

1 - 373 Baker Street  
Nelson, BC  
V1L 4H6  
Telephone (250) 354-4004

**STUART R. LAYFIELD  
LAW CORPORATION**

19222  
P. O. Box 100  
Nelson, BC  
V1L 5P7  
Facsimile (250) 354-1500

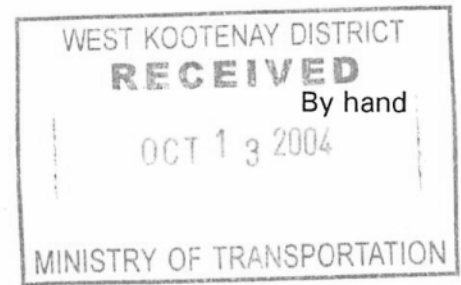
October 8, 2004

Province of British Columbia  
Ministry of Transportation  
West Kootenay District  
4th Floor, 310 Ward Street  
Nelson, BC  
V1L 5S4

My file no. 1736.04

Attention: Peter Muirhead  
Provincial Approving Officer

To Whom It May Concern:



Re: 505444 B.C. Ltd. ["Owner/Developer"]

Proposed subdivision of (1) Lot C, District Lot 6890, Kootenay District, Plan NEP64237 except part included in Plan NEP69338 (Blewett Road, Blewett, west of Nelson) and (2) Lot A, District Lot 6584, Kootenay District, Plan NEP68853 except part included in Plan NEP69338 (Vindusky Road, Blewett, west of Nelson) ["the Property"]  
Your file no. 02-010-1922

As you are aware, I am the Owner/Developer's solicitor.

By Preliminary Layout Approval dated July 2, 2004 ["the PLA"], you granted preliminary layout approval for the Owner/Developer's proposed ten-Lot subdivision of the Property ["the Subdivision"], subject to the several conditions set out therein.

I believe that all the aforesaid conditions have now been met. Accordingly, I now enclose

- ✓ duplicate mylar prints and six paper prints of the proposed Plan of Subdivision ["the Subdivision Plan"], for your signed approval thereon;
- \* - duplicate copies of the duly executed Covenant regarding potability and treatment of any surface or ground water source required by condition 2 of the PLA, for your signed approval on the final page [Page 5] thereof, and to be registered immediately before registration of the Subdivision Plan;
- ✓ - duplicate mylar prints and eight paper prints of the Reference Plan showing covenanted sewage disposal areas on Lots 4, 5, 6, and 10 of the Subdivision;
- \* - duplicate copies of the duly executed Covenant regarding dedicated sewage disposal areas as shown on the aforesaid Reference Plan, for your signed approval on the final page [Page 5] thereof;
- ✓ - a photocopy of the Postponement (Priority) Agreement entered into by Nelson & District Credit Union with the Interior Health Authority and the Regional District of Central Kootenay in respect of the aforesaid Covenant regarding dedicated sewage disposal areas on the subject Lots 4, 5, 6, and 10;
- ✓ - duplicate mylar prints and eight paper prints of the Explanatory Plan showing covenanted sewage disposal areas on Lots 1, 2, 3, 7, 8, and 9 of the Subdivision,
- \* - duplicate copies of the duly executed Covenant regarding dedicated sewage disposal areas as shown on the aforesaid Explanatory Plan, for your signed approval on the final page [Page 6] thereof,

Province of British Columbia  
Ministry of Transportation  
West Kootenay District  
October 8, 2004  
Page 2

- ✓ a photocopy of the Postponement (Priority) Agreement entered into by Nelson & District Credit Union with the Interior Health Authority and the Regional District of Central Kootenay in respect of the aforesaid Covenant regarding dedicated sewage disposal areas on the subject Lots 1, 2, 3, 7, 8, & 9;
- ✓ a paper print copy of the Reference Plan showing the Easement Area that is the subject of the reciprocal Easements required by condition 4 of the PLA;
- ✓ a photocopy of the duly executed aforesaid reciprocal Easements;
- ✓ a photocopy of the Postponement (Priority) Agreement entered into by Nelson & District Credit Union with the Owner/Developer in respect of the aforesaid reciprocal Easements, as required as part of the aforesaid condition 4 of the PLA;
- \* - duplicate copies of the duly executed Covenant prohibiting construction of any buildings or structures in the surveyed Easement Area that is subject to the reciprocal Easements, as required by condition 5 of the PLA, for your signed approval on the final page [Page 6] thereof;
- ✓ a photocopy of the Postponement (Priority) Agreement entered into by Nelson & District Credit Union with the Minister of Transportation and the Regional District of Central Kootenay in respect of the aforesaid Covenant prohibiting construction of any buildings or structures in the surveyed Easement Area that is subject to the reciprocal Easements, as also required as part of the aforesaid condition 5 of the PLA;
- ✓ the Tax Clearance Certificates for the Property that I have obtained from the Nelson Government Agent's Office; and
- ✓ Nelson & District Credit Union cheque no. 35637 made payable to the Minister of Finance in the \$1,050.00 total amount of the approval fees referred to in the penultimate paragraph of the PLA.

Although not covered by anything set out in the PLA, I also enclose, for your reference,

- a paper print of the Reference Plan showing the road Easement over Lots 6 and 7 of the Subdivision,
- a photocopy of the road Easement over the subject Lot 6 in favour of the subject Lots 7 and 8, and Lots 2 and 3, Lots 6584 and 6890, Kootenay District, Plan NEP69338,
- a photocopy of the road Easement over the subject Lot 7 in favour of the subject Lots 6 and 8, and
- a paper print of the Statutory Right of Way Plan over parts of the subject Lots 6, 7, 8, 9, and 10, which is being registered for use by The City of Nelson, Telus, and Shaw Cable for servicing and replacing electrical, telephone, and cablevision lines that are already buried in ducts under the surface of the said Lots.

As you will note, all the aforesaid Plans have been certified correct by Jerome Hango, B.C.L.S.

I understand that you have also received the written consents/confirmations that you require from the Interior Health Authority and the Regional District of Central Kootenay in order for you to grant final approval for the Subdivision if you find the aforesaid enclosures to be in order.

Thank you for your anticipated prompt attention to this matter. I trust that you will find the Subdivision Plan, the aforesaid Reference and Explanatory Plans, Covenants, Easements, Priority Agreements, Tax Clearance Certificate, and fees payment to be in order. However, please contact me forthwith if you have any problem with any of those documents, or require any additional documents that I might be able

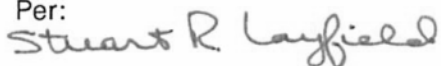
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Ministry of Transportation  
West Kootenay District  
October 8, 2004  
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to provide. Otherwise, I look forward to receiving the duly approved Subdivision Plan and Covenants from you in due course, hopefully the next few days. If you call my office when they are available, I will be pleased to attend there promptly to pick them up.

Yours truly,

STUART R. LAYFIELD LAW CORPORATION

Per:

A handwritten signature in dark ink, appearing to read "Stuart R. Layfield". The signature is written in a cursive, flowing style.

Stuart R. Layfield  
Barrister and Solicitor  
SRL/lrs

Enclosures

**Best, Phil TRAN:EX**

19222

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**From:** Jackson, Phillip [Phillip.Jackson@interiorhealth.ca]  
**Sent:** Tuesday, October 26, 2004 5:29 PM  
**To:** Muirhead, Peter TRAN:EX; Best, Phil TRAN:EX  
**Cc:** Jackson, Phillip; Jerome Hango (E-mail)  
**Subject:** Fred Jmaeff Subdivision

**DL 6890 and DL 6584, Vindusky Road, Blewett**

We have reviewed a plan dated August 30, 2004 by Jerome Hango, BCLS, showing lots, restrictive covenant areas for sewage disposal, and wells on 10 lots. These areas meet with our requirements and we can now recommend subdivision approval.

