



**Regional District of Central Kootenay
Subdivision Bylaw No. 2159, 2011**

Adopted September 2011

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**REGIONAL DISTRICT OF CENTRAL KOOTENAY
SUBDIVISION BYLAW NO. 2159, 2011**

A Bylaw to regulate the servicing of subdivision pursuant to Division 11 of Part 26 of the *Local Government Act*.

WHEREAS the Board of the Regional District of Central Kootenay wishes to adopt a Bylaw to regulate and require the provision of works for the subdivision of land pursuant to Section 938 of the *Local Government Act* for the ultimate benefit of the region as a whole;

AND WHEREAS the requirements of Sections 913 of the *Local Government Act* have been satisfied;

NOW THEREFORE, the Board of the Regional District of Central Kootenay in open meeting assembled enacts as follows:

PART 1 - TITLE

This Bylaw may be cited for all purposes as the "**Regional District of Central Kootenay Subdivision Bylaw No. 2159, 2011**" and further referred to as "this Bylaw".

PART 2 - PURPOSE

The purpose of this Bylaw is to regulate servicing and to establish standards for works and services as they relate to subdivision of land.

PART 3 - APPLICATION AND ADMINISTRATION

- 3.1 This Bylaw applies to all subdivisions within the Electoral Areas of the Regional District of Central Kootenay, subject to the *Local Government Act*, except subdivisions within the incorporated areas of municipal boundaries.
- 3.2 This Bylaw applies to all subdivisions except:
 - a. Subdivisions involving only the consolidation of existing parcels, or the consolidation of existing parcels with closed highways.
 - b. Subdivisions involving only the adjustment of boundaries between existing parcels that does not result in increasing the number of parcels, so that the level of services provided may, despite this Bylaw, conform to the level of existing services to each parcel being adjusted at the time of approval of the subdivision.

- c. In the case of a subdivision approved under s.946 of the *Local Government Act*, the standards within this Bylaw shall apply regardless of the location of the subdivision.
 - d. In the case of a subdivision approved under s. 946 of the *Local Government Act* within the Agricultural Land Reserve this Bylaw may defer to the Agricultural Land Commission recommendation.
- 3.3 Nothing contained in this Bylaw relieves the Owner from responsibility to seek out and comply with other provincial legislation applicable to the Owner's undertaking.

PART 4 - DEFINITIONS

4.1 In this Bylaw, unless the context otherwise requires, all words and phrases shall have their normal or common meaning except where the same are changed, modified or expanded in Part 4 of this Bylaw. All words or expressions used in the Bylaw shall have the same meaning assigned to them as like words or expressions contained in the *Land Title Act* and the *Local Government Act*.

4.2 In this Bylaw:

APPLICANT means a person applying for the approval of a subdivision whether as an owner thereof or his duly authorized agent, or the issuance of a building permit for a development other than a subdivision.

APPROVAL means approval in writing from the authority having jurisdiction.

APPROVING OFFICER means an Approving Officer designated as such for a rural or unincorporated area pursuant to the *Land Title Act*.

AUTHORITY HAVING JURISDICTION means the governmental body, or the official, or agency designated by the governmental body to be responsible for the administration and enforcement of regulations in regard to a matter in this bylaw that requires determination by or approval from the authority having jurisdiction.

BARE LAND STRATA REGULATIONS means Bare Land Strata Regulation 75/78 pursuant to the *Strata Property Act*.

COMMUNITY WASTEWATER SYSTEM means a system owned and operated by the Regional District, Strata Corporation, Utility or Corporation (private or public) for the collection, treatment and disposal of sanitary waste, which serves two or more lots and is operated under the *Public Health Act* or the *Environmental Management Act*.

COMMUNITY WATER SYSTEM means a system of waterworks approved under the *Drinking Water Protection Act*, which is owned, operated and maintained by the Regional District, an Improvement District or Utility operating under the jurisdiction of the Province.

