



# CITY OF WEST KELOWNA

## COUNCIL POLICY MANUAL

Pages: 1 of 2

Approval Date: June 12, 2018

|  |
|--|
| <b>SUBJECT:</b> <b>Section 219 Covenants</b> |
|--|

### **Purpose:**

To provide a framework for the utilization of Section 219 Covenants during consideration of development applications.

### **Policy:**

1. The City will utilize Section 219 Covenants in favour of the municipality to impose negative or positive obligations as per the provisions of Section 219 of the *Land Title Act*.
2. The City will enter into Section 219 Covenants with land owners to regulate provisions with respect to the use of lands or the construction of structures or buildings as part of the development approval process for the protection, preservation, conservation, maintenance, and/or restoration of land and/or other specified features.
3. The City will enter into Section 219 Covenants with land owners to regulate provisions with respect to the use of lands or the construction of structures or buildings as part of the development approval process specifically for agricultural-related applications including:
  - (a) Agricultural Worker Dwellings and Temporary Agricultural Worker Dwellings (i.e. to restrict the use of these dwellings to agricultural workers, restrict the length of year these dwellings can be occupied; restrict the use of multiple parcels within one farm unit to a specified number of dwellings; to require decommissioning if the dwellings cease to be occupied by agricultural workers);
  - (b) A manufactured home in compliance with the Agricultural Land Reserve Use, Subdivision and Procedure Regulation of the *Agricultural Land Commission Act* (i.e. to restrict the use of the manufactured home for use by a member of the owner's immediate family and to require decommissioning if the manufactured home ceases to be occupied in accordance with the *Agricultural Land Commission Act*); and
  - (c) Development of lands adjacent to agricultural land (i.e. to restrict the types of vegetation that can be installed; to restrict the use of chemicals, including pesticides, fungicides, and herbicides; and to specify additional buffering requirements that may be required).
4. The utilization of Section 219 Covenants may be supported as a means to identify lands which are to be built on in accordance with future servicing requirements, where those requirements are based on legislation or bylaw, such as those under Division 11 of the *Local Government Act*.
5. The utilization of Section 219 Covenants will not be supported as a means to secure zoning amendment and development conditions to:

- (a) Secure servicing requirements of which the extent of, have not been determined in full.
  - (b) Secure servicing obligations which exceed what the municipal bylaws may require (Except in accordance with Section 4).
6. The registration of Section 219 Covenants to title shall occur prior to final approval of a development application. The City may accept a letter of undertaking in place of the registration of Section 219 Covenants to title prior to final approval of a development application, at the discretion of the General Manager of Development Services.
  7. The City will only support the utilization of covenants as a means to secure outstanding conditions that would normally be satisfied prior to adoption of a zoning amendment bylaw, in extraordinary circumstances such as when dealing with a public entity and/or through a Public-Private-Partnership for the development of public and community facilities (not including parkland dedication or improvements).