Phillip Jackson  
Public Health Inspector  
Interior Health Authority  
2nd Floor - 333 Victoria Street  
Nelson, British Columbia, Canada  
V1L 4K3  
phone: (250) 505-7209 fax: (250) 505-7211





# Interior Health

June 17, 2004

Your file: 02-010-19222

Kim Rowan  
Development Approvals Clerk  
Ministry of Transportation  
West Kootenay District  
310 Ward Street  
Nelson, BC  
V1L 6J5

Dear Ms. Rowan:

**Re: Lot A, Plan NEP 68853, DL 6854, KD exc. Plan NEP 69338 and Lot C, Plan NEP 64237, DL 6890, KD, exc. Plan NEP 69338**

**Applicant: Fred Jmaeff**  
**Location: 10 km west of Nelson**

We have reviewed this proposal which is a revision of one we commented on by letter dated August 28, 1998 (File 03-010-16468). The new proposal is very similar with the exception that one lot below (north of) Vindusky Road has been eliminated. The new proposal shows septic areas that are all acceptable with the possible exception of lot 2. There are the same concerns with lot 2 as in the earlier submission: the septic area is within 100 ft. of a small stream. Mr. Jmaeff has a plan to address the problem in the following manner:

The stream would be diverted along the Highways ditch and onto lot 2, using an impermeable liner in the Highways ditch (we assume this would need your approval). Once the stream enters lot 2, it would be culverted through the lot at any point where it is within 100 ft. of the septic area. The ditching and culverting must be designed, inspected, and certified by an engineer. This diversion must be watertight and capable of carrying maximum stream flows. If this is accomplished, lot 2 could be suitable for sewage disposal and an area of at least 8400 square feet would need to be covenanted for that purpose.

The other 10 lots should have sewage disposal areas covenanted. The sizes of those areas are given in the 1998 letter. We would like to review the final plan before approval.

Yours truly,

Phillip Jackson  
Public Health Inspector

Cc: Fred Jmaeff

**Bus:** (250) 505-7209  
**Fax:** (250) 505-7211  
**Email:** Phillip.Jackson@interiorhealth.ca  
**Web:** interiorhealth.ca

KOOTENAY BOUNDARY HEALTH SERVICES

2<sup>nd</sup> Floor – 333 Victoria Street  
Nelson, BC, V1L 4K3



ENVIRONMENTAL HEALTH PROTECTION SERVICES SOCIETY

Environmental Health Protection Services  
2nd. Floor - 333 Victoria Street  
Nelson, British Columbia V1L 4K3  
Telephone: (250) 354-6300  
Facsimile: (250) 354-6304

**Your File: 03-010-16468**

August 28, 1998

Dale Jeffs  
Ministry of Transportation and Highways  
2nd Floor, 310 Ward Street  
Nelson, British Columbia  
V1L 5S4

Dear Dale Jeffs:

**Subject: Proposed Subdivision of Pcl. A, DD 12885, DL 6890, KD (Revised Proposal dated August 10, 1998)**  
**Location: Blewett**  
**Applicant: Fred Jmaeff**

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We have reviewed this proposal for a 14-lot subdivision and have the following comments with regards to sewage disposal and water supply.

The proposed lots vary in size from 0.79 acre to 3.41 acres. As there is no community water system, each lot must be capable of having its own well. Each well must be at least 100 ft. from each sewage disposal system (on the same lot and on neighbouring lots). There are three main creeks which traverse the property and, in addition, a small stream on the northwest boundary. Every sewage disposal system must be at least 100 ft. from all creeks and streams. There are also some areas (e.g. parts of Lots 2 to 7) that are too steep for sewage disposal (over 30 percent). When we inspected the property in March and April of this year, the test holes indicated satisfactory depth to water table (over 4 ft.), though Lot 13 was marginal.

Based on slope and percolation rates, the lots would require the following areas for sewage disposal, to be protected by restrictive covenant:

Lots	Disposal Area (Square Feet)
1	8400
2	(too close to stream)
3	8400
4	8400
5	8400
6	12000
7	8400
8	8400
9	8400
10	8400
11	8400
12	12000
13	12000
14	8400

Dale Jeffs, District Development Technician  
Ministry of Transportation and Highways

As noted above, lot 2 does not have acceptable sewage disposal area due to the proximity of a small stream. The other lots may be suitable IF the areas described above can be designated on each lot. This may not be possible on some of the proposed lots. For example, proposed lot 8 is 0.79 acre situated on a slope of about 30 percent. Once the public road is constructed, the disposal area may turn out to be too close to the cutbank below. There also has to be room for a well on the same lot, as well as house, driveway, etc.

On the surface of it, it would appear that the lots are very marginal in size and we would recommend that generally lots in this type of terrain with on-site wells should be at least 2.5 acres. It has been our experience that a number of changes often occur in a development between the time we inspect the raw undisturbed land and the time the land has been cleared, water diverted, wells drilled, and roads and ditches constructed. We would like to reevaluate the proposal once the public road has been constructed and the designated sewage disposal areas have been accurately laid out.

Yours truly,



Phillip Jackson  
Environmental Health Officer

cc: Serge Zibin, Chief Environmental Health Officer, Kootenay Boundary Community Health  
Services Society, Nelson  
Regional District of Central Kootenay, 601 Vernon Street Nelson, British Columbia V1L 4E9  
Fred Jmaeff, s.22  
File



505444 B.C. Inc. (Jmaeff)

s.22

Attn: Fred Jmaeff

Your File

Our File 02-010-1922

Date (yyyy/mm/dd) 2004/07/02

Proposed Subdivision of Lot A, Plan NEP68853, District Lot 6854, K.D., except Plan NEP69338, and Lot C, Plan NEP64237, District Lot 6890, K.D., except Plan NEP69338.

Your proposal for a 10 lot subdivision has received preliminary layout approval, subject to the following condition(s):

1) For all proposed lots with the exception of proposed Lot 2:

Applicant to enter into a restrictive covenant with the **Interior Health Authority** and the **Regional District of Central Kootenay** as noted in the **Interior Health Authority** letter of August 28, 1998. Covenant to have priority over all other charges. The area of the restrictive covenant to be identified on a reference or explanatory plan (as required by the Registrar) prepared by a B.C.L.S. Written confirmation from **Interior Health Authority** that the document and reference or explanatory plan accurately reflects the concerns and areas as identified in their letter dated August 28, 1998 (copy attached). Appropriate notation to appear on final plans. Should Option B for proposed Lot 2 be successful, then proposed Lot 2 shall be included in this covenant.

**For Proposed Lot 2:**

Proposed Lot 2 is in close proximity to open bodies of water and as a result, will require modifications to the proposed sewage disposal area, as stated in the **Interior Health Authority** letter dated August 28, 1998 and June 17, 2004. Proposed Lot 2 shall have a sewage disposal field protected by covenant and established so that it is no closer than **Interior Health Authority** requirements from an open body of water. Two options are available to accomplish this;

**Option "A":**

The drainage ditch on the south side of Vindusky Road shall be regraded so that ditch drainage may flow further east to a new culvert crossing of Vindusky Road so that the discharge point is parallel to a projected line south from the west boundary of proposed Lot 2. The new culvert will discharge onto proposed Lot 2 where water will transit proposed Lot 2 in a closed drainage system. This system must satisfy **Interior Health Authority** concerns, as stated in their letter of June 17, 2004, be watertight and designed by an engineer registered to conduct business in the Province of British Columbia. The existing culvert across Vindusky road shall be removed. All roadway works and culvert installations shall conform with and be constructed as per the **British Columbia Supplement to Transportation Association of Canada Geometric Design Guide – 1440 Subdivision Roads Chapter**. The closed drainage works on proposed Lot 2 shall be designed and constructed under the supervision of an engineer registered to conduct business in the Province of British Columbia. Written confirmation is required from **Interior Health Authority** and the engineer that the closed drainage works have been satisfactorily constructed.

**For Option "A" the following 2 additional items will be required:**

i) Applicant shall enter into a Restrictive Covenant with the **Interior Health Authority** and the **Regional District of Central Kootenay** that the current owner of Lot 2 shall maintain the watertight integrity of the closed drainage system for the term of their ownership. Should the system be in disrepair when purchased, the responsibility, repair and maintenance of the closed drainage system shall be the responsibility of the new current owner. Covenant to have priority

Local District Address
WEST KOOTENAY DISTRICT
310 WARD STREET, NELSON BC V1L 5S4

you have concerns if any archaeological artifacts are unearthed **MSRM** must be notified at 250-356-1054.

