

Covenant Discharge MISC-23-08

Regional District of Central Okanagan Board Meeting

February 23, 2022

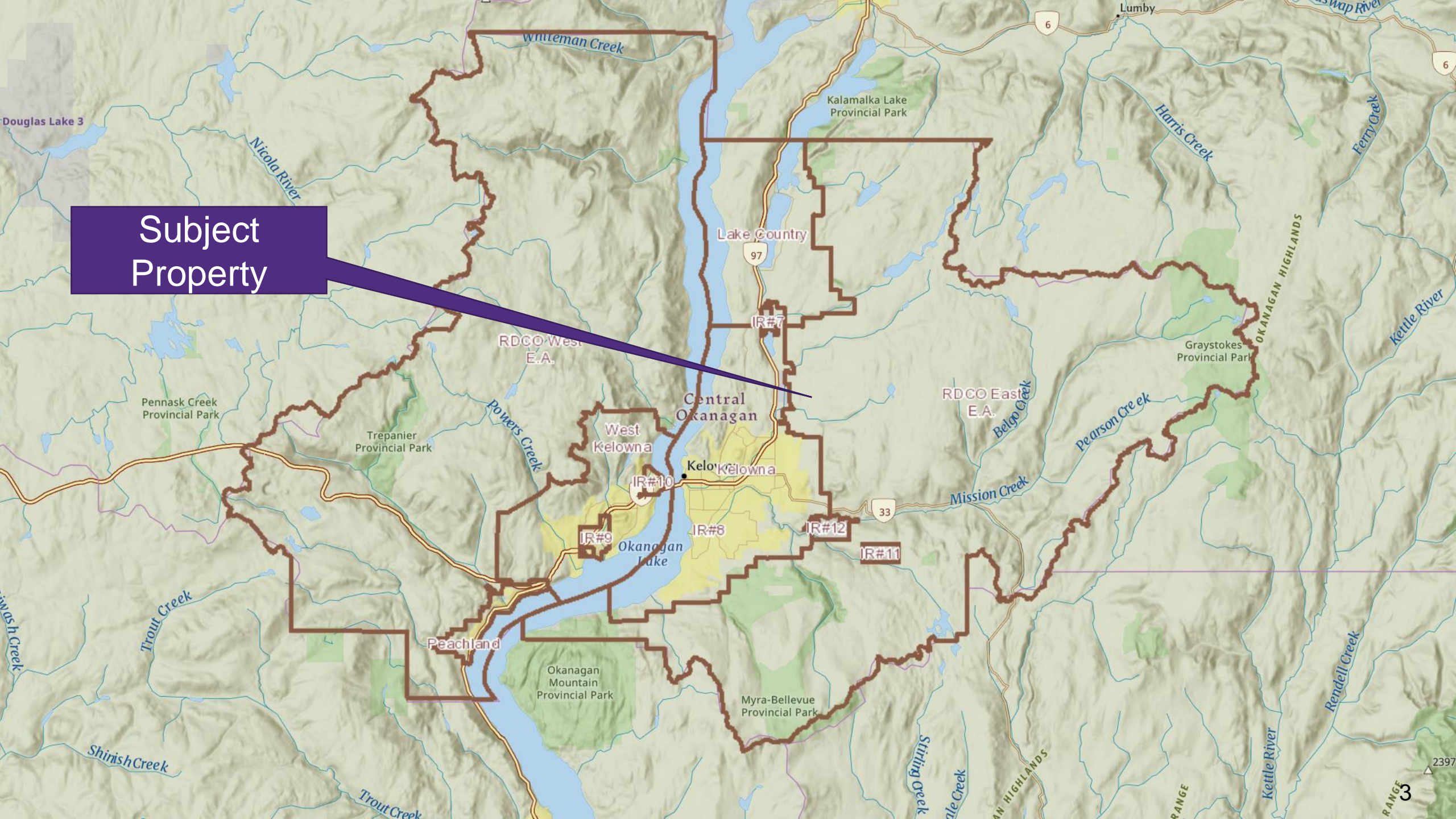
1450 K.L.O. Road
Kelowna, BC, V1W 3Z4
rdco.com



