

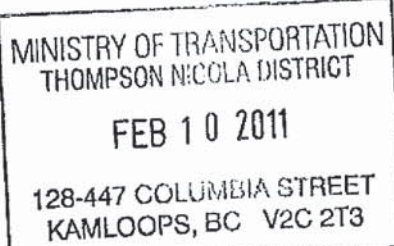


Thompson-Nicola Regional District

Department: Planning

February 7, 2011

Ministry of Transportation and Infrastructure
Thompson Nicola District
#127 - 447 Columbia Street
Kamloops, BC V2C 2T3



300 - 465 Victoria Street
Kamloops, British Columbia
Canada V2C 2A9
Tel. (250) 377-8673
Fax. (250) 372-5048
Toll Free in BC: 1-877-377-8673
Email: admin@tnrd.bc.ca
Website: www.tnrd.bc.ca

Attention: District Highways Manager

Dear Madam:

Subject: **Revised** Subdivision Application No. SD-P-161 (02-015-15367)
Proposed Subdivision of **Lot 7 & 8**, Section 18, Township 23, Range 16, W6M,
KDYD, Plan KAP86170 - Vinsulla, BC (Daniel Arundel)

Planning Services has reviewed the Revised Plan of Subdivision dated January 18, 2011, where the two-lot subdivision of Lot 8 has been expanded to include Lot 7 Plan KAP86170. Our comments regarding the Regional District requirements for the revised for the subdivision are listed below.

Proposed Lots A and B and the proposed Remainder of Lot 7:

- Meet the 2 hectare minimum parcel requirement size of the SH-1 (Small Holdings) zone;
- Meet the minimum 10% lot perimeter road frontage requirement;
- Have safe building areas identified by the Geotechnical Covenant LB176269 which must be put on all three titles; and
- Have a Wildfire Covenant LB143637 on the parent parcels which must be put on all three new parcels.

The proof of water for the proposed Remainder of Lot 7 was confirmed in the AMEC Report No. KX13151 of May 18, 2007. The proof of water for proposed Lots A and B was confirmed in the AMEX Addendum letter of September 29, 2008.

The applicants have met our requirements for this revised plan of subdivision.

Yours truly,

BARBARA JACKSON, MEM, MCIP
Planner
BJ/mm

c.c. Daniel Arundel

MUNICIPALITIES: Ashcroft, Barriere,
Cache Creek, Chase, Clearwater,
Clinton, Kamloops, Logan Lake,
Lytton, Merritt, Sun Peaks
ELECTORAL AREAS: "A" "B" "E" "I" "J"
TRA-2012-00030 "O" "P"
Page 1



Daniel Arundel

S22

File: 15-15450 &

15-15367

Date: 2009/07/24

Dear Daniel and Kelsey Arundel,

Re: Proposed Subdivision of Lots 1, 2, 3, & 4 (MoT #15-15450) and Lots 7 & 8 (MoT #15-15367); All within Sec 18, Twp 23, Rge 16, W6M, KDYD, Plan KAP86170

Our last correspondence outlined the agencies to which your proposal was referred.

The following agencies have not yet responded:

INTERIOR HEALTH AUTHORITY
Clare Audet, Public Health Inspector
(250)851-7347

THOMPSON-NICOLA REGIONAL DISTRICT
Barb Jackson,
(250)377-7063

We will be reviewing your application in the near future. This process may be delayed if all agency comments have not been received. You may want to follow up with these agencies directly.

Please quote file number 015-15450 and 015-15367 when contacting this office.

If you have any questions please do not hesitate call Dawn Braithwaite at 250-371-3806.

Yours truly,

Dawn Braithwaite
Senior District Development Technician
dbb

Local District Address

Thompson Nicola District
#127 - 447 COLUMBIA STREET
KAMLOOPS BC V2C 2T3
Telephone: (250)828-4002 Facsimile: (250)371-3848



TELUS
2002 Enterprise Way
Kelowna, British Columbia
Canada V1Y 9S9
telus.com

June 3, 2009

Your File: 02-015-15367

MINISTRY OF TRANSPORTATION
Attn: Dawn Braithwaite
#127 - 447 Columbia Street
Kamloops, BC V2C 2T3

Re: YOUR FILE #02-015-15367
APPLICANT: DANIEL ARUNDEL

We have reviewed the application for the above proposed subdivision application and recommend the following:

No objection.

Developer to contact Tom Allin at 250-861-2482 for information on providing and/or relocating TELUS support structure.

Yours truly,

Tom Allin
TELUS OUTSIDE PLANT ENGINEERING
TECHNICIAN
Fax: 250-763-8947
Cel: 250-215-3397
e-mail: tom.allin@telus.com

/sf

cc: Daniel Arundel

2009 May 11

File: 02-015-15367

Dawn Braithwaite
Ministry of Transportation
#127 – 447 Columbia Street
Kamloops, BC
V2C 2T3

Re: Lots 7 & 8, Section 18, Twp, Rge 16, W6M, KDYD, KAP86170

Address: Yellowhead Highway 5, North of Josephine Rd in the Vinsula Area
Application No: 02-015-15367

After reviewing our records regarding the Application for Subdivision of the property located as noted above, BC Hydro has no objection to this proposal.

Only BC Hydro distribution facilities are under consideration in this letter.

Yours sincerely,



Steve Lang
Inspector

/mls

cc: Daniel Arundel

S22



BChydro 
FOR GENERATIONS

OFFICIAL
SUPPORTER

From: Bauche, Nicole FOR:EX
Sent: Tuesday, June 9, 2009 1:54 PM
To: Braithwaite, Dawn B TRAN:EX
Subject: RE: Your File 02-015-15367 and Not Responsive

Hi Dawn,

Thanks for the clarification (and sorry for the delay in getting back to you). Our only concerns from a forest and range perspective would be the requirement for maintenance of fencing due to adjacent range tenures. It appears that John has discussed these concerns with the applicant and was satisfied that existing fencing and terrain was sufficient. I would like to reiterate to the applicant that it is the responsibility of the private land owner (and future owners of the proposed new lots should be properly informed) to provide and maintain stock proof fence in order to keep range stock off of their private lands. These fencing provisions are set out under the *Trespass Act*. I have attached an information sheet on this topic, for information purposes. Please feel free to contact me if you require anything further. I will also send a copy of this notice to the applicant, at the address provided.



Farm Practices
livestock at la...

Nicole Bauche, RPF
Aboriginal Affairs/Stewardship Forester
Kamloops Forest District
1265 Dalhousie Drive
Kamloops, BC
V2C 5Z5
Phone 250-371-6605
Fax 250-371-6565

From: Braithwaite, Dawn B TRAN:EX
Sent: Friday, May 15, 2009 2:54 PM
To: Bauche, Nicole FOR:EX
Subject: RE: Your File 02-015-15367 and Not Responsive

Hi Nicole,

John also sent response with a quick email - no letters for tracking. I did not start File: 15367, so it appears from the file that we never received a response for the subdivision.

Not Responsive

Both subdivision are on the same original parent parcel. I have attached the original 8 lots that were created and now the applicant want to subdivide each of these 8 lots in half, so he is subdividing, Lots 1-4 and Lots 7-8 and leaving Lots 5 & 6 as original. I have attached applicable mapping and the responses from John. I hope this helps.

<< File: 20090515145240.pdf >> << File: 20090515144652.pdf >>

Dawn Braithwaite, B.Sc.
Senior District Development Tech
Thompson Nicola District
Phone (250) 371-3806
Cell (250) 319-2864
Fax: (250) 371-3848



Please consider the environment
before printing this email.

From: Bauche, Nicole FOR:EX
Sent: May 14, 2009 2:48 PM
To: Braithwaite, Dawn B TRAN:FX
Subject: Your File 02-015-15367 and Not Responsive

Hi Dawn,

I was reviewing this file (and I can not locate the original comments - if any - from John McQueen in our office). I am also unable to place this property on the ILRR website as there isn't any spatial information for either PID. Can you send a lat/long for the property or something else that will help me place it spatially. Also, do you know if John had any comments regarding range and fencing concerns for the original proposal? Thanks,

Nicole Bauche, RPF
Aboriginal Affairs/Stewardship Forester
Kamloops Forest District
1265 Dalhousie Drive
Kamloops, BC
V2C 5Z5
Phone 250-371-6605
Fax 250-371-6565

FARM PRACTICES

LIVESTOCK AT LARGE

Description

In British Columbia laws govern where livestock are allowed to roam. Livestock may be on deeded property or, when authorized, on Crown land. When livestock cross property boundaries either between deeded properties or between Crown land and deeded property, they may be considered to be 'at-large'. However, the term 'at large' does not apply to livestock that is:

- Tethered
- In direct or continuous charge of a person
- Confined in a structure
- On enclosed land owned or occupied by the owner of the livestock

The *Livestock Act* defines Livestock Districts (areas where livestock may be at large) and Pound Districts (areas where livestock at large are subject to capture) and the conditions of capture, liability and trespass. The *Range Act* defines conditions that livestock may be on Crown land. The *Trespass Act* requires the owners of adjoining land in a rural area to make, keep up and repair the fence between their properties, unless otherwise agreed upon.



Complaints may arise from neighbours who do not understand that in many situations they must fence out other people's livestock, whether livestock are straying onto their property from deeded or Crown land.

Nuisance Concerns

The three main disturbances mentioned in the *Farm Practices Protection (Right to Farm) Act* are odour, noise and dust. Livestock at large practices can cause "other disturbances" that may be a general nuisance.

Activities and Operations

The *Livestock Act* states

- A livestock owner may allow livestock to be at large within a Livestock District.
- A livestock owner may not allow livestock to be at large within a Pound District.
- A livestock owner is liable for damage caused by livestock while the livestock is at large contrary to the *Act*.
- "Enclosed land" defined as surrounded by a barrier sufficient to exclude or contain livestock.

The *Trespass Act* states

- Where rural deeded land boundaries are fenced, land owners shall share costs equally.
- "Enclosed land" defined as including land surrounded by a "lawful fence" or land posted with signs prohibiting trespass.
- The *Regulations* specify "lawful fence" designs for various purposes.

The *Range Act* states

- A grazing tenure holder may allow livestock to be at large on Crown land, subject to conditions set out in the grazing tenure.

The *Motor Vehicle Act Regulations* state

- Livestock use of highways listed in Schedule 1 (freeways) and in Schedule 2 (other significant highways as designated) is restricted.

 Crown Land / Deeded Land Boundaries

- Crown land with grazing tenure that borders deeded land is not necessarily fenced.
 - Deeded land bordering Crown land:
 1. must be fenced to exclude unauthorized livestock from entering and using Crown land
 2. may be fenced to exclude livestock from entering the deeded land from Crown land
- Note: these fences are not cost-shared with the Crown

Related Farm Practices

Other farm practices that pertain to livestock at large include, but are not limited to, the following:

Animal Care and Handling

How livestock are cared for and handled may affect whether they are at large.

Feeding and Watering

How livestock are fed and watered may affect whether they are at large.

Legislation

Information on federal and provincial legislation can be found in Appendices B and C. Acts, regulations and bylaws that regulate or may affect livestock at large include, but are not limited to, the following:

Provincial

Highway Act – regulates fencing cattle drives along public roads

Land Act – regulates use of Crown land

Livestock Act – regulates livestock at large by livestock and pound districts

Motor Vehicle Act – regulations on the location of cattleguards, fences and gates

Range Act – regulates the use of Crown land for livestock grazing

Trespass Act – outlines the rights and responsibilities of property owners, definition of a trespasser
– note that Common law also applies

Local Government

Local government may enact *Animal Control Bylaws*.

Publications

Publications that provide further information on livestock at large include, but are not limited to, the following (refer to Appendix D for details):

B.C. Agricultural Fencing Handbook



Daniel Arundel

S22

File 02-015-15367

Date 2009/05/01

Attention: Daniel Arundel

Re: Lot 7 & 8, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP86170

We have received your revised subdivision plan April 28, 2009 with respect to the above noted property.

We have contacted the following agencies for their comments:

THOMPSON NICOLA REGIONAL DISTRICT
B.C. HYDRO & POWER AUTHORITY - May 11, 2009
INTERIOR HEALTH AUTHORITY
MINISTRY OF FORESTS & RANGE, DISTRICT - June 9/09
MINISTRY OF FORESTS & RANGE, FIRE CONTROL
TELUS ENGINEERING - June 3, 2009

Please quote file number 02-015-15367 when contacting this office.

If you have any questions please do not hesitate call Dawn Braithwaite at (250) 371-3806.

Yours truly,

Dawn Braithwaite
Senior District Development Technician

Local District Address

Thompson Nicola District
#127 - 447 COLUMBIA STREET
KAMLOOPS BC V2C 2T3
Telephone: (250)828-4002 Facsimile: (250)371-3848

File: 02-015-15367

May 1, 2009

Thompson-Nicola Regional District
Planning Department
#300 - 465 Victoria St.
Kamloops, BC V2C 2A9

Attention: Barb Jackson

Re: Lots 7 & 8, Section 18, Twp, Rge 16, W6M, KDYD, KAP86170

Enclosed is a copy of a revised plan for a proposed subdivision regarding the above noted property, which is located along Yellowhead Highway 5, north of Josephine Road in the Vinsula Area. Please note the applicant has revised the original proposed 2 lot subdivision of Lot 8 to include subdividing Lot 7 into 2 x 4.0ha lots.

It would be appreciated if you would examine this subdivision from the viewpoint of your regulations and policies and give us your comments.

Please send your reply to this office, with a copy to the applicant:

Daniel Arundel

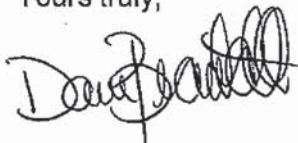
S22

and contact the applicant for any additional information you may require.

In order to expedite the processing of the application, could you please reply within 21 days.

Please quote file number 02-015-15367 when contacting this office.

Yours truly,



Dawn Braithwaite
Senior District Development Technician

Enclosure

File: 02-015-15367

May 1, 2009

Interior Health Authority
Thompson Health Region
Environmental Health
519 Columbia St.
Kamloops, BC V2C 2T8

Attention: Clare Audet

Re: Lots 7 & 8, Section 18, Twp, Rge 16, W6M, KDYD, KAP86170

Enclosed is a copy of a revised plan for a proposed subdivision regarding the above noted property, which is located along Yellowhead Highway 5, north of Josephine Road in the Vinsula Area. Please note the applicant has revised the original proposed 2 lot subdivision of Lot 8 to include subdividing Lot 7 into 2 x 4.0ha lots.

It would be appreciated if you would examine this subdivision from the viewpoint of your regulations and policies and give us your comments.

Please send your reply to this office, with a copy to the applicant:

Daniel Arundel

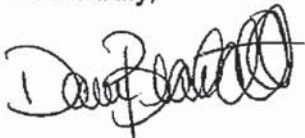
S22

and contact the applicant for any additional information you may require.

In order to expedite the processing of the application, could you please reply within 21 days.

Please quote file number 02-015-15367 when contacting this office.

Yours truly,



Dawn Braithwaite
Senior District Development Technician

Enclosure

File: 02-015-15367

May 1, 2009

Ministry of Forests & Range, Fire Control
Kamloops Fire Centre
4000 Airport Dr.
Kamloops, BC V2B 7X2

Attention: Steve Schell

Re: Lots 7 & 8, Section 18, Twp, Rge 16, W6M, KDYD, KAP86170

Enclosed is a copy of a revised plan for a proposed subdivision regarding the above noted property, which is located along Yellowhead Highway 5, north of Josephine Road in the Vinsula Area. Please note the applicant has revised the original proposed 2 lot subdivision of Lot 8 to include subdividing Lot 7 into 2 x 4.0ha lots.

It would be appreciated if you would examine this subdivision from the viewpoint of your regulations and policies and give us your comments.

Please send your reply to this office, with a copy to the applicant:

Daniel Arundel

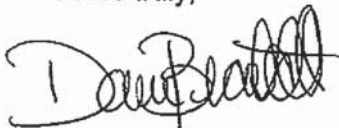
S22

and contact the applicant for any additional information you may require.

In order to expedite the processing of the application, could you please reply within 21 days.

Please quote file number 02-015-15367 when contacting this office.

Yours truly,



Dawn Braithwaite
Senior District Development Technician

Enclosure

File: 02-015-15367

May 1, 2009

B.C. Hydro & Power Authority
1155 McGill Road
Kamloops, BC V2C 5L1

Attention: Kurt Leonhardt

Re: Lots 7 & 8, Section 18, Twp, Rge 16, W6M, KDYD, KAP86170

Enclosed is a copy of a revised plan for a proposed subdivision regarding the above noted property, which is located along Yellowhead Highway 5, north of Josephine Road in the Vinsula Area. Please note the applicant has revised the original proposed 2 lot subdivision of Lot 8 to include subdividing Lot 7 into 2 x 4.0ha lots.

It would be appreciated if you would examine this subdivision from the viewpoint of your regulations and policies and give us your comments.

Please send your reply to this office, with a copy to the applicant:

Daniel Arundel

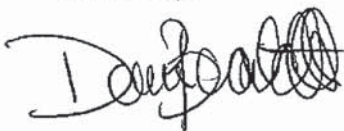
S22

and contact the applicant for any additional information you may require.

In order to expedite the processing of the application, could you please reply within 21 days.

Please quote file number 02-015-15367 when contacting this office.

Yours truly,



Dawn Braithwaite
Senior District Development Technician

Enclosure

File: 02-015-15367

May 1, 2009

Telus Engineering
1875 East Trans-Canada Hwy.
Kamloops, BC V2C 3Z8

Attention: Mike Brown

Re: Lots 7 & 8, Section 18, Twp, Rge 16, W6M, KDYD, KAP86170

Enclosed is a copy of a revised plan for a proposed subdivision regarding the above noted property, which is located along Yellowhead Highway 5, north of Josephine Road in the Vinsula Area. Please note the applicant has revised the original proposed 2 lot subdivision of Lot 8 to include subdividing Lot 7 into 2 x 4.0ha lots.

It would be appreciated if you would examine this subdivision from the viewpoint of your regulations and policies and give us your comments.

Please send your reply to this office, with a copy to the applicant:

Daniel Arundel

S22

and contact the applicant for any additional information you may require.

In order to expedite the processing of the application, could you please reply within 21 days.

Please quote file number 02-015-15367 when contacting this office.

Yours truly,



Dawn Braithwaite
Senior District Development Technician

Enclosure

File: 02-015-15367

May 1, 2009

Ministry of Forests & Range, District
1265 Dalhousie Drive
Kamloops, BC V2C 5Z5

Attention: Nicole Bauche

Re: Lots 7 & 8, Section 18, Twp, Rge 16, W6M, KDYD, KAP86170

Enclosed is a copy of a revised plan for a proposed subdivision regarding the above noted property, which is located along Yellowhead Highway 5, north of Josephine Road in the Vinsula Area. Please note the applicant has revised the original proposed 2 lot subdivision of Lot 8 to include subdividing Lot 7 into 2 x 4.0ha lots.

It would be appreciated if you would examine this subdivision from the viewpoint of your regulations and policies and give us your comments.

Please send your reply to this office, with a copy to the applicant:

Daniel Arundel

S22

and contact the applicant for any additional information you may require.

In order to expedite the processing of the application, could you please reply within 21 days.

Please quote file number 02-015-15367 when contacting this office.

Yours truly,



Dawn Braithwaite
Senior District Development Technician

Enclosure

Page 16 redacted for the following reason:

Not Responsive

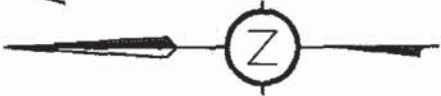
NORTH THOMPSON HIGHWAY PLAN H8754

PROPOSED PLAN OF SUBDIVISION OF
LOT 8, PLAN KAP86170
SEC. 18, TP. 23, R. 16, W6M
KAMLOOPS DIVISION YALE DISTRICT

SCALE 1:2500

NOTE: ALL DIMENSIONS AND AREAS ARE SUBJECT
TO FINAL LEGAL SURVEY.

COPY



LOT 7

PLAN KAP86170

436.075

PROPOSED LOT B

4.06 hectares

10% FRONTAGE

PLAN KAP86170

338.216

COVENANT
AREA

PROPOSED LOT A

4.01 hectares

12.7% FRONTAGE ON DEDICATED ROAD

255.762

E. 1/2,

N.W. 1/4

TP. 23

W. 6 M.

W. 1/2,

N.W. 1/4

SEC. 7,

R. 16,

CROWN

LAND

COSTER AND SINGER
BC AND CANADA LAND SURVEYORS
#301-7 ST. PAUL STREET WEST,
KAMLOOPS, BC, V2C 1E9
TEL: 250-374-5331 FAX: 250-374-5332

DRAWN BY: LH/WS
DRAWING NO: 073083 PR 5 MAY 7 2008
FILE NO: 073083
P:

COVENANT PLAN KAP86171

S.R.W.
S.R.W.

PLAN A2885
PLAN KAP53738

R.W. PLAN A822

JOSEPHINE ROAD

L
PLAN 34119

ROAD WIDENING

65.278

41.653

71.602

94.750

49.936

10.086

103.537

14.858

92.826

95.281

S.W. 1/4

SEC. 18, TP. 23

R. 16, W6M

FORM C

(Section 233)

Province of

British Columbia

GENERAL INSTRUMENT - PART 1

(S. 219 Covenant - Rockfall)

(This area for Land Title Office use)

Page 1 of 19

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

DANIEL ARUNDEL

S22

Applicant / Solicitor / Agent

2. PARCEL IDENTIFIERS AND LEGAL DESCRIPTION(S) OF LAND: *

(PID)

(LEGAL DESCRIPTION)

SEE SCHEDULE

3. NATURE OF INTEREST: *

DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO INTEREST

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only):

(a) Filed Standard Charge Terms

(b) Express Charge Terms

(c) Release

D.F. No.