DEVELOPMENT means the construction, alteration, or extension of buildings or structures or any use that requires the issuance of a building permit.

DWELLING UNIT means one (1) or more habitable rooms constituting a self-contained unit with a separate entrance, and used or intended to be used together for living and sleeping purposes for not more than one (1) family and containing a separate and properly ventilated kitchen with a sink and cooking facilities and a bathroom with a water closet, wash basin and a bath or shower.

ENGINEERING DRAWINGS, STANDARDS AND REQUIREMENTS means drawings and specifications prepared and given under the hand and seal of a professional engineer.

ENVIRONMENTAL HEALTH OFFICER means the Environmental Health Officer appointed under the *Public Health Act* who has jurisdiction over the area in which a subdivision is located.

HIGHWAY includes a street, road, lane, bridge, viaduct and any other way open to the use of the public as defined by the *Transportation Act*, but does not include a private right-of-way on private property.

IMPROVEMENT DISTRICT means an improvement district under the *Local Government Act*.

LOCAL AUTHORITY means the relevant local authority including but not limited to the Regional District of Central Kootenay, Provincial Ministry of Transportation and Infrastructure, Irrigation/Improvement District, and Regional Health Authority, or his or her designate.

POTABLE WATER means water provided by a domestic water system that (a) meets the standards prescribed by regulation, and (b) is safe to drink and fit for domestic purposes without further treatment in accordance with the *Drinking Water Protection Act*.

PRIVATE WATER SYSTEM means a water supply system that serves only one dwelling unit.

PROFESSIONAL ENGINEER means a person registered or licensed under the British Columbia *Engineers and Geoscientists Act*.

QUALIFIED WATER WELL DRILLER means a person registered or holding a certificate of qualification as a Water Well Driller issued by the Province of British Columbia or a certificate as a Ground Water Drilling Technician issued by the Canadian Ground Water Association.

QUALIFIED WELL PUMP INSTALLER means a person registered or holding a certificate of qualification as a Well Pump Installer issued by the Province of British Columbia or a certificate as a Ground Water Pump Technician of a particular class issued by the Canadian Ground Water Association.

REGIONAL DISTRICT means the Regional District of Central Kootenay.

REGISTERED ONSITE WASTEWATER PRACTITIONER is a person as defined under the Sewerage System Regulation 326/2004.

STRATA CORPORATION SYSTEM means a water supply system or wastewater system that serves the members of a strata corporation as defined in the *Strata Property Act*.

STRATA PROPERTY REGULATIONS means Strata Property Regulation R.C. Reg. 43/2000 pursuant to the *Strata Property Act*.

SUBDIVISION has the same meaning as in the *Land Title Act*.

SURFACE WATER means water from a source that is open to the atmosphere and includes streams, lakes, rivers, creeks, springs, wells subject to direct influence of surface water (GUDI wells), and shallow sumps.

TOTAL HIGHWAY FRONTAGE means the total accumulated length of all portions of all parcel boundaries which immediately adjoin a highway.

WATER SUPPLY SYSTEM means a water system, other than a private water system that serves only one dwelling unit, and equipment, works, or facilities prescribed by regulation under the *Drinking Water Protection Act* as being excluded.

WORKS AND SERVICES means any public service, facility or utility which is required or regulated by this Bylaw and includes, but is not limited to: the supply and distribution of water; collection and disposal of wastewater and drainage water; street lighting; access roadways, fire flows, curbs, gutters, and sidewalks; and natural gas, power, telephone and cablevision services.

ZONE means a zone established under a Zoning or Rural Land Use Bylaw of the Regional District governing the use of land adopted pursuant to the *Local Government Act*.

PART 5 - GENERAL PROVISIONS

5.01 Compliance

No parcel may be subdivided unless the subdivision conforms to the provisions set out in this Bylaw and other bylaws of the Regional District.