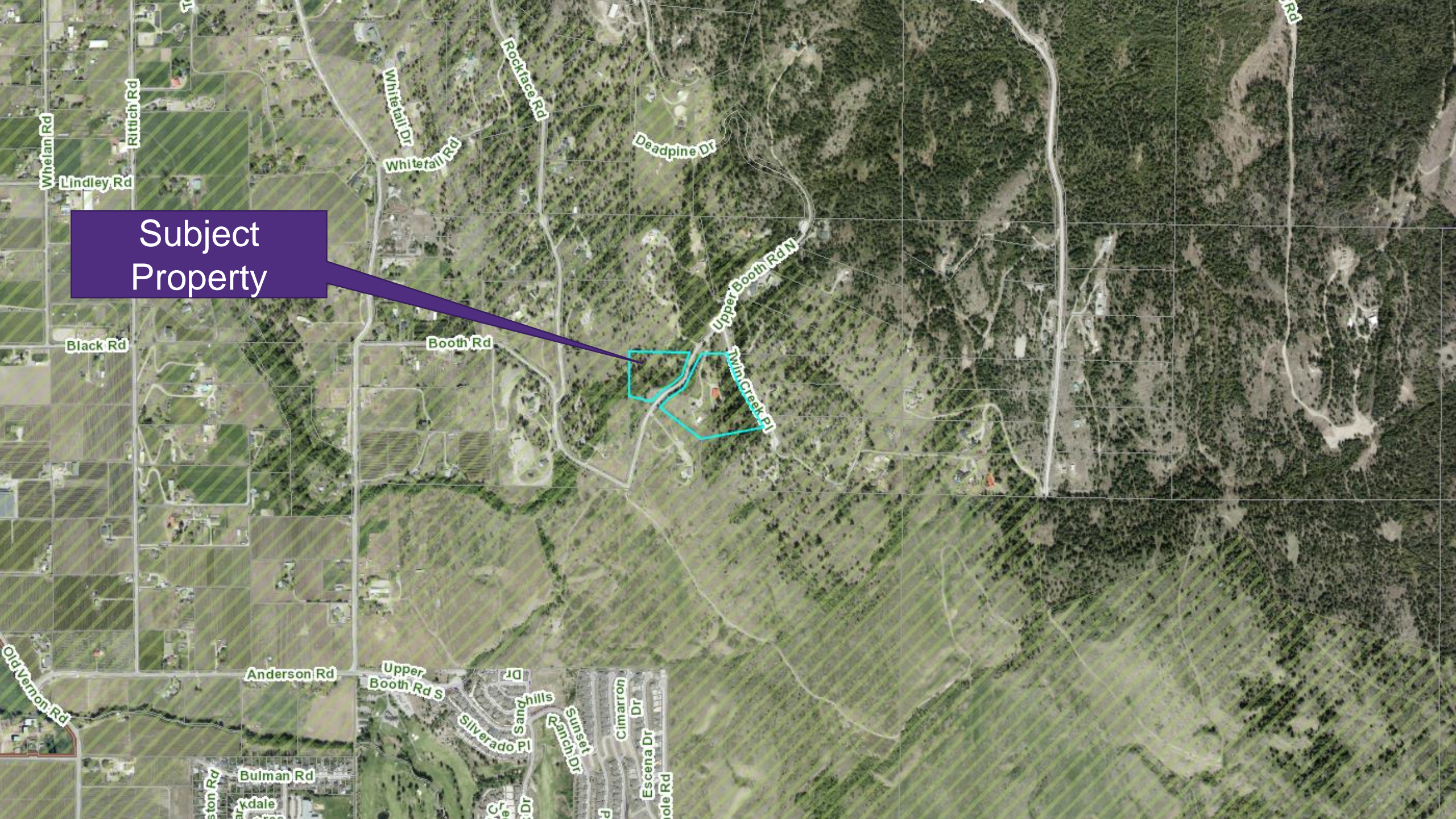
Purpose

To consider discharge of a restrictive covenant that affects a portion of the subject property.