Annexed as Part 2

There is no Part 2 of this instrument

X

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S): *

DANIEL BRUCE ARUNDEL

6. TRANSFEREE(S): (including postal address(es) and postal code(s)) *

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA as represented by the Minister of Transportation, #127-447 Columbia Street, Kamloops, BC V2C 2T3 and the **THOMPSON NICOLA REGIONAL DISTRICT**, #300 - 465 Victoria Street, Kamloops, BC V2C 2A9

7. ADDITIONAL OR MODIFIED TERMS: *

N/A

8. EXECUTION(S): ** This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

Execution Date

Transferor Signature(s)

Execution Date		
Y	M	D
2007	12	19

MARK A. BARTLE

SUITE 200 - 121 ST. PAUL ST.
KAMLOOPS, BC V2C 3K8

LAWYER

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

DANIEL BRUCE ARUNDEL

LAND TITLE ACT
FORM E



SCHEDULE

Page 2 of 19

Enter the required information in the same order as the information must appear on the Freehold Transfer Form, Mortgage Form or General Document Form.

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:*

(PID)

(LEGAL DESCRIPTION)

Not Responsive

LOT 8 SEC 18 TP 23 RGE 16 W6M KDYD PLAN
KAP _____

9. NATURE OF INTEREST: *

DESCRIPTION

DOCUMENT REFERENCE
(page and paragraph)

PERSON ENTITLED TO INTEREST

SECTION 219 COVENANT

ENTIRE DOCUMENT

TRANSFeree

EXPRESS CHARGE TERMS - PART 2**WHEREAS:**

- A. The Transferor Daniel Bruce Arundel s the registered owner in fee simple of the lands and premises described in Item 2 of Part 1 hereof (the "Lands");
- B. As a condition of its approval of subdivision plan KAP _____, the Transferee requires this Covenant to be registered against the Lands, in priority to any financial charges pursuant to Section 219 of the *Land Title Act*, Chapter 250, R.S.B.C., 1996, and Section 56 of the Community Charter which covenant is for the purpose of defining the areas on the Lands upon which habitable dwellings may be located and those areas that are unsuitable for habitable buildings.

NOW THEREFORE WITNESSETH that for and in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration now paid by the Transferee to the Transferor (the receipt of which is hereby acknowledged), the Transferor and all persons claiming under him agree that this covenant shall run with and bind the Lands and the Transferor shall observe the following restrictions:

1. Hereafter, no building, mobile home or unit, modular home or permanent structure of any kind intended for habitation use (each referred to as a "Habitable Structure") shall be constructed, reconstructed, moved, extended or located upon the Lands except:
 - (a) Within the area marked as "Covenant Area" on a reference plan prepared by Walter Singer, BCLS, completed on the 13th day of December, 2007 and registered in the Kamloops Land Title Office under Plan KAP _____; or
 - (b) Such other building sites on the Lands as may be determined suitable by geotechnical assessment and approved by the Transferee.

(Collectively referred to as the "Approved Areas")
2. Construction, reconstruction, movement, extension or placement of a Habitable Structure within the Approved Areas shall be subject to the rockfall protection works (the "Works") identified in a Terrain Assessment Report prepared by AMEC Earth and Environmental ("AMEC") dated June 27, 2007 and addendum thereto dated September 27, 2007 (certified copies of which are attached hereto as Schedule "A" and are referred to as the "Report"). The Works shall be constructed by the Transferor and certified by a geotechnical engineer prior to occupation of any Habitable Structure and, along with the protective works already in place on Lot 2, shall be diligently and continuously maintained in good repair and efficient operating condition by the Transferor and shall not be disturbed in any other way in order to protect the continuing effectiveness of the Works.
3. The Transferor, on behalf of itself, its heirs, executors, administrators, successors and assigns, agrees to indemnify and save harmless the Transferee, its officers, employees or agents from all loss, damage, costs, actions, suits, debts, accounts, claims and demands which the Transferee, its officers, employees or agents may suffer to incur to be put to arising out of or in any way connected with any breach of any covenant or

agreement on the part of the Transferor or its heirs, executors, administrators, successors, and assigns contained in this Covenant or arising out of or in any way connected with any loss or damage suffered personally or in connection with any building, improvement, chattel or other construction including the contents of any of them, built, constructed or placed on the Lands.

4. The Transferor's covenants contained in this Agreement shall burden and run with the Lands and shall enure to the benefit of and be binding upon the Transferor and his heirs, executors, administrators, successors and assigns; provided however that, notwithstanding anything contained in this Agreement, the Transferor shall not be liable under any of the covenants and agreements contained herein where such liability arises by reason of an act or omission occurring after the Transferor ceases to have an interest in the Lands.
 5. Nothing in this Agreement shall prejudice or affect the rights, powers and remedies of the Transferee in relation to the Transferor, including his heirs, executors, administrators, successors and assigns, or the Lands under any law, bylaw, order or regulation or in equity all of which rights, powers and remedies may be fully and effectively exercised by the Transferee as if this Agreement had not been made by the parties.
 6. Whenever the singular or masculine or neuter is used herein, the same shall be construed as including the plural, feminine, body corporate or politic unless the context requires otherwise. If any section or any part of this Agreement is found to be illegal or unenforceable, then such sections or parts shall be considered to be separate and severable from this Agreement and the remaining sections or parts of this Agreement, as the case may be, shall be unaffected thereby and shall remain and be enforceable to the fullest extent permitted by law as though the illegal or unenforceable parts or sections had never been included in this Agreement.
 7. Where there is a reference to an enactment of the Province of British Columbia in this Agreement, that reference shall include a reference to any subsequent enactment of the Province of British Columbia of like effect, and unless the context otherwise requires, all statutes referred to herein are enactments of the Province of British Columbia.
 8. The Transferor shall do or cause to be done all things and execute or cause to be executed all documents and give such further and other assurances which may be reasonably necessary to give proper effect to the intent of this Agreement.
-

9. The parties agree that the Transferee is not responsible to inspect the Lands or to otherwise insure compliance with this Agreement, nor is the Transferee required to remedy a default of this Agreement and a failure to enforce this Agreement by the Transferee shall not constitute a waiver of its rights hereunder.

This is the instrument creating the condition or covenant entered into under Section 219 of the *Land Title Act* by the registered owner referred to herein as the Transferor, and shown on the print of plan annexed hereto and initialled by me.

Approved under the *Land Title Act* on the ____ day of _____, 200__

APPROVING OFFICER,
Ministry of Transportation and Highways

Pages 23 through 36 redacted for the following reasons:

S21



Thompson-Nicola Regional District

Department: Planning

March 25, 2008

Ministry of Transportation
Thompson Nicola District
#127 - 447 Columbia Street
Kamloops, BC V2C 2T3

MINISTRY OF TRANSPORTATION
THOMPSON NICOLA DISTRICT

MAR 28 2008

128-447 COLUMBIA STREET
KAMLOOPS, BC V2C 2T3

300 - 465 Victoria Street
Kamloops, British Columbia
Canada V2C 2A9
Tel. (250) 377-8673
Fax. (250) 372-5048
Toll Free in BC: 1-877-377-8673
Email: admin@tnrd.bc.ca
Website: www.tnrd.bc.ca

Attention: District Highways Manager

Dear Madam:

Subject: Subdivision Application No. SD-P-161 (02-015-15367)
Proposed Subdivision of Lot 8, Section 18, Township 23, Range 16, W6M,
KDYD, Plan KAP86170 - Vinsulla, BC (Daniel Arundel)

RELEVANT INFORMATION ON THE PROPERTY:

1. Zone: SH-1 (Small Holding)
2. Minimum Lot Area Permitted in the Zone: 2 ha
3. Agricultural Land Reserve: N/A
4. Applicable Plan or Study Designation:
 - Kamloops North Official Community Plan – Agricultural designation
 - Regional Growth Strategy

COMMENTS ON PROPOSED SUBDIVISION

REQUIRED:

PROOF OF WATER

1. Proof of water in accordance with Bylaw No. 799 is required for both proposed Lot A and Lot B.

10% FRONTAGE

2. Both proposed Lots A and B do not conform to the 10% lot perimeter frontage requirement of Bylaw 799. The applicant must submit a revised plan where one parcel does meet this requirement. The applicant has submitted a written request to the Board of Directors for variance from the 10% frontage requirement along with the applicable fee. This application will be brought before the Board of Directors for consideration, should the application receive preliminary layout approval.

.../2

MUNICIPALITIES: Kamloops, Merritt,
Ashcroft, Cache Creek, Chase,
Clinton, Logan Lake, Lytton
ELECTORAL AREAS: "A" "B" "E" "I" "J"
"L" "M" "N" "O" "P"
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REGIONAL GROWTH STRATEGY

3. It is a policy the Thompson-Nicola Regional District's (TNRD) Regional Growth Strategy (RGS) to recognize and respect development constraints imposed by environmental factors. Avoid development within sensitive or hazardous areas or undertake precautions or mitigative measures where development is unavoidable.

The proposed subdivision has identified rock fall hazards. A geotechnical hazard covenant must be registered against both parcels.

WILDFIRE

4. Wildfire is recognized as a hazard for rural property owners. The applicant will be required to register a Wildland Interface Covenant against all parcels created by the proposed subdivision.

SURVEY LINES

5. The final survey lines must not encroach on any of the setbacks required for any existing buildings or structures, or the buildings and structures will have to be moved to provide the required setbacks.

***APPLICANT PLEASE NOTE:**

That it would be in your best interest to review all conditions of subdivision approval listed on the Ministry of Transportation's Preliminary Layout Approval (PLA) before embarking on or expending any funds to satisfy our comments.

Yours truly,



BARBARA JACKSON, MEM, MCIP
Planner

BJ/cdc/ac

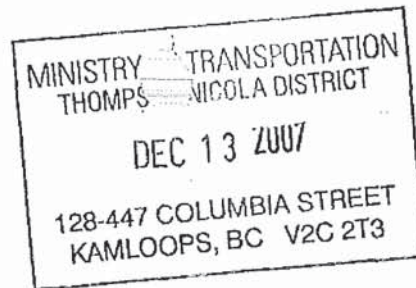
c.c. Daniel Arundel

S22

Pages 39 through 40 redacted for the following reasons:

Not Responsive

Not Responsive



2007 December 11

File: 02-015-15367

Rob Purdy
Ministry of Transportation
441 Columbia St
Kamloops, BC
V2C 2T9

Dear Rob Purdy:

**Re: Proposed Subdivision of Lot 2, Section 18, Township 23, Range 16, W6M, KDYD,
Plan KAP66849**

Address: Vinsulla, B.C.
Application No: 02-015-15367

After reviewing our records regarding the Application for Subdivision of the property located as noted above, BC Hydro has no objection to subdivide Lot 8 into A and B.

Only BC Hydro distribution facilities are under consideration in this letter.

Yours sincerely,



Kurt Leonhardt
Civil Inspector

KL/MLS

cc: Daniel Arundel

S22

Pages 42 through 53 redacted for the following reasons:

Not Responsive

MOTI Subdivision Meeting

Oct 3/11

Jean, Tracy, Shawn, Lori
Danny Kelsey

1) Cul-de-sac :

PLA - No Requirement for construction
of cul-de-sac just dedication.

Determined - Cul-de-sac will be
over Jane Rd Dedication.

Determined - Danny is constructing
turn around only. Full construction
of the cul-de-sac is not
a requirement. Turn around
is only to be to the fence line
~~PLA~~ within the Jane Rd Right-of-Way.

Determined PLA will show 15m + 3m beyond

2) Dedication : Cuts and fills. Tracy to send

J. J. - Ministry feels PLA of Dec 6, 2010
was final requirements. Including
Marie Claire new changes noted.

D. N. - Determined that dedication of
road will be done over lot 8,
as per Dec 6, 2010 PLA. to CTR
John B. drawing G-01 dated Apr 27th - PLA amend

3) Accesses :

- Access to lots 5, 6, 7 & 8

Determined

- Must have Engineer certify that construction meets design criteria

Determined

- Decel taper is not long enough as it is currently constructed.

Determined

- Danny to install required culvert

- Must stay at a 1B Standard

Determined

- Ministry will do site inspection with Engineer when access is signed off.

Determined

- Traffic Control must be used when construction affects

Yellowhead Highway

Determined

- additional paving into throat is not required, only paving on taper may be required.

Tracy L. Bain J. L. L. D. J. L. L.

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, July 13, 2011 9:55 AM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX; 'rburke@burkeframe.ca'
Subject: MoTI Subdivision: Outstanding Requirements

Good Morning Kelsey and Danny,

The Ministry has received the final subdivision plans for Lot 8. Prior to the Ministry approving the subdivision plans the following requirements of the PLA dated December 6, 2010, need to be addressed:

- The shared residential access to the Yellowhead Highway #5 to serve Lots 5, 6, 7 and 8 needs to be constructed to Ministry standards as per the approved design prepared by CTQ Consultants Ltd. Drawing No.'s G-101, C-101 and C-102, dated December 2010 and Revised January 24, 2011. A field inspection on July 12, 2011 from the Ministry notes the following deficiencies:
 - There is no shoulder on the access taper. The Ministry will require a minimum of 1m gravel shoulder added to the taper.
 - The taper length does not appear to meet the length proposed by CTQ Consulting Ltd. and is to be a minimum of 65m.
 - A 400mm culvert is to be installed under the access in line with the existing Yellowhead Highway ditch.
 - The rocks on the access are to be removed.
 - The length of the paved throat need to be extended as per the design Drawings of CTQ Consulting Ltd.
 - As per the access permit (file #2010-06282), the Ministry will require the Professional Engineer registered to conduct business in BC experienced in road construction to supervise and certify in writing to the Ministry that the residential access and shoulder of the Yellowhead Highway is constructed to Ministry standards
 - The Ministry notes the shared residential access to serve Lots 2, 3 and 4 is not constructed as per the design drawings prepared by CTQ Consultants and approved by the Ministry as per file #2009-06900. The Ministry will require this access to be constructed and paved as per the designs and the access permit.
- The Ministry will require written confirmation the existing restrictive geotechnical covenants LB0176269 on Lot 8, Plan KAP86170 will be transferred to all proposed lots.
- The proposed frontage road dedication, as per the revised plan prepared by All North Land Surveyors dated January 18, 2011, is not included in the final subdivision plan submitted. As such, the final subdivision plans are to reflect All North Land Surveyors Revised Plans Dated January 18, 2011. the Ministry will be sending the final subdivision plans back to your lawyer, S22 until this item can be addressed.

Please note, the Ministry did not receive the final subdivision fees with the subdivision plan. The final fees will be \$350.00, as there will be three lots x \$100.00/lot and a \$50.00 Provincial Approving Officer signing fee. As well, the Ministry will require a tax certificate confirming the taxes for the proposed subdivision have been paid.

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair BA BRMS

LeClair, Tracy TRAN:EX

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, March 8, 2011 3:29 PM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX; 'Barb Jackson'; Schleppe, Dave TRAN:EX
Subject: Revised Subdivision Plan Proposed Lots A & B and Lot 7

Hi Danny and Kelsey,


The Ministry has reviewed your proposal to adjust the property line between Proposed Lot B and Lot 7 to dedicate frontage road and still provide the minimum parcel size of 4ha for Proposed Lots A & B, as shown on the drawing prepared by All North Land Surveyors, dated January 18, 2011.

The Ministry and the TNRD (Letter dated February 7, 2011), support the revised plan. The PLA dated December 6, 2010 still applies. Once the outstanding items of the PLA dated December 6, 2010 have been completed, please submit the revised subdivision plans to the Ministry for final approval. Please note, the final fees will be \$350.00, as there are three lots being created.

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

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BRITISH
COLUMBIA



Ministry of
Transportation



**PROPOSED SUBDIVISION
PRELIMINARY LAYOUT APPROVAL**

Daniel Arundel

S22

Our File 02-015-15367

Date (yyyy/mm/dd) 2010/12/06

Proposed Subdivision of Lot 8, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP86170

This Preliminary Layout Approval (PLA) amends and replaces the PLA dated March 8, 2010 and is valid for one (1) year from the date of this letter. The PLA is issued based on the Drawing No. 073083 PR 5 dated May 7, 2008 and prepared by Coster and Singer, BC and Canada Land Surveyors.

1. One (1) Controlled Access to the Yellowhead Highway #5 to serve Lots 5, 6, 7 & 8 (Proposed Lots A and B) is to be designed by a Professional Engineer, constructed and paved to a Type 1B Standard as per Section 730 of the BC Supplement to TAC Geometric Design Guide, prior to final subdivision approval. The Ministry has CTQ Consultants Ltd. Frontage Road Plan and Profile Stations 1+360 – 1+720 Drawing No.C-02 Rev. No.1 dated August 2009, the Ministry will require confirmation CTQ has been retained as the Engineer of record. If another Engineering firm has been retained, new design drawings are to be submitted to the Ministry for review and approval.

The Ministry has a permit application, File #2010-06282, for the access construction and operation. The Ministry will issue a permit once the above information has been confirmed or provided.

A Traffic Control Plan is to be submitted to the Ministry for review prior to commencement of works along the travelled portion of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road Ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company.

Please note, the Ministry recommends the applicant evaluate the controlled access to the Yellowhead Highway #5 fronting Lot 6 as the access construction may constrain future building sites for Lot 6. Prior to the Ministry issuing a controlled access permit to Lot 6, the Ministry will require written confirmation if the access location fronting Lot 6 is the developers location of choice.

2. Proposed Frontage Road is to be dedicated, complete with a minimum 18m radius cul-de-sac, ditches and 3 meters beyond the toe of the slope, fronting Proposed Lots A and B. The cul-de-sac may either be located at the south boundary of Proposed Lot A or between Proposed Lots A and B. The frontage road dedication is to conform to the original design prepared by CTQ Consultants Ltd. Drawing No. G-01 dated August 2009.
3. Existing restrictive geotechnical covenant LB0176269 on Lot 8 Plan KAP86170 to be transferred to all proposed lots.

Provincial records indicate that proposed development is located within an area with the potential to contain archaeological sites protected by the Heritage Conservation Act. However, the likelihood for the development activity to impact on archaeological resources is thought to be minimal. As such, the Provincial Approving Officer has no objections to the proposed development proceeding without the need for an archaeological impact assessment.

Local District Address

Thompson Nicola District
#127-447 Columbia Street
Kamloops, BC
Phone: 250-828-4002 Fax: 250-371-3848

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December 6, 2010

However, the applicant should be aware that there is still a chance the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads and other stone tools, or even buried human remains. If such material is encountered during demolition or construction, a *Heritage Conservation Act* Permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Please contact the Archaeology and Registry Services Branch immediately at (250) 952-4300 if archaeological site deposits are encountered on the subject property.

The approval granted is only for the general layout of the subdivision and is valid for one year from the date of 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, including remainders, created by the plan and made payable in the form of a cheque to the Minister of Finance.

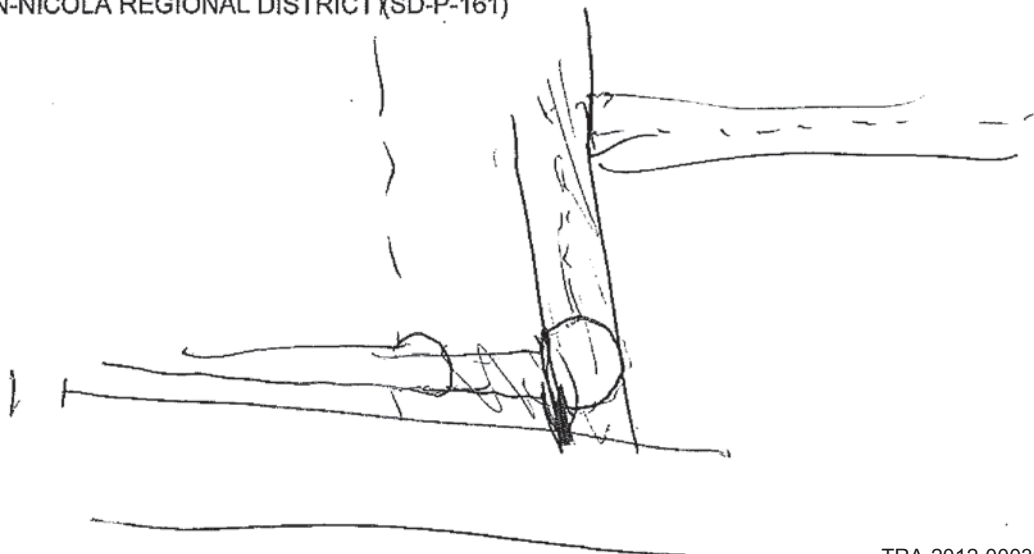
If you have any questions please do not hesitate to call Tracy LeClair at (250) 371-3845.
(Name of Technician)

Yours truly,

Tracy LeClair

Ministry of Transportation and Infrastructure

cc: THOMPSON-NICOLA REGIONAL DISTRICT (SD-P-161)



ALLNORTH LAND SURVEYORS
#301-7 ST. PAUL STREET WEST
KAMLOOPS, BC, V2C 1E9
TEL: 250-374-5331 FAX: 250-374-5332
DRAWN BY: WS
DRAWING NO: 10LC0726 PR 1
FILE NO: 10LC0726

Pages 62 through 64 redacted for the following reasons:

S22

Re: Access to Lt 1

Sept. 17/10

- > Danny & Kelsey Arundel came in to discuss access to Lt 1 w/ Dave Schleppe & Myself (Tracy Leclair)
- > The Ministry's stance is supporting 2 access locations to serve Lts 1-8. The access will be used ~~for~~ and will be in place should applicants wish to subdivide / construct frontage Rd.
- > The Philosophy for the controlled Access highway still stands and select access is to be achieved either at Lt 1 or Lt 3 (but not both).
- > Danny and Kelsey revisited the agreement for the 3 accesses, when they were subdividing to create Lts 1-8. (Files # 02-15-15132 / 02-15-15143)
- > The final subdivision occurred creating the Lts 1-8 with the understanding Controlled Access permit to Lt 1 will be submitted ~~from~~ by new purchaser. Shared Access to Lts 3 & 4 to be submitted upon sale of properties - No CA permits applicatn's were ~~issue~~ submitted / nor issued - The Ministry did not loose the documentation, because the Ministry did not have any applications.