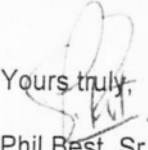
The approval granted is only for the general layout of the subdivision and is valid for one year from this letter. However, if at any time there is a change in legislation, regulations or bylaws this preliminary layout approval is automatically cancelled.

Submission of Final Plans (Mylar and 5 prints) to be accompanied by a current Tax Certificate (FIN 55), together with a plan examination fee of \$50.00 plus \$100.00 per lot created by the plan and made payable in the form of a cheque to the Minister of Finance and Corporate Relations.

If you have any questions please do not hesitate to call Phil Best at (250) 35496520  
(Name of Technician)

Cc: RDCK (E-08275.960)  
Health - Nelson

Yours truly,

  
Phil Best, Sr District Development Tech  
for Peter Muirhead, PAO  
Ministry of Transportation

Local District Address
WEST KOOTENAY DISTRICT
310 WARD STREET, NELSON BC V1L 5S4



505444 B.C. Inc. (Jmaeff)

s.22

Attn: Fred Jmaeff

TO ENSURE IMMEDIATE ATTENTION

Please Quote File No. 02-010-19222

Date (yyyy/mm/dd) 2004/06/10

Proposed subdivision of Lot A, Plan NEP68853, DL 6854, KD, except Plan NEP69338, and Lot C, Plan NEP64237, DL 6890, KD, except Plan NEP69338.

Your proposal for 10 lot subdivision has not been given approval by the Ministry of Transportation. The Ministry of Transportation anticipates comments will be received from the Interior Health Authority very soon (copy of IHA e-mail attached). Although this proposal seems to comply with Interior Health Authority sewage requirements with possibly the exception of proposed Lot 2, we must withhold approval of a PLA until:

- A) **Interior Health Authority** confirms the capacity or capability of soils for onsite sewage disposal for each lot.

Should the above referenced agency give their approval, along with any conditions arising out of any subsequent comments/approval, the following conditions will also apply in addition to those arising from above.

1. Written confirmation from the **Regional District of Central Kootenay** stating all the conditions of their bylaws have been addressed. If ground water (well) and/or surface water is proposed, a standard restrictive covenant will be required (sample available upon request).
2. Proof to be submitted of a year round source (2270 litres per day) of potable water, to the satisfaction of the Approving Officer, for all proposed lots and any remainders. Prior to plan approval, either a copy of a well drilling log or surface water licence is required for each lot proposed. If a shared system is to be used then a **Construction Permit** and an **Operating Permit** shall be required from the **Ministry of Health Services**.
4. The applicant shall establish reciprocal easements between lots "C, D, 10, 11 & 12" for common access and possible future road purposes. The easement will provide "should one or more owners wish to construct and dedicate a public road on area owned by themselves and the other owners then the owners agree to sign the documentation necessary to convert the areas of common access to public road." Easement to contain priority over any financial charges.
5. Pursuant to **Section 219** of the **Land title Act**, applicant shall enter into a restrictive covenant with the **Minister of Transportation** and the **Regional District of Central Kootenay** to prohibit construction of any buildings or structures within the area of reciprocal agreements. Covenant to contain priority over any financial charges. Appropriate notation to appear on final plans.

Local District Address
WEST KOOTENAY DISTRICT
310 WARD STREET, NELSON BC V1L 5S4

6. As the parcel being subdivided is within a wildfire interface it is recommended that the owner consult the following website and review the Firesmart Manual, [www.partnersinprotection.ab.ca](http://www.partnersinprotection.ab.ca)
7. Please be advised that your proposal;
- 1) is within an area identified as having a **low** potential of encountering artifacts.
  - 2) was submitted to **Ministry of Sustainable Resource Management (MSRM), Archaeology Branch.**

Pursuant to the **Heritage Conservation Act**, archaeological sites are protected. Should you have concerns or if any archaeological artifacts are unearthed **MSRM** must be notified at 250-356-1054.

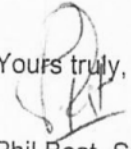
If you desire to discuss this further please do not hesitate to telephone at (250) 354-6520 to arrange a time and place for meeting.

Phil Best

(Technician's Name)

cc: RDCK (E-08275.960)  
Health - Nelson

Yours truly,

  
Phil Best, Sr District Development Tech  
For Peter Muirhead, PAO  
Ministry of Transportation

Local District Address
WEST KOOTENAY DISTRICT
310 WARD STREET, NELSON BC V1L 5S4

**WOODS ASSOCIATES ENGINEERING**

2248 Columbia Avenue Castlegar, BC V1N 2X1 e-mail: mail@wae.ca

Tel (250) 365-3696

Fax (250) 365-3607

July 2, 2002

File C0101-008 If2

Mr. Fred Jmaeff

s.22

**RE: DRAINAGE DITCH NEAR PROPOSED SEPTIC DISPOSAL FIELD ON REMAINDER A  
PLAN NEP 68853, NORTH WEST CORNER**

Further to our meeting with you on site we have prepared the following outline of a potential solution to the conflict between the proposed septic disposal and the adjacent drainage ditch. We understand that as a result of some grading work undertaken by your neighbor, a drainage ditch has been routed along the boundary of your proposed subdivision. Although the ditch is on your neighbor's side of the property line it is within 100 feet of the area you had designated for a septic disposal field. As a result you will be unable to obtain approval to create the subdivision lot as planned.

From our observations of the site conditions, it appears that from a practical point of view there is little chance that an absorption field located on your property could affect the drainage ditch on the adjacent property. These observations include:

- The ditch is shallow (less than 1m deep).
- The soil is granular with a high percolation rate.
- The ditch runs perpendicular to the slope, adjacent to the property line, and at no time is it directly below the proposed absorption field location.
- The majority of the ditch that is within the 30.5 m minimum is higher in elevation than the proposed absorption field.
- The flow in the ditch is small (we understand that the flow does not fluctuate significantly throughout the year).
- Although the flow will eventually find its way to the Kootenay River through a series of highway ditches, it is unlikely that it is directly used as a source of domestic water (we did not confirm this by walking the route).

However, Schedule 2 of the Sewage Disposal Regulation states, "an absorption field shall be located not less than 30.5 m (100 ft) from a source of domestic water". We believe the intent of the Regulation can be



likely met by simply increasing the distance from the property line to the absorption field to about 10 m. However, to meet the literal wording of the Regulation you must relocate the absorption field, or the stream, to 30 m from property line. Alternatively you could install a pipe to contain the flow as it passes within 30.5 m of the field area. The 200 mm diameter pvc and csp pipe that you have on site can be used provided it is installed according to manufacturers recommendations. We have attached a standard construction specification for your use. Install the pipe as follows:

- Start immediately following the bend in the ditch which turns the flow down slope and adjacent to the property line.
- Install a cement/sandbag headwall as per the attached detail drawing at the inlet of the pipe
- Bed the pipe in sand or crushed gravel if rocky conditions exist, shape the bedding to receive the bells and support the pipe along its full length.
- Compact the backfill on both sides of the pipe.
- Compact and shape the backfill over the pipe such that a swale remains over the pipe and along the alignment of the original ditch. This will contain any extreme flow that exceeds the capacity of the pipe or goes overland as a result of a blockage.

The back up swale discussed above, will minimize the risk of flood damage associated with a blocked pipe or excess flow. This, together with the fact that the low flow appears to be from a groundwater source and carries very little sediment, should minimize the required maintenance.

We trust you find the above satisfies your requirements. Please feel free to call (250) 365-3969 if you have any further questions.

Respectfully Submitted,  
**WOODS ASSOCIATES ENGINEERING**



Dan Sahlstrom, P. Eng.

DS:ak

Attachments    Sandbag Type Culvert Headwall - Sheet #1 (N.T.S.)  
                     IPEX PVC Sewer Pipe Installation Guide – 3 pages



Applicant File Number

Ministry File Number

19272

**A. PROPOSAL**

This is an application for preliminary layout approval for all properties involved.