This Bylaw outlines the minimum requirements and regulations pertaining to the subdivision of property. The Ministry of Transportation and Infrastructure and other agencies may have additional requirements, regulations, and approval procedures not contained within the Bylaw. It is the applicant's responsibility to ensure that the requirements, regulations and approval procedures of all agencies having jurisdiction are met. Where requirements and regulations of other agencies conflict with this Bylaw the more stringent requirements and regulations shall apply.

5.02 Authorization for Entry

Employees of the Local Authority are hereby authorized to enter at all reasonable times upon any property or premises to inspect the same in connection with their duties under this Bylaw to determine whether the provisions of this Bylaw are being met.

5.03 Effective Date

This Bylaw shall come into force and effect upon the final reading and adoption thereof.

5.04 Repeal

The Regional District of Central Kootenay Subdivision and Development Bylaw No. 1679, 2009, and amendments thereto are hereby repealed.

5.05 Severability

If any section, subsection, sentence, clause or phrase of this bylaw is found invalid by decision of any court of recognized jurisdiction, such decision shall not affect the validity of remaining portions of this Bylaw.

5.06 Administration

This Bylaw shall be administered by:

- a. The Local Authority where works and services are to be provided because of subdivision of land; or
- b. An Officer appointed by the Board.

5.07 Application for Subdivision

Applications for subdivision must be submitted to the Ministry of Transportation and Infrastructure for review by the *Approving Officer*. The Ministry of Transportation and Infrastructure will refer the application for subdivision to the Regional District for comments on this Bylaw and other bylaw requirements.

The owner must submit to the Regional District an application fee in the amount specified in Bylaw No. 2238, cited as “Regional District of Central Kootenay Land Development Applications Procedures Bylaw No. 2238, 2011” upon referral of the application for subdivision to the Regional District by the Ministry of Transportation and Infrastructure.

The *Regional District’s Letter of Requirements* is valid for 24 months from the date of issuance, after which a new referral must be issued from the Ministry of Transportation and Infrastructure.

5.08 Units of Measure

All measurements in this Bylaw are expressed in the Metric System.

5.09 Compliance with Other Regulations

- a. Applications for subdivision will be reviewed for compliance with the requirements of this Bylaw and other local authorities and Provincial legislation. Nothing contained in this Bylaw shall relieve the owner of a subdivision from the responsibility to seek out and comply with legislation applicable to her/his undertaking.
- b. Except where a setback of a building or structure in respect to a highway is concerned, no subdivision shall be approved which would cause any existing building or structure, sewage disposal installation or used source of potable water to contravene any bylaw or other regulation in force.
- c. This Bylaw does not create any duty at law on the part of the Regional District, its Regional Board, officers, employees, or other representatives concerning anything contained in this Bylaw. All works and services, improvements, and all matters required pursuant to this Bylaw are the responsibility of the *Owner* and *Applicant* and all persons acting on their behalf. No approval of any kind, certificate, permit, review, inspection, or other act or omission by the Regional District of any of its representatives, including

any enforcement or lack of enforcement of the provisions of this Bylaw, shall relieve the *Owner* and *Applicant* and all persons acting on their behalf from this duty pursuant to this Bylaw and shall not create any cause of action in favour of any person.

PART 6 - SUBDIVISION DESIGN

6.01 Setbacks

Newly created lines of subdivision shall not create non-conformity to setback requirements for buildings and structures as specified in the applicable Regional District building bylaw, land use bylaw, rural land use bylaw, zoning bylaw or floodplain management bylaw. If existing lot lines are non-conforming, a detailed site plan will be required at the time of application to assess the level of non-conformity and options for addressing the non-conformity.