Ministry comments

→ At the end of the Meeting ^{both parties} ~~it~~ was agreed to disagree.

S22

S22

In respect to Lt 8 Subdivision:

I have asked Arundels to submit a written request for excemption of the frontage Rd PLA requirement. The Ministry will review and provide necessary comments.

NOTE TO FILE

May 10/10

Met w/ Kelsey to discuss cul-de-sac dedication. The Ministry doesn't want the cul-de-sac to be constructed on ~~the~~ the additional 30' of right of way acquired ~~on~~ adjacent (to the North) of ^{S22} property (Lt L, Sec. 7, Tp. 23, R. 16, W6M, K0YD, Plan 34119). Therefore, the Ministry suggested the following options:

(1) Dedicate cul-de-sac on the acquired 60' of R/W at the S. end of Lt 8, but only construct driveway to the S. end of Lt 8.

& The Ministry will close a portion of the original 30' of r/w wh/ is not required for the cul-de-sac dedication.

or

(2) Dedicate & construct cul-de-sac in the middle of Lt 8 (wh/ was originally proposed in the rd construct/ drawings dated Aug. 2009 by CTO Consulting Ltd.) & the Ministry will close the original 30' of dedicat/ on the Arundel's property (excluding the 50' of dedicat/ for Yellowhead Hwy frontage @).

S22

From: Chenuz, Bart W TRAN:EX
Sent: Tuesday, April 20, 2010 2:19 PM
To: Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX
Cc: LeClair, Tracy TRAN:EX
Subject: RE: Josephine Road

Hi everyone,

I will phone Kelsey and let her know today, S22 I
indicated to Danny/Kelsey to contact me only until we have this situation resolved.

Bart Chenuz
Area Manager, Roads
Clearwater, Vavenby, Little Fort area,
Ministry of Transportation and Infrastructure, Thompson-Nicola District,
687 Yellowhead South, Highway 5,
Clearwater, B.C.
V0E-1N0

phone # 250-587-6247
Cell phone # 250-318-2634
Fax # 250-587-6548

-----Original Message-----

From: Eland, Sherry TRAN:EX
Sent: Tuesday, April 20, 2010 2:09 PM
To: Schleppe, Dave TRAN:EX
Cc: Chenuz, Bart W TRAN:EX; LeClair, Tracy TRAN:EX
Subject: RE: Josephine Road

Bart has gone to the house every day since last Thursday. Bart will be helping us in dev apps for any site visits in the north valley. Tracy should probably let Danny know we can't see the neighbor until next week.

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Schleppe, Dave TRAN:EX
Sent: Tuesday, April 20, 2010 12:35 PM
To: Eland, Sherry TRAN:EX; LeClair, Tracy TRAN:EX
Subject: Josephine Road

S22 called me and the owner S22 will be back on the 26th. S22
S22 will call me when he returns.

From: Chenuz, Bart W TRAN:EX
Sent: Friday, April 16, 2010 10:53 AM
To: LeClair, Tracy TRAN:EX
Cc: Nelson, Harvey TRAN:EX; Eland, Sherry TRAN:EX
Subject: Josephine rd Right-away

Hello everyone,

I had a meeting with Kelsey this morning about the construction that they want to do on our right-away. I have ask Kelsey to please wait until I have a meeting with S22

I went to S22 home today and the envelope that I put yesterday in their door jamb is still there.

I will try every day to contact S22 to set up a meeting with S22 . I realize that the permit will expire soon, I indicated to Kelsey to contact Tracy to extend the permit.

If you have any questions, please don't hesitate to call.

Have a great weekend and I will see you at the Monday morning meeting.

Cheers,

Bart Chenuz

Area Manager, Roads
Clearwater,Vavenby, Little Fort area,
Ministry of Transportation and Infrastructure,
Thompson-Nicola District,
687 Yellowhead South, Highway 5,
Clearwater, B.C.
VOE-1N0

phone # 250-587-6247

Cell phone # 250-318-2634

Fax # 250-587-6548

From: Eland, Sherry TRAN:EX
Sent: Thursday, April 15, 2010 11:41 AM
To: 'Danny Arundel'
Cc: LeClair, Tracy TRAN:EX
Subject: RE: Subdivision PLA Amendments for Files 02-15-15367 & Not Responsive

I've sent staff out there this morning to contact the neighbours and leave them a written notice.

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Danny Arundel S22
Sent: Wednesday, April 14, 2010 7:43 PM
To: LeClair, Tracy TRAN:EX
Cc: Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: RE: Subdivision PLA Amendments for Files 02-15-15367 & Not Responsive

RE: work on right of way South End Lot 8.

As per our discussion with Sherry & Dave April 1st- It was noted that we are constructing our driveway with in the right of way with a turn around being constructed within the right of way that joins with our neighbour s22 . We have constructed the driveway right to the fence line and out of consideration of our neighbour, we asked Sherry/Dave about removal of fence that is build within the right of way.

Sherry told Dave to get Jeff to deal with immeidaley to have fence and any other material removed so that we can continue with constuction of our driveway to Lot 8 with a bulb turnaround at the South end within the right of way. We agreed to halt work for this portion of driveway for the following 2 weeks to allow highways to contact s22 and to have fence removed as our driveway builder (Machine Operator) would be returning to work for use April 16th.

The fence is still standing!!!!

I assume that we can just proceed forward and remove it ourselves.

Kelsey

From: Schleppe, Dave TRAN:EX
Sent: Thursday, April 15, 2010 7:26 AM
To: S22 LeClair, Tracy TRAN:EX
Cc: Eland, Sherry TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Re: Subdivision PLA Amendments for Files 02-15-15367 & Not Responsive

I have contacted the landowner but have not met him in the field yet. Please do not remove anything until I have met him.

----- Original Message -----

From: Danny Arundel S22
To: LeClair, Tracy TRAN:EX
Cc: Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX; Brickwood, Joan E. TRAN:EX
Sent: Wed Apr 14 19:42:46 2010
Subject: RE: Subdivision PLA Amendments for Files 02-15-15367 & Not Responsive

RE: work on right of way South End Lot 8.

As per our discussion with Sherry & Dave April 1st- It was noted that we are constructing our driveway with in the right of way with a turn around being constructed within the right of way that joins with our neighbour S22 . We have constructed the driveway right to the fence line and out of consideration of our neighbour, we asked Sherry/Dave about removal of fence that is build within the right of way. Sherry told Dave to get Jeff to deal with immeidaley to have fence and any other material removed so that we can continue with constuction of our driveway to Lot 8 with a bulb turnaround at the South end within the right of way. We agreed to halt work for this portion of driveway for the following 2 weeks to allow highways to contact S22 and to have fence removed as our driveway builder (Machine Operator) would be returning to work for use April 16th.

The fence is still standing!!!!

I assume that we can just proceed forward and remove it ourselves.

Kelsey

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, April 7, 2010 2:04 PM
To: 'Brock Nanson'
Cc: S22 Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: RE: Subdivision PLA Amendments for Files 02-15-15367 & S22
Attachments: Table 730.A.pdf

Hi Brock,

The reason the Ministry is requesting a Type 1B access, relates to the traffic volumes on the Yellowhead Highway #5 and the amount traffic the subdivision will be generating, please refer to the attached document, Table 730.A Access Types. The proposed access will generate a minimum of 5 vehicles per hour (vph) entering and exiting the property. In addition, the Yellowhead Highway #5 Average Annual Daily Traffic (AADT) exceeds 3000 vehicles. Therefore, the access should be designed to a Type 1B.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

From: Brock Nanson [mailto:bnanson@ctqconsultants.ca]
Sent: Wednesday, April 7, 2010 1:00 PM
To: LeClair, Tracy TRAN:EX
Cc: S22 Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Re: Subdivision PLA Amendments for Files 02-15-15367 & Not Responsive

Hi Tracy,

With respect to the Type 1B access, my interpretation of the design manual suggests that a Type 1A is all we would need at this location for the purpose intended. Why is a Type 1B noted below as a requirement?

Thanks,

Brock

On 07/04/2010 12:01 PM, LeClair, Tracy TRAN:EX wrote:

Hello Danny and Kelsey,

As per your meeting April 1, 2010 with Sherry Eland and Dave Schleppe and in subsequent discussions with the Provincial Approving Officer the following items are amended on the two (2) Preliminary Layout Approvals (PLA) Dated March 8, 2010 for File #02-15-15367 (Subdivision of Lot 8) and File Not Responsive

Not Responsive

- File 02-15-15367 (Subdivision of Lot 8):

- Item Number 2 – Proposed Frontage Road intersection is to be designed according to Section 730 of the BC Supplement to TAC Geometric Design Guide Type 1B (as per my email sent April 6, 2010).
- Item Number 4 – Covenants require reasons why they are to be registered on the title of properties. The No Further Subdivision Covenant for Lots 5, 6, & 7 needs to clearly state, no further subdivision of Lots 5, 6 & 7 until frontage road is constructed (as it is outlined in the PLA). This will allow you or future land owners an option for further subdivision.

All remaining items of this PLA are still required.

Not Responsive

The Ministry looks forward to the submission of the revised road construction drawings for Lots 1-8 for review prior to the commencement of the frontage road construction.

Please note, the Ministry understands you are currently proceeding with preliminary road construction at this time. The Ministry has not approved the revised road construction drawings and will need to review the drawings prior to the commencement of frontage road construction.

Once the revised drawings are approved the Ministry will require at least one weeks' notice prior to the completion of each of the following stages to allow for review of the road construction:

- 1) Clearing and Grubbing and Subgrade Slope Staking
- 2) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
- 3) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.

In addition, if any work or machines are to be located on the shoulder or on the Yellowhead Highway #5 a permit application is to be submitted and a traffic control plan is to be approved prior to the commencement of work.

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, April 7, 2010 1:38 PM
To: 'Brock Nanson'
Subject: RE: Arundels Road Design's - Type 1B Access Design

Hi Brock,

There will be no other letters forthcoming with respect to the road construction for Lots 1-4 (North end of the property) and the future design for Lots 5, 6, 7 & 8 (south end of the property). The email I just sent this morning, is an amendment to the PLA's issued March 8, 2010.

The Ministry requires reviewing a completed design of the entire frontage road. The only construction of the frontage road will occur through Lots 1-4 at the North end. The access at the south end of the property is to be designed and constructed as per Type 1B of Sec. 730 of the BC Supplement to TAC. All other items on the PLA's remain the same.

The north end access design, was previously approved. As long as no other changes have been made to the access at the north end, the access should be sufficient. That being said, I will still review the access when the revised drawings are submitted.

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

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From: Brock Nanson [mailto:bnanson@ctqconsultants.ca]
Sent: Wednesday, April 7, 2010 9:24 AM
To: LeClair, Tracy TRAN:EX
Subject: Re: Arundels Road Design's - Type 1B Access Design

Hi Tracy,



Will there be a letter forthcoming to describe what is required on the south section of road? Do I assume a complete design as per the most recent letter 'for future', with just this access you attached to be built now? The north end will still require the access we designed previously?

Thanks,

Brock

On 06/04/2010 2:40 PM, LeClair, Tracy TRAN:EX wrote:

Hi Brock,

Enclosed is the Access design from Section 730 of the BC Supplement to TAC Geometric Design Guide. The access to serve Lots 5, 6, 7, & 8 uld be designed and constructed to a pe 1B Standard.

<<Section 730 Access Design.pdf>>

If you have any questions, please feel free to contact me.

Regards,

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COPY

File: 02-15-15367
Your File: 01-18-02

October 26, 2010

Burke Frame Barristers
203-1211 Summit Dr
Kamloops BC V2C 5R9

Dear Reinhard Burke:

Thank you for your letter dated Sept 21, 2010 to Tracy LeClair, Senior District Development Technician.

You state in your correspondence that the Ministry and Mr. Arundel entered into an agreement where he would dedicate 15m of land for highway and the Ministry, in return, would grant 3 accesses to the controlled access Yellowhead Hwy #5 from his property. Please be informed this is not the case.

In 1994 the Ministry required a road reserve covenant (KH119960) be placed over a 15m strip of land now owned by Mr. Arundel for highway widening as a requirement of subdivision. When that land was proposed to be further subdivided, in 2007, the Ministry required the land under the road reserve covenant be formally dedicated as a condition of subdivision. The granting of access to the controlled access highway was in no way contingent on the dedication of road.

The previous approving officer, David LaBar, with Mr. Arundel and myself, reviewed a plan by Mr. Arundel identifying 4 existing/new access locations. The plan did not provide which, if any of the access locations were acceptable to provide shared access, for the 8 proposed lots, to the Yellowhead Hwy 5. A condition of the subdivision was for Mr. Arundel to make application for new access to the controlled access highway, for Ministry approval, prior to final approval of subdivision. Mr. Arundel did not fulfill this condition and chose to let the future buyers of the lots make application to the Ministry for access. This condition was considered waived when David LaBar approved the final subdivision plan without the application. Without application, no Ministry evaluation was undertaken on the proposed location(s) and it is therefore unknown which, if any, of the access locations would have been approved and permit(s) issued.

.../2

In response to your 3 statements:

1. The "strip" dedicated by Plan KAP86170 was required for widening of controlled access Yellowhead Hwy #5 corridor.
2. Josephine road is dedicated by survey plan as public road, however, like many dedicated roads, it has not been constructed in its' entirety. A blockage of a public road may be considered an offence that may require notice/remedial action under the *Transportation Act*. Please note this is true of Sec 49 of the *Transportation Act*, as well.
3. The Ministry has no record of a controlled access permit being issued for the driveway to the residence on Lot 2, to Mr. Arundel or previous owners. We have record of 2 denied permit applications for the previous owner.

Should you have any questions, please do not hesitate to contact me at 250 371-3803.

Yours truly,

Joan Brickwood
Provincial Approving Officer

pc: Tracy LeClair, Sr. Dev. Tech.

Pages 78 through 82 redacted for the following reasons:

S22

Application for Subdivision Approval Regulation No. 8/89

[includes amendments up to B.C. Reg. 546/2004, December 31, 2004]

Subdivision approval for land adjacent to controlled access highway

1 Where a plan of subdivision affects land adjacent to a controlled access highway as defined in the *Transportation Act*, the **approving officer**, in addition to the ground for refusal stated in section 85 (3) of the *Land Title Act*, may refuse to approve the subdivision plan if he considers that it does not provide access to the land in the subdivision, its remainder and the lands contiguous to the subdivided property, or lands dependent upon the subdivided property, or land dependent upon the subdivided property for its sole access by means of an adequate road allowance for a frontage road, service road or local street.

File 15367

subd. of Lt 8 submitted
prior to final approval of

8 Lots (Files 15132/15143)

originally came in as ~~as~~ a revision
for 9 Lots vs. 8 lots

Nov 2007.

Nov 16/07

decided to create separate file
rather than delay 8 lot subdivision

Revised drawing May 7/08 for subd of Lt 8.

April 28/09

Applic to Subd. Lt 7 (into 2 lots)
as well as Lt 8.

April 17/10

meeting Dave L. Joan + Rob.

upgrade gravel frontage Rd to
paved standard

- eventually consolidate accesses
into ONE...

March 16/07

- Arundells wanting to use Josephine Rd to access Lots 7+8.

- Poor intersection & cost of \$90,000+ to upgrade Josephine

April 17/08

~~upgrade gr.~~

May 8/08

↑ (Lot 4+B = Lot 8)

Gravel Rd from Lt A to access in Lot 6 and Lt 5 using Lt 6 access
- offset CDS

Lots 1-3 have own access unless subd then frontage Rd
another subd then paved

July 1/08

- Hwy strategy corridor
1.6 km access

Arundells have 1.3 km frontage
- should only be 1 access

Best location 130m from Lot 7+8 boundary to mid pt Lot 6.

Aug/08

4 options to Arundel

Arundels pick option 3

③ Construct main frontage road access
between Lts 7 & 8
No further access to Hwy 5 for
Lots 4-7

- gravel standard

PLA amended to reflect this option

Nov 25/09

No end of options from
access locations

Somehow went from
gravel frontage Rd
to one access location
to Arundels not build
a frontage Rd & wouldn't access

15367 - Sub of Lt 8
PLA Mar 28/08

- ① 20m ROW connecting to Josephine
- ② Design + construction of Josephine Rd
- ③ TNRD Requirements.

Revised PLA Sept 4/08

- ① Proposed Frontage Rd access 50m S of Lt 6/7 boundary
- ② Frontage Rd from intersection to CDS location at boundary of Lt 4+B + constructed + designed to gravel standard.
- ③ TNRD approval

PLNA for Lots 7 + 8 Aug 13/09

- ① No TNRD approval
- ② No IHA approval
- ④ (1 ~~above~~ from Sept 4/08 PLA)
- ⑤ (2 " ") Now referencing
Lots 15 + 16 indicating all 8 lots will
be subd.

Oct 30/09 - Arundel e-mail for subd
Lot 1 + 8 10/10/09

Nov. 4 2009

- Met w Arundels to discuss access to Lts 1-8 for their proposed subdivisions.

↳ provided history on access permits submitted.

April 1999 -> applied & received 1 access permit for farm access to Lt D. (file 02-15-13323).

July 1999 -> Farm Access cancelled b/c TNRD identified Fish & Chip selling business on property wh/ was against zoning. And access was for farm purposes not commercial.

May 2000 - Applic resubmitted

May 2002 -> Access applicatn/ resubmitted applicant
↳ denied access. permit ~~was~~

* MOT would support 2 access locat'ns as sch/ would serve Lts 1-8.

- Arundels indicated they were verbally told they could have 3 accesses, by past PAO.

↳ However, MOT will only support 2 accesses.

- Meeting adjourned w Applicants possibly revising subdivision plans for Lts 1-4 to Lt 1 only.

↳ If they choose to revise subdivision MOT requires written confirmatn/.

↳ Accesses discussion to be discussed internally at MOT prior to any approval.

* Arranged to meet & discuss Nov. 18, 2009.

LeClair, Tracy TRAN:EX

From: Eland, Sherry TRAN:EX
Sent: Friday, October 29, 2010 11:08 AM
To: LeClair, Tracy TRAN:EX
Subject: Re: Arundel's

Looks like I only have perhaps 830 to 1030 max On tues. Other choice is thursday anytime afternoon.

----- Original Message -----

From: LeClair, Tracy TRAN:EX
Sent: Friday, October 29, 2010 10:14 AM
To: Eland, Sherry TRAN:EX
Subject: RE: Arundel's

Your calendar says you have S22 on Tuesday? Are you going? If not I will arrange for Tuesday in the afternoon.

Tracy LeClair, BA, BNRS.
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Dave Schleppe
District Program Manager
Ministry of Transportation and Infrastructure Thompson Nicola District
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Cell: (250) 851-6001
Fax: (250) 371-3848
e:mail: Dave.Schleppe@gov.bc.ca

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From: Eland, Sherry TRAN:EX
Sent: Wednesday, October 27, 2010 1:42 PM
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Cc: Eland, Sherry TRAN:EX
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They would like the meeting as early next week as possible, they are flexible. As I am

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Page 90

Joan.

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Sent: Friday, October 29, 2010 10:02 AM
To: LeClair, Tracy TRAN:EX
Subject: Re: Arundel"s

Anytime tuesday is way better for me. On monday my time is limited.

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Sent: Wednesday, October 27, 2010 07:10 AM
To: Schleppe, Dave TRAN:EX
Subject: Re: Arundel"s

Call them. Joan seems like the ultimate authority, but if they want to plead the case then it will have to wait till next week sometime.

----- Original Message -----

From: Schleppe, Dave TRAN:EX
Sent: Wednesday, October 27, 2010 07:08 AM
To: Eland, Sherry TRAN:EX
Subject: Re: Arundel"s

Before I get back to Tracy and Joan, it may be fair to tell the Arundels you will not be there as they were looking to your position as the next step in the appeal process. We need to call them either way, so I can either be you or we postpone the meeting until next week.

----- Original Message -----

From: Eland, Sherry TRAN:EX
Sent: Wednesday, October 27, 2010 06:52 AM
To: Brickwood, Joan E. TRAN:EX
Cc: Schleppe, Dave TRAN:EX; LeClair, Tracy TRAN:EX

Subject: Arundel"s

Sorry to put this back on you guys,

S22

S22 Joan I've read what you've written and that is the answer we'll stick with. What I don't understand is why they are so insistent. Can the three of you please try to resolve this today. Give them my apology. If at the end you can't settle it, then only then tell them I will review it next week and see if there are any options. Good luck.

LeClair, Tracy TRAN:EX

From: Brickwood, Joan E. TRAN:EX
Sent: Tuesday, October 26, 2010 11:30 AM
To: LeClair, Tracy TRAN:EX; Eland, Sherry TRAN:EX
Cc: Schleppe, Dave TRAN:EX
Subject: Arundel



Arundel Lawyer Arundel notes to
response - Oct ... e-mail Oct 18...