Subdivision Type	<input checked="" type="checkbox"/> Fee Simple	<input type="checkbox"/> Sec. 946 Municipal Act	<input type="checkbox"/> Bare Land Strata
	<input type="checkbox"/> Other (specify)		
Full Legal Description(s) - per State of Title Certificate(s)	LOT A PLAN NEP68853 D.L. 6854 KD EXCEPT PLAN NEP 69338.		
	LOT C PLAN NEP 64237 DL 6890 KD EXCEPT PLAN NEP 69338		
Full Civic Address	VINDUSKY ROAD		
	BLEWETT ROAD		
Property Location	Kilometers <u>10</u> <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input checked="" type="checkbox"/> West	From <u>NELSON, B.C.</u>	
	Access Road <u>VINDUSKY, BLEWETT</u>	Property Zoning <u>N/A</u>	
	Existing Land Use <u>VACANT DEVELOPMENT</u>	Intended Land Use <u>RESIDENTIAL</u>	
Surrounding Land Use	North <u>RESIDENTIAL</u>	South <u>RESIDENTIAL</u>	East <u>RESIDENTIAL/AIR</u> West <u>RESIDENTIAL/AIR</u>
Sewage Disposal	<input checked="" type="checkbox"/> Septic Tank <input type="checkbox"/> Community System <input type="checkbox"/> Other (specify)		
Proposed Water Supply	<input checked="" type="checkbox"/> Well <input type="checkbox"/> Community System <input type="checkbox"/> Other (specify)		
Water Licenses	<u>INDUSTRIAL (RESIDENTIAL LAWN &amp; GARDEN WATERING)</u>		
			Number of Lots <u>10</u>

**B. APPLICATION INFORMATION**

1. I have enclosed:
- a current State of Title Certificate for each property;
  - copies of all charges indicated on the title (restrictive covenants, easements, etc.);
  - a current British Columbia Assessment Authority Tax Notice showing property tax classification;
  - 11 copies of the subdivision plan dated MARCH 22/04
  - soil percolation test data; PREVIOUSLY SUBMITTED
  - the preliminary layout application fee indicated on the reverse side of this form.

2. Under section 26.1 of the *Waste Management Act*, a person who knows or reasonably should know that a site has been used or is used for industrial or commercial purposes or activities must in certain circumstances provide a site profile. (Site profile attached.)

Schedule 2 of the Contaminated Sites Regulation sets out the types of industrial or commercial purposes or activities to which site profile requirements apply. (Schedule 2 attached.)

3. I have flagged the corners of the property, the lot lines, the proposed roads and the percolation test holes.

4. Is the property location within the Agricultural Land Reserve? ☐ Yes ☒ No  
If yes, I have enclosed a copy of the British Columbia Agriculture Land Commission Approval.

5. Is the property located within the Forest Land Reserve? ☐ Yes ☒ No  
If yes, I have enclosed a copy of the British Columbia Forest Land Commission Approval.

6. I have indicated in section D:

- if the property is subject to any natural hazards (i.e. land slide, rock fall, erosion, snow slide, avalanche);
- if the subdivision is for a relative (i.e. Section 946 Municipal Act).

**Note:** To assist subdivision applicants, the Ministry has prepared two brochures, *Subdivision Application Guide*, and *Your Development and British Columbia Highways*.





FAX SHEET  
☐ URGENT

KOOTENAY BOUNDARY COMMUNITY HEALTH SERVICES SOCIETY

ENVIRONMENTAL HEALTH PROTECTION SERVICES  
 2ND FLOOR, 333 VICTORIA STREET  
 NELSON, BRITISH COLUMBIA V1L 4K3

PHONE: (250) 354-8300  
 FAX: (250) 354-8304

This fax is **CONFIDENTIAL**. It is intended only for the use of the person to whom it is addressed. Any distribution, copying or other use by anyone else is strictly prohibited. If you have received this fax in error, please telephone us immediately and destroy this fax.

Date:	APR 11
To:	HUGH EBERLE
Fax:	
Recipients Phone:	
Subject:	
Sender:	Phillip Jackson, Environmental Health Officer <input checked="" type="checkbox"/>
	Chasch Peters, Environmental Health Officer <input type="checkbox"/>

You should receive 3 page(s) including this cover sheet.  
 If you do not receive all the pages, please call 354-8300.

Comments:

This is all contingent on Mr. J. being able to find 8400 ft<sup>2</sup> on each of the 3 lots, for septic. Lot B is especially tight. If he can demonstrate the area, it will be ok. The ball is in his court.

(Hen laid another monster egg for Tobin - )

Phillip

Environmental Health Services  
2nd. Floor - 333 Victoria Street  
Nelson, British Columbia V1L 4K3  
Telephone: (250) 354-6300  
Facsimile: (250) 354-6304

April 10, 2001

Your file: 03-010-16468

Hugh Eberle  
Central Kootenay District Office  
Ministry of Transportation and Highways  
2<sup>nd</sup> Floor - 310 Ward Street  
Nelson, BC  
V1L 5S4

Dear Mr. Eberle:

**Re: Proposed Subdivision of Parcel A, DD 12885, DL 6890**  
**Applicant: Fred Jmaeff**  
**Location: Vindusky Road, Blewett**

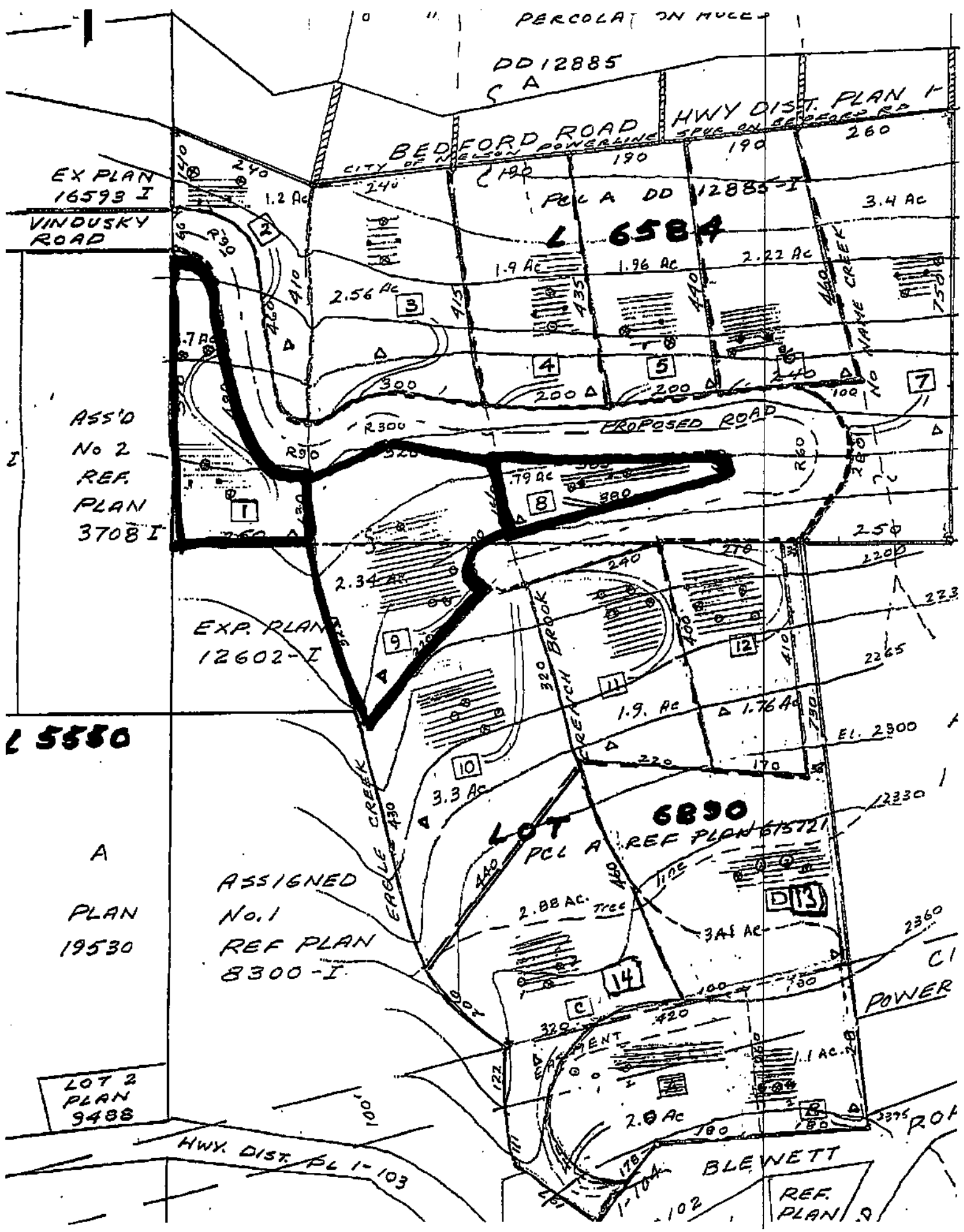
At this time, Mr. Jmaeff wishes to subdivide only lots 1, 8, and 9 from the remainder. Each lot requires an area of at least 8400 ft.<sup>2</sup> to be protected by restrictive covenant for sewage disposal. The area must be identified by a surveyor on site and on plan for our review before final approval.