6.02 Access

- a. The applicant may be required under the *Local Government Act*, the *Land Title Act* or other applicable Provincial legislation to provide land for highways without compensation as required by the Approving Officer.
- b. Preference will be given to road designs and layouts that minimize disturbance to natural topography and incorporate conservation design principles at the discretion and approval of the Ministry of Transportation and Infrastructure.
- c. All roads shall be clearly named and signed.
- d. Subdivisions with water access only are governed by the regulations in Division 1 or Part 2 of B.C. Reg. 334/79 under the *Land Title Act* and will be referred to the Regional District for review and comment. Subdivisions with water access only shall be required to provide a parking plan. Approval for subdivisions with water access only will be granted upon written receipt and approval of parking and moorage facilities by the Approving Officer.
- e. Panhandle lots may be considered under the following conditions:
 - i. Where topographical or other severe physical constraint prevents conventional subdivision and the panhandle appears to be the best solution to subdivision of lands; and
 - ii. The area and width of the parcel must be in accordance with the applicable zoning bylaw. The panhandle portion of the lot is not to be included as part of the required minimum site area.

6.03 Parkland Dedication

The requirements for parkland are governed by Section 941 of the *Local Government Act*.

PART 7 – BASIC PROVISIONS

7.01 Works and Services

Works and Services shall be provided in accordance with the following:

- a. Each lot shall be supplied with a sufficient supply of water through connection to a community water system; a license under the *Water Act* to divert and use water; or having proof of availability of sufficient groundwater sources to the standards required under Part 8 of this Bylaw.
- b. Each lot shall be assessed for sanitary sewage disposal based on on-site sewage disposal or connection to a community wastewater system to the standards required under Part 9 of this Bylaw.

The requirements above shall not apply to:

- a. Subdivision involving only the consolidation of existing parcels, or the consolidation of existing parcels with closed highways.
- b. Subdivisions involving only the adjustment of boundaries between existing parcels that does not result in increasing the number of parcels, so that the level of services provided may, despite this Bylaw, conform to the level of existing services to each parcel adjusted at the time of approval of the subdivision.

7.02 Underground Utilities

Gas, cable and telephone services are not required as a condition of subdivision. However, where an owner proposes to provide underground utilities/wiring, the services and appurtenances must be constructed and installed in accordance with the requirements of the applicable authority having jurisdiction, utility company and this Bylaw.

7.03 Servicing Not Required

The requirements of Parts 7.01 do not apply where a parcel being created is to be used solely for:

- a. A surface parking lot;

- b. A wildlife management area designated under the *Wildlife Act*;
- c. An archaeological reserve designated under the *Heritage Conservation Act*, provided that no building or structure in which food is served or where washrooms are located are to be located on the proposed parcel;
- d. A cemetery;
- e. The unattended equipment necessary for the operation of a public utility;
- f. A sanitary landfill site or transfer station;
- g. An emergency water supply system/storage;
- h. A private utility lot provided that the lot is used for utility purposes only; or
- i. A common lot created pursuant to the *Land Title Act Regulation 334/79* provided that the common lot is restricted to access and utility purposes only.

PROVIDED that the owner enters into a covenant under Section 219 of the *Land Title Act* with the Regional District in a form satisfactory to the Regional District. The cost of preparation of the covenant shall be bourn by the developer.

PART 8 - WATER SUPPLY

8.01 Source within the Terms of the Water Act

Where a water source comes within the terms of the *Water Act*, the following are required:

- a. Proof of application for a new water license or an amendment to an existing water license suitable for diversion, which entitles each lot in the proposed subdivision to at least 2,270 litres (500 imp. gal.) of water per day for domestic purposes upon confirmation there is adequate water to meet the intent of the application from the authority having jurisdiction;
- b. Proof of application for new water licenses shall be restricted to Kootenay Lake, Little Slocan River, Slocan Lake, Arrow Lakes, Kootenay River, Slocan River or the Columbia River or an alternative water body at the discretion and where the requirements of the authority having jurisdiction have been met;
- c. A construction permit pursuant to the *Drinking Water Protection Act* if a new water supply system or extension and alteration to a water supply system is proposed;
- d. If untreated surface water is to be used as proof of adequate water supply, a covenant under Section 219 of the *Land Title Act* shall be placed on Title that advises of the potential health risks associated with consuming untreated

surface water.

