenant on the title of the parent property to provide for the protection of the natural environment. To satisfy this condition, Covenant KW5197 was registered on the title of the property which states the following:

1. No building, structure or improvement of any kind including swimming pools, recreational facilities and fences shall be constructed, reconstructed, moved, extended or located on any portion of the property except within the boundaries of a 2000 m² building site, except as may be required for the purposes of road and driveway construction, gateway construction and installation of domestic utilities and restorative landscaping.
2. The lands outside of the building site shall be left in a natural state and undisturbed save and except as may be required for purposes of road and driveway construction, gateway construction and installation of domestic utilities and restorative landscaping.

In 2005, a Development Permit (DP) was issued as a condition of the 4 lot subdivision which created the subject property. The OCP in effect at the time identified the subject property as being within a Development Permit Area for Protection of Environmentally Sensitive Areas. The approved DP includes map schedules depicting the approved 2000 m² building sites and an Environmental Protection Zone. Conditions associated with the DP specify that:

1. There shall be no soil deposit or removal, or construction activity of any kind permitted outside of the building site and sewage disposal field and designated area for driveways except as required for utility connections, parking areas and water lines;
2. All buildings and structures, fences, hedges and swimming pools shall be confined to the building site which shall be confirmed by a survey certificate;
3. The construction of buildings or structures or the installation of utility works, fences, posts or works of any kind or the cutting or removal of vegetation or the deposition of soil materials or debris of any kind or the planting of grasses, shrubs or trees of any kind shall not be permitted within the area designated as Environmental Protection Zone.

As a condition of approval of the above noted DP and the four lot subdivision (which was approved in March 2006), Covenant LA35539 was required to be registered on the title of the four lots to identify the 2000 m² building sites by way of a Plan prepared by a BC Land Surveyor.

In 2010, the owner of 415 High Ridge Road submitted a request to modify Covenant No. KW5195 to allow the property to be subdivided to create one new lot. In 2011, the owner submitted a corresponding Development Variance Permit to vary the Subdivision Servicing Bylaw of the time which required a community water system for all subdivisions of five lots or more. In 2012, the Board of Directors approved the Development Variance Permit and authorized the modification of Covenant No. KW5195. The subdivision was registered in 2013.

In 2020, the owner of the subject property submitted a request to modify Covenants No. KW5197 and LA35539 associated with the above-described property. The Planning Department recommended that the application not be supported as the existing and proposed land disturbances on the subject property exceed that which has been previously approved for other properties in the area and approval of the requested increase to the size and number of restricted building sites could appear to set a precedent that would lead other property owners to believe that lands can be developed outside of the restricted building sites that are located within environmentally sensitive areas, effectively negating the purpose of the covenants.

After considering the request, the Board resolved to support modifications to permit:

1. the expansion of the existing designated building site to legalize buildings and land disturbances in areas outside of the existing building site excluding paved driveways and areas landscaped with grass, shrubs and trees; and
2. the designation of a second building site to permit the construction of a new accessory residential building

subject to the expanded and new building sites not exceeding a combined total area of 3340 m² which would amount to 10% of the area of the property.

The Board also resolved that the Public Hearing for the request be withheld until the applicant provided a site plan prepared by a BC Land Surveyor which shows the location of the proposed new and expanded building sites and the existing and proposed driveways. The Board also resolved that as a condition of modifying the covenants, the applicant must:

1. return the disturbed areas, excluding paved driveways and areas landscaped with native grass, shrubs and trees, to pre-disturbance conditions under the supervision of a QEP;
2. receive approval of an Environmentally Sensitive Areas Development Permit;
3. amend the existing easement on the subject property which provides legal access to the property to the west to reflect the new driveway location.

The application did not provide information to confirm the conditions of the Board were met and a Public Hearing did not take place. The applicant has been closed due to inactivity.

PLANNING ANALYSIS:

The Planning Department recommends that the proposal not be supported as the proposed subdivision is not consistent with the land use designation of the subject and surrounding properties in that it would create a lot which is less than 2 ha in size. The Country Residential land use designation of the subject and surrounding properties requires a 2 ha minimum lot size, whereas the proposal would create a lot which is 1 ha in size, which is consistent with the Small Holdings land use designation. The OCP rural lands objectives state: "The general attitude in Electoral Areas "B" and "C" is that the minimum parcel size required for maintaining the rural character and setting of the area should be 2.0 ha, Country Residential."