Subject
Property



Subject
Property



Subject
Property



Process Overview

May 2022

ALC referral application for Subdivision



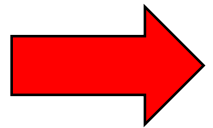
November 2022

Complete application received



December 2022

RDCO staff review



February 23, 2023

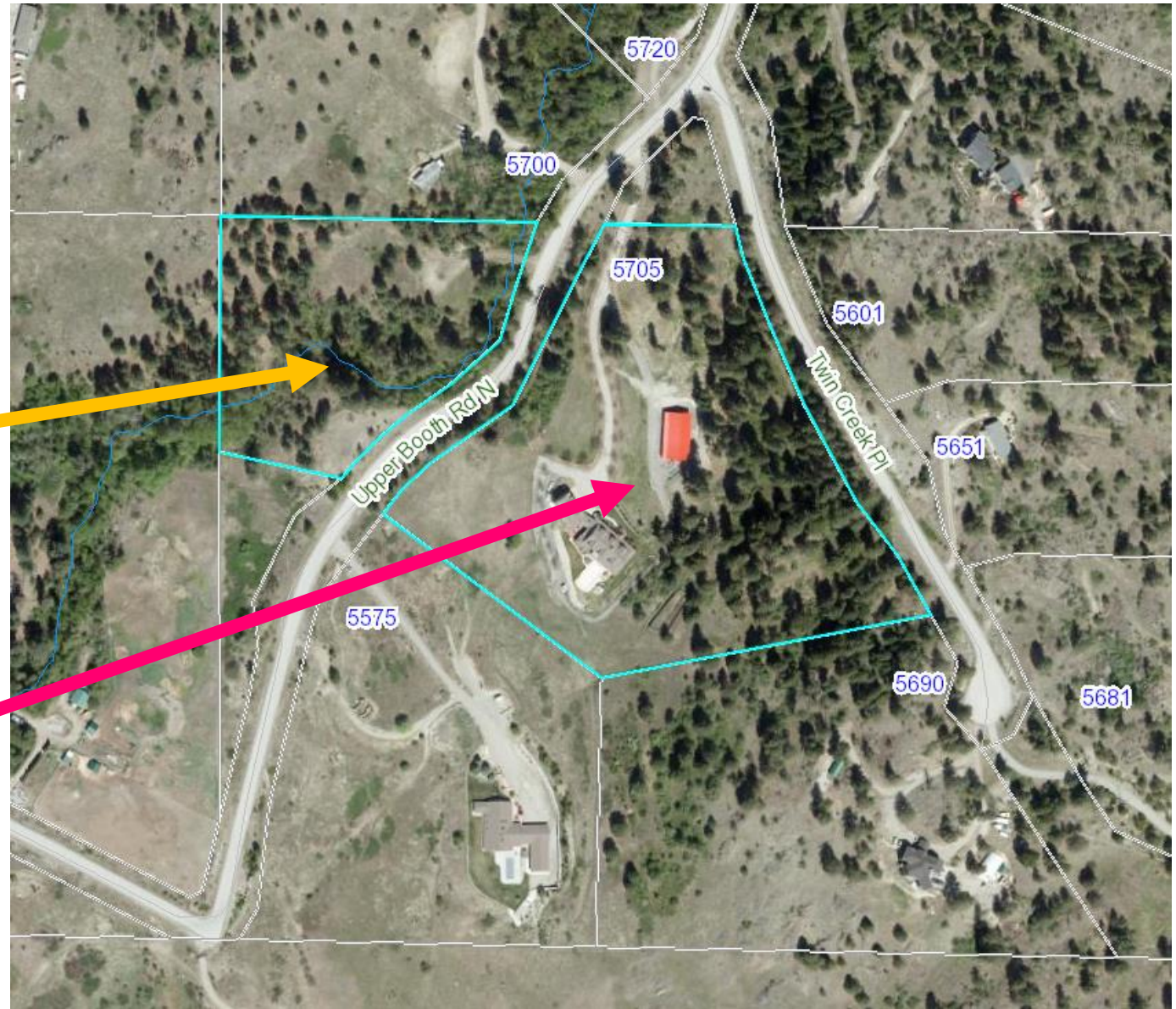
Regional Board Consideration



Background

Property contains:

- Whelan Creek
- Dwelling
- Barn
- Home-based business

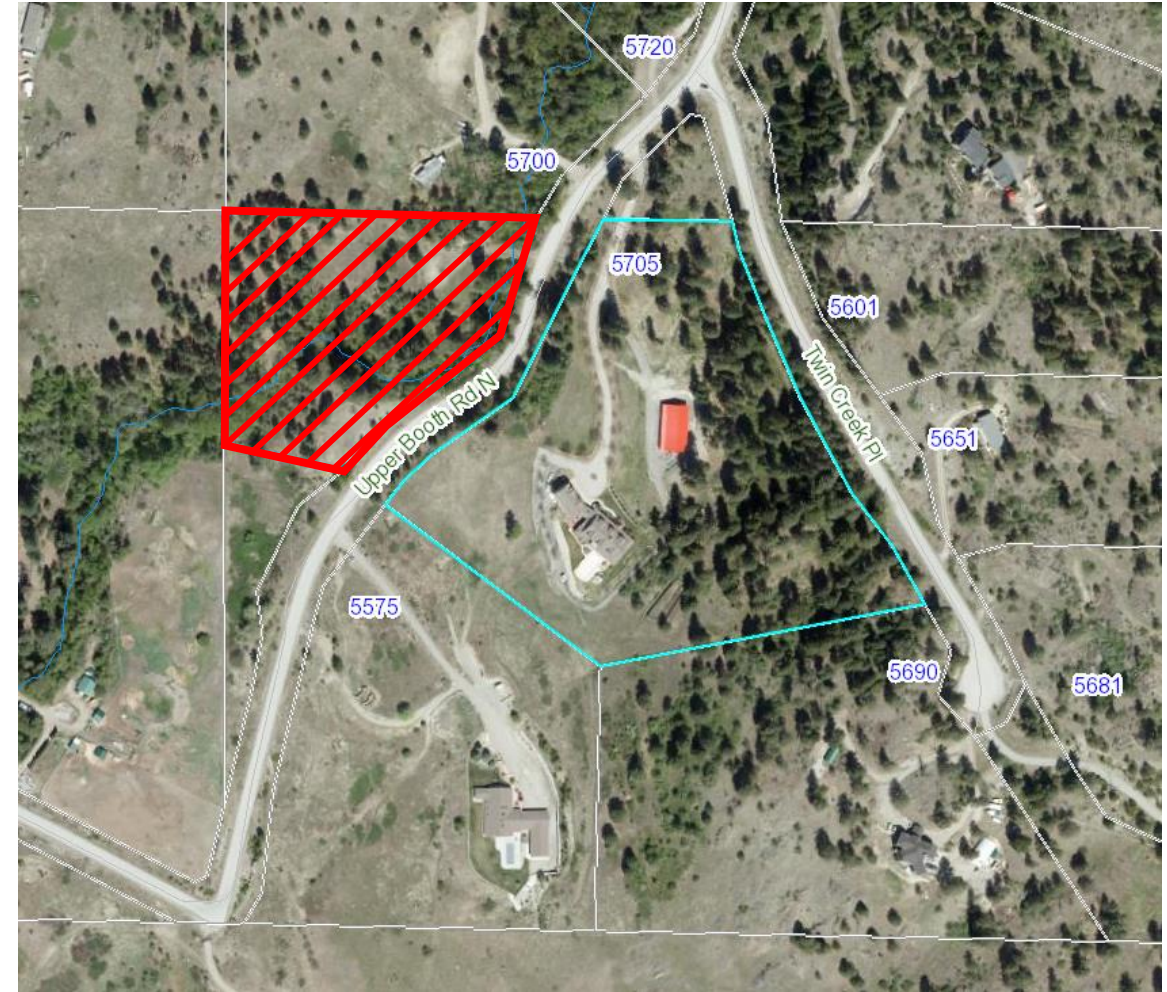


Covenants

- Potable water covenant
- Flood covenant
- Wildfire covenant
- No disturb covenant around Whelan Creek
- No Build covenant