8.02 Individual Groundwater Services

Where individual ground water sources are proposed, the applicant must provide evidence that there are sufficient quantities of ground water for each proposed lot and the remainder, and:

- a. Must drill or excavate a well on every proposed lot and the remainder and submit a well construction report signed by a registered well driller or a professional engineer;
- b. The well construction report must verify that the well is a minimum of 15 meters (49 feet) deep. If the well is less than 15 meters deep it is recommended that the minimum sealing requirements for excavated wells as found under the *Groundwater Protection Regulation 299/2004* including the installations of well identification plates is followed;
- c. The applicant must provide a well log or pump test confirming that each well is capable of producing at least 15 litres (3 imp. gal.) per minute of water, or in cases where well capacity is less than 15 litres (3 imp. gal.) per minute that balancing storage of not less than 2, 270 litres (500 imp. gal.) of water per day is provided;
- d. The sharing of one well by two or more parcels is not permitted unless a community water system is proposed and meets the requirements of this Bylaw;
- e. If untreated groundwater is to be used as proof of adequate water supply, a covenant under Section 219 of the *Land Title Act* shall be placed on Title that advises of the potential health risks associated with consuming untreated groundwater.

8.03 Community Water Systems

Where an applicant proposes to connect to an existing community water system the applicant must submit to the Regional District:

- a. A letter from the Owner/Operator of the community water system confirming that all parcels proposed can be connected to the water system and that fees have been paid for connection to the water system. Confirmation must be submitted prior to final Approval of the subdivision;
- b. Construction, extension, or addition to a community water system must not proceed until a construction permit has been issued by the Issuing Official under the *Drinking Water Protection Act*; and

- c. Confirmation of existing connection(s) to community water systems currently on boil water advisory shall be accepted as proof of water for the purposes of subdivision where the connection currently serves an existing residence as long as no new connections to the community water system are involved.

Where an applicant proposes to establish a new community water system, the applicant must submit to the Regional District:

- d. A copy of the construction permit issued pursuant to the *Drinking Water Protection Act*;
- e. Where a community water system is to be acquired by the Regional District, the design of such shall be submitted to the Regional District for approval prior to the commencement of construction as required by this Bylaw;
- f. That the water source to be used by the system is adequate to serve each parcel to be served by the system as determined by the authority having jurisdiction over the system.

PART 9 - SEWAGE

9.01 On-Site Sewage Disposal

Where no community wastewater system exists, or is proposed, soil and site conditions for on-site sewage disposal systems shall be subject to the following:

- a. Each lot be assessed on the basis of Type 1 (septic tank) treatment and trench disposal systems;
- b. Each lot must be self-contained, providing an initial and replacement sewage disposal area;
- c. Sewerage holding tanks will not be considered an acceptable method of waste water disposal.

9.02 Community Wastewater Systems

Where an applicant proposes to connect to an existing community wastewater system the applicant must submit to the Regional District:

- a. A letter from the Owner/Operator of the community wastewater system confirming that all parcels proposed can be connected to the wastewater system and that fees have been paid for connection to the wastewater system. Confirmation must be submitted prior to final Approval of the subdivision;

Where a new community wastewater system is proposed, conditions for approval shall include:

- b. Each community wastewater system shall be designed and constructed to the standards prescribed by the *Environmental Management Act* and the *Public Health Act* and regulations pursuant to those Acts; or where standards are not provided, in accordance with standards generally accepted as good engineering practice;
- c. Where a community wastewater system is to be acquired by the Regional District, the design of such shall be submitted to the Regional District for approval prior to the commencement of construction as required by this Bylaw;
- d. Where a community wastewater system is to be installed, it shall be installed by the applicant or by the authority having jurisdiction at the applicant's expense and be approved by the authority having jurisdiction before the subdivision is Approved;
- e. The Approving Officer, on behalf of the Regional District may require that part of a sewage collection system have greater capacity than is needed to serve the proposed subdivision. The cost of providing excess capacity shall be paid for pursuant to Section 939 of the *Local Government Act*.