Here is what I have to date. I'm still waiting for the one off-site access permit file so we can confirm if an access was permitted to the previous owner.

Sherry,

The Arundel Notes is the response to the Arundel e-mail. It is long, basically a chronology of the land. So skip to page 5 for just the comments regarding the e-mail.

Joan Brickwood

Provincial Approving Officer
Ministry of Transportation and Infrastructure
Thompson Nicola and Cariboo Districts
127-447 Columbia St Kamloops V2C 2T3
Ph: 250 371-3803
Fax: 250 371-3848
Joan.Brickwood@gov.bc.ca
www.th.gov.bc.ca/DA/Subdivision_Home.asp



File: 02-15-15367
Your File: 01-18-02

October 15, 2010

Burke Frame Barristers
203-1211 Summit Dr
Kamloops BC V2C 5R9

Dear Reinhard Burke:

Thank you for your letter dated Sept 21, 2010 to Tracy LeClair, Senior District Development Technician.

You state in your correspondence that the Ministry and Mr. Arundel entered into an agreement where he would dedicate 15m of land for highway and the Ministry, in return, would grant 3 accesses to the controlled access Yellowhead Hwy 5 from his property. Please be informed this is not the case.

In 1994 the Ministry required a road reserve covenant (KH119960) be placed over a 15m strip of land now owned by Mr. Arundel for highway widening as a requirement of subdivision. When that land was proposed to be further subdivided, in 2007, the Ministry required that the land under the road reserve covenant be formally dedicated as a condition of subdivision. The granting of access to the controlled access highway was in no way contingent on the dedication of road.

The previous approving officer, David LaBar, with Mr. Arundel and myself, reviewed a plan by Mr. Arundel identifying 4 existing/new access locations. The plan did not provide which, if any of the access locations were acceptable to provide shared access, for the 8 proposed lots, to the Yellowhead Hwy 5. A condition of the subdivision was for Mr. Arundel to make application for new access to the controlled access highway, for Ministry approval, prior to final approval of subdivision. Mr. Arundel did not fulfill this condition and chose to let the future buyers of the lots make application to the Ministry for access. This condition was considered waived when David LaBar approved the final subdivision plan without the application. Without application, no Ministry evaluation was undertaken on the proposed location(s) and it is therefore unknown which, if any, of the access locations would have been approved and permit(s) issued.

.../2

In response to your 3 statements:

1. The "strip" dedicated by Plan KAP86170 was required for widening of controlled access Yellowhead Hwy #5 corridor.
2. Josephine road is dedicated by survey plan as public road, however, like many dedicated roads, it has not been constructed in it's entirety. A blockage of a public road may be considered an offence that may require notice/remedial action under the *Transportation Act*. Please note this is true for Sec 49 of the *Transportation Act*, as well.
3. The Ministry has no record of a controlled access permit being issued in the past for the driveway to the residence on Lot 2, to Mr. Arundel. A permit may have been issued to the previous owner (21-11344 being recalled from off-site, change of legal, owner).

Should you have any questions, please do not hesitate to contact me at 250 371-3803.

Yours truly,

Joan Brickwood
Provincial Approving Officer

pc: Tracy LeClair, Sr. Dev. Tech.

October 20, 2010

Based on e-mail from D. Arundel dated October 18, 2010.

D. Arundel Points:

- Submitted paperwork beginning of September cancelling application to subdivision Lots 1-4 (MoT File 02-15-15450 – application received May 15, 2008).
- Receiving run-around from MoT regarding access to Lots 1-4.
- Arundel in previous subdivision gave 50ft to Hwys and received 3 highway access points to access 8 lots.
- Application for hwy accesses were submitted as required for final subdivision and were misplaced or lost in MoT office.
- Resubmitted application for 3 access points in Nov 2009. Did not agree with response in January and resulted in site visit.
- Site visit – Dave Schleppe had no problem with 3 access points:
 - Lot 6 to access Lots 5-8
 - Lot 3 to access Lots 2-4
 - Lot 1 to access Lot 1 and if subdivision of Lots 1-4 continued a frontage road would be required.
- Have applied for works within RoW for driveway to Lot 1.
- Lot 6 access was built and permitted in 1999. The access on Lot 3 is built and used daily. Want agreement continued for 3rd access to be issued.

Subdivision History:

In 1994, as a requirement of subdivision, (Owner – Rickett File 02-15-11098) a road reserve covenant (KH119960) was registered on title of Lot D, Sec 18, TP 23 R 16 W6M, KDYD Plan 35241 except KAP53736. Identifying 15m from the easterly boundary of H8754 (Yellowhead Hwy 5 plan) "shall be reserved for future road purposes". This is the parent parcel of the subsequent Arundel subdivisions. 2 CA Hwy applications made for access to Lot D, (Files 02-15-11344 and 11975) Application on File 11975 was Not Approved in 1995. No record of approved CA Hwy access permit to Lot D. (Waiting for file 11344 from off-site, I believe this was the CA application required by PLA for File 11098)

July 9, 1998 application from Ricketts to subdivide Lot D into 3 parcels (02-15-13104) Non-approval issued for TNRD and geotech issues. Other requirements – dedication of Road reserve covenant, and application for one access only to be approved by the Ministry.

In Jan 1999 – Arundel registered on Title of Lot D.

The Arundel subdivision creating 3 lots (Lt 1, Lt 2 and Rem Lot D – same layout as Rickett proposal) approved May 2000 (Plan KAP66849). PLA required submission of a shared access permit – Only One Access allowed – July 1999. One access granted (02-15-13323) – in location of present Lot 6. Later cancelled for breach of zoning by-law. Applied for again and not approved (2002, File 02-15-03647).

Arundel subdivision application to create 8 lots was originally 2 separate applications - Rem of Lot D to create 3 lots (File 02-15-15143) and Lots 1 and 2 to created 5 lots (File 02-15-15132). PLNA Jan 31/07 for Geotechnical issues.

PLA issued Oct 25/07.

Requirements of the PLA included:

- Dedication of the land under the road reserve covenant.
- Submission of a plan showing the proposed and existing access locations for Ministry review and approval.
- Application for CA Hwy access permit for new proposed access.
- Application for Shared driveways within the Hwy RoW
- Geotech report and various agency confirmations.

Report for PLA – Identified Hwy corridor strategy as 2RAU current with future class of 4RJED (4 lane rural junior expressway divided). Access strategy is Select with 1.6km intersection spacing (Arundel frontage is approx 1.3 km) and preferred access via frontage road. If frontage NOT possible, then limited or shared access. Previous PAO and Area Manager agreed to allow shared driveway within Hwy dedication for Lots 4-8.

Final plan was approved Mar 2008.

1 – Yellowhead Hwy 5 established additional 15m (road reserve covenant released from title)

2 - Submitted plan with 4 X's showing proposed and existing access locations. 3 proposed locations confirmed.

3 – no applications received for new access – Lot 1 to be submitted by new owner, and lots 3-4 when lots sold.

4. No driveway construction, so no permit application.

5-9. Geotech covenant and Agency confirmation.

Prior to completion of this final, *an application was made for a revision to subdivide Lot 8 into Lots 8 and 9 (Nov 2007).*

To prevent delay of the 8 lot subdivision it was decided to create a separate application to subdivide Lot 8 into 2 lots (Nov 16, 2007) File 02-15-15367.

PLA issued Mar 28/08

1. 20m RoW connecting to Josephine
2. Design and construction of Josephine Road
3. TNRD requirements

Revised PLA Sept 4/08

1. Proposed frontage road access 50m S of Lot 6/7 boundary
2. Frontage Rd from intersection to CDS located at boundary of Lot A & B (the 2 lots to be created from Lot 8) including design and construction to gravel standard.
3. TNRD requirements

April 28, 2009 application amended to include subdivision of Lot 7 into 2 lots.

PLNA for Lots 7 and 8 issued Aug 13/09

Non-approval for:

1. No TNRD approval
2. No IHA approval
 - A. 1. From Sept 4/08 PLA
 - B. 2 from Sept 4/08 PLA (Now referencing Lots 15 and 16 indicating potential to further subdivide all 8 lots)

Oct 30/09 Arundel e-mail cancelling subdivision of Lot 7.

Revised PLA for Lot 8 only – Mar 8/10

1. Design for frontage road from intersection with Hwy 5 to CDS at Lot 16, no construction, 15m radius CDS.
2. Proposed frontage road intersection at Lot 6, design drawings, construction and paving.
3. 6m corner cut offs
4. Covenant – no further subd of Lots 5-7 until frontage Rd constructed.
5. Transfer of geotech covenant to new lots
6. Works permit for driveway within RoW for Lots 5-7, 15 and 16.
7. IHA approval

Amendment to Revised PLA April 7/10

Condition 2 – Frontage road intersection to be Type 1B

Condition 4 – No Further subdivision until frontage road constructed.

During this time an application was made May 15, 2008 for subdivision of Lot 1-3 into 6 lots. (File 02-15-15450). Amendment to this application to include Lot 4 subdivision into 2 lots was made April 25, 2009.

PLA for Lots 1-3 issued Nov 4, 2008

1. Frontage road access to Hwy 5 to be located within boundary of Proposed Lot A (current Lot 1)
2. Design, construction and paving of frontage road from intersection at Lot A to CDS at Lots E and F.
3. Corner cutoffs
4. Transfer of geotech covenant to new lots
- 5-8 TNRD, IHA, BCH and MoFR confirmation

Revised PLNA to include Lot 4 issued Aug 13, 2009

Non- approval conditions 1 and 2 for TRND and IHA.

Conditions A-D as 1-4 in PLA dated Nov 4, 2008 but referencing CDS to Lot G and H (Lot 4)

PLA for Lots 1-4 issued March 8, 2010.

1. Frontage road intersection to be within Lot 1A as per design drawings by CTQ Consultants. Paved, works permit required, Traffic Control Plan required.
2. Frontage road extended from intersection to CDS at N boundary Lot 5, designed and constructed to gravel standard
3. Corner cutoffs
4. Transfer geotech covenant to new lots
5. TNRD confirmation
6. IHA confirmation

Revisions to PLA for lots 1-4 (02-15-15450) April 7, 2010

Condition 2 – frontage road to be built to S. Boundary of 4A (vs. N. boundary of Lot 5 which would have provided frontage road connectivity)

Application for Subdivision of Lots 1-4 cancelled Sept 2010. Lot 2 sold to family member.

PAO comments:

Each revision of PLA has been as a result of a change or request by the developer.

Multiple locations have been considered, over the course of multiple meetings, for shared access to the 8 lots and subsequent proposed lots over a period of 3+ years. Options have included 1 shared access, 3 shared accesses, 2 shared accesses, access via Josephine, access at Lot 8, Lot 7/8, Lot 6, Lot 2/3, access at various locations within Lot 1, access via frontage road, gravel and paved.

Currently one unpermitted access is used in the vicinity of Lots 2/3. A closed access exists at Lot 6. At this time there is no record of an approved access permit to these lots for the current owner or past owner (Rickett). Applications have been denied or cancelled. Old files are being recalled from off-site for further investigation.

Historically, the subdivision requirements for Lot D have required ONLY ONE access. The frontage has remained the same, only the number of lots has changed (1 to 3, to 8, to?). It is a shame 3 proposed access locations were considered with the subdivision into 8 lots.

The Highway Corridor Strategy recommends limited access spaced at 1.6km and preferred access via frontage road.

There is no doubt that the goal for future protection of the Yellowhead Hwy, in this location, is a frontage road. The ideal situation, given the Arundel frontage of 1.3 km, would be one intersection location to the Hwy providing access via frontage road to the existing 8 lots and any future lots. This goal must be kept in mind as development proceeds along this corridor.

Other considerations for the frontage road are connectivity to Josephine Road, and the extension of a frontage road to the North along with intersection locations that may be required to access the existing properties north.

With the continual change in subdivision proposals from Arundel, the Ministry has become reactive, addressing the issue of the day vs keeping in mind the end goal.

Legislation

Regarding Access to a CA Hwy:

Section 51 of the *Transportation Act*

Clearly provides the Ministry authority in relation to a CA Hwy. It provides access may be authorized to a CA Hwy and provides for terms and conditions that may be imposed related to that authorization. It goes on to provide that access to a CA Hwy may be amended or terminated. The basis for this authority is for protection of health and safety of a person or public, or to preserve the integrity of the CA Hwy or to operate the CA Hwy in the most efficient and effective manner.

Regarding Subdivision approval for land adjacent to a CA Hwy (currently only Lot 8):

Sec 1 of *Land Title Act* – BC Reg 8/89

Provides the approving officer may refuse to approve a subdivision plan if he considers the plan does not provide adequate road allowance for a frontage road, service road or local street for the subdivided land, and land(s) contiguous or dependant on the subdivided property.

Sec 75(3) of *Land Title Act*:

Requires the approving officer to consider among other items, road dedication on a subdivision plan and suitability to existing and intended use, as well as role of road in future network.

Additional sections of the Land Title Act (83, 83.1, 86) require the PAO to consider sufficiency of Hwys within and around the subdivision, access in and out of subdivision, construction, drainage and surfacing. As well as potential further subdivision of the lands and all details on how hwys will be provided for future subdivision.

Local Services Act – Reg 262/70 Sec 5.08 states the number of Hwy intersections within a subdivision will be kept to a minimum.

Regarding Mr. Arundels e-mail comments:

- We acknowledge cancellation of the subdivision of Lots 1-4.
- Arundel is getting the run around from the Ministry regarding access, as his proposals keep changing and the Ministry is reactive. **We need to determine what is appropriate for access on this corridor regardless of which lots are or aren't being subdivided at the moment, and remain consistent.**
- The dedication of 50 ft (15m) was a requirement of the subdivision (to replace the road reserve covenant) and the Ministry granting access to the CA Hwy was/is not contingent on the dedication.
- An additional requirement of the subdivision was submission of CA Hwy permit application for **new** access(es) prior to final approval. The developer did not fulfil this condition and the condition was considered waived when the PAO approved the final plan, without application. As an application for CA Hwy access was not submitted, no evaluation was done on the 3-4 proposed locations and it is therefore unknown if any or all would have been approved and permit(s) issued. It is noted that the developer insists that the Ministry misplaced the applications. The final report for the subdivision clearly states Access to Lot 1 to be submitted by new owner and access for Lots 3 and 4 to be submitted upon sale. The comment: "Submission of CA access permit for Lots 5-8" unfortunately does not indicate "received" or if it was pending. It is also noted that this was not a new access location. A thorough search through all associated files has been conducted with no indication of access application. No application copy was attached to the final plan paperwork, and there is no record of a DAS file number. The developer has not been able either to provide documentation supporting the submission of an access permit application to the Ministry.
- 3 access applications were submitted in Nov 2009 and not approved.
- I cannot comment on the conversation that took place during the site visit.
- Application for works within Hwy RoW fronting Lot 1 has been submitted, permit has not been issued.
- Neither of the accesses are permitted. There is no "agreement" guaranteeing 3 accesses, as discussed above. The developer has not been able to supply a valid reason as to why 3 accesses are necessary. The Ministry has valid reasons for supporting only 1 access though an argument could be made for having 2 accesses to support flow for a frontage road.

Joan Brickwood, PAO.

LeClair, Tracy TRAN:EX

From: Eland, Sherry TRAN:EX
Sent: Tuesday, October 19, 2010 12:41 PM
To: Brickwood, Joan E. TRAN:EX
Cc: Schleppe, Dave TRAN:EX; LeClair, Tracy TRAN:EX
Subject: RE: Arundel-Subdivision Cancellation lot 1-4

Thanks Joan. I've asked Dave S to set up a meeting with Arundel tomorrow Wed afternoon. I would like you to attend as well as Dave and Tracy. I haven't seen what his lawyer wrote us - so please print me a copy of that as well so I can look at it today. Thanks.

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Brickwood, Joan E. TRAN:EX
Sent: Tuesday, October 19, 2010 8:35 AM
To: Schleppe, Dave TRAN:EX; Eland, Sherry TRAN:EX; LeClair, Tracy TRAN:EX
Subject: RE: Arundel-Subdivision Cancellation lot 1-4

For information,
I have attached the letter I started Friday in response to the lawyers letter. It's just in draft form, but provides some clarity around the 3 accesses and road dedication.
Joan

-----Original Message-----

From: Schleppe, Dave TRAN:EX
Sent: Monday, October 18, 2010 11:28 PM
To: Eland, Sherry TRAN:EX; LeClair, Tracy TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Re: Arundel-Subdivision Cancellation lot 1-4

The strategy behind the two accesses is the same as it was when we considered frontage road construction and an interim third access until the frontage road was built. Allowing three accesses opens us up to arguments in the future for single points of access to all 8 lots as well as rationalizing access for potential subdivision in the future. I told the Arundels in no uncertain terms that we HAVE considered what they want but what we are willing to settle on is in the best interest of highway safety, sound engineering practises and good corridor management strategy.

----- Original Message -----

From: Eland, Sherry TRAN:EX
Sent: Monday, October 18, 2010 02:59 PM
To: Schleppe, Dave TRAN:EX; LeClair, Tracy TRAN:EX
Subject: FW: Arundel-Subdivision Cancellation lot 1-4

I'll need an update from you on Tuesday please.

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Danny Arundel S22
Sent: Monday, October 18, 2010 2:54 PM
To: Eland, Sherry TRAN:EX
Subject: RE: Arundel-Subdivision Cancellation lot 1-4

S22 we have submitted paperwork beginning of september cancelling our application to subdivide lot 1-4. We continue to recieve the runaround from your office in regards to access for these 4 registered lots. In the previous subdivision of this property we gave highways 50ft on the front of our property and we recieved 3 highway access points to access 8 lots. Applications for highway access were submitted as required for final subdivision for these 8 lots and paperwork was somehow misplaced or lost in your office. We were told that no paperwork was on file in fall of 2009 and resubmitted access application for these 3 access points in Nov 2009. We did not recieve a reply until January which we did not agree with and this resulted in an onsite visit by Dave Sleppie and Tracey LeClair. On this visit, Dave stated that he has no problem issueing these 3 access points to access our registered 8 Lot subdivision. Lot 6 to access Lot 5, 6, 7, & 8 , Lot 3 to access Lot 2, 3, 4 and Lot 1 access to access only Lot 1. If we were to continue with subdivison of lot 1-4, a frontage road would be required. I followed up this meeting with an email letter to tracey restated all that we talked about.

We have cancelled subdivison application of Lot 1-4, applied for works on rightofway to construct highway access for Lot 1 and now are going in circles as access is trying to be renegotiated. This is not acceptable as we gave highways the 50ft rightofway and we should recieve 3 highway access points. The access on Lot 6, was built and permitted in 1999 & built exceeding the requirements in width for a farm access. The access on lot 3 is built and is used daily. We are only asking that we continue with our agreement for the 3rd access and issue us permit to work on your right of way to construct and start using this driveway.

We have already started site preperation on Lot 1. Building site is constructed in the centre of the lot and driveway is in place to your rightofway.

We are available immediatley to have this issued resolved so we can all move onto other things.

Thankyou,
Kelsey & Danny Arundel

S22

LeClair, Tracy TRAN:EX

From: Schleppe, Dave TRAN:EX
Sent: Monday, October 18, 2010 11:28 PM
To: Eland, Sherry TRAN:EX; LeClair, Tracy TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Re: Arundel-Subdivision Cancellation lot 1-4

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From: Eland, Sherry TRAN:EX
Sent: Monday, October 18, 2010 02:59 PM
To: Schleppe, Dave TRAN:EX; LeClair, Tracy TRAN:EX
Subject: FW: Arundel-Subdivision Cancellation lot 1-4

I'll need an update from you on Tuesday please.

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
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We have cancelled subdivison application of Lot 1-4, applied for works on rightofway to construct highway access for Lot 1 and now are going in circles as access is trying to be renegotiated. This is not acceptable as we gave highways the 50ft rightofway and we should recieve 3 highway access points. The access on Lot 6, was built and permitted in 1999 & built exceeding the requirements in width for a farm access. The access on lot 3 is built and is used daily. We are only asking that we continue with our agreement for the 3rd access and issue us permit to work on your right of way to construct and start using this driveway.

We have already started site preparation on Lot 1. Building site is constructed in the centre of the lot and drive is in place to your right of way.

We are available immediately to have this issue resolved so we can all move onto other things.

Thankyou,
Kelsey & Danny Arundel

S22

Pages 113 through 126 redacted for the following reasons:

S21

Nov. 4 2009

- Met w Arundels to discuss access to Lts 1-8. for their proposed subdivisions.

↳ provided history on access permits submitted.

April 1999 -> applied & received 1 access permit for farm access to Lt D. (file 02-15-13323).

July 1999 -> Farm Access cancelled b/c TURN identified Fish & Chip selling business on property wh/ was against zoning. And access was for farm purposes not commercial.

May 2002 -> Access applicatn/ resubmitted applicant denied access. permit ~~blatant~~

* MOT would support 2 access locatn/s as sch/ would serve Lts 1-8.

- Arundels indicated they were verbally told they could have 3 accesses, by past PAO.

↳ However, MOT will only support 2 accesses.

- Meeting adjourned w Applicants possibly revising subdivision plans for Lts 1-4 to Lt 1 only.

↳ If they choose to revise subdivision MOT requires written confirmatn/.

↳ Accesses discussion to be discussed internally at MOT. prior to any approval.

* Arranged to meet & discuss Nov. 18, 2009.

15367
Meeting Minutes – ~~15450~~ (Lot 8)

Date: November 18, 2009

**Attendees: Kelsey and Danny Arundel – Developer
Joan Brickwood – TRAN
Tracy LeClair – TRAN**

- Met with the Arundel's to discuss access and frontage road requirements to the proposed 2 lot subdivision on the existing Lot 8.
- Arundels currently, do not have legal access. A permit under file # 13323 was issued for farm access in 1999. Permit cancelled, as access used for commercial use. Arundels reapplied for access in 2000, but permit was never issued. No Further accesses were permitted for the Arundels property.