Proposal

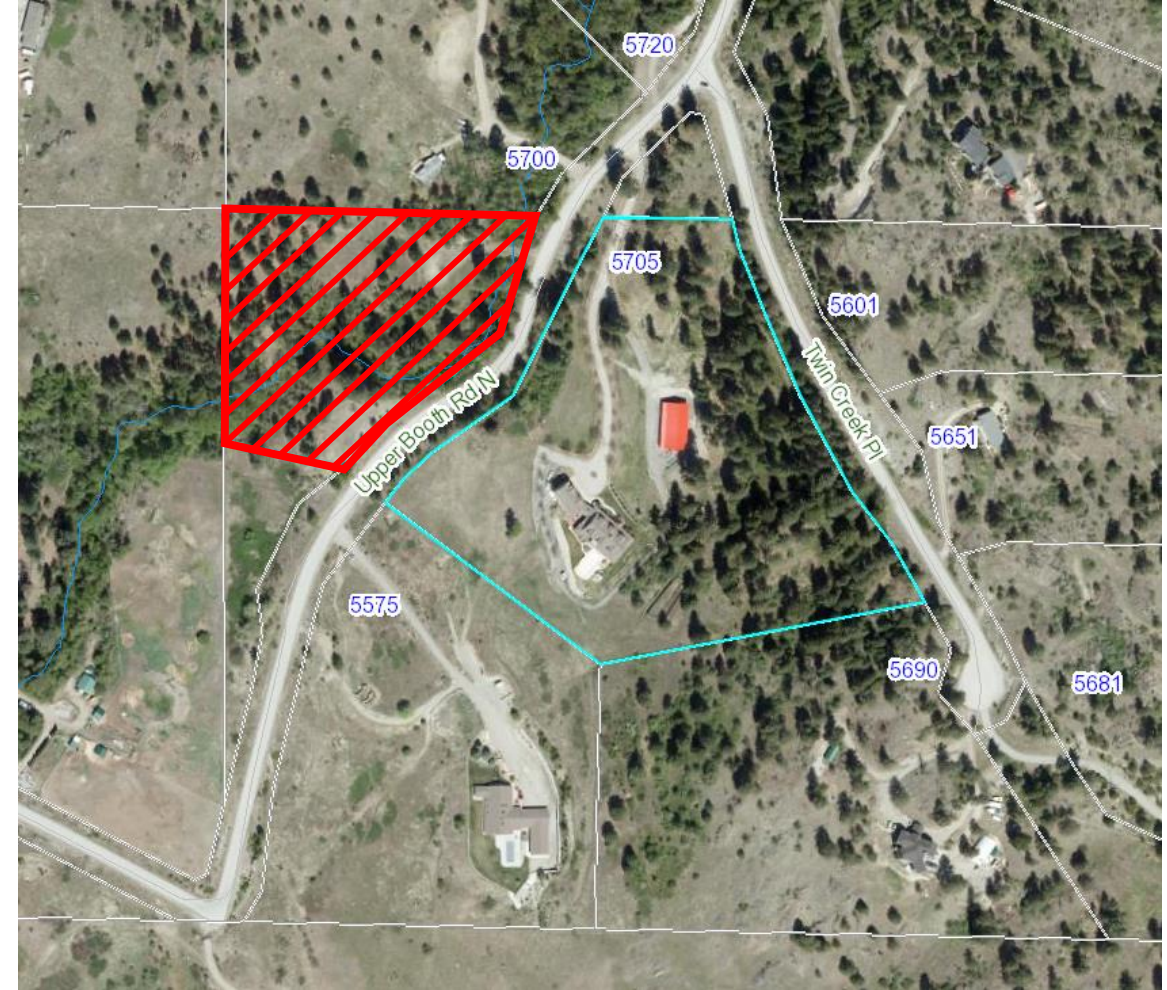
To consider discharge of the No-Build covenant that affects the western portion of the subject property.