While the proposal would be permitted under the Zoning Bylaw regulations related to the subdivision of properties under Section 514 of the *Local Government Act* (residence for a relative), Covenant No. KW5195 was registered on the title of the parent property as a condition of rezoning the property to restrict its further subdivision. The rezoning of the property to the Country Residential zone did not contemplate additional lots or density within the area. This includes additional lots created in accordance with Section 514.

Approval of the subject application may set a precedence and a perception that subdivision of lots which are less than 2 ha is permitted within the gateway corridor of Electoral Area "B". This could create additional pressures for densification in an area which is limited in its servicing abilities (both water and septic), has steep slopes and environmental sensitivities and is an important corridor visually from the highway and Kalamalka Lake. The OCP does not designate any properties as Small Holdings or support its land use designations or zoning in this area.

The Planning Department also did not support the previous application for the subject property as the existing and proposed land disturbances on the subject property exceed that which has been previously approved for other properties in the area and approval of the requested increase to the size and number of restricted building sites could appear to set a precedent that would lead other property owners to believe that lands can be developed outside of the restricted building sites that are located within environmentally sensitive areas, effectively negating the purpose of the covenants. This rationale to not support the proposal also relates to the subject application.

Further, information has not been provided to confirm if the proposal would otherwise comply with the Rural Land Policies. Should the Board of Directors wish to consider supporting the applicant's request either in whole or in part, the Planning Department provides the following Alternative Recommendation and rationale which takes into consideration additional information which would be required to consider these policies.

ALTERNATIVE RECOMMENDATION:

That the Board of Directors support in principle the request to modify Covenant No. KW5195 associated with the property legally described as Lot 3, Sec 5, Twp 9, ODYD, Plan KAP80583 and located at 425 Highridge Road, Electoral Area "B" to potentially allow the property to be subdivided into one new lot; and further,

That the Public Hearing for the request to modify the covenant be withheld until the applicant has provided:

1. confirmation from both the Province and the Regional District that the subject property has been issued two water licences which meet the water quantity requirements of the Subdivision Servicing Bylaw No. 2600 and that a utility crossing has been approved for the proposed water service across the Okanagan Rail Trail; or the applicant has provided a water supply study which takes into consideration the potential to service the proposed new lot and the impact it could have on the water supply in the area;
2. confirmation that the proposed new lot would have an area that is adequate for on-site sewage disposal meeting the requirements of Subdivision Servicing Bylaw No. 2600 and a building site meeting the requirements of the Zoning Bylaw No. 3000;
3. the applicant has provided a report prepared by a professional engineer who has:
 - a. reviewed the proposed development and the physical characteristics of the property;
 - b. provided recommendations, if any, regarding the protection of the proposed development from hazards associated with steep slopes or terrain instability; and
 - c. has confirmed that the proposed new lot would be safe for the use intended; and further,

That as a condition prior to the covenant being modified, the applicant must:

1. obtain the Board of Directors' approval to modify Covenant KW5197 for all or a portion of the development and land alterations that have occurred outside of the restricted building site identified in the covenant; and
2. amend the existing easement on the subject property which provides legal access to the property to the west to reflect the proposed new shared driveway location.

Rationale for Alternative Recommendation:

As detailed above, Covenant No. KW5195 was registered as the subject property was not serviced in accordance with the requirements of the Subdivision Servicing Bylaw of the day which required that the property be serviced by a community water system. The current Subdivision Servicing Bylaw no longer contains this requirement, and so if the applicant can obtain a new water licence as proposed or an alternative appropriate water source, the proposed subdivision would be compliant with the current requirements of the Subdivision Servicing Bylaw.