The Provincial Approving Officer may refuse to approve a subdivision for its sole access by means of an adequate road allowance, as established by BC Regulation 8/89

- **Subdivision Approval for Land adjacent to Controlled Access Highway – *Land Title Act, BC Regulation 8/89***

1) Where a plan of subdivision affects land adjacent to a controlled access highway as defined in the *Transportation Act*, the approving officer, in addition to the ground for refusal stated in section 85 (3) of the *Land Title Act*, may refuse to approve the subdivision plan if he considers that it does not provide access to the land in the subdivision, its remainder and the lands contiguous to the subdivided property, or lands dependent upon the subdivided property, or land dependent upon the subdivided property for its sole access by means of an adequate road allowance for a frontage road, service road or local street. [am. B.C. Reg. 546/2004, App. s. 20.]

Therefore, the ministry has provided the following options:

1. Construct gravel frontage road from the proposed access fronting Lot 7 to the southern boundary of the 2 proposed lots (Lot 8) complete with cul-de-sac and no connection to Josephine Road.

2. Construct access in front of Lot 8 to provide access to both proposed Lots. No further subdivision until frontage road constructed covenant to be registered on titles for Lots 5-8. MoT will permit access to proposed 2 lots and permits will be issued for use of existing right of way as a driveway. If utility poles are required to be removed it will be the cost of the applicant.
 3. Existing access proposed fronting Lot 7 to be used as a driveway to Lot 8. Binding of Titles required for lots 5-7. Shared Controlled Access and driveway permits issued.
- The Ministry will require proof frontage road can be constructed within existing right of way. If frontage road cannot be constructed within existing right of way; additional right of way will be required pending final subdivision approval.
 - Josephine Road is not suitable for any additional traffic to the proposed subdivision. The existing intersection of Josephine Road is not safe. In addition, the existing dedication to Hwy 5 would involve a large cut and may not be achievable. Therefore, Josephine Road is not an option for a suitable access.

Nov. 25 2009.

- Arundels advised MOT what they wanted.
 - 3 Accesses for ~~lots~~ 8 Lts.
 - Subdivide Lts 1-4 w min. of Lt 1 subdiv.
 - ∴ will not allow covenant for future rd constructⁿ.
 - want Lt 8 subdivided, but don't want to build rd
 - Don't want to dedicate any more frontage rd ~~etc.~~
- The PAO ∴ myself ^{provided} ~~advised~~ arundels w solutⁿs / alternatives to continue w the subdivision as laid out in Nov. 18 Minutes. ~~to~~
- The Arundels were not in support of any options presented by MOT.
- ~~There~~ MOT would like confirmatⁿ of access locatⁿs prior to providing further comments
 - ↳ the applicants seek access applicatⁿs to be submitted to MOT.
 - ↳ I advised the applicants may submit applicatⁿ but the access locatⁿs may not be approved
- * The meeting ended w applicants pushing to submit access applicatⁿs
 - ↳ subdivision requirements of rd frontage was not resolved.

Braithwaite, Dawn B TRAN:EX

From: Barb Jackson [bjackson@tnrd.bc.ca]
Sent: August 18, 2008 4:02 PM
To: Brickwood, Joan E. TRAN:EX
Cc: Braithwaite, Dawn B TRAN:EX
Subject: RE: Not Responsive and 15367)

Hi Joan,

Thanks for getting back to me so quickly.

I have spoken to Danny Arundel, and he will go to LTO to find out why the wildfire covenants were registered on some lots and not others. Your formal warning on title may not be necessary.

Re the geotech report - Dave signed a doc that said "x/19" pages. It sounds like we have the same AMEC report (13 + 1 pages), but if you add the six pages of the Form C + covenant text, and the full AMEC report, there should be 20 pages (19 if the stormwater addendum was not included). I would like to see the full AMEC report in the covenant. Do you think it is worth requesting that LTO and the applicant amend the covenant?

Barb

From: Brickwood, Joan E. TRAN:EX [mailto:Joan.Brickwood@gov.bc.ca]
Sent: Monday, August 18, 2008 3:23 PM
To: Barb Jackson
Cc: Braithwaite, Dawn B TRAN:EX
Subject: RE: Not Responsive and 15367)

Hi Barb,

S22

Yes, I can request a warning be placed on the 8 titles stating that a covenant is pending registration. I am just waiting to hear from LTO what the process is.

Regarding the Geotech covenant, I did pull it and noticed that the plan number for the covenant area was not inserted in section 1 (a). The plan is KAP86171 and it is registered in the LTO. I have let the LTO know that the plan number was missed.

When I pulled the geotech covenant I found the 8 pages of the June 27, 2007 report plus 5 pages of drawings/pictures and the one page report dated Sept 27, 2007. That's all we have on file for reports, so I'm not sure which pages you found missing.

Thanks
 Joan

From: Barb Jackson [mailto:bjackson@tnrd.bc.ca]
Sent: Monday, August 18, 2008 1:47 PM
To: Brickwood, Joan E. TRAN:EX
Cc: Bob Finley; Andrew Swetlishoff
Subject: Not Responsive and 15367)

Hi Joan,

I was working on one of the Arundel subdivision applications (SD-P-161 your # 02-015-015367), when I downloaded the new title and covenants.

Not Responsive

In addition, a number of pages of the geotech covenant were missing, and the survey plan that the geotech report referred to was not registered at LTO.

2008-09-05

TRA-2012-00039
 Page 133

Meeting Minutes – 15-15367

Date: August 21, 2008

Attendees: Kelsey and Danny Arundel – Developer
Joan Brickwood – TRAN
Dawn Braithwaite – TRAN

- Met with the Arundel's to discuss access and frontage road requirements to the proposed 2 lot subdivision on the existing Lot 8
- Provided 4 access options
 1. Josephine Road – upgrade Josephine road to TRAN road standards for access to the 2 lots complete with cul-de-sac (not ideal as existing Josephine Road access does not have a safe road access
 2. Construct frontage road from the existing shed access to the 2 proposed lots completed with cul-de-sac and no connection to Josephine Road
 3. Construct main frontage road access between lots 7 and 8 – frontage road to be complete to gravel standards with cul-de-sac. No further access will be provided to Highway 5 for further subdivision for Lots 4, 5, 6 & 7
 4. Currently legal access to the proposed 2 lots via Josephine Road and Highway 5. Developer to enter into a restrictive no build covenant for existing Lots 5, 6, & 7 and on the proposed 2 lots. Covenant would not be removed until frontage road was constructed and paved to Ministry specifications.
- If option 2 or 3 were selected – TRAN would review pavement requirements for the proposed 2 lot subdivision. Allow for gravel standards until further subdivision of lots 5, 6, & 7 were applied for and then require pavement of the entire length of frontage road.

Date: August 25, 2008

Attendees: Kelsey and Danny Arundel – Developer
Dawn Braithwaite – TRAN

- Arundel's met to discuss proceeding with Option 3 and access location. From previous correspondence and review the best location for frontage road access would be where the grade of the cut slope meets the grade of the highway; approximately 130 meters.
- Acceptable for gravel standards – any further subdivision would require paving the entire length of frontage road
- Action – Dawn to send revised PLA with the Option 3 selected.

July 3, 2008

- Site visit with Jeff to look at highway access planning.
- Jeff doesn't think that the north end of the property is great for shared access especially considering tandem snow trucks.
- Jeff also points out that an access at the south end means that it is quieter for Arundel's property

The Ministry has recently reviewed Lot 1 through to Lot 8, Plan KAP86170 to identify a safe Frontage Road Access to Yellowhead Highway #5.

The Thompson Nicola Highway Corridor Strategy states that this area of the Yellowhead Highway #5 should be developed with frontage roads and that frontage road accesses should be spaced approximately 1.6km apart. Your property is approximately 1.3km long fronting Yellowhead Highway #5, so for safety of the traveling public there should be no more than one frontage road access.

In examining sight distances along the length of your property the best location for a frontage road access is within an area commencing approximately 130m from the property line between Lot 7 and Lot 8 (where the highway shoulder is close to grade with your property) through to a point mid way fronting Lot 6 (where there is an existing roughly built access). The sight distances along this stretch of highway are excellent.

Further south of this area, the substantial cut slope of the highway would result in excessive costs for a frontage road access. Further north of this area there are curves in the highway that result in inadequate sight distances especially for larger vehicles such as a tandem snow plow servicing the frontage road.

If you have any questions please do not hesitate call me at (250) 371-3855. Please quote file number 02-015-15450 when contacting this office.

Benefits of the proposed location:

- Quieter to the north of the subdivision in terms of frontage road traffic.
- If and when the frontage road is tied into Josephine then there will be some traffic from the south diverted to the new access.

File: 02-015-15367

May 21, 2008

Meeting with Jeff and Joan

- We will extend current PLA for Lot 8 for one year – put it on hold
- Proceed with subdivision of first three lots and construct and pave road
- Then proceed with Lots 4-8 and pave

May 8, 2008

Meeting with Joan and Rob and Kelsey

Kelsey was told the following:

- She must create a gravel road from Lot A (with offset cul-de-sac) through to access in front of Lot 6. Lot 5 would also use the access fronting Lot 6.
- Arundels want to build on covenant area high up in Lot 4 with access across Lot 3.
- Joan says they do not need to construct the tie in to Josephine Road, but simply provide a plan with the correct turning radius to allow the turn on to Yellowhead Hwy 3% from Josephine.

Lot 1, 2 and 3 can have own access unless one of them is subdivided then required to put through frontage road with an access fronting Lot 3. If another is subdivided then paving is required.

April 17, 2008

- Joan, Rob and Dave discussed the issue of requirement to upgrade gravel frontage road to paved standards.
- We decided that with the PLA for File 15367 we would require a covenant on certain titles (Lot 7, etc) that would trigger paving.
- Other lots would simply trigger graveling to standard
- Eventually, we would require consolidation of the three accesses on Arundel's property to one access – the one with the best sight distance.
- Further details of this concept will be developed at time of writing PLA

Meeting with Arundels - April 3, 2008

- Joan, Dave, Rob and Arundels
- Design curve to 60km/hr
- Cull De Sac located at proposed lot
- Water drainage to highway ditch – 500mm culvert
- Road design for the whole area including profile and plan view
- Must be surveyed
- Might pursue return to crown of land

Pages 135 through 138 redacted for the following reasons:

Not Responsive

Purdy, Rob TRAN:EX

From: Brickwood, Joan E. TRAN:EX
Sent: Thursday, May 8, 2008 11:22 AM
To: Purdy, Rob TRAN:EX; Malinsky, Julian M TRAN:EX
Cc: LeClair, Tracy TRAN:EX
Subject: RE: Josephine Road

I have talked extensively to S22

S22 basically just wants to know what is going on.

I've told S22 that S22 are zoned for 5 ac lots. That they have created 8 - 20 ac lots. Currently they are in the process to split one 20 ac lot into 2 - 10 ac lots, next door to S22. They are creating a frontage road in front of their own lots as we can't allow 8+ direct accesses to our Hwy. S22 completely understands the safety issue. I let S22 know that the ideal situation would be for the frontage road to connect to Josephine, but if S22 were to use Josephine, it would have to be constructed to our standards at their cost. S22 stated that the cost would likely exceed what they would get for the lots. I also told S22 that any road works would have to be approved by an engineer and take into consideration safe access to the Hwy. We would also have to approve the design.

S22 was very appreciative of the information. At this time S22 is satisfied. S22 will put up Private Property signs on S22 land to keep people out.

Rob, once we have design drawings from S22 and commitment on the manner they plan on developing, it would be nice to keep S22 in the loop (to the extent that we can). As much as he is opposed to development, I think S22 really just wants to be included in what is going on.

No further action required at this time.
Joan

From: Purdy, Rob TRAN:EX
Sent: Monday, May 5, 2008 9:53 AM
To: Brickwood, Joan E. TRAN:EX; Malinsky, Julian M TRAN:EX
Cc: LeClair, Tracy TRAN:EX
Subject: Josephine Road

Greetings,

- I received a call today from S22
- S22
- S22 says that S22 heard from the S22 (File 15132 and 15367) that Josephine Road will be extended up along the S22 property.
- S22 says that S22 and S22 neighbours are very opposed to this.
- S22 says that this will ruin the privacy of the people in the area as S22 fears the road traffic will be too close to S22 and neighbour's homes.
- S22 also says that approx 25 years ago S22
- S22 says S22 will take these two issues to court if required - but just wants his privacy protected.
- I told S22 that I have not seen exactly how S22 access will tie into Josephine, but that we would look into it and call S22 back.
- I explained the importance of frontage roads in insuring the safety of our highways. S22 seemed to understand that, but felt that too many people using the current Josephine Road access would cause a fatality as S22 feels this access is not safe - I have not done a site visit to the property so did not comment.

I would be pleased to discuss this with you at your convenience.

Cheers,
Rob

Pages 140 through 144 redacted for the following reasons:

Not Responsive

Kelsey Joan.
Denny
Dave L

Nov 1 / 07

Arundel

15132 & 15143

Modify ht 8 into 2 lots. (10 ac each)

Will need to dedicate Rd on proposed
ht 9 to connect Josephine to
~~existing~~ new Rd dedication for
continuity of Frontage Rd development.

Zoning allows for 5 ac lots
Will require variance for frontage
on proposed lots 8 & 9.

Want to use stub of Josephine to
access lot 9.

If can't get go ahead for lot 9
will use shared access by Lot 6
to get to L 8.

Attn: Joan @ Highways

Nov 1/07

Please amend subdivision file # 1515132
to further subdivide proposed lot ~~8~~ to
be proposed lot 8 @ 10 acres + proposed
lot 9 @ 10 acres.

DgN

Danny Aruncle I

Nov 2/07

Hi Elaine,

Pls enter this amendment
application in DLS
File 15132.

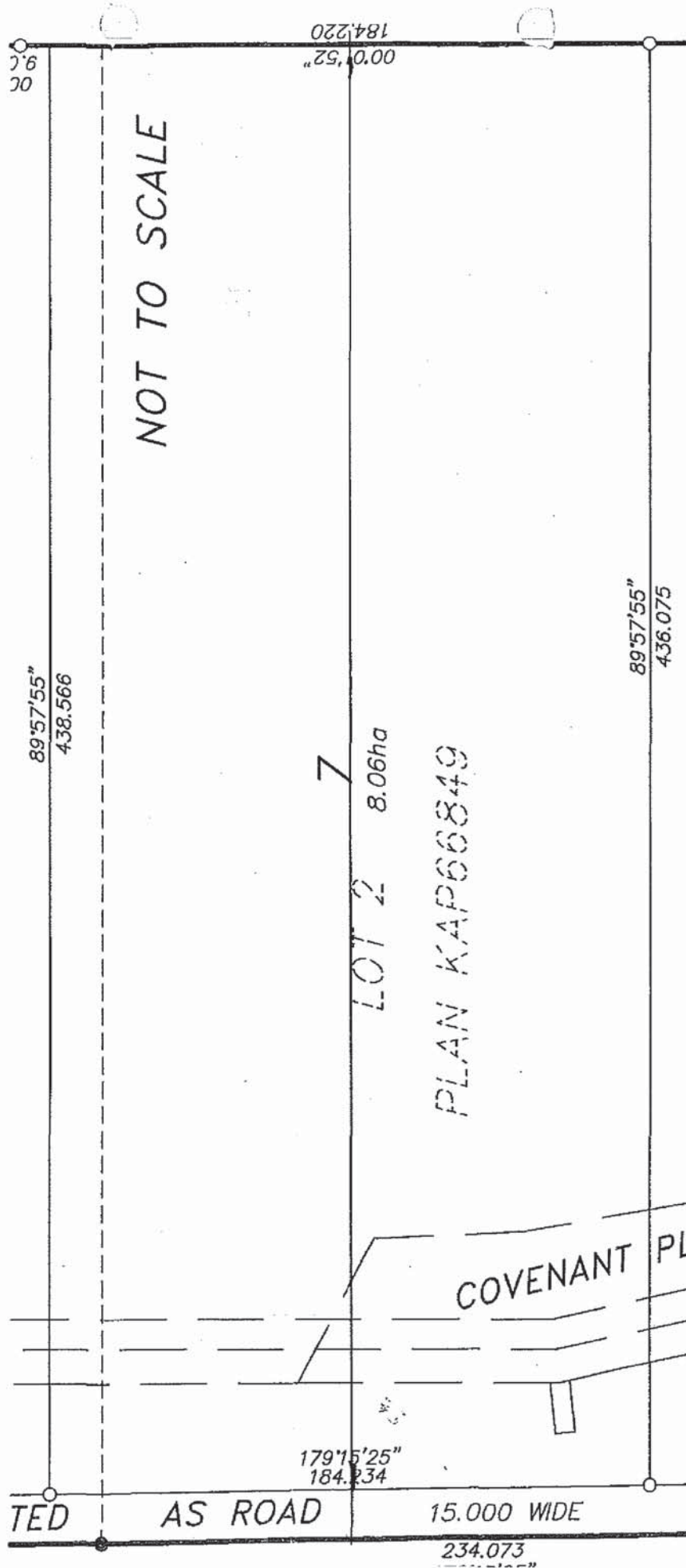
It is to create 1 extra
lot. We will need to
send out amended referrals.

If you have the ^{tracy} interest, please let ~~me~~ know
~~she~~ I'll help you with it.

(I realized I'm off Mon!) -Joan

Pages 147 through 148 redacted for the following reasons:

S3



From: LeClair, Tracy TRAN:EX
Sent: Tuesday, February 21, 2012 2:41 PM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX
Subject: RE: MoTI Proposed Road Closure Referral Request

Hi Danny/Kelsey,

Thank you for your email regarding an extension to the Subdivision of Lot 8, Sec.18, Tp.23, R.16, W6M, KDYD, Plan KAP86170.

The ministry is pleased to advise your request for an extension to the Preliminary Layout Approval letter dated December 6, 2010, has been granted for a period of one year.

This extension will expire December 6, 2012.

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

P Please consider the environment before printing this email

-----Original Message-----

From: Danny Arundel S22
Sent: Monday, February 20, 2012 9:04 PM
To: LeClair, Tracy TRAN:EX
Subject: RE: MoTI Proposed Road Closure Referral Request

Hello tracy,

Thanks for meeting with us today. After meeting with you, it is understood that with the closure of Jane/Josephine Road, a portion of this land that we had to give on a previous subdivision will be returned to us at no cost. With this said, there is no objection to the closure.

Next, could you please check on the date for completion of subdivision of Lot 8. With this new snow, we will need to ask for an extension.

Thanks,
Danny Arundel

> Hi Kelsey and Danny,
>
> Monday Feb 20, 2012 at 10am will work to meet.
>
> See you then.
>
> Regards,

>
> Tracy LeClair, BA, BNRSc.
> Senior District Development Technician Ministry of Transportation and
> Infrastructure Thompson-Nicola District
> #127 - 447 Columbia Street
> Kamloops, BC
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> -----Original Message-----
> From: Danny Arundel S22
> Sent: Wednesday, February 15, 2012 10:10 AM
> To: LeClair, Tracy TRAN:EX
> Subject: RE: MoTI Proposed Road Closure Referral Request
>
> Could you phone me at S22 .thanks kelsey
>> Kelsey/Danny
>>
>> The ministry has not completed a survey of the proposed road closure
>> plan.
>>
>> Enclosed is the subdivision Plan KAP66849 which originally dedicated
>> additional right of way for Jane Road. The ministry would like to
>> close Jane Road Right of Way excluding the area required for the
>> proposed cul-de-sac.
>>
>> As per Josephine Road, enclosed is the original subdivision plan
>> 34119
>> (2
>> page document) which shows the Old North Thompson Highway (referenced
>> as Old Road) and is now referred to as Josephine Road. Josephine Road
>> runs parallel to Lots L and M on the plan (page 2). The ministry
>> would like to close Josephine Road from the existing constructed
>> cul-de-sac, north to the intersection with Jane Road.
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>> If you still wish to meet to discuss, please let me know.
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>> From: Danny Arundel S22
>> Sent: Friday, February 10, 2012 8:48 AM
>> To: LeClair, Tracy TRAN:EX
>> Subject: Re: MoTI Proposed Road Closure Referral Request
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>> thanks,
>> Kelsey
>>> Good Afternoon Danny,

>>>
>>> Please find enclosed a referral from the ministry with respect to
>>> closing portions of the unconstructed Jane and Josephine Road Right
>>> of Way.
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>>>
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>>> and Infrastructure Thompson-Nicola District
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>>
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>
>

From: Brickwood, Joan E. TRAN:EX
Sent: Tuesday, February 21, 2012 12:06 PM
To: LeClair, Tracy TRAN:EX
Subject: RE: Arundel Extension Request

Thanks Tracy,
Please issue an extension as recommended.

JOAN BRICKWOOD|PROVINCIAL APPROVING OFFICER|MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE
|THOMPSON NICOLA AND CARIBOO DISTRICTS
127 - 447 COLUMBIA ST. KAMLOOPS V2C 2T3 |T: 250.371.3803| F: 250.371.3848|
Joan.Brickwood@gov.bc.ca | www.th.gov.bc.ca/DA/Subdivision_Home.asp

-----Original Message-----

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, February 21, 2012 12:05 PM
To: Brickwood, Joan E. TRAN:EX
Subject: Arundel Extension Request

Hi Joan,

Looking through the Arundels Subdivision File 02-15-15367, the ministry issued an amended PLA December 6, 2010. No Subdivision extensions have been granted since. The Arundels have a few outstanding items with respect to the access to the Yellowhead Highway. The District suggests granting them a one year extension to their subdivision with the extension expiring December 6, 2012.