Yours truly,



Phillip Jackson,  
Environmental Health Officer

Cc: Fred Jmaeff (by e-mail:<sup>s.22</sup>  
Chief Environmental Health Officer  
File



**PROPOSED SUBDIVISION  
PRELIMINARY LAYOUT APPROVAL**Mr. & Mrs. Fred Jmaeff  
s.22Your File \_\_\_\_\_  
Our File 03-010-16468  
Date June 21, 1999

Proposed Subdivision of

Parcel A (Ref. Pl. 61572-I), D.L. 6890, and Parcel A (DD 12885-I), D.L. 6584, K.D.

Your proposal for a fourteen (14) lot subdivision has received preliminary layout approval, subject to the following conditions:

1. The Ministry of Health has given conditional approval for on-site sewage disposal, but due to the marginal size of some of the lots, they need to re-evaluate the proposal to determine if there are any changes that are required due to unanticipated problems as described in their letter of November 9, 1998. Written confirmation to be submitted from the Ministry of Health stating that they have reviewed the layout for the lots and that each lot has an adequate area for sewage disposal. NOTE\*\* Proposed Lot 2 does not have an adequate area for sewage disposal. Lot 2 is to be consolidated with adjacent lots.
2. Bedford Road to be established a minimum of twenty (20) metres or three (3) metres beyond the extremities of cuts and fills, whichever is greater.
3. As the property contains a watercourse, the Registrar of Land Titles may require a Return to Crown of that watercourse. The BC Land Surveyor you engage is advised to check with the Registrar prior to commencement of the legal survey.
4. Proof of year round source (2270 litres per day) of potable water to serve proposed lots and remainder.
5. Prior to submission of final plans, applicant to submit a copy of Restrictive Covenant #XD36075. Covenant to be reviewed to determine if it makes the requirement of an additional Covenant redundant. Restrictive Covenant pursuant to Section 219 of the Land Title Act to be registered, in favour of the Ministry of Environment, Lands & Parks and the Regional District of Central Kootenay, to prohibit building construction, mobile home location, or storage of goods damageable by floodwaters within fifteen (15) metres of Eagle Creek, and prohibiting any building used for habitation, business, or storage of goods damageable by floodwaters to be located at an elevation such that the underside of the floor system is less than 1.5 metres above the natural boundary of Eagle Creek, for proposed Lot C and remainder. Covenant to contain priority over all financial charges.
6. Pursuant to Section 219 of the Land Title Act, applicant is to enter into a Restrictive Covenant with the Ministry of Health and the Regional District of Central Kootenay for sewage areas. Sewage areas to be confirmed by the Ministry of Health at a future site visit. Covenant to have priority over all financial charges. The area of the Restrictive Covenant is to be identified on a reference or explanatory plan prepared by a BC Land Surveyor. Written confirmation to be submitted from the Ministry of Health stating that the document and plan accurately reflect their concerns.

JUN 29 1999

7. Proposed subdivision road to be established a minimum of twenty (20) metres or three (3) metres beyond cuts and fills, whichever is greater, and terminating in a fifteen (15) metre radius cul-de-sac. Road is not to be posted by BC Land Surveyor until construction is completed.
8. Applicant to submit engineered drawings prepared by a Professional Engineer detailing vertical and horizontal alignments of the proposed road for approval prior to construction.
9. Applicant to submit a list of material sources for approval prior to construction.
10. Proposed road to be designed and constructed in accordance with Ministry of Transportation and Highways standard specifications for highway construction, as outlined in the Ministry's Highways Subdivision Engineering Requirements manual. Road shall be constructed to pavement standard. (Copy of the manual is available from the Central Kootenay District Highways office in Nelson at a cost of \$16.00 plus GST plus PST.)
11. It is an option for the applicant to retain a Professional Engineer to supervise and certify that the road construction has been completed to Ministry specifications. If the applicant does not wish to retain an engineer, Ministry of Transportation and Highways staff will complete the road inspections.

**For the Remainder:**

1. Owner to enter into a Restrictive Covenant with the Ministry of Environment, Lands & Parks, Waste Management Branch and the Regional District of Central Kootenay in accordance with the Regional Waste Management letter dated May 21, 1999.

A Restrictive Covenant acceptable to the Regional Waste Manager should be noted on the land title associated with Section B of the subject property and the two adjacent Cominco properties also impacted by the tailings pond. Land use restriction would appropriately prohibit development of Section B and impacted down-gradient properties at least until issuance of an Approval in Principle by the Regional Waste Manager.

Written confirmation to be submitted from the Environmental Safety Officer stating that they have reviewed and approved the document to be submitted.

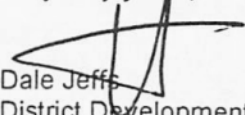
2. Written confirmation from the Regional Waste Manager stating that an action plan has been submitted to their satisfaction.

The property owner should submit an action plan to the Regional Waste Manager describing the actions proposed to facilitate complete site characterization and necessary remedial works. Included in the action plan should be a schedule indicating the timetable for initiating and completing the respective works. The action plan should be submitted to this office before July 31, 1999.

Submission of Final Plans to be accompanied by a current Tax Certificate (TX 55), together with a plan examination fee of \$50.00 plus \$100.00 per lot created by the plan and made payable in the form of a cheque to the Minister of Finance and Corporate Relations.

The approval granted is only for the general layout of the subdivision and is valid for 180 days from this letter. However, if at any time there is a change in legislation, regulations or bylaws this preliminary layout approval is automatically cancelled.

Very truly yours,

  
Dale Jeffs  
District Development Technician,  
Ministry of Transportation and Highways

cc: Regional District of Central Kootenay  
Kootenay Boundary Community Health Services Society, Nelson  
Peter Muirhead, Provincial Approving Officer, Region 3





# MEMORANDUM

Dale Jeffs  
District Development Technician  
Central Kootenay District

CENTRAL KOOTENAY DISTRICT  
NELSON

RECEIVED

JUN 21 1999

MINISTRY OF TRANSPORTATION  
AND HIGHWAYS

Kootenays Regional Office  
Regional Director's Branch  
4<sup>th</sup> Floor - 310 Ward Street  
Nelson BC V1L 5S4

Phone: 354-6783 Fax: 354-6437

June 17, 1999

Your file: 03-010-16468

Our file: 03-010-16468

**Re: Proposed subdivision of Parcel A (Ref. Plan 61572-I), DL 6890  
and Parcel A (DD 12885-I), DL 6584, Kootenay District (JMAEFF)**

Enclosed are comments from the Waste Management Branch with respect to District Lot 6584. Please issue PLA as per PLNA and add the following:

For the remainder:


1. Owner to enter into a restrictive covenant with the Ministry of Environment, Lands & Parks, Waste Management Branch and the Regional District of Central Kootenay in accordance with Regional Waste Management letter dated May 21, 1999.

A restrictive covenant acceptable to the Regional Waste Manager should be noted on the land title associated with Section B of the subject property and the two adjacent Cominco properties also impacted by the tailings pond. Land use restriction would appropriately prohibit development of Section B and impacted down-gradient properties at least until issuance of an Approval in Principle by the Regional Waste Manager.

Written confirmation from the Environmental Safety Officer stating they have reviewed and approved the document to be submitted.