Even though the proposal is not a rezoning application, the effect of the discharge of the covenant is an increase in density in the area, and therefore, staff have reviewed the merits of this proposal based on that premise. In this regard, it is acknowledged that the proposal may comply with the Rural Land Policies in that the proposed lots would:

- be outside the Agricultural Land Reserve;
- have the potential to accommodate suitable building sites and private driveways meeting the standards of the Zoning Bylaw;
- not require excessive expenditures for community services;
- not impact natural features such as wildlife zones, seasonal drainage courses and sensitive areas which are currently protected by the covenant and Development Permit registered on the title of the property and are indicated as being located between the existing covenant building site area and proposed building site. An Environmentally Sensitive Areas Development Permit will also be required prior to subdivision of the property in accordance with the current OCP guidelines;
- not affect land within 30 m of the natural boundary of Kalamalka Lake in accordance with the Provincial Riparian Area Protection Regulation.

To comply with other Rural Land Policies, should the Board wish to support the proposal in principle, staff recommend confirmation be provided from the Province and the Regional District that the property has been issued two water licences which meet the water quantity requirements of the Subdivision Servicing Bylaw and that a utility crossing has been approved for proposed water service across the Okanagan Rail Trail. Alternatively, the applicant could provide a water supply study which takes into consideration the potential to service the proposed new lot and the impact it could have on the water supply in the area.

Additional information is required to determine if the proposal complies with the Rural Land Policies which state that the proposed lots should contain suitable sewage disposal areas and not be subject to terrain instability. Staff recommend that a study be prepared by a Professional Engineer to evaluate the subject property and provide recommendations for potential on-site septic sewage disposal for the proposed subdivision. Staff note the Subdivision Servicing Bylaw requires written confirmation from the authority having jurisdiction that their requirements with regard to onsite sewage disposal have been satisfied for lots which are less than 2 ha in size to

be provided at the time of subdivision. As the proposed new lot would be 1 ha in size, this requirement will need to be met at the time of subdivision. Staff also recommend that a professional engineer confirm that the subject property is safe for the intended use which evaluates the risk of terrain instability and provides recommendations in order to mitigate any risks which would not impact adjacent lands.

It is noted that portions of the property have been disturbed outside of the existing 2000 m² building site, including the construction of buildings, the installation of landscaping, and the disturbance of soil for roads and pathways. These disturbances outside of the proposed building site are in contravention of the existing covenants. In 2020, the owner submitted a request to modify Covenants No. KW5197 and LA35539 associated with the above-described property. Consistent with this previous resolution, staff recommend as a condition prior to the covenants being modified, the applicant obtains the Board of Director's approval to modify Covenant KW5197 for all or a portion of the development and land alterations that have occurred outside of the restricted building site identified in the covenant and receive approval of an Environmentally Sensitive Areas Development Permit.

Staff also recommend that as a condition prior to the covenant being modified, the applicant amend the existing easement on the subject property which provides legal access to the property to the west to reflect the proposed new shared driveway location.

Registration of Covenant No. KW5195 was fundamental to the Regional Board's approval of the OCP and Zoning Amendment Bylaws which were approved in 2003 to facilitate development of the four lot subdivision which created the subject property. As such, any proposed modification of the covenant should be considered through a Public Hearing process to provide adjacent landowners and the public with an opportunity to provide feedback to the Board.

ZONING BYLAW:

The subject property is zoned Country Residential (C.R). The principal uses permitted in the C.R. zone include assembly, civic and public service uses, agricultural use, limited resource use, manufactured homes, single family dwellings, two family dwellings, alcohol production facilities, and agricultural cannabis production facilities. The accessory uses permitted in the C.R. zone include accessory buildings and structures including modular storage containers, farm retail sales, agri-tourism accommodation, secondary dwellings, secondary suites, bed and breakfast, boarding houses, minor day cares and minor group homes, and home occupation.

Section 16.2.5.b of the Zoning Bylaw states that the following number of dwellings are permitted on properties 1 ha or greater but less than 2 ha: one single family dwelling and either one secondary dwelling or one secondary suite; or one manufactured home and one secondary dwelling; or one two family dwelling.

Section 16.2.5.c of the Zoning Bylaw states that the following number of dwellings are permitted on properties 2 ha or greater but less than 4 ha: 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.

Section 16.2.11 of the Zoning Bylaw states that lots created by subdivision within this zone must have an area of not less than 2 ha for properties outside the Agricultural Land Reserve. Section 16.2.10 of the Zoning Bylaw states that lots created by subdivision within this zone must have a lot frontage of not less than 20 m.