Please provide your thoughts?

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
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> Subject: RE: MoTI Proposed Road Closure Referral Request

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
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>>> Senior District Development Technician Ministry of Transportation

>>> and Infrastructure Thompson-Nicola District

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>>> www.th.gov.bc.ca/permits.htm

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>

>

From: LeClair, Tracy TRAN:EX
Sent: Monday, February 6, 2012 11:25 AM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX; Clough, Shawn R TRAN:EX
Subject: Yellowhead Highway: Access Permit - Arundels

Good Morning Kelsey and Danny,

As per our phone conversation this morning, please find enclosed a letter from the ministry requesting no cul-de-sac construction on the south end of Lot 8, is required at this time.



ArundelAccessFe
bruary 2012.pdf...

*ref 2010-06282

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
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Kamloops, BC
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The Best Place on Earth

February 6, 2012

Sent via Email

Daniel Arundel

S22

Dear Daniel Arundel:

Re: Controlled Access Permit to serve Lots 5, 6, 7 & 8, all within Section 18, Township 23, Range 16, W6M, Plan KAP86170

The Ministry of Transportation and Infrastructure issued a permit, March 8, 2011, for the construction of a shared residential access on the east side of the Yellowhead Highway #5 and a shared residential driveway over the Yellowhead Highway dedicated road right of way for the above noted properties.

The ministry appreciates the effort to complete the construction of the access and the driveway; however, the ministry will not require the construction of a cul-de-sac at the south end of Lot 8, at this time. Pending further development of the above noted lands or adjacent lands, the ministry will work together with you to commence the construction of the cul-de-sac in the dedicated road right of way. The ministry will issue a permit for the cul-de-sac construction, at that time.

If you have any questions please don't hesitate to contact me at (250) 371-3845.

Thank you,

Yours truly,

Tracy LeClair
Senior District Development Approvals Technician

cc: Joan Brickwood, Provincial Approving Officer
Shawn Clough, MoTI Program Manager

Brickwood, Joan E. TRAN:EX

From: Brickwood, Joan E. TRAN:EX
Sent: Tuesday, January 3, 2012 2:17 PM
To: TRAN SIR FOI Requests TRAN:EX
Cc: Eland, Sherry TRAN:EX; Kulchyski, Tina TRAN:EX; LeClair, Tracy TRAN:EX
Subject: FOI Request TRA 2011-00298
Attachments: 15367 PLA December 2010.pdf; 15367 PLA March 8, 2010.pdf; PLA amend Oct 5, 2011.pdf; PLA correction Dec 14, 2011.pdf; PLA amend April 7, 2010.pdf; Call for Records.docx

Hi Maree,

Please find attached the completed Call for Records document as well as the Preliminary Layout Approval documents requested for the subdivision under DAS file 02-15-15367.

Please let me know if I can be of further assistance.

Thank you

Joan Brickwood

Provincial Approving Officer
Ministry of Transportation and Infrastructure
Thompson Nicola and Cariboo Districts
127-447 Columbia St Kamloops V2C 2T3
Ph: 250 371-3803
Fax: 250 371-3848
Joan.Brickwood@gov.bc.ca
www.th.gov.bc.ca/DA/Subdivision_Home.asp

Information Access Operations

Call for Records - General

FOI Request Number:	TRA-2011-00298	Applicant Type:	Law Firm
IAO Analyst:	Mark Kewley	Received Date:	December 22, 2012
Records Due at IAO:	January 12, 2012	Legislated Due Date:	February 7, 2012

Section 7 of the *Freedom of Information and Protection of Privacy Act* places a duty on public bodies to respond to formal requests without delay and imposes a time limit of 30 working days from the date the FOI request is received, with certain specific exceptions. In an effort to ensure consistent government practice and in order to comply with current policy, ministries are required to locate and retrieve responsive records and identify potential harms that could result from their disclosure. This form will help guide this process and allow IAO staff to better understand the context of the records and make informed severing recommendations based on potential harms. Once this form has been completed, please forward to the above-noted IAO analyst. If you need assistance to complete this form, please contact your Analyst.

For Ministry Use - please ensure that any issues associated with the possible disclosure of records responsive to this request have been communicated to your Ministry Executive and/or Public Affairs Bureau Communications Office.

Search for Records	
Please describe your search for records including what records were searched (i.e. Files, email, databases, TRIM files, off-site records, etc), duration of search time, and who conducted the search for records.	All subdivision applications have a file number. In this case the file is 02-15-15367. As it is an active application the file was located on site. All preliminary layout approval (PLA) information is in hard copy on the file. The PLA documents (March 8, 2010 and Dec 2010) are also saved in electronic form on the Ministry share drive. The search was conducted by Joan Brickwood, Provincial Approving Officer and took approximately 2 hours to complete the search.
Program Area Recommendations	
Document potential harms* that could result from disclosure of records gathered and/or any other concerns with disclosure and provide disclosure recommendations.	Concerns: The document labelled PLA amend April 7, 2010, contains information on a separate subdivision, File 02-15-15450 (subdivision of Lots 1-4) by the same developer. Only the first 2 paragraphs are applicable to the PLA for File 02-15-15367 (Subdivision of Lot 8). The last paragraphs regarding road drawings and road construction are not part of the PLA document or amendment. All references to subdivision file 02-15-15450 should be removed.
<p>*NOTE:</p> <p>Harms – E.g. disclosure of information in the records could significantly harm law enforcement matters, relations with other governments, the Ministry's financial or negotiating position, or a third party's interests on a given topic. Please specify the types of information of concern and the potential harms associated with each type</p>	
Publication of Records on the Open Information website	

Unless specific exemption criteria apply, records provided to the applicant in response to this request will be published on the Government's Open Information website. If you have any concerns about the publication of the responsive records please indicate here or discuss with your FOI Analyst.	None
If you have recommendations for additional explanations or context to be included in the response to the applicant, please indicate here or discuss with your FOI Analyst.	None
Ministry Program Area:	Thompson-Nicola District Development Approvals - subdivision
Recommendations Completed By:	Joan Brickwood, Provincial Approving Officer
Date:	Jan 3, 2012
Location of Records	
Please indicate here, if you are aware of any other public bodies or locations that may have records responsive to this request.	None
Ministry Program Area:	Thompson-Nicola District Development Approvals - subdivision
Recommendations Completed By:	Joan Brickwood, Provincial Approving Officer
Date:	Jan. 3, 2012

NOTE:

Records are to be forwarded to IAO as soon as possible, but no later than 12 business days from the date of this call for records, except where IAO has advised that the request is cross-government. For cross-government requests, records are to be forwarded to IAO as soon as possible, but no later than 20 business days from the date of this call for records.

Ministry Support Guidelines for GENERAL FOI Requests

Preliminary Search for Records and Assessment of Fees:

- If records do not exist within the public body, please advise IAO immediately. The request will be closed or redirected by IAO.
- If some/all records reside within another public body, please advise IAO immediately specifying the other public body. The request will be transferred by IAO.
- Complete and submit the attached Fee Estimate Calculation form to assist IAO in determining if it is appropriate to issue a fee estimate for this request.

Records Gathering Process:

- Review records to ensure they are responsive to the request.
- To ensure IAO has a complete understanding of the records provided and their context, the ministry is required to identify any areas of concern regarding their disclosure. This will assist IAO analysts in assessing any harm contemplated by FOIPPA, and consider the recommendation of any applicable exceptions to disclosure.
- Issues management concerning the content of the responsive records is a responsibility of the ministry; therefore, issues associated with the possible disclosure of records responsive to this request should be communicated directly to your Ministry Executive and/or Public Affairs Bureau Communications Office.

Providing Responsive Records to IAO:

- Wherever possible, the ministry is required to send records electronically to the IAO analyst in either original electronic format or by scanning hard copy records and sending electronically. If volume is prohibitive for electronic submission, package or disc with scanned documents should be mailed to:

**Information Access Operations
Ministry of Citizens Services
PO Box 9569 Stn Prov Govt
Victoria BC, V8W 9K1**

- Please ensure the responsive records have been reviewed and approved by the applicable program area.



FREEDOM OF INFORMATION AND
PROTECTION OF PRIVACY
REQUEST FOR ACCESS TO RECORDS

ARCS NO.
292-30/
292-40/

NAME OF PUBLIC BODY TO WHICH YOU ARE DIRECTING YOUR REQUEST			
Ministry of Transportation			
YOUR NAME			
LAST NAME	FIRST NAME	MIDDLE NAME	OPTIONAL <input type="checkbox"/> MISS <input type="checkbox"/> MS <input type="checkbox"/> MRS. <input checked="" type="checkbox"/> MR <input type="checkbox"/> OTHER: _____
YOUR ADDRESS			
STREET, APARTMENT NO., P.O. BOX, R.R. NO.	CITY / TOWN	PROVINCE / COUNTRY	POSTAL CODE
YOUR CONTACT INFORMATION			
DAY PHONE NO.	ALTERNATE PHONE NO.	E-MAIL ADDRESS	
DETAILS OF REQUESTED INFORMATION			
INFORMATION REQUESTED (PLEASE DESCRIBE THE RECORDS YOU ARE REQUESTING. BE AS SPECIFIC AS POSSIBLE, AS THIS WILL ASSIST THE REQUEST PROCESS. ATTACH A SEPARATE SHEET IF THE SPACE BELOW IS NOT SUFFICIENT.)		PLEASE SPECIFY ANY REFERENCE OR FILE NUMBER(S), IF KNOWN	
Preliminary Approval Letter (also known as "PLA") of lot 8 - Plan #KAP86170 on Yellowhead Highway S. Heffley Creek, BC V0E 1Z2			
ARE YOU REQUESTING ACCESS TO ANOTHER PERSON'S PERSONAL INFORMATION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (IF SO, PLEASE ATTACH, AS APPROPRIATE: a) THAT PERSON'S SIGNED CONSENT FOR DISCLOSURE, OR b) PROOF OF AUTHORITY TO ACT ON THAT PERSON'S BEHALF.)			
PREFERRED METHOD OF ACCESS TO RECORDS <input type="checkbox"/> EXAMINE ORIGINAL <input checked="" type="checkbox"/> RECEIVE COPY	YOUR SIGNATURE	DATE SIGNED (YYYY MM DD) 2011 DEC 21	
FOR PUBLIC BODY USE ONLY			
REQUEST NO.	REQUEST CATEGORY <input type="checkbox"/> ACCESS TO GENERAL INFORMATION (ARCS 292-30/) <input type="checkbox"/> ACCESS TO PERSONAL INFORMATION (ARCS 292-40/)		
REQUEST CODE	DATE RECEIVED (YYYY MM DD)	NAME OF PUBLIC BODY RECEIVING REQUEST	
<ul style="list-style-type: none">• YOU MAY MAKE A REQUEST FOR ACCESS TO RECORDS WITHOUT USING THIS FORM, PROVIDED YOU DO SO IN WRITING.• BIRTHDATE AND CORRECTIONS SERVICE NO. ARE REQUIRED TO VERIFY THE INDIVIDUAL REQUESTING THE INFORMATION• PERSONAL INFORMATION CONTAINED ON THIS FORM IS COLLECTED UNDER THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT AND WILL BE USED ONLY FOR THE PURPOSE OF RESPONDING TO YOUR REQUEST.			

Brickwood, Joan E. TRAN:EX

From: Kulchyski, Tina TRAN:EX
Sent: Tuesday, January 3, 2012 11:23 AM
To: Brickwood, Joan E. TRAN:EX
Cc: Grosjean, Pamela TRAN:EX
Subject: FW: Forms attached: FOI Request / TRA-2011-00298
Attachments: Request - 298.pdf; Call for Records.docx; Fee Estimate Form.doc

Please complete Call for Records & Request form. The request form also asks for the pertinent/applicable file #(das number) under details of request. These forms along with your scanned information is all sent to Maree Johnston at the mailbox below. Please cc Sherry & myself. Thanks Joan.

Tina Kulchyski
District Services Manager
Ministry of Transportation & Infrastructure
Thompson-Nicola District, Kamloops
127-447 Columbia St., Kamloops BC, V2C 2T3
Phone: (250)371-3802 Fax: (250)371-3848
Email: Tina.Kulchyski@gov.bc.ca
LIVE ... LOVE ... LAUGH ...

From: TRAN SIR FOI Requests TRAN:EX
Sent: Wednesday, December 28, 2011 9:53 AM
To: Kulchyski, Tina TRAN:EX
Subject: FW: Forms attached: FOI Request / TRA-2011-00298

Tina,

Could you please provide the requested records. If a fee estimate will be required, could you complete the form and forward to me as soon as possible.

Maree

From: HWYS INFORMATION, & RECORDS SERVICES TRAN:EX
Sent: Wednesday, December 28, 2011 7:52 AM
To: TRAN SIR FOI Requests TRAN:EX
Subject: Forms attached: FOI Request / TRA-2011-00298

Good morning,
Below is a new FOI request. Please provide a fee estimate to me by December 29th.

The date range is within the past 2 years. If you require the civic address or any further information to help with your search, please advise.

Thank-you,

Kathy Russell
A/Information Access Coordinator
Ministry of Transportation
& Infrastructure
Phone: (250) 387-7822
Fax: (250) 356-5073

Kathy Russell
A/Information Access Coordinator
Ministry of Transportation
& Infrastructure
Phone: (250) 387-7822
Fax: (250) 356-5073

From: MTI FOI REQUESTS TRAN:EX
Sent: Thursday, December 22, 2011 3:32 PM
To: HWYS INFORMATION, & RECORDS SERVICES TRAN:EX
Subject: FW: FOI Request / TRA-2011-00298

Hi there,
Please action.
Thanks
Steve
356-0976

From: Kewley, Mark SSBC:EX
Sent: Thursday, December 22, 2011 3:26 PM
To: MTI FOI REQUESTS TRAN:EX
Subject: FOI Request / TRA-2011-00298

Hi Steve,

Please find attached a formal request made under the *Freedom of Information and Protection of Privacy Act* (FOIPPA). I am the analyst assigned to the attached request. You'll note that the attached request has been redacted to remove information that would identify the applicant.

Applicant type: Law Firm

Request: *Preliminary Approval Letter of lot 8 - Plan #KAP86170 on Yellowhead Highway S. Heffley Creek BC.*

If the public body's total search and retrieval time is anticipated to exceed 3 hours and/or the total volume of records exceeds 200 pages, we may be in a position to issue a fee estimate. Please complete the attached Fee Calculation form and return to the analyst ASAP. Once fees have been determined and the applicant has paid the deposit or total sum, the analyst will contact you to continue the call for records process. If no fees apply then proceed with the call for records process.

If the request proceeds, please complete the attached Call for Records form and return to the analyst by **January 12, 2012**.

You should be aware that FOIPPA obligates us to assist the applicant and to respond without delay, openly, accurately, and completely. In the event that the Ministry must defend the adequacy of its search to the Information and Privacy

Commissioner at Inquiry, those involved in searching for records may be required to swear affidavits that they conducted an adequate search.

Please do not hesitate to contact the analyst to discuss:

- whether the records may be routinely releasable;
- whether the information is being prepared for public release or is already publicly available;
- whether staff would be available to discuss the request with the applicant, if the applicant is agreeable;
- ways in which an applicant may want to narrow/focus their request to reduce potential fees; and/or
- any other questions or concerns relating to this request.

Thank you,

Mark Kewley
Information and Privacy Analyst
Information Access Operations
Ministry of Labour, Citizens' Services, and Open Government
Phone (250)-356-7966
Fax: (250) 387-9843
E-mail: mark.kewley@gov.bc.ca

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, December 14, 2011 12:09 PM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX; Clough, Shawn R TRAN:EX
Subject: MoTI Addendum Error and Correction - Arundel Subdivision
Attachments: File 02-15-15367 Addendum to PLA Dated December 6, 2010.pdf

Good Afternoon Danny,

I was going through your subdivision file and noticed the addendum letter dated October 5, 2011 references the CTQ Consultants Ltd. Drawing No. G-01 dated April 27, **2011**. This is the wrong date. As such, please find enclosed a new addendum letter which references the CTQ Consultants Drawing No. G-01 dated April 27, **2010**.

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email



The Best Place on Earth

File: 02-15-15367

December 14, 2011

Sent by Email

Daniel Arundel

S22

Attention: Daniel Arundel

Re: Proposed subdivision Lot 8, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP86170

Thank you for raising your concerns with condition #2 of the Preliminary Layout Approval (PLA) dated December 6, 2010. Please consider this an addendum to amend condition #2 of the PLA dated December 6, 2010.

- Proposed Frontage Road to be dedicated fronting Proposed Lots A and B, complete with a minimum **15m** radius cul-de-sac, ditches and 3 meters beyond the toe of the slope. The cul-de-sac may either be located at the south boundary of Proposed Lot A or between Proposed Lots A and B. The frontage road and cul-de-sac dedication is to conform to the revised design prepared by **CTQ Consultants Ltd. Drawing No. G-01 dated April 27, 2010.**

All other terms and conditions of the PLA dated December 6, 2010 remain the same.

If you have any questions, please contact me at (250) 371-3845.

Please quote file number 02-15-15367 when contacting this office.

Yours truly,

Tracy LeClair
Senior District Development Technician

pc. Ministry of Transportation and Infrastructure, Joan Brickwood - Provincial Approving Officer
Ministry of Transportation and Infrastructure, Shawn Clough - Program Manager

From: Brickwood, Joan E. TRAN:EX
Sent: Friday, November 25, 2011 10:26 AM
To: Eland, Sherry TRAN:EX; Clough, Shawn R TRAN:EX
Cc: LeClair, Tracy TRAN:EX
Subject: Turriff/Arundel Meeting notes
Attachments: Turriff Arundel MoTI meeting.docx

Please let me know if I missed anything.
Thank you for your time!

Joan Brickwood
Provincial Approving Officer
Ministry of Transportation and Infrastructure
Thompson Nicola and Cariboo Districts
127-447 Columbia St Kamloops V2C 2T3
Ph: 250 371-3803
Fax: 250 371-3848
Joan.Brickwood@gov.bc.ca
www.th.gov.bc.ca/DA/Subdivision_Home.asp

Nov 25, 2011

Meeting regarding S22 and Arundel – Jane Road

Sherry Eland
Shawn Clough
Joan Brickwood

Reference Nov 17, 2011 Document - Turriff Arundel Facts.

- Jane Road will be used for the cul-de-sac (CDS) for Arundel subdivision.
- The subdivision will not be delayed by the Ministry or as a result of S22 pursuing legal action against the Ministry over Jane Road (unless by court order).
- Arundel is not authorized to construct CDS at this time within Jane Rd dedication.
- Hammerhead cul-de-sac will fit into half of Jane road dedication and the dedication within Lot 8 shown on final survey plan. However, Ministry is not prepared to request Arundel to change plans at this late date.
- If S22 wishes to pursue a hammerhead, he can contact Arundel directly and work toward an agreement.
- S22 can leave his improvements within the 9-10m portion of Jane adjacent to his lot until such time as the frontage road is constructed (further subdivision or Ministry construction).
- Encroachment permit to be issued to S22 for improvements within Jane dedication.

Road Closure:

- Ministry will tentatively start the road closure process for Jane and Josephine.
- Ministry will waive \$1500.00 road closure application fee.
- Road closure survey to be a cost to the adjacent lot owners.
- Preliminary valuation of land to be investigated to provide land owners cost of purchasing closed road. (Note: No cost to Arundels as road was recently dedicated out of their land). This is not information that needs to be shared with S22
- When road closure survey is undertaken, we need to ensure there will be access to S22 property from the Arundel subdivision CDS. This is to protect access to S22 lot should widening of Yellowhead Hwy occur and result in removal of S22 direct access to the Hwy.

Options for S22

- A. S22 accepts the use of Jane for the CDS and the Ministry moves ahead with closure of Josephine and the remainder of Jane.
- B. S22 can approach Arundel with proposal for Hammerhead and see if parties can come to an agreement.
- C. S22 can pursue legal action against the Ministry over use of Jane road dedication for CDS, Ministry will put road closure on hold.

Joan Brickwood
Provincial Approving Officer.

From: Brickwood, Joan E. TRAN:EX
Sent: Tuesday, November 22, 2011 8:50 AM
To: LeClair, Tracy TRAN:EX
Subject: S22 Arundel Facts
Attachments: Arundel Facts.pdf

For the File

Joan Brickwood
Provincial Approving Officer
Ministry of Transportation and Infrastructure
Thompson Nicola and Cariboo Districts
127-447 Columbia St Kamloops V2C 2T3
Ph: 250 371-3803
Fax: 250 371-3848
Joan.Brickwood@gov.bc.ca
www.th.gov.bc.ca/DA/Subdivision_Home.asp

Nov 17, 2011

S22 , Arundel and Jane Road

As approving officer I can give consideration to matters brought forward by the public who may be affected by a subdivision (86 1 b).

Facts:

- Jane Road is dedicated 20m in width with corner cut-offs at Yellowhead Hwy.
- 10m of Jane adjacent to S22 was dedicated in 1916, Plan 1475. The dedication was taken from the parent parcel W1/2 of the NW ¼ Sec 7, TP 23, R 16, owned by S22. Therefore the road was not taken out of S22 land.
- Call to Deb Miller , HQ Properties, confirmed road can be offered to adjacent owner. Only if closure is within 2 yrs of dedication does the road have to be returned to parent parcel.
- In 1983 corner cut-offs were established by the subdivision plan creating Lot L (S22) Plan 34119.
- The other 10m of Jane was dedicated by the Arundel subdivision in 2000.
- Jane Road is unconstructed.
- S22 has used a strip of Jane Road approximately 9m in width and the length of S22 property as S22 personal yard for the last 7 yrs. Since S22 purchase in 2004.
- D. Arundel has the right to subdivide his land and has PLA.