2. Written confirmation from the Regional Waste Manager that an action plans has been submitted to their satisfaction.

The property owner should submit an action plan to the Regional Waste Manager describing the actions proposed to facilitate complete site characterization and necessary remedial works. Included in the action plan should be a schedule indicating the timetable for initiating and completing the respective works. The action plan should be submitted to this office before July 31, 1999.

  
Peter Muirhead  
Provincial Approving Officer

PM/sme



# MEMORANDUM

Dale Jeffs, District Development Tech.  
Ministry of Transportation & Highways  
Central Kootenay Office  
Nelson, BC

Kootenays Regional Office  
4<sup>th</sup> Floor, 310 Ward Street  
Nelson, BC V1L 5P5  
Ph: 354-6783 Fax: 354-6437

January 7, 1999

Our file: 03-010-16468

CENTRAL KOOTENAY DISTRICT  
NELSON

RECEIVED

JAN 08 1999

MINISTRY OF TRANSPORTATION  
AND HIGHWAYS

Re: Pcl. A (Ref. Plan 61572-I), D.L. 6890 & Pcl. A (DD 12885-I), D.L. 6584, K.D.

Please find enclosed a copy of a letter from the Assistant Regional Waste Manager for your records.

A copy has been forwarded to Mr. Jmaeff for his records.

Peter Muirhead  
Provincial Approving Officer

PM/wh  
Enc.

December 22, 1998

Ministry of Transportation and Highways  
Kootenays Regional Office  
4<sup>th</sup> Floor - 310 Ward Street  
Nelson, BC V1L 5S4

Attention: Peter Muirhead,  
Provincial Approving Officer

Dear Peter:

**Re: Site Profile for Proposed Subdivision of Parcel A, District Lot 6584,  
Kootenay Land District, (see 12885I) Exc (1) Pcl D (Expl PL 33491I)  
& (2) Pl 18833 Located at Bedford Road, Near Blewett, BC**

---

We have received a site profile on December 7, 1998 for the above property. In accordance with section 7(1) of the *Contaminated Sites Regulation*, the manager hereby notifies that the Ministry of Environment, Lands and Parks:

- ☐ does not intend at this time to require or order a preliminary site investigation or a detailed site investigation under section 26.2 of the *Waste Management Act*.
- ☒ requires at this time
- ☒ a stage one and stage two preliminary site investigation;  
and/or
  - ☐ a detailed site investigation  
under section 26.2 of the *Waste Management Act*.

The requirements of preliminary site investigations are defined under section 58 of the *Contaminated Sites Regulation*. A copy of section 58 has been attached for your convenience. The manager requires the proponent of the subject application provide additional information summarizing historical site

... 2

uses/activities which may have contributed contaminants to soils and/or groundwater at the subject property. I understand the site may have been impacted by historical management of mine and/or mill tailings. Therefore, the primary objective of the preliminary site assessment must be to identify whether historical activities associated with mining and milling operations had occurred on or closely adjacent to the subject property. Also, the report must provide analytical results of basic soil characterization conducted at any area(s) identified as likely involving soil contaminant concerns. Such assessment must be conducted by a qualified environmental consultant.

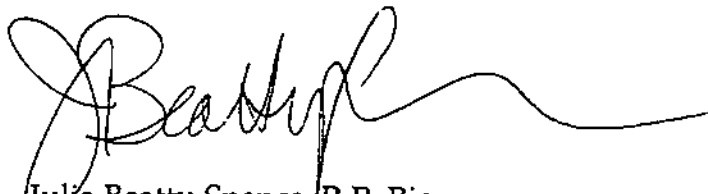
Results of the preliminary site investigation must be clearly summarized and provided to the manager in a written report. The assessment report must include a detailed diagram clearly indicating the location of historical facilities and/or features in relation to current and proposed property boundaries. Upon receipt of the preliminary site investigation report, the Regional Waste Manager will make all reasonable effort to expedite review and provide written response advising whether information requirements have been satisfied.

Note that review of the preliminary site investigation report shall be subject to fees as set out in Table 2, Schedule 3 of the *Contaminated Sites Regulation*. Also note that GST must be added to the applicable service fee. A copy of Table 2 also is attached for your information.

Decisions by the manager may be appealed under Part 7 of the *Waste Management Act*.

If you require any clarification of the above comments, please contact Mr. Ed Stockerl of this office at (250) 354-6358.

Yours truly,



Julia Beatty-Spence R.P. Bio.  
Assistant Regional Waste Manager

ECS/lh

Attachments:

cc: Kelly Cairns, Cominco Ltd., 1000 Aldridge Avenue, Trail, BC V1R 4L8



Mr. & Mrs. Fred Jmaeff  
s.22

TO ENSURE IMMEDIATE ATTENTION  
PLEASE QUOTE FILE No. 03-010-16468  
DATE December 1, 1998

Proposed subdivision of

Pcl. A (Ref. Plan 61572-I), D.L. 6890 & Pcl. A (DD 12885-I), D.L. 6584, K.D.

Your proposal for a fourteen (14) lot subdivision has not been given approval by the Ministry of Transportation and Highways for the following reasons:

A. Pursuant to Section 85 (1)(c) of the Land Title Act, the Approving Officer has not received notification that site investigation under Section 27 of the Waste Management Act will not be required.

Should the applicant adequately address the above concerns of the Approving Officer, the following conditions would be among those in an eventual approval:

1. The Ministry of Health has given conditional approval for on-site sewage disposal, but due to the marginal size of some of the lots, they need to re-evaluate the proposal to determine if there are any changes that are required due to unanticipated problems as described in their letter of November 9, 1998. Written confirmation from the Ministry of Health that they have reviewed the layout for the lots and that each lot has an adequate area for sewage disposal. NOTE\*\* Proposed Lot 2 does not have an adequate area for sewage disposal. Lot 2 is to be consolidated with adjacent lots.
2. Bedford Road to be established a minimum of twenty (20) metres or three (3) metres beyond the extremities of cuts and fills, whichever is greater, in accordance with District Plan 1-318.
3. Blewett Road to be established a minimum of twenty (20) metres or three (3) metres beyond the extremities of cuts and fills, whichever is greater.
4. As the property contains a watercourse, the Registrar of Land Titles may require a Return to Crown of that watercourse. The BC Land Surveyor you engage is advised to check with the Registrar prior to commencement of the legal survey.
5. Proof of a year round source (2270 litres per day) of potable water to serve proposed lots and remainder.
6. Prior to submission of final plans, applicant is to submit a copy of Restrictive Covenant #XD36075. Covenant to be reviewed to determine if it makes the requirement of an additional covenant redundant. Restrictive Covenant pursuant to Section 219 of the Land Title Act to be registered, in favour of the Ministry of Environment, Lands & Parks and the Regional District of Central Kootenay, to prohibit building construction, mobile home location, or storage of goods damageable by floodwaters within fifteen (15) metres of Eagle Creek, and prohibiting any building used for habitation, business, or storage of goods damageable by floodwaters to be located at an elevation such that the underside of the floor system is less than 1.5 metres above the natural boundary of Eagle Creek, for proposed Lot C and remainder. Covenant to contain priority over all financial charges.
7. Pursuant to Section 219 of the Land Title Act, applicant is to enter into a Restrictive Covenant with the Ministry of Health and the Regional District of Central Kootenay for sewage areas. Sewage areas to be confirmed by the Ministry of Health at a future site visit. Covenant to have priority over all financial charges. The area of the Restrictive Covenant is to be identified on a reference or explanatory plan prepared by a BC Land Surveyor. Written confirmation is to be submitted from the Ministry of Health stating that the document and plan accurately reflect their concerns.

(over)

8. Proposed subdivision road to be established a minimum of twenty (2) metres or three (3) metres beyond cuts and fills, whichever is greater and terminating in a fifteen (15) metre radius cul-de-sac. Road is not to be posted by BC Land Surveyor until construction is completed.
9. Applicant to submit engineered drawings prepared by a Professional Engineer detailing vertical and horizontal alignments of the proposed road for approval prior to construction.
10. Applicant to submit a list of material sources for approval prior to construction.
11. Proposed road to be designed and constructed in accordance with Ministry of Transportation and Highways standard specifications for highway construction, as outlined in the Ministry's Highways Subdivision Engineering manual. Road shall be constructed to pavement standard. (Copy of the manual is available from the Central Kootenay District Highways office in Nelson at a cost of \$16.00 plus GST plus PST.)
12. It is an option for the applicant to retain a Professional Engineer to supervise and certify that the road construction has been completed to Ministry specifications. If the applicant does not wish to retain an engineer, Ministry of Transportation and Highways staff will complete the road inspections.