9.03 Ownership of a Community Wastewater System

Ownership of community wastewater systems must be by one of the following:

- a. The strata corporation of a bare land strata subdivision;
- b. A company registered under the *Company Act* provided the sewage system has been constructed under the *Waste Management Act*; or
- c. A local service area of the Regional District.

9.04 Operation, Maintenance and Monitoring

For community systems that fall under the jurisdiction of the Ministry of Environment, operation maintenance and monitoring shall be in accordance with the requirements of the *Environmental Management Act*.

For community systems that fall under the jurisdiction of the Ministry of Health, operation maintenance and monitoring shall be in accordance with the requirements of the *Public Health Act* and Sewerage System Regulation 326/2004.

READINGS, APPROVAL AND ADOPTION

READ A FIRST TIME this 21st day of July, 2011.

READ A SECOND TIME this 21st day of July, 2011.

READ A THIRD TIME this 22nd day of September, 2011.

ADOPTED this 22nd day of September, 2011.

J.R. Kettle

Chair

D. Attorp

Secretary

I HEREBY CERTIFY the foregoing to be a true and correct copy of **Regional District of Central Kootenay Subdivision Bylaw No. 2159, 2011** as read a third time by the Board of the Regional District of Central Kootenay the 22nd day of September, 2011.

DATED at Nelson, British Columbia, this 23rd day of September, 2011.

D. Attorp

Secretary

I hereby certify that this is a true and correct copy of **Regional District of Central Kootenay Subdivision Bylaw No. 2159, 2011**.

DATED this 23rd day of September, 2011.

D. Attorp

Secretary

APPENDIX 'A'
REGIONAL DISTRICT OF CENTRAL KOOTENAY
COVENANT WHERE USE OF LAND REQUIRES POTABLE WATER

THIS COVENANT dated the _____ day of _____, 20__ pursuant to the provision of Section 219 of the *Land Title Act*.

BETWEEN:

NAME(S)
street address
city, province, postal code

(the "Covenantor")

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF CENTRAL KOOTENAY,
a Regional District incorporated under the laws
of British Columbia, having an office at
202 Lakeside Drive, PO Box 590, NELSON BC V1L 5R4

(the "Covenantee")

OF THE SECOND PART

WHEREAS the Covenantor is the registered owner in fee simple of the entire singular those certain parcels of land in the Nelson Assessment Area, in the Province of British Columbia, more particularly known and described as:

(insert legal description)

(hereinafter called the "Land")

AND WHEREAS the Covenantor wishes to subdivide the Land;

AND WHEREAS the Covenantor proposes to use the land for residential purposes, whereas the Interior Health Authority has advised that water from ground and/or surface water source (well and/or water license) must be treated to meet the British Columbia Safe Drinking Water standards;

AND WHEREAS the Approving Officer, pursuant to the provisions of Section 219 of the *Land Title Act* and Section 8.01 and 8.02 of the Regional District of Central Kootenay Subdivision Bylaw No. 2159, has required as a condition of approval to the subdivision of the Land, that the Covenantor be prohibited from development on the lots until the Interior Health Authority

has provided information regarding the treatment of ground and/or surface water sources (well and/or water licenses);

THEREFORE in consideration of \$1.00 (receipt and sufficiency of which is acknowledged), the Covenantor agrees and covenants with the Covenantee as follows:

1. No building shall take place until the owner of the Lots has received Interior Health Authority information regarding the treatment of ground and /or surface water source (well and/or water license).
2. The Covenantor agrees to save harmless the Covenantee from any and all claims which may arise from the requirement to obtain Interior Health Authority information regarding the treatment of ground and/or surface water source (well and/or water license).
3. The Covenantor will, for themselves, their heirs, executors, successors and assigns, at all times perform and observe the restrictions hereinbefore set out.
4. The restrictions and covenants herein contained are covenants running with the Land and are perpetual and will be registered in the Land Title Office in Kamloops, British Columbia pursuant to Section 219 of the *Land Title Act* as covenants in favour of the Covenantee.