Situation:

- S22
- S22 feels the construction of the cul-de-sac within the existing Jane Road dedication will devalue his property.
- S22 wants the Ministry to give (sell) to him the 10m of Jane Rd adjacent to his lot.
- S22 wants the Arundels to contain the cul-de-sac within the 10m of Jane adjacent to their S. Boundary.
- S22 states he was not permitted to construct Jane Road to an intersection with the Yellowhead Hwy, (for access to his lot) he therefore feels Arundels should not be permitted to use the full width of Jane Road for a portion of a cul-de-sac in association with their subdivision.
- Arundels have had P.Eng road drawings done and submitted to the Ministry for approval. The drawings provide a cul-de-sac within the Jane Road dedication. The Ministry has approved the drawings. Additional road dedication was required to encompass the road and cul-de-sac.
- The Arundels have had final surveyed plans completed without the dedication. They subsequently paid for new plans to be done providing the requested road dedication. This resulted in creating lots less than 4 ha, so they had to include

another lot in the subdivision to gain sufficient land to create 2 – 4 ha lots and adequate road dedication.

- It may be possible to construct a modified hammerhead (Fig. 1420.L of Ch. 1400 Subdivision Roads) within only 10m of Jane Road dedication and within the surveyed dedication for the off-set cul-du-sac. This would allow the entire 10m strip of Jane Road to be offered to Turriff or Alexander.

Conclusion:

To require the Arundels to change their subdivision proposal at this late date is unfair. They are currently at their wits end from having to move lot lines and dedicate additional road through their land. Even if S22 is willing to pay for the revised P.Eng drawings and a new survey and survey plan, this will all take time to the Arundels detriment. In my mind the construction of a cul-du-sac within the existing road dedication will not devalue S22 property any more than if Jane Rd had been constructed. S22 purchased land beside a dedicated road. It is not unreasonable to think that at some time the road could be constructed. The cul-du-sac will not use the full length of Jane Road. The Ministry is prepared to close the remaining portion of Jane road and return to the adjacent land owners. S22 has had 7 yrs of personal enjoyment of a public road, this does not mean S22 is entitled to an interest in this road.

Joan Brickwood
Provincial Approving Officer.

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, October 5, 2011 12:20 PM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX; Clough, Shawn R TRAN:EX
Subject: MoTI PLA Addendum

Good Afternoon Danny and Kelsey,

As per our meeting yesterday afternoon, please find enclosed an addendum to the PLA dated December 6, 2010.



File 02-15-15367
Addendum to P...

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

Please consider the environment before printing this email



The Best Place on Earth

File: 02-15-15367

October 5, 2011

Sent by Email

Daniel Arundel

S22

Attention: Daniel Arundel

Re: Proposed subdivision Lot 8, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP86170

Thank you for raising your concerns with condition #2 of the Preliminary Layout Approval (PLA) dated December 6, 2011. Please consider this an addendum to amend condition #2 of the PLA dated December 6, 2010.

- Proposed Frontage Road to be dedicated fronting Proposed Lots A and B, complete with a minimum **15m** radius cul-de-sac, ditches and 3 meters beyond the toe of the slope. The cul-de-sac may either be located at the south boundary of Proposed Lot A or between Proposed Lots A and B. The frontage road and cul-de-sac dedication is to conform to the revised design prepared by **CTQ Consultants Ltd. Drawing No. G-01 dated April 27, 2011.**

All other terms and conditions of the PLA dated December 6, 2010 remain the same.

If you have any questions, please contact me at (250) 371-3845.

Please quote file number 02-15-15367 when contacting this office.

Yours truly,

Tracy LeClair
Senior District Development Technician

pc. Ministry of Transportation and Infrastructure, Joan Brickwood - Provincial Approving Officer
Ministry of Transportation and Infrastructure, Shawn Clough - Program Manager

From: Brickwood, Joan E. TRAN:EX
Sent: Wednesday, October 5, 2011 8:13 AM
To: LeClair, Tracy TRAN:EX
Subject: RE: Request: Arundel Amendment

Please amend the PLA as recommended. I would suggest an addendum to the existing PLA vs a new PLA.
Joan

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, October 5, 2011 7:45 AM
To: Brickwood, Joan E. TRAN:EX
Subject: Request: Arundel Amendment

Good Morning Joan,

At our meeting with the Arundels, we discussed PLA condition #2 on the PLA dated December 6, 2010, to dedicate the cul-de-sac. The PLA condition references an 18m wide cul-de-sac and 3 meters beyond any cuts and fills. The District would like to amend the PLA to reflect a 15m wide cul-de-sac dedication and 3m beyond any cuts or fills.

As well, condition #2 also references an old design drawing prepared by CTQ Consultants Ltd. Drawing No.G-01 dated August 2009, which refers to the cul-de-sac dedication located between Proposed Lots A and B. A revised drawing, prepared by CTQ Consultants Ltd. Drawing No. G-01 dated April 27, 2010, was completed outlining the footprint of the cul-de-sac at the south end of Lot 8. The District would like to amend the PLA to reflect the revised design drawing.

Thoughts?

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm



Please consider the environment before printing this email

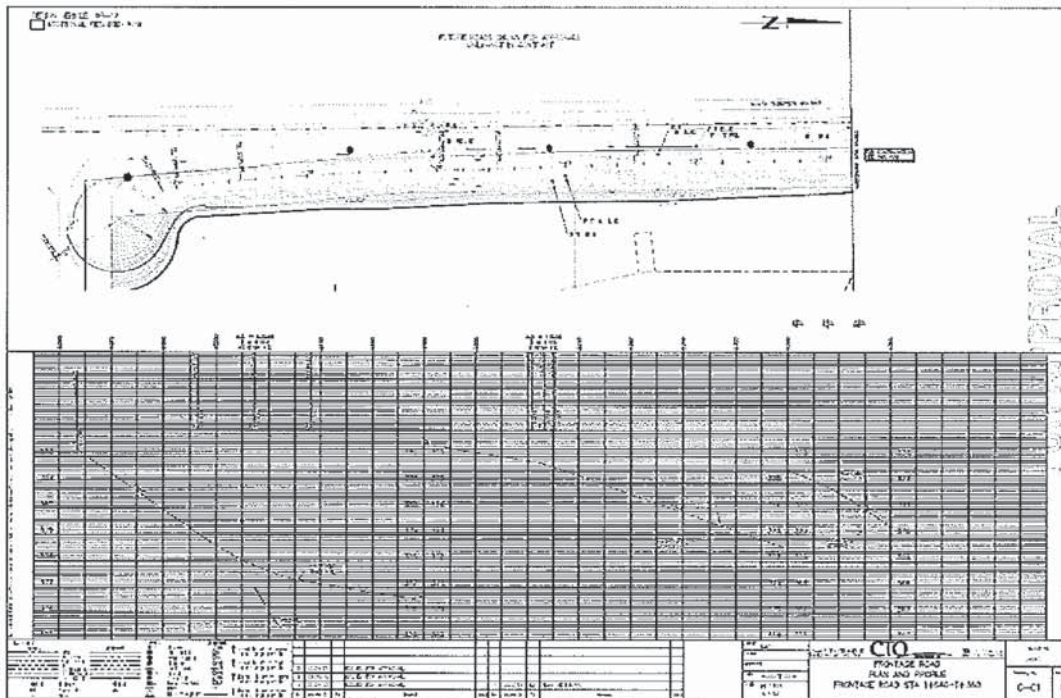
From: Clough, Shawn R TRAN:EX
Sent: Friday, September 30, 2011 2:20 PM
To: S22
Cc: LeClair, Tracy TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Mtg Tuesday October 4th @ 3 PM

Thanks for taking the time to meet with me today. I appreciate you stopping work at the site until we have an opportunity to meet and discuss the status of your subdivision. Joan & Tracy are on the road most of the day but have altered their schedule to be back in town at 3 pm to meet with you.

We are going to discuss the status of your subdivision, Jane Rd closure and Josephine road closure. What I committed to is coming out of the meeting with CLEAR direction of what you have been approved to do and what our expectations are. This meeting will hopefully be the last one as I know you are as tired of this process as our staff are! As I indicated on site, this meeting needs to be non-confrontational and get resolution for both of us. Have a good weekend and look forward to working through everything next week.

Shawn Clough
Program Manager
Ministry of Transportation and Infrastructure
Maintenance Operations, Thompson Nicola District
#127 - 447 Columbia St., Kamloops, B.C. V2C 2T3

Telephone: (250) 371-3817
Cell: (250) 819-3410
Facsimile: (250) 371-3848
mailto: Shawn.Clough@gov.bc.ca



CTC Drawg. April 27, 2010

LeClair, Tracy TRAN:EX

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, July 20, 2011 3:53 PM
To: Nelson, Harvey TRAN:EX; Saby, Jeff D TRAN:EX
Cc: Clough, Shawn R TRAN:EX
Subject: RE: Arundel Rocks

I agree, thanks Jeff!! ☺

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

From: Nelson, Harvey TRAN:EX
Sent: Wednesday, July 20, 2011 3:15 PM
To: Saby, Jeff D TRAN:EX; LeClair, Tracy TRAN:EX
Cc: Clough, Shawn R TRAN:EX
Subject: RE: Arundel Rocks

Thx Jeff

Harvey Nelson
Operations Manager
Kamloops office (250) 371-3809
Cell (250) 319-7656
Fax (250) 371-3848
email: Harvey.Nelson@gov.bc.ca

From: Saby, Jeff D TRAN:EX
Sent: Wednesday, July 20, 2011 3:14 PM
To: LeClair, Tracy TRAN:EX
Cc: Nelson, Harvey TRAN:EX; Clough, Shawn R TRAN:EX
Subject: RE: Arundel Rocks

I left a message for them....giving them until Friday.
After that I may have to get Argo to move then as a couple are a pretty good size.

Jeff Saby
Area Manager Roads, Kamloops East
Thompson Nicola District,
Ministry of Transportation,
127 - 447 Columbia Street, Kamloops B.C., Canada

V2C 2T3
Ph (250) 371-3856
Fax (250) 371-3848
Cell (250) 371-7726

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, July 19, 2011 12:41 PM
To: Saby, Jeff D TRAN:EX
Cc: Nelson, Harvey TRAN:EX; Clough, Shawn R TRAN:EX
Subject: Arundel Rocks

Hey Jeff,

I realize you spoke with Kelsey last week or the week before regarding the rocks in the right of way. Apparently, they have yet to be moved. Can you please follow up with Kelsey or have the rocks removed...thanks.

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

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BRITISH
COLUMBIA
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File 02-15-15367


July 13, 2011

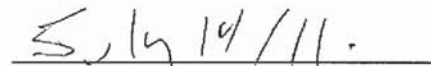
Daniel Arundel
c/o Reinhard Burke
203-1211 Summit Drive
Kamloops, BC
V2C 5R9

This is to certify that I have picked up the pertinent documents of Final Subdivision:
Lot 8, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP86170

x	Not Approved	2	Mylar
x	Rural Property Tax Notice	7	Paper
X	Cheque # 5489 for \$250.00		

Please note that these plans/documents must be deposited in the Land Title Office for registration within 60 days of the date of approval.


SIGNATURE


DATE

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, July 13, 2011 9:55 AM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX; 'rburke@burkeframe.ca'
Subject: MoTI Subdivision: Outstanding Requirements

Good Morning Kelsey and Danny,

The Ministry has received the final subdivision plans for Lot 8. Prior to the Ministry approving the subdivision plans the following requirements of the PLA dated December 6, 2010, need to be addressed:

- The shared residential access to the Yellowhead Highway #5 to serve Lots 5, 6, 7 and 8 needs to be constructed to Ministry standards as per the approved design prepared by CTQ Consultants Ltd. Drawing No.'s G-101, C-101 and C-102, dated December 2010 and Revised January 24, 2011. A field inspection on July 12, 2011 from the Ministry notes the following deficiencies:
 - There is no shoulder on the access taper. The Ministry will require a minimum of 1m gravel shoulder added to the taper.
 - The taper length does not appear to meet the length proposed by CTQ Consulting Ltd. and is to be a minimum of 65m.
 - A 400mm culvert is to be installed under the access in line with the existing Yellowhead Highway ditch.
 - The rocks on the access are to be removed.
 - The length of the paved throat need to be extended as per the design Drawings of CTQ Consulting Ltd.
 - As per the access permit (file #2010-06282), the Ministry will require the Professional Engineer registered to conduct business in BC experienced in road construction to supervise and certify in writing to the Ministry that the residential access and shoulder of the Yellowhead Highway is constructed to Ministry standards
 - The Ministry notes the shared residential access to serve Lots 2, 3 and 4 is not constructed as per the design drawings prepared by CTQ Consultants and approved by the Ministry as per file #2009-06900. The Ministry will require this access to be constructed and paved as per the designs and the access permit.
- The Ministry will require written confirmation the existing restrictive geotechnical covenants LB0176269 on Lot 8, Plan KAP86170 will be transferred to all proposed lots.
- The proposed frontage road dedication, as per the revised plan prepared by All North Land Surveyors dated January 18, 2011, is not included in the final subdivision plan submitted. As such, the final subdivision plans are to reflect All North Land Surveyors Revised Plans Dated January 18, 2011. the Ministry will be sending the final subdivision plans back to your lawyer, Reinhard Burke, until this item can be addressed.

Please note, the Ministry did not receive the final subdivision fees with the subdivision plan. The final fees will be \$350.00, as there will be three lots x \$100.00/lot and a \$50.00 Provincial Approving Officer signing fee. As well, the Ministry will require a tax certificate confirming the taxes for the proposed subdivision have been paid.

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District

#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

Arudel Access July 2011

- Access Cts 5, 6, 7, 8.



no shoulder
base material consists of fine
very little gravel base.



- Rocks blocking access need to be removed.
- paved throat to be extended to fence line

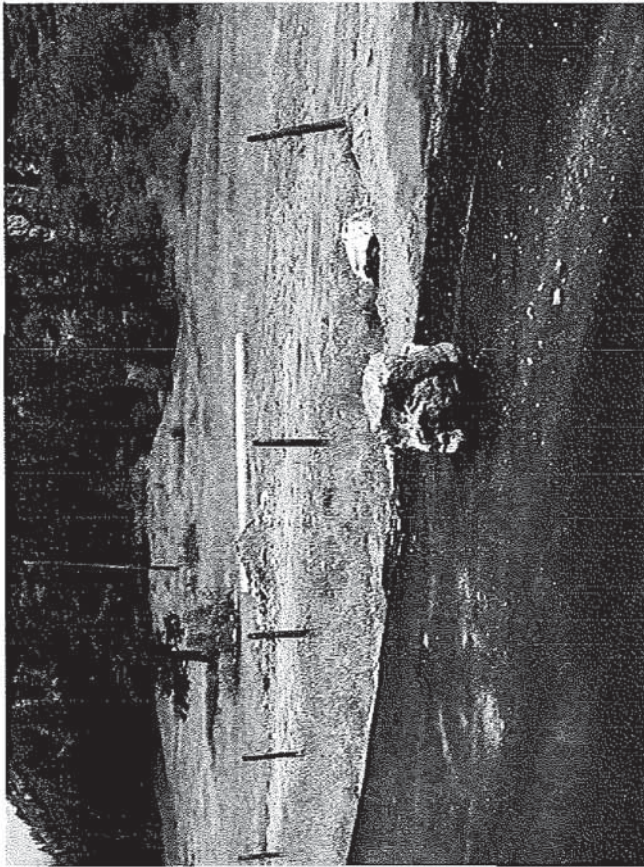


Culvert to be installed.



Fence to be re-installed.

Arundel Access July 12/11





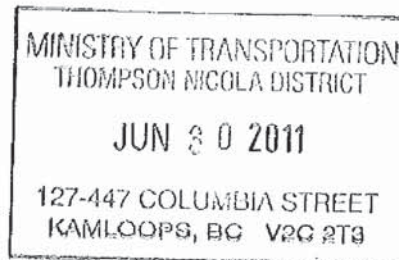
no shoulder.

BURKE FRAME
BARRISTERS

Jeffrey Frame*
Alana K. Hughes*

Our File: 01-18-03

June 27, 2011



Reinhard Burke*
Jeff Shidei

Via MTS Courier

Ministry of Transportation & Infrastructure
Thompson Nicola District
127 – 447 Columbia Street
Kamloops, BC V2C 2T3

Attention: Sherry Eland, District Manager

Dear Ms. Eland:

Re: Subdivision Application of Daniel Arundel
Your file: 2010-00373

We are the solicitors for Daniel Arundel. We herewith enclose pursuant to s. 83 of the *Land Title Act* the following:

1. the original mylar and 6 paper copies of a plan of subdivision;
2. our client's cheque payable to the Minister of Finance for fees; and
3. a certificate showing taxes for 2011 have been paid.

Yours sincerely,

BURKE FRAME

Per:


for: Reinhard Burke
RB/kt

Encl.

cc: client via email

06.27.11

203 – 1211 Summit Drive
Kamloops, BC
V2C 5R9

Tel: (250) 434-2333
Fax: (250) 434-2334

*denotes an associated independent Law Corporation

TRA-2012-00039
Page 193

From: Saby, Jeff D TRAN:EX
Sent: Thursday, July 7, 2011 4:08 PM
To: LeClair, Tracy TRAN:EX; Nelson, Harvey TRAN:EX
Cc: Clough, Shawn R TRAN:EX
Subject: RE: Arundel Access

Tracy

I talked to Kelsey Arundel, they are going to remove the rocks.

Jeff Saby

*Area Manager Roads, Kamloops East
Thompson Nicola District,
Ministry of Transportation,
127 - 447 Columbia Street, Kamloops B.C., Canada
V2C 2T3
Ph (250) 371-3856
Fax (250) 371-3848
Cell (250) 371-7726*

From: LeClair, Tracy TRAN:EX
Sent: Thursday, July 7, 2011 2:02 PM
To: Nelson, Harvey TRAN:EX; Saby, Jeff D TRAN:EX
Cc: Clough, Shawn R TRAN:EX
Subject: RE: Arundel Access

Oh great, thanks!

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

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From: Nelson, Harvey TRAN:EX
Sent: Thursday, July 7, 2011 2:00 PM
To: LeClair, Tracy TRAN:EX; Saby, Jeff D TRAN:EX
Cc: Clough, Shawn R TRAN:EX
Subject: RE: Arundel Access

Tracy;

I believe Jeff looked at this this morning and has called them asking that the boulders be removed. I don't know how his conversation went but I'm sure Jeff will fill us in when he's back to the office.
Thx.

Harvey Nelson
Operations Manager

Kamloops office (250) 371-3809

Cell (250) 319-7656

Fax (250) 371-3848

email: Harvey.Nelson@gov.bc.ca

From: LeClair, Tracy TRAN:EX
Sent: Thursday, July 7, 2011 1:55 PM
To: Saby, Jeff D TRAN:EX
Cc: Nelson, Harvey TRAN:EX; Clough, Shawn R TRAN:EX
Subject: Arundel Access

Hi Jeff,

The Arundels have constructed two accesses to the Yellowhead Hwy, which have been approved by permit. Can you please look at the two accesses, at least the paved access on the south end of their lots. Apparently, there are boulders placed in our right of way.

If you are unable to take a look in the next few days, please let me know and I will take a spin out there myself. I was just thinking if you were in the area you could take for me.

Thanks,

Tracy LeClair, BA, BNRSc.
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Ministry of Transportation and Infrastructure
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Kamloops, BC
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Operations Manager
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Fax (250) 371-3848
email: Harvey.Nelson@gov.bc.ca

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 Please consider the environment before printing this email

From: Eland, Sherry TRAN:EX
Sent: Tuesday, May 10, 2011 4:15 PM
To: 'Danny Arundel'
Cc: LeClair, Tracy TRAN:EX
Subject: Jane Road

Hello Danny and Kelsey - Your PLA dated December 6, 2010 is the document to which you need to adhere to.

Item #2 stated that the cul de sac may either be located at the south boundary of proposed Lot A or between proposed Lots A & B. The rationale behind using a portion of Jane Road for the cul de sac was to eliminate a larger dedication in proposed Lot A. Access onto the highway is a separate issue and is still required to provide access to Lots 5-8. The cul de sac is still necessary as part of the future frontage road requirements.

Although the right of way of Josephine road abuts your property, Ministry approval of the subdivision is contingent upon direct access to the Yellowhead Hwy. No. 5 which serves Lots 5-8.

Even though Josephine Road is a public right of way, the Ministry does not deem it a necessary or suitable access to proposed Lot 8. This is why the Ministry supports direct access off of Hwy. 5 to your proposed subdivision and is considering closing portions of Josephine Road and Jane Road.

The portion of Josephine Road you are concerned about was never constructed to a highway standard and as you know is a one lane dirt track. The ministry acknowledges that there is equipment and other items on the unconstructed portion of the Josephine Road right of way. As a right of way, you and your neighbours can use it as a pedestrian path in the peaceful enjoyment of the area. There is no compelling reason to remove what your neighbour has parked or placed there. There is also no compelling reason to provide vehicular access.

Although this may not be the answer you were seeking, the terms of the PLA remain the same as December 6, 2010. Furthermore, as the public can enjoy the Josephine Road right of way as described above the ministry does not believe further action to remove these items is warranted.