Please note that overcoming the above objections will not automatically bring approval. Changes in acts bylaws and other regulations and policy take place continuously so that if you wish to proceed with the proposal, it is strongly recommended that you submit another tentative plan at the appropriate time and receive preliminary layout approval before investing further in land, studies, works, etc.

If you desire to discuss this further please do not hesitate to telephone me at (250) 354-6521 to arrange a time and place for meeting.

Local District Address
Regional District of Central Kootenay
Kootenay Bdy. Comm. Health Society, Nelson
Peter Muirhead, Provincial Approving Officer

Very truly yours,

  
Dale Jaffs

District Development Technician,  
Ministry of Transportation and Highways

Printed By: Dale Jeffs, CENT\_KOOT\_DIST  
To: DALE JEFFS@CENT\_KOOT\_DIST  
From: Judi Ross@FINANCE@TH\_OPS\_REGION3  
Cc:  
Bcc:  
Subject: file: 03-010-16468, dl 6584  
Attachment:  
Date: 98/11/27 8:45 AM

dale - re: jmaeff sub'd; i rec'd letter from health and comments are as follows

pls issue PLNA as per following conditions

1. pursuant to section 85 1(c) of the land title act the approving officer has not received notification that site investigation under section 27 of the waste management act will not be required

if clause;

1. the ministry of health have given conditional approval for onsite sewage disposal but due to the marginal size of some of the lots they need to re-evaluate the proposal to determine if there are any changes that are required due to unanticipated problems as described in their letter of nov 9/98. written confirmation from the ministry of health that they have reviewed the layout for the lots and that each lot has an adequate area for sewage disposal.

then # 2 to 14 of my b mail of october 27/98.

thx  
judi ross  
deputy approving officer



KOOTENAY BOUNDARY COMMUNITY HEALTH  
SERVICES SOCIETY

Environmental Health Protection Services  
2nd. Floor - 333 Victoria Street  
Nelson, British Columbia V1L 4K3  
Telephone: (250) 354-6300  
Facsimile: (250) 354-6304

CENTRAL KOOTENAY DISTRICT  
NELSON

RECEIVED

Your File: 03-010-16468

November 9, 1998

NOV 10 1998

MINISTRY OF TRANSPORTATION  
AND HIGHWAYS

Judi Ross  
Deputy Approving Officer  
Kootenays Regional Office  
Ministry of Transportation and Highways  
4th Floor - 310 Ward Street  
Nelson, British Columbia  
V1L 5S4

Dear Judi Ross:

**Re: Proposed Subdivision of Parcel A, DD 12885, DL 6584 (Jmaeff)**

I am writing in reply to your letter of October 29th.

We would not be able to give definitive recommendations on all lots until the public road has been constructed to the stage where it is close to finished grade, i.e. road excavated and roughed in to grade with a bulldozer and to depth of finished ditches. This would be before aggregate is placed and road is paved. If there are any unanticipated problems, they should be evident by this stage.

This subdivision proposal contains small lots on mountainous terrain. The sewage disposal areas are marginal in size, slope, and location relative to downslope breakout points. It is also very significant that there is no community water system to serve this subdivision of 14 small lots. Each lot must be able to drill its own well, keeping all wells and septic systems at least 30 m apart.

The applicant's proposal, while well drawn, is not absolutely accurate in dimensions and hence the final survey will differ somewhat from the original proposal. If the lot sizes were significantly larger (e.g. 2 ha) there would be some room for error at the preliminary stage and we would not have to be so cautious.

You may be interested in a few local examples of subdivisions which have experienced problems due to road construction:

1. **Bonnington (Whitelock, Woodcrest, and Bonnington Roads) early 1980s.** Lots were approved before the roads were constructed and the wells were drilled. Road construction intercepted shallow subsurface water and surface water and directed it into channels that previously carried little or no water (at least 9 lots rendered useless). Well locations affected where septic systems could be located (2 lots rendered useless).



2. **Woodland Construction (Taghum) 1994.** Small lots with roughed in road received PLA. The applicant's hydrogeological consultant stated that the water table was over 100 ft. down and that groundwater was not a constraint to sewage disposal. Road construction opened a spring just 60 ft. downhill of an "approved" sewage disposal area. (BC law requires that sewage disposal systems be at least 100 ft. from springs).
3. **Mountain View Road (Bonnington) 1994.** The applicants stated that there was no bedrock or groundwater to be encountered on the property (before road construction). Test holes had not revealed bedrock or groundwater yet it took approximately one week of rock blasting to construct the upper part of the road. One spring was encountered which flows year-round in the ditch. Both these discoveries have affected the suitability of the lots for sewage disposal. Fortunately these lots are served by a community water system and alternate sewage disposal areas appear to exist on the affected lots.

In each of these cases, all lots appeared suitable for sewage disposal before road and well construction. If there had been an opportunity to reevaluate the lots after road construction and before final subdivision approval, these problems could have been avoided. As it happened, many lot owners suffered financial losses and personal stress after buying government-approved lots only to find that they were worthless as building lots. In case #1, there was an investigation by the Ombudsman's Office, and the Ministry of Transportation and Highways and the Ministry of Health were taken to task for having approved the subdivision.

In Mr. Jmaeff's case, it is advisable that lots 4, 5, and 6 be consolidated into 2 lots rather than 3, and that lots 8 and 9 be consolidated to allow more area for sewage disposal and a well. Lot 2 is currently not approvable due to proximity of sewage disposal area to a stream but Mr. Jmaeff maintains that he can divert this stream. If this proves to be successful, lot 2 may be approvable. In summary, not all 14 proposed lots may end up being approvable but there will still be a reasonable number approved in the end. We believe that a PLA could be issued on this understanding.

If you require any additional information, please contact me at the address above or call me at 354-6294.

Yours truly,



Phillip Jackson  
Environmental Health Officer

cc: Serge Zibin, Chief Environmental Health Officer, Kootenay Boundary Community Health Services Society, Nelson  
Dale Jeffs, Ministry of Transportation and Highways, 2nd Floor, 310 Ward Street, Nelson, BC, V1L5S4  
Fred Jmaeff, s.22  
File



Mr. & Mrs. F. Jmaeff  
s.22

TO ENSURE IMMEDIATE ATTENTION  
PLEASE QUOTE FILE No. 03-010-16468  
DATE October 29, 1998

Proposed subdivision of

Pcl. A (Ref. Plan 61572-I), D.L. 6890 and Pcl. A (DD 12885-I), D.L. 6584, K.D.

Your proposal for a fourteen (14) lot subdivision has not been given approval by the Ministry of Transportation and Highways for the following reasons:

A. The Ministry of Health has not given its approval for on-site sewage disposal. Their letter of August 31, 1998, advises that they wish to re-evaluate the proposal after roads and sewage areas have been accurately designated.