IN WITNESS WHEREOF the Covenantor has executed these presents the day, month and year first above written.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year first written above.

THE CORPORATE SEAL OF THE REGIONAL)
DISTRICT OF CENTRAL KOOTENAY was)
hereunto affixed in the presence of:)
))
_____) (SEAL)
))
_____)

THE CORPORATE SEAL OF THE)
COVENANTOR WAS HEREUNTO affixed in the)
presence of:)
))
_____) (SEAL)
))
_____)

- OR -

SIGNED, SEALED AND DELIVERED)
by _____ in the presence of:)
)
)
_____)
NAME)
_____)
ADDRESS)
_____)
OCCUPATION)

APPENDIX 'B'
REGIONAL DISTRICT OF CENTRAL KOOTENAY
COVENANT WHERE USE OF LAND DOES NOT REQUIRE POTABLE
WATER AND A SEWAGE DISPOSAL SYSTEM

THIS COVENANT dated the _____ day of _____, 20__ pursuant to the provision of Section 219 of the *Land Title Act*.

BETWEEN:

NAME(S)
street address
city, province, postal code

(the "Covenantor")

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF CENTRAL KOOTENAY,
a Regional District incorporated under the laws
of British Columbia, having an office at
202 Lakeside Drive, PO Box 590, NELSON BC V1L 5R4

(the "Covenantee")

OF THE SECOND PART

WHEREAS the Covenantor is the registered owner in fee simple of the entire singular those certain parcels of land in the Nelson Assessment Area, in the Province of British Columbia, more particularly known and described as:

(insert legal description)

(hereinafter called the "Land")

AND WHEREAS the Covenantor wishes to subdivide the Land;

AND WHEREAS the Covenantor proposes to use the land for _____, a use not requiring water or sewage disposal system;

AND WHEREAS the Approving Officer, pursuant to the provisions of Section 219 of the *Land Title Act* and Section 7.03 of the Regional District of Central Kootenay Subdivision Bylaw No. 2159, has required that this Covenant is entered into as a condition of approval to the subdivision of the Land:

THEREFORE in consideration of \$1.00 (receipt and sufficiency of which is acknowledged), the Covenantor agrees and covenants with the Covenantee as follows:

- 5. Hereafter, the use of the Land is restricted to _____, which does not require the Land to be serviced by potable water or a sewage disposal system.
- 6. Without limiting Section 1, the Land must not be used for any residential, commercial or industrial purpose.
- 7. No transfer of title is permitted until proof of water as required by Section 7.01 of the Regional District of Central Kootenay Subdivision Bylaw No. 2159 is submitted.
- 8. The Covenantor will, for themselves, their heirs, executors, successors and assigns, at all times perform and observe the restrictions hereinbefore set out.
- 9. The restrictions and covenants herein contained are covenants running with the Land and are perpetual and will be registered in the Land Title Office in Kamloops, British Columbia pursuant to Section 219 of the *Land Title Act* as covenants in favour of the Covenantee.

IN WITNESS WHEREOF the Covenantor has executed these presents the day, month and year first above written.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year first written above.

THE CORPORATE SEAL OF THE REGIONAL)
DISTRICT OF CENTRAL KOOTENAY was)
hereunto affixed in the presence of:)
))
_____) (SEAL)
))
_____)

THE CORPORATE SEAL OF THE)
COVENANTOR WAS HEREUNTO affixed in the)
presence of:)
))
_____) (SEAL)
))
_____)

- OR -

SIGNED, SEALED AND DELIVERED)
by _____ in the presence of:)
)

_____)
NAME)
_____)
ADDRESS)
_____)
OCCUPATION)