Geotechnical Report

Report (2022) indicates:

- No significant geotechnical hazards
- Building footprint in the northeastern portion of the proposed lot is feasible
- No net decrease in slope stability



Servicing



Private water source



Onsite wastewater disposal



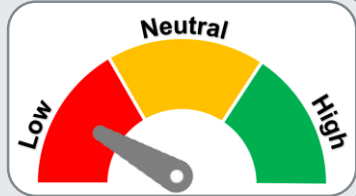
Ellison Fire Protection Area

Regional Growth Strategy

- Support the protection of ALR lands
- Support uses which are complimentary to agricultural use
- Promote the use of agriculture and ALR lands for food production
- Protect the supply of agricultural land and promote agricultural viability.

Alignment with key policies

Regional Growth Strategy



Official Community Plan

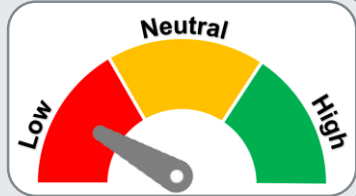
Agricultural Plan

Ellison OCP

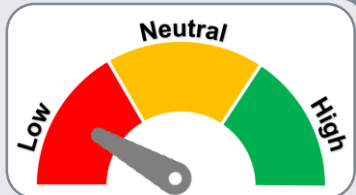
- Rural 4 Hectare future land use designation
- Preserve the agricultural land base and to support the development, improvement, and expansion of agricultural activities

Alignment with key policies

Regional Growth Strategy



Official Community Plan



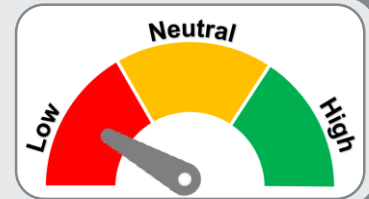
Agricultural Plan

Agricultural Plan (2005)

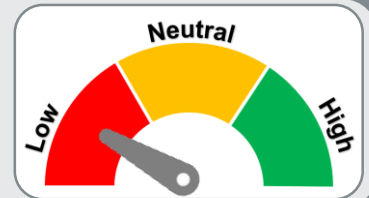
- Enhance the viability of the agricultural sector
- Supports the protection of farmland and agricultural uses

Alignment with key policies

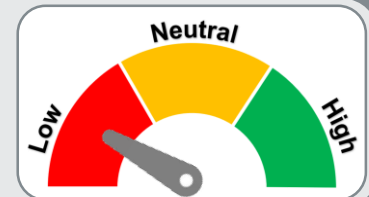
Regional Growth Strategy



Official Community Plan



Agricultural Plan



Zoning Bylaw

- Agricultural (A1) Zoning which permits:
 - Accessory home
 - Accessory buildings
 - Greenhouse
 - Among others

Summary

- Applicant is proposing a to discharge a No-Build covenant
- They have provided a geotechnical report to support their proposal
- Proposal shows weak alignment with RDCO policies

Recommendations

*Custom Vote – Electoral Area East & Kelowna Fringe Area – Electoral Area Directors,
Kelowna - 1 Director, 1 Vote*

THAT the Regional Board receive the report from the Director of Community Services, dated February 16, 2023, with respect to RDCO File: MISC-23-08 for the property located at 5705 Upper Booth Road legally described as Lot 1, Section 18, Township 24, ODYD, Plan KAP66788 (“the Subject Property”);

AND FURTHER THAT the Regional Board not support the discharge of covenant KP44326, from the Subject Property;



Rockface Rd

Upper Booth Rd/N

Twin Creek Pl

5720

5700

5705

5601

5651

5575

5690

5681

5450

5445

56