Should the applicant adequately address the concerns of the Ministry of Health, the following conditions would be among those in an eventual approval:

1. Applicant to submit a Schedule 2 Contaminated Site Profile to the District Highways office, complete with the \$50.00 fee. Any issues with respect to the existing contaminated site(s) must be addressed prior to submission of final plans involving subdivision with District Lot 6584.
2. Bedford Road to be established a minimum of twenty (20) metres or three (3) metres beyond the extremities of cuts and fills, whichever is greater, in accordance with District Plan 1-318.
3. Blewett Road to be established a minimum of twenty (20) metres or three (3) metres beyond the extremities of cuts and fills, whichever is greater.
4. As the property contains a watercourse, the Registrar of Land Titles may require a Return to Crown of that watercourse. The BC Land Surveyor you engage is advised to check with the Registrar prior to commencement of the legal survey.
5. Proof of a year round source (2270 litres per day) of potable water to serve proposed lots and remainder.
6. Prior to submission of final plans, applicant to submit a copy of Restrictive Covenant #XD36075. Covenant to be reviewed to determine if it makes the requirement of an additional covenant redundant. Restrictive Covenant pursuant to Section 219 of the Land Title Act to be registered, in favour of the Ministry of Environment, Lands & Parks and the Regional District of Central Kootenay, to prohibit building construction, mobile home location, or storage of goods damageable by floodwaters within fifteen (15) metres of Eagle Creek, and prohibiting any building used for habitation, business, or storage of goods damageable by floodwaters to be located at an elevation such that the underside of the floor system is less than 1.5 metres above the natural boundary of Eagle Creek, for proposed Lot C and remainder. Covenant to contain priority over all financial charges.
7. Pursuant to Section 219 of the Land Title Act, applicant to enter into a Restrictive Covenant with the Ministry of Health and the Regional District of Central Kootenay for sewage areas. Sewage areas to be confirmed by the Ministry of Health at a future site visit. Covenant to have priority over all financial charges. The area of the Restrictive Covenant is to be identified on a reference or explanatory plan prepared by a BC Land Surveyor. Written confirmation from the Ministry of Health stating that the document and plan accurately reflect their concerns.

(over)

8. Proposed subdivision road to be established a minimum of twenty (20) metres or three (3) metres beyond cuts and fills, whichever is greater and terminating in a fifteen (15) metre radius cul-de-sac. Road is not to be posted by BC Land Surveyor until construction is completed.

9. Applicant to submit engineered drawings prepared by a Professional Engineer detailing vertical and horizontal alignments of the proposed road for approval prior to construction.

10. Applicant to submit a list of material sources for approval prior to construction.

11. Proposed road to be designed and constructed in accordance with Ministry of Transportation and Highways standard specifications for highway construction, as outlined in the Ministry's Highways Subdivision Engineering manual. Road shall be constructed to pavement standard. (Copy of the manual is available at the Central Kootenay District Highways office in Nelson at a cost of \$16.00 plus GST plus PST.)

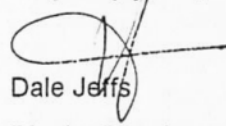
12. It is an option for the applicant to retain a Professional Engineer to supervise and certify that the road construction has been completed to Ministry specifications. If the applicant does not wish to retain an engineer, Ministry of Transportation and Highways staff will complete the road inspections.

Please note that overcoming the above objections will not automatically bring approval. Changes in acts bylaws and other regulations and policy take place continuously so that if you wish to proceed with the proposal, it is strongly recommended that you submit another tentative plan at the appropriate time and receive preliminary layout approval before investing further in land, studies, works, etc.

If you desire to discuss this further please do not hesitate to telephone me at (250) 354-6521 to arrange a time and place for meeting.

Local District Address
Regional District of Central Kootenay
Kootenay Bdy. Comm Health Society, Nelson
Peter Muirhead, Provincial Approving Officer

Very truly yours,



Dale Jeffs

District Development Technician,  
Ministry of Transportation and Highways



KOOTENAY BOUNDARY COMMUNITY HEALTH  
SERVICES SOCIETY

Environmental Health Protection Services  
2nd. Floor - 333 Victoria Street  
Nelson, British Columbia V1L 4K3  
Telephone: (250) 354-6300  
Facsimile: (250) 354-6304

Your File: 03-010-16468

August 28, 1998

Dale Jeffs  
Ministry of Transportation and Highways  
2nd Floor, 310 Ward Street  
Nelson, British Columbia  
V1L 5S4

CENTRAL KOOTENAY DISTRICT  
NELSON

RECEIVED

AUG 31 1998

MINISTRY OF TRANSPORTATION  
AND HIGHWAYS

Dear Dale Jeffs:

**Subject:** Proposed Subdivision of Pcl. A, DD 12885, DL 6890, KD (Revised Proposal dated August 10, 1998)

**Location:** Blewett

**Applicant:** Fred Jmaeff

We have reviewed this proposal for a 14-lot subdivision and have the following comments with regards to sewage disposal and water supply.

The proposed lots vary in size from 0.79 acre to 3.41 acres. As there is no community water system, each lot must be capable of having its own well. Each well must be at least 100 ft. from each sewage disposal system (on the same lot and on neighbouring lots). There are three main creeks which traverse the property and, in addition, a small stream on the northwest boundary. Every sewage disposal system must be at least 100 ft. from all creeks and streams. There are also some areas (e.g. parts of Lots 2 to 7) that are too steep for sewage disposal (over 30 percent). When we inspected the property in March and April of this year, the test holes indicated satisfactory depth to water table (over 4 ft.), though Lot 13 was marginal.

Based on slope and percolation rates, the lots would require the following areas for sewage disposal, to be protected by restrictive covenant:

Lots	Disposal Area (Square Feet)
1	8400
2	(too close to stream)
3	8400
4	8400
5	8400
6	12000
7	8400
8	8400
9	8400
10	8400
11	8400
12	12000
13	12000
14	8400

Dale Jeffs, District Development Technician  
Ministry of Transportation and Highways

As noted above, lot 2 does not have acceptable sewage disposal area due to the proximity of a small stream. The other lots may be suitable IF the areas described above can be designated on each lot. This may not be possible on some of the proposed lots. For example, proposed lot 8 is 0.79 acre situated on a slope of about 30 percent. Once the public road is constructed, the disposal area may turn out to be too close to the cutbank below. There also has to be room for a well on the same lot, as well as house, driveway, etc.

On the surface of it, it would appear that the lots are very marginal in size and we would recommend that generally lots in this type of terrain with on-site wells should be at least 2.5 acres. It has been our experience that a number of changes often occur in a development between the time we inspect the raw undisturbed land and the time the land has been cleared, water diverted, wells drilled, and roads and ditches constructed. We would like to reevaluate the proposal once the public road has been constructed and the designated sewage disposal areas have been accurately laid out.

Yours truly,



Phillip Jackson  
Environmental Health Officer

cc: Serge Zibin, Chief Environmental Health Officer, Kootenay Boundary Community Health  
Services Society, Nelson  
Regional District of Central Kootenay, 601 Vernon Street, Nelson, British Columbia V1L 4E9  
Fred Jmaeff, s.22  
File



BEDFORD ROAD

PLAN NO. NEP

Deposited in the Land Title Office at Kamloops,  
B.C. this \_\_\_ day of \_\_\_, 200\_\_

Registrar

(SEE 954071)

BLOCK A  
(SEE DD648)

PARCEL C

6584

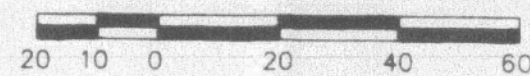
6890

PLAN 15796

EXPLANATORY PLAN OF  
COVENANT AREAS OVER PART OF  
LOTS 1,2,3,7,8 AND 9, PLAN  
NEP \_\_\_\_, D.L. 6584 AND 6890,  
KOOTENAY DISTRICT

PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT

B.C.G.S. 82F.044  
SCALE 1:1250



LEGEND

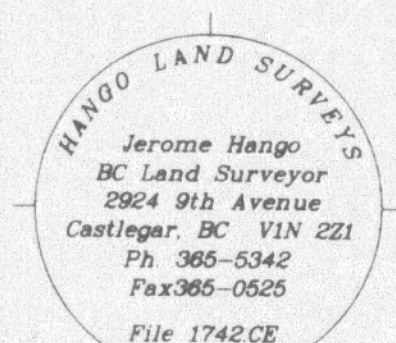
Bearings are astronomic derived from  
Plan NEP \_\_\_\_  
All distances are in metres.

BOOK OF REFERENCE

D.L.	LOT	PLAN	R/W AREA
6584	1	NEP ____	850.0 SQ.M.
6584	2	NEP ____	1117.9 SQ.M.
6584	3	NEP ____	780.0 SQ.M.
6890	7	NEP ____	780.0 SQ.M.
6890	8	NEP ____	1115.0 SQ.M.
6890	9	NEP ____	1150.0 SQ.M.

Certified correct at Castlegar, B.C.  
according to Kamloops Land Title Office records  
and the checklist filed under no. 20286 on the  
30th day August, 2004.

B.C.L.S.



This plan lies within the  
Central Kootenay Regional District.

19222