Regional District of East Kootenay

Subdivision
Application Procedures

How and where to apply:

The Ministry of Transportation and Transit (MOTT) is the approving authority for subdivisions in rural areas. As part of the subdivision application process the MOTT will refer your application to the Regional District of East Kootenay (RDEK) and to several provincial government ministries for comment. The RDEK has requirements that must be met for your subdivision application to proceed. The MOTT will advise you of the complete requirements for subdivision.

Although you must file your subdivision application with the MOTT, it is advisable to first discuss your proposal with RDEK Development Services staff. An appointment to meet with staff is recommended.

Cranbrook Office hours: 8:30 am to 4:30 pm Monday through Friday, excluding holidays

Phone: 250-489-2791

Toll Free: 1-888-478-7335

RDEK Requirements:

You will need to pay an application referral fee to the RDEK before staff can review your proposal.

RDEK referral fees (by number of parcels created) are:

Fee Simple or Bare Land Strata	
(a) Base Fee	$500
(b) Per Parcel Created	$100
Boundary Adjustment – No new parcels created	$350
Phased Strata Subdivision	
(a) Base Fee	$500
(b) Per strata phase (payable at preliminary app.)	$100
Revised Referral Comments	$200 per change
Renewal or Extension (No Changes Required)	$100

RDEK will review the following:

1. <u>Agricultural Land Reserve status:</u>

   If the property is within the Agricultural Land Reserve (ALR), staff will check to make sure your proposed subdivision has been approved by the Provincial Agricultural Land Commission (ALC). The proposed subdivision must be in substantial compliance with the ALC approval.

2. Official Community Plan:

   Your proposal will be examined to make sure it meets the requirements of the applicable RDEK Official Community Plan (OCP). Application for a Development Permit may be required if the property is in a Development Permit Area within the OCP. As part of the Development Permit process, you may also be required to submit Development Approval Information to assess the impact of your proposal.

3. Zoning Bylaw / Land Use Bylaw:

   All parcels created must meet the minimum usable site area and minimum lot size for the zone in which they are located.

4. Subdivision Servicing Bylaw:

   Each parcel must be supplied with an adequate supply of potable water (water that is safe for human consumption) and have an approved method of sewage disposal.

5. *Local Government Act*:

   Some requirements for subdivision are contained in the *Local Government Act*. These include minimum lot frontage on a street, subdivision for a relative and the need for park dedication for some subdivisions.

6. Natural Hazards:

   If your property is located in a known flood hazard area, wildfire hazard area, or in an area known to be geologically unstable, you may be required to confirm that the land can be developed safely. Provincial ministries may also be requested to comment on the presence of natural hazards.

Staff will advise you of RDEK requirements:

Staff will write a letter listing the RDEK requirements for your subdivision. The letter will be sent to the MOTT with a copy sent to you. It is recommended that you not proceed with land altering activities related to your subdivision, such as the drilling of a well, prior to the receipt of the RDEK letter. Requirements may include, but are not limited to, the following:

1. Community water or sewer:

   If your property is in an area serviced by a community water system or community sewer system, you must provide proof that there is adequate capacity in the system for your subdivision. A letter from the operator of the system confirming that the parcels to be created can be connected to the system(s) must be provided to the RDEK.

2. Onsite Sewer and Water Service:

   If your property is not served by a community water system, you must prove that potable water can be provided. A well must be drilled on each new parcel and the following submitted to the RDEK:

- A letter from an accredited water testing laboratory confirming that the water from the well(s) is within the criteria limits established by the current Guidelines for Canadian Drinking Water Quality.

- A pump test confirming that each well is capable of producing 2,270 litres of water per day.

If your property is not serviced by a community sewer system, you must prove that there is adequate area on each new parcel for an on-site sewage disposal system. Confirmation of the ability to locate an on-site sewage disposal system from Interior Health, a Registered Onsite Wastewater Practitioner (ROWP) or qualified Professional Engineer must be provided to the RDEK. All submissions, including required restrictive covenants to be registered on title, must meet the current requirements of the RDEK Subdivision Servicing Bylaw.

3. Minimum Usable Site Area:

Confirmation by a surveyor that each parcel created by your proposed subdivision meets the required minimum usable site area may be required.

4. Legal Survey:

A copy of the legal survey plan proposed for registration in the Land Title Office is required. It is recommended that the land be surveyed after the MOTT grants preliminary layout approval.

5. Development Permit:

Application for and approval of a Development Permit may be required. The need for a Development Permit is identified within the applicable Official Community Plan and may relate to protection of the natural environment, wildfire, or natural hazards such as avalanche areas or slope in excess of 15%.

Confirmation that RDEK requirements have been met:

RDEK staff will notify the MOTT once your submissions meet the RDEK requirements. Your involvement with the RDEK for the proposed subdivision will be complete.