Section 5.3 of the Zoning Bylaw states that notwithstanding the provisions of this Bylaw any property located outside of the Agricultural Land Reserve may be subdivided to create a lot which is smaller than required in the Country Residential (C.R) zone subject to the following:

- The subdivision meets the requirements of Section 514 of the Local Government Act.
- No lot created is less than 1.0 ha.
- In the C.R zone, the remainder lot must meet the minimum lot area requirement of the zone.

OFFICIAL COMMUNITY PLAN:

The Electoral Areas “B” and “C” Official Community Plan designates the land use of the subject property as Country Residential. The property is also designated as being within an Environmentally Sensitive Lands Development Permit area. The following OCP Policies are applicable to the application:

Rural Lands Policies

1. Rural lands within the Plan area are designated either Large Holding, Non-Urban, Country Residential or Small Holding.
2. Because of the importance of water supplies for new development and the uncertainty about water supply for some Rural Lands, assurance about water supply should be provided with a rezoning application or an application to amend this Plan and as appropriate, hydrogeological studies should be undertaken to determine impacts, if any, on existing wells in the neighbourhood and the local aquifer.
3. Some lands in this Official Community Plan area are designated as Country Residential; however, this designation does not ensure that the land would be rezoned as Country Residential and the following information and considerations are necessary to guide a review of any rezoning application which may or may not be approved by the Regional District:
 - information maps should be submitted showing how the rezoning area can develop into the Country Residential standard including the location of any new streets, environmental protection measures, lot layouts and any community amenities;
 - the area should not be subject to flooding, high water table or terrain instability;
 - the development of the area should not require excessive expenditures for community services such as roads, utility services and school busing;
 - the terrain should be suitable for development whereby each new lot would have a building site and driveway access in compliance with the “Zoning Bylaw”;
 - each new lot shall have an area that is adequate for on-site sewage disposal with a reserve site for on-site sewage;
 - information should be provided to show how development can be supplied with an adequate water supply as outlined in policy 5.1.5 of this Plan;
 - Natural Features or other sensitive environmental attributes should not be negatively impacted by a higher density of land use and in this regard, the Regional District may request that an environmental impact analysis be undertaken;

- other submissions other than those cited herein may be necessary in order to adequately evaluate an application; and
- notwithstanding these specific considerations, the Regional District will be guided by community goals and objectives cited in this Plan and other policies in this Plan as may be appropriate in the consideration of any application.

Natural Area Policies

1. Land within the Environmentally Sensitive Land Development Permit Areas shall not be altered or developed, or subdivision approval granted, unless a Development Permit is issued in accordance with the guidelines in this plan.
2. All development within the Regional District shall be undertaken in compliance with the provincial Riparian Areas Regulation.
3. Encourage the voluntary protection of natural features.
4. Encourage the protection, preservation, enhancement and management of sensitive ecosystems on private lands through the following methods:
 - Donation of areas to the Regional District or provincial government;
 - Donation of areas to a Land Trust or conservation organization;
 - Creation of conservation covenants in favour of municipal, provincial government, private conservation organizations;
 - Establishment of statutory right of ways under the *Land Title Act* for affected areas;
 - Establishment of long-term leases for sensitive areas;
 - Land stewardship and participation in conservation initiatives by the private landowner;
 - Consideration of alternative development standards, such as clustering.
5. The following locations within the Plan area are considered as Natural Areas and the Regional District considers these areas are environmentally sensitive to development and the Regional District will have due regard for the significance of these locations when reviewing a land development proposal in their general vicinity:
 - Commonage Grasslands; particularly slopes overlooking the west shore of Kalamalka Lake.

Environmentally Sensitive Lands Development Permit Area

The primary objective of the Environmentally Sensitive Lands Development Permit Area is to regulate development activities in areas of High and Very High conservation value to protect rare and fragile terrestrial ecosystems and habitat for endangered species or native rare vegetation and wildlife. Unless a Development Permit exemption applies, development on lands rated as having High and Very High conservation value will require an Environmentally Sensitive Lands Development Permit prior to subdivision, land alteration or issuance of a Building Permit.

SUBDIVISION SERVICING BYLAW:

Section 403 of the Subdivision Servicing Bylaw states that for proposed lots smaller than 2 ha in size, written confirmation from the authority having jurisdiction must be submitted to the Regional District stating that their requirements with regard to onsite sewage disposal have been satisfied.

Section 406.3 of the Subdivision Servicing Bylaw states that where connection to a community water system is not required and surface water is proposed as a source of potable water for a parcel created by subdivision in all Electoral Areas, submission of the following to the Regional District would satisfy the proof of water quantity requirements of this bylaw:

- Confirmation in writing from the authority having jurisdiction that a water licence will be issued pursuant to the Water Act Water Sustainability Act that authorizes on a year round basis, a minimum quantity of 2,000 litres per day per parcel.

LOCAL GOVERNMENT ACT:

Section 514 of the *Local Government Act* states an application for subdivision of a parcel under this section may be made only if all the following requirements are met:

- the person making the application has owned the parcel for at least 5 years;
- the application is made for the purpose of providing a separate residence for the owner, a parent of the owner or of the owner's spouse, the owner's child or the spouse of the owner's child, or the owner's grandchild.

REFERRAL COMMENTS:

The application was referred for comments to the following:

- 1. Building Inspection Department**
- 2. Community Services Manager**
- 3. Rural Services Manager**
- 4. Fire Department**
- 5. Ministry of Environment**
- 6. Ministry of Forests, Lands, Natural Resource Operations and Rural Development**
- 7. RDNO Parks Department**

RDNO Parks supports utility crossings of the Okanagan Rail Trail, as long as they serve existing lots. However, any decision regarding the use of an existing utility crossing to service a proposed subdivision would be deferred to the Board of Directors for direction.

- 8. Ministry of Transportation and Infrastructure**

As the proposed new building site is outside of the environmentally sensitive areas, the Ministry has no objections to the proposal; however the Transportation Act applies, and the following condition must be met prior to the modified covenant being registered:

1. New access is being shown to Proposed Lot A. The Ministry would like to ensure this is a new acceptable and feasible location as the new 'Building Site' within Proposed Lot B would cut off the existing driveway access. Applicant to apply online for an "Access, Residential and Agricultural" permit before the work commences for an access to Highridge Road at the following link: www.gov.bc.ca/highway-use-permits

Please note a conventional subdivision application has not been received from the landowner to subdivide the subject lot as shown in this referral package. Conditions of subdivision are reviewed and determined by the Provincial Approving Officer.

- 9. Interior Health Authority**

From a healthy community development perspective, we have no objection.

However, from an Environmental Public Health perspective, the potential subdivision of this lot raises concerns regarding the sustainability of onsite septic disposal. In a preliminary review of this lot, there are site constraints that are likely to restrain the site's ability to support

Type 1 onsite sewage disposal. Interior Health's subdivision guidelines does not support the subdivision of lots that cannot demonstrate sufficient area for Type 1 primary and reserve septic disposal sized to serve at least 1600 L/day.

Submitted by:



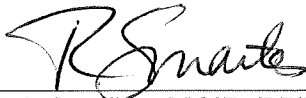
Jennifer Miles, RPP, MCIP
Planner II

Reviewed by:



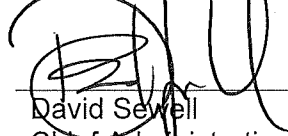
Greg Routley
Deputy Planning Manager

Endorsed by:



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

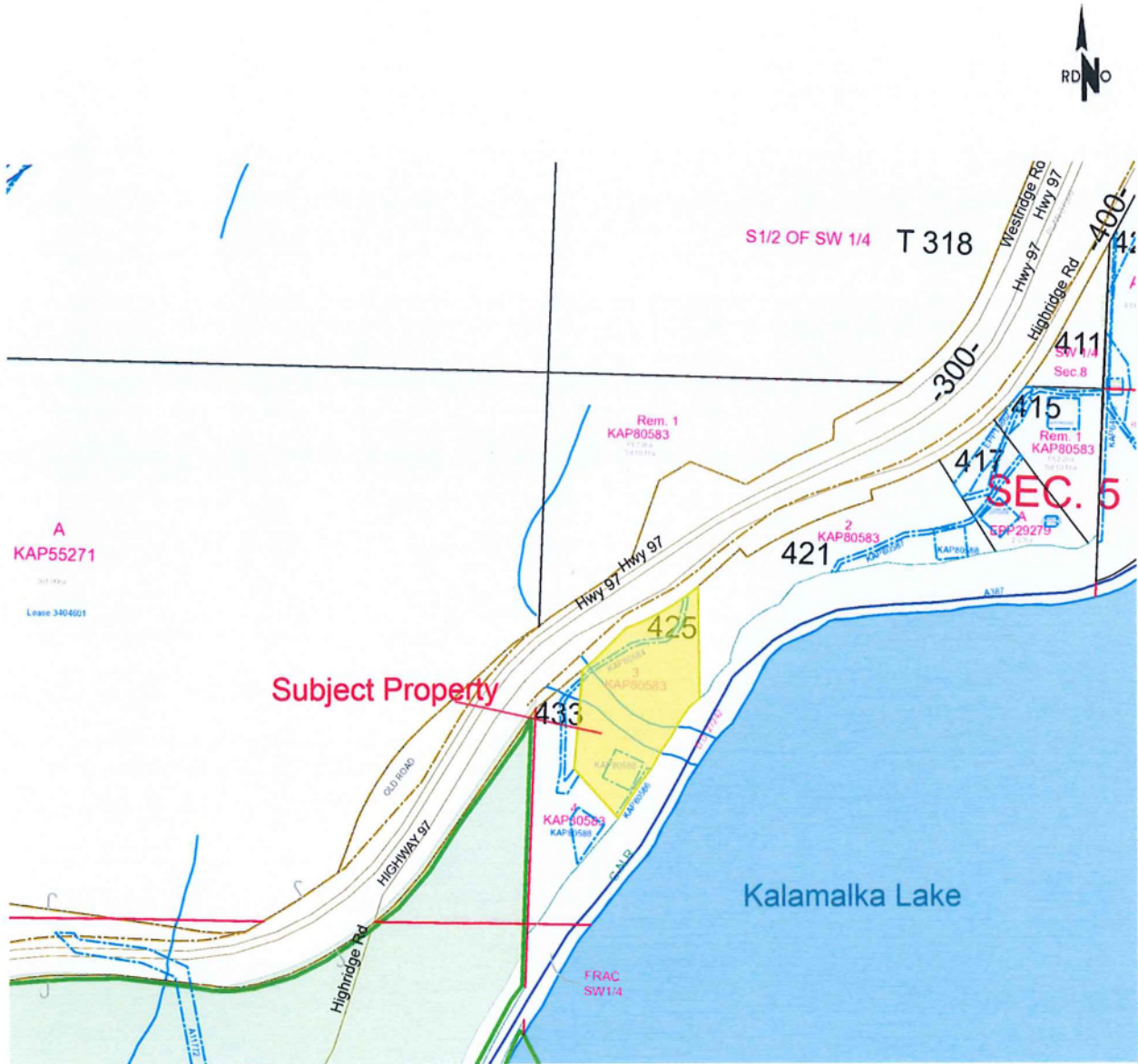
Approved for Inclusion:



David Sewell
Chief Administrative Officer

SUBJECT PROPERTY MAP LEGAL DOCUMENT

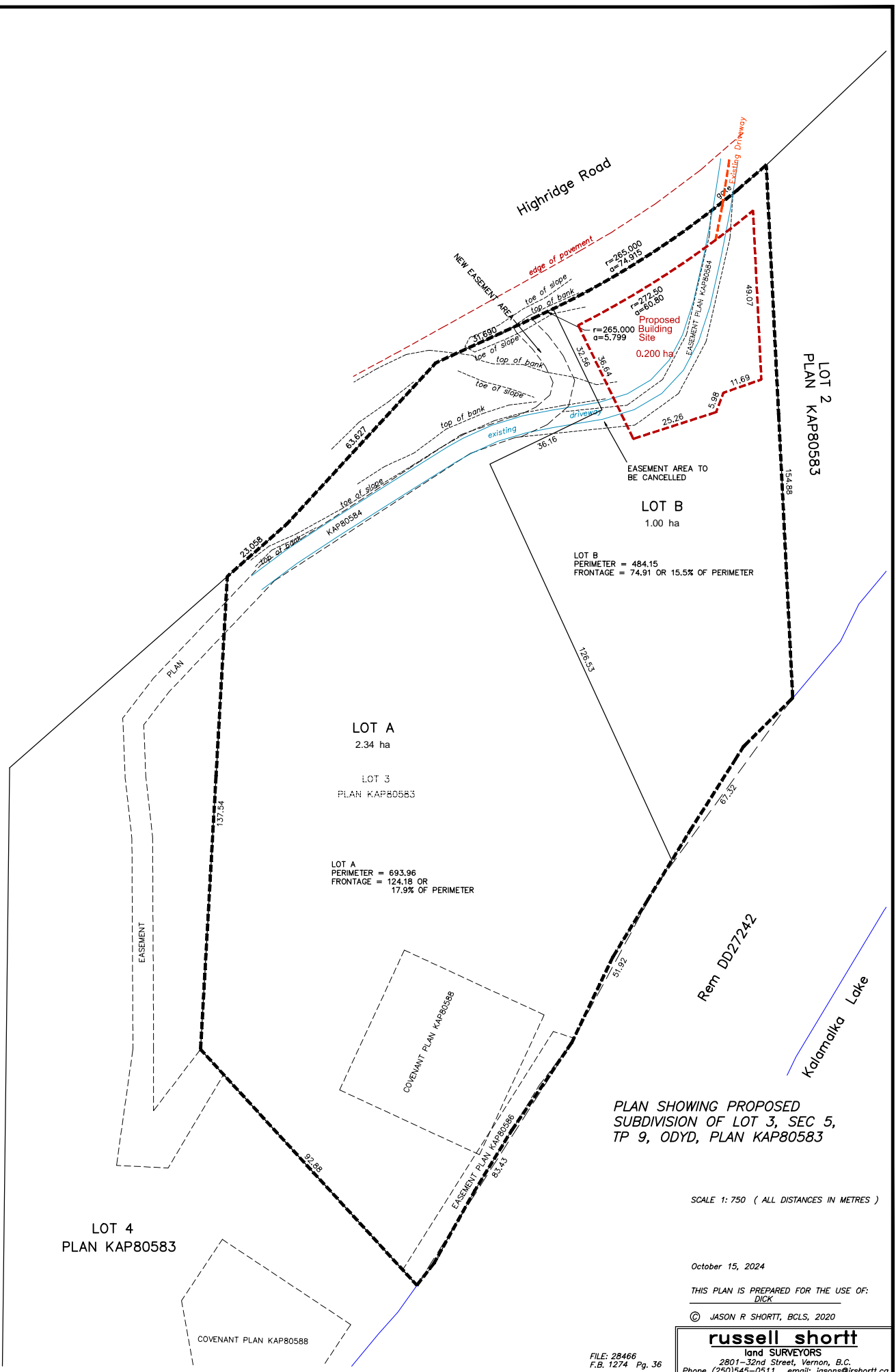
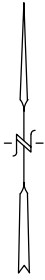
File: 24-0617-B-LD
Location: 425 Highridge Road



SUBJECT PROPERTY MAP LEGAL DOCUMENT ORTHOPHOTO

File: 24-0617-B-LD
Location: 425 Highridge Road





LOT A
2.34 ha

LOT 3
PLAN KAP80583

LOT A
PERIMETER = 693.96
FRONTAGE = 124.18 OR
17.9% OF PERIMETER

LOT B
1.00 ha

LOT B
PERIMETER = 484.15
FRONTAGE = 74.91 OR 15.5% OF PERIMETER

LOT 2
PLAN KAP80583

LOT 4
PLAN KAP80583

PLAN SHOWING PROPOSED
SUBDIVISION OF LOT 3, SEC 5,
TP 9, ODYD, PLAN KAP80583

SCALE 1: 750 (ALL DISTANCES IN METRES)

October 15, 2024

THIS PLAN IS PREPARED FOR THE USE OF:
DICK

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