-----Original Message-----

From: Danny Arundel S22
Sent: Tuesday, May 10, 2011 10:19 AM
To: Eland, Sherry TRAN:EX
Subject: [Fwd: Re: Jane Road]

We have not had a reply to this email.
Kelsey & Danny

----- Original Message -----

Subject: Re: Jane Road
From: "Danny Arundel" S22
Date: Fri, April 22, 2011 9:51 am
To: "Eland, Sherry TRAN:EX" <Sherry.Eland@gov.bc.ca>

Goodmorning,

This does not make any sense!

Lot 8 is in the final stages of completion. We have had the completed engineered drawings(That HWYS REQUIRED for future road) submitted to your office and APPROVED showing

extra property that highways is taking to have a bulb that crosses over and uses most of the Jane road ROW. Now you state that Jane road is to be closed. If this is the case, then no property should be required in our Lot 8 subdivision and the access does not need to be upgraded to the 1B standard and is already build in excess to what is required for a residential access.

We seem to continue to get the run a round from your office. Everytime we meet, we are asked to have something different engineered each time. We have taken on this huge expense to now have your office once again not know which way is up or down.

Legal access to Lot 8 is Josephine Road. If Jane road is to be closed, what is hwys going to build to replace this access.

This still does not address the issues on JOSEPHINE ROAD.

As for the "gentle slope", it is not driveable! That means it is not gentle. It is BLOCKED! You did not address the fact the he has his equipment blocking Josephine road to our access from this ROW. Rocks and a trailer are blocking the access from the south end as well. He has purposely blocked our access to Josephine Road from both the North and South ends. Immediate action is required! This has gone on far to long.

Kelsey & Danny

> Hi Danny and Kelsey. I had my area manager look at the site and take some pictures. He saw that there was a barbed wire fence and the backslope had been groomed to make a gentle slope, there was no evidence of a wall. My area manager tried to contact the neighbors, but hasn't been able to do so yet. I've asked my development approval staff to prepare to proceed with a road closure process which will involve some time yet. There may be an opportunity to return some of the Jane Road right of way to you. We will contact you again and the other neighbors as we move forward.

>

> ----- Original Message -----

> From: Danny Arundel S22

> Sent: Thursday, April 21, 2011 01:36 PM

> To: Eland, Sherry TRAN:EX

> Subject: Jane Road

>

> Goodmorning Sherry,

>

> We have not heard back from you in regards to Jane Road being blocked.

You stated that you would be talking to your staff to figure out a plan moving forward. What is that plan?

> thanks,

> Kelsey & Danny

>

>

>

>

>

From: Schleppe, Dave TRAN:EX
Sent: Tuesday, May 10, 2011 1:41 PM
To: Eland, Sherry TRAN:EX
Cc: LeClair, Tracy TRAN:EX
Subject: RE: [Fwd: Re: Jane Road]

PLA dated Dec.6/10, Item #2 stated that the cul de sac may either be located at the south boundary of proposed Lot A or between proposed Lots A & B. Rationale behind using a portion of Jane Road for the cul de sac was to eliminate a larger dedication in proposed Lot A. Access on the highway is a separate issue and is still required to provide access to Lots 5-8. The cul de sac is still necessary as part of the future frontage road requirements.

Although legal access also exists to proposed Lot 8 via Josephine Road, Ministry approval of the subdivision is contingent upon direct access to Yellowhead Hwy. No. 5 which serves Lots 5-8.

**this sentence is meant to address their concerns of "things" on Josephine right of way as well as our view of the intent of Josephine Road: Even though Josephine Road is a public right of way, the Ministry does not deem it a necessary or suitable access to proposed Lot 8. This is why the Ministry supports direct access off of Hwy. 5 to your proposed subdivision and supports closure of Josephine Road and portions of Jane Road.

Sherry: the Arundels can still have the option of moving the cul de sac although they will have to re-adjust the lot lines to meet the minimum 4 ha. parcel size as well as meet the 10% frontage requirements.

Dave Schleppe
District Program Manager
Ministry of Transportation and Infrastructure Thompson Nicola District
Phone: (250) 371-3815
Cell: (250) 851-6001
Fax: (250) 371-3848
e:mail: Dave.Schleppe@gov.bc.ca

-----Original Message-----

From: Eland, Sherry TRAN:EX
Sent: Tuesday, May 10, 2011 11:54 AM
To: Schleppe, Dave TRAN:EX
Subject: FW: [Fwd: Re: Jane Road]

Draft me a reply please

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Danny Arundel S22
Sent: Tuesday, May 10, 2011 10:19 AM
To: Eland, Sherry TRAN:EX
Subject: [Fwd: Re: Jane Road]

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Kelsey & Danny

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We seem to continue to get the run a round from your office. Everytime we meet, we are asked to have something different engineered each time. We have taken on this huge expense to now have your office once again not know which way is up or down.

Legal access to Lot 8 is Josephine Road. If Jane road is to be closed, what is hwys going to build to replace this access.

This still does not address the issues on JOSEPHINE ROAD.

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Kelsey & Danny

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> Subject: Jane Road

>

> Goodmorning Sherry,

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> We have not heard back from you in regards to Jane Road being blocked. You stated that you would be talking to your staff to figure out a plan moving forward. What is that plan?

> thanks,

> Kelsey & Danny

>

>

>

>

From: Schleppe, Dave TRAN:EX
Sent: Tuesday, April 26, 2011 12:01 PM
To: LeClair, Tracy TRAN:EX
Subject: RE: Jane Road

Yes, the Type 1B access has nothing to do with the dedication or cul de sac. As we gave them the choice to locate the cul de sac, I believe we can still carry on with the closure process in S22 property and close a portion of Jane within Lot A above the cul de sac (or to the east of the cul de sac) if need be. Our stance is legal and viable access is from Hwy 5 and not Josephine Road. I will craft a response for Sherry and let you have a look at it. Any thoughts for the response would be appreciated.

Dave Schleppe
District Program Manager
Ministry of Transportation and Infrastructure Thompson Nicola District
Phone: (250) 371-3815
Cell: (250) 851-6001
Fax: (250) 371-3848
e:mail: Dave.Schleppe@gov.bc.ca

-----Original Message-----

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, April 26, 2011 9:51 AM
To: Schleppe, Dave TRAN:EX
Subject: RE: Jane Road

We did give them the choice for the cul-de-sac location - they could have located the cul-de-sac between Proposed Lots A & B or dedicate to the south boundary of Proposed Lot A and use a portion of the existing Jane Road dedication as the frontage road dedication. They came back with the attached plan from All North Land Surveyors which shows dedication to Jane Road.

The Jane & Josephine Road closures will only close the portions of road dedication that are not required.

Legal access to Lots 5-8 will be provided by the construction of the Type 1B access to the Yellowhead Highway and the driveway over the existing dedicated right of way, as stated in the permit. Josephine and Jane Roads will not need to be used to access Proposed Lot A because of the highway access already provided.

Tracy LeClair, BA, BNRSc.
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Ministry of Transportation and Infrastructure Thompson-Nicola District
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Kamloops, BC
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Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm
P Please consider the environment before printing this email

-----Original Message-----

From: Schleppe, Dave TRAN:EX
Sent: Tuesday, April 26, 2011 8:46 AM
To: LeClair, Tracy TRAN:EX
Subject: Fw: Jane Road

I will be in Merritt later this morning. Maybe scan me a copy of Lot 8 subdivision for discussion purposes. I thought we gave them the choice of having the cul de sac between A + B as there was no real reason to take it to the end???

----- Original Message -----

From: Eland, Sherry TRAN:EX
Sent: Friday, April 22, 2011 05:59 PM
To: Schleppe, Dave TRAN:EX
Subject: Fw: Jane Road

Would you please think about a response to this please.

----- Original Message -----

From: Danny Arundel
Sent: Friday, April 22, 2011 09:51 AM
To: Eland, Sherry TRAN:EX
Subject: Re: Jane Road

Goodmorning,

This does not make any sense!

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We seem to continue to get the run a round from your office. Everytime we meet, we are asked to have something different engineered each time. We have taken on this huge expense to now have your office once again not know which way is up or down.

Legal access to Lot 8 is Josephine Road. If Jane road is to be closed, what is hwys going to build to replace this access.

This still does not address the issues on JOSEPHINE ROAD.

As for the "gentle slope", it is not driveable! That means it is not gentle. It is BLOCKED! You did not address the fact the he has his equipment blocking Josephine road to our access from this ROW. Rockes and a trailer are blocking the access from the south end as well. He has purposely blocked our access to Josephine Road from both the North and South ends. Immediate action is required! This has gone on far to long.

Kelsey & Danny

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> Kelsey & Danny
>
>
>
>

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, April 26, 2011 9:51 AM
To: Schleppe, Dave TRAN:EX
Subject: RE: Jane Road
Attachments: Cul-de-sac Drawing.pdf

We did give them the choice for the cul-de-sac location - they could have located the cul-de-sac between Proposed Lots A & B or dedicate to the south boundary of Proposed Lot A and use a portion of the existing Jane Road dedication as the frontage road dedication. They came back with the attached plan from All North Land Surveyors which shows dedication to Jane Road.

The Jane & Josephine Road closures will only close the portions of road dedication that are not required.

Legal access to Lots 5-8 will be provided by the construction of the Type 1B access to the Yellowhead Highway and the driveway over the existing dedicated right of way, as stated in the permit. Josephine and Jane Roads will not need to be used to access Proposed Lot A because of the highway access already provided.

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> Kelsey & Danny

>

>

>

>

From: Schleppe, Dave TRAN:EX
Sent: Saturday, April 23, 2011 10:39 AM
To: LeClair, Tracy TRAN:EX
Subject: FW: Jane Road

I will call you on Tuesday about this. Did we not give the Arundels the option of where the cul-de-sac could go? In Merritt all week. Trying to help Shawn Boven get his traffic study tender done, working on pavement marking contract and plaza washrooms were out of water this weekend so working on a contingency plan for that.

Dave Schleppe
District Program Manager
Ministry of Transportation and Infrastructure Thompson Nicola District
Phone: (250) 371-3815
Cell: (250) 851-6001
Fax: (250) 371-3848
e:mail: Dave.Schleppe@gov.bc.ca

-----Original Message-----

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Goodmorning,

This does not make any sense!

Lot 8 is in the final stages of completion. We have had the completed engineered drawings(That HWYS REQUIRED for future road) submitted to your office and APPROVED showing extra property that highways is taking to have a bulb that crosses over and uses most of the Jane road ROW. Now you state that Jane road is to be closed. If this is the case, then no property should be required in our Lot 8 subdivision and the access does not need to be upgraded to the 1B standard and is already build in excess to what is required for a residential access.

We seem to continue to get the run a round from your office. Everytime we meet, we are asked to have something different engineered each time. We have taken on this huge expense to now have your office once again not know which way is up or down.

Legal access to Lot 8 is Josephine Road. If Jane road is to be closed, what is hwys going to build to replace this access.

This still does not address the issues on JOSEPHINE ROAD.

As for the "gentle slope", it is not driveable! That means it is not gentle. It is BLOCKED! You did not address the fact the he has his equipment blocking Josephine road to our access from this ROW. Rockes and a trailer are blocking the access from the south end as well. He has purposely blocked our access to Josephine Road from both the North and South ends. Immediate action is required! This has gone on far to long.

Kelsey & Danny

> Hi Danny and Kelsey. I had my area manager look at the site and take
> some pictures. He saw that there was a barbed wire fence and he
> backslope had been groomed to make a gentle slope, there was no
> evidence of a wall. My area manager tried to contact the neighbors,
> but hasn't been able to do so yet. I've asked my development approval
> staff to prepare to proceed with a road closure process which will
> involve some time yet. There may be an opportunity to return some of
> the Jane Road right of way to you. We will contact you again and the other neighbors as
we move forward.

>

> ----- Original Message -----

> From: Danny Arundel S22
> Sent: Thursday, April 21, 2011 01:36 PM
> To: Eland, Sherry TRAN:EX
> Subject: Jane Road

>

> Goodmorning Sherry,

>

> We have not heard back from you in regards to Jane Road being blocked.

> You stated that you would be talking to your staff to figure out a
> plan moving forward. What is that plan?

> thanks,

> Kelsey & Danny

>

>

>

>

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, March 8, 2011 3:29 PM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX; 'Barb Jackson'; Schleppe, Dave TRAN:EX
Subject: Revised Subdivision Plan Proposed Lots A & B and Lot 7

Hi Danny and Kelsey,

The Ministry has reviewed your proposal to adjust the property line between Proposed Lot B and Lot 7 to dedicate frontage road and still provide the minimum parcel size of 4ha for Proposed Lots A & B, as shown on the drawing prepared by All North Land Surveyors, dated January 18, 2011.

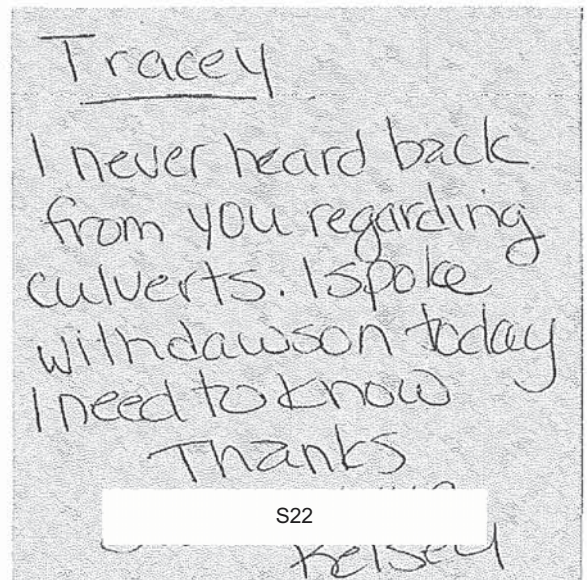
The Ministry and the TNRD (Letter dated February 7, 2011), support the revised plan. The PLA dated December 6, 2010 still applies. Once the outstanding items of the PLA dated December 6, 2010 have been completed, please submit the revised subdivision plans to the Ministry for final approval. Please note, the final fees will be \$350.00, as there are three lots being created.

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email



From: Brickwood, Joan E. TRAN:EX
Sent: Tuesday, March 8, 2011 3:13 PM
To: LeClair, Tracy TRAN:EX
Subject: RE: Arundel: Revised Subdivision Plan

Thank you for the overview Tracy.

Given the Ministry and TNRD support of the revised plan showing the new property boundary alignment, I feel it is to the benefit of all parties and I concur with your final paragraph. Please issue the e-mail.

Joan Brickwood
Provincial Approving Officer
Ministry of Transportation and Infrastructure
Thompson Nicola and Cariboo Districts
127-447 Columbia St Kamloops V2C 2T3
Ph: 250 371-3803
Fax: 250 371-3848
Joan.Brickwood@gov.bc.ca
www.th.gov.bc.ca/DA/Subdivision_Home.asp

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, March 8, 2011 2:32 PM
To: Brickwood, Joan E. TRAN:EX
Subject: Arundel: Revised Subdivision Plan

Hi Joan,

The PLA dated December 6, 2010, item #2 requires Frontage Road dedication complete with a cul-de-sac fronting Proposed Lots A & B. Danny and Kelsey Arundel requested relief from item #2 on January 5, 2011, as they would not meet their minimum parcel size of 4ha and they felt the frontage dedication was never a requirement for subdivision. Going through the file, the frontage road dedication was always a subdivision requirement.

As such, the Arundel's provided a revised subdivision plan prepared by Allnorth Land Surveyors, dated January 18, 2011. The revised plan proposes a lot line adjustment between Proposed Lot B and Lot 7. The Ministry supports the Lot line adjustment as it ensures the road dedication is acquired without taking away the proposed parcel sizes of Proposed Lots A & B.

A referral was sent by email to the TNRD on January 19, 2011 and the TNRD has submitted a letter dated February 7, 2011 supporting the Lot line adjustment.

Given the above noted information, the District suggests a follow-up email/letter is sent to Danny and Kelsey Arundel advising the Ministry supports the Lot line adjustment as shown on the drawing prepared by Allnorth Land Surveyors dated January 18, 2011. Once the remaining items of the PLA, dated December 6, 2010, have been addressed, they may submit the revised final subdivision plans for approval.

Please advise your thoughts,

Thanks,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician

Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

From: Barb Jackson [bjackson@tnrd.bc.ca]
Sent: Thursday, February 3, 2011 4:35 PM
To: Danny Arundel
Cc: LeClair, Tracy TRAN:EX
Subject: FW: Revised Subdivision Plan - Arundel SD-P-161 (02-015-15367)
Attachments: Revised Lot 8 Plan moving Lot Line7.pdf

Hi Danny,
Here is my response to MOT re your recent revised plan of subdivision. (I don't have Kelsey's email address) Barb

-----Original Message-----

From: Barb Jackson
Sent: Thursday, February 03, 2011 4:30 PM
To: 'LeClair, Tracy TRAN:EX'
Cc: 'Brickwood, Joan E. TRAN:EX'; Schleppe, Dave TRAN:EX
Subject: Revised Subdivision Plan - Arundel SD-P-161 (02-015-15367)

Hi Tracy,

I have reviewed the attached revised map where the two-lot subdivision of Lot 8 has been expanded to include a sliver of the adjacent Lot 7. See comments below.

Proposed Lots A and B and the proposed Remainder of Lot 7:

- 1) Meet the minimum 2 hectare parcel size of the SH-1 zone;
- 2) Meet the minimum 10% lot perimeter road frontage requirement;
- 3) Have safe building sites as identified by the Geotechnical Covenant LB176269 (which must remain/be put on all three titles); and
- 4) Have Wildfire Covenant LB143637 (which must remain/be put on all three titles).

In addition -

The proof of water for the proposed Remainder of Lot 7 was confirmed in the AMEC Report No. KX13151 of May 18, 2007. The proof of water for proposed Lots A and B was confirmed in the AMEX Addendum letter of September 29, 2008.

The applicants have met our requirements for this revised plan of subdivision. Thank you for the opportunity to comment on this revised plan.

Barb Jackson

-----Original Message-----

From: LeClair, Tracy TRAN:EX [<mailto:Tracy.LeClair@gov.bc.ca>]
Sent: Wednesday, January 19, 2011 11:26 AM
To: Danny Arundel
Cc: Brickwood, Joan E. TRAN:EX; Barb Jackson; Schleppe, Dave TRAN:EX
Subject: FW: Revised Subdivision Plan - Arundel

Hello Kelsey and Danny,

The Ministry supports the proposal to alter the Lot line between Lots 7 & 8 to address the Ministry's road dedication requirements, as shown on the Proposed Subdivision Plan dated January 18, 2011 and prepared by Allnorth Land Surveyors (Attached).

The Ministry is waiving the \$350.00 application fee to include Lot 7 in this revised proposal. When the time comes to submit your final subdivision package this is now consider a three (3) Lot subdivision and final fees will need to account for the three (3) lots.

Barb, please consider this email as the referral for the revised plan. Please review the revised plan from the viewpoint of your regulations and policies and provide the Ministry with your comments. We would appreciate your immediate attention to this referral. If you have any questions, please call me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

P Please consider the environment before printing this email

-----Original Message-----

From: Danny Arundel S22
Sent: Tuesday, January 18, 2011 5:29 PM
To: LeClair, Tracy TRAN:EX
Subject:

Here is the proposed revised Lot plan I just received from walter.
Kelsey

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, January 19, 2011 11:26 AM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX; 'Barb Jackson'; Schleppe, Dave TRAN:EX
Subject: FW: Revised Subdivision Plan - Arundel
Attachments: Revised Lot 8 Plan moving Lot Line7.pdf

Hello Kelsey and Danny,

The Ministry supports the proposal to alter the Lot line between Lots 7 & 8 to address the Ministry's road dedication requirements, as shown on the Proposed Subdivision Plan dated January 18, 2011 and prepared by Allnorth Land Surveyors (Attached).

The Ministry is waiving the \$350.00 application fee to include Lot 7 in this revised proposal. When the time comes to submit your final subdivision package this is now consider a three (3) Lot subdivision and final fees will need to account for the three (3) lots.

Barb, please consider this email as the referral for the revised plan. Please review the revised plan from the viewpoint of your regulations and policies and provide the Ministry with your comments. We would appreciate your immediate attention to this referral. If you have any questions, please call me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure Thompson-Nicola District
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-----Original Message-----

From: Danny Arundel S22
Sent: Tuesday, January 18, 2011 5:29 PM
To: LeClair, Tracy TRAN:EX
Subject:

Here is the proposed revised Lot plan I just received from walter.
Kelsey

From: Brickwood, Joan E. TRAN:EX
Sent: Wednesday, January 19, 2011 9:32 AM
To: LeClair, Tracy TRAN:EX
Subject: RE: Arundel New Lot Plan

V. G. Joan E. TRAN
Cathy Jones
Linda Jones
Linda Jones

Tracy,

I support the proposal.

Lot 7 has marginal impact - frontage and lot size still exceed minimal requirements.

It involves the least change to the proposed lot shapes and the pins already placed by the surveyor.

The cul-de-sac to the existing Jane road dedication allows for future access to the adjacent land to the south, should individual access to the CA Hwy be restricted in the future.

Please refer the new layout to the TNRD as ask for an expedited response.

Thank you for handling this file in a prompt and proactive manner.
Joan

-----Original Message-----

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, January 19, 2011 8:52 AM
To: Brickwood, Joan E. TRAN:EX
Subject: FW: Arundel New Lot Plan

Hi Joan,

I haven't received anything in writing from Walt, but Kelsey sent me the new plan. Please take a look and let me know your thoughts. Thanks.

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

P Please consider the environment before printing this email

-----Original Message-----

From: Danny Arundel S22
Sent: Tuesday, January 18, 2011 5:29 PM
To: LeClair, Tracy TRAN:EX
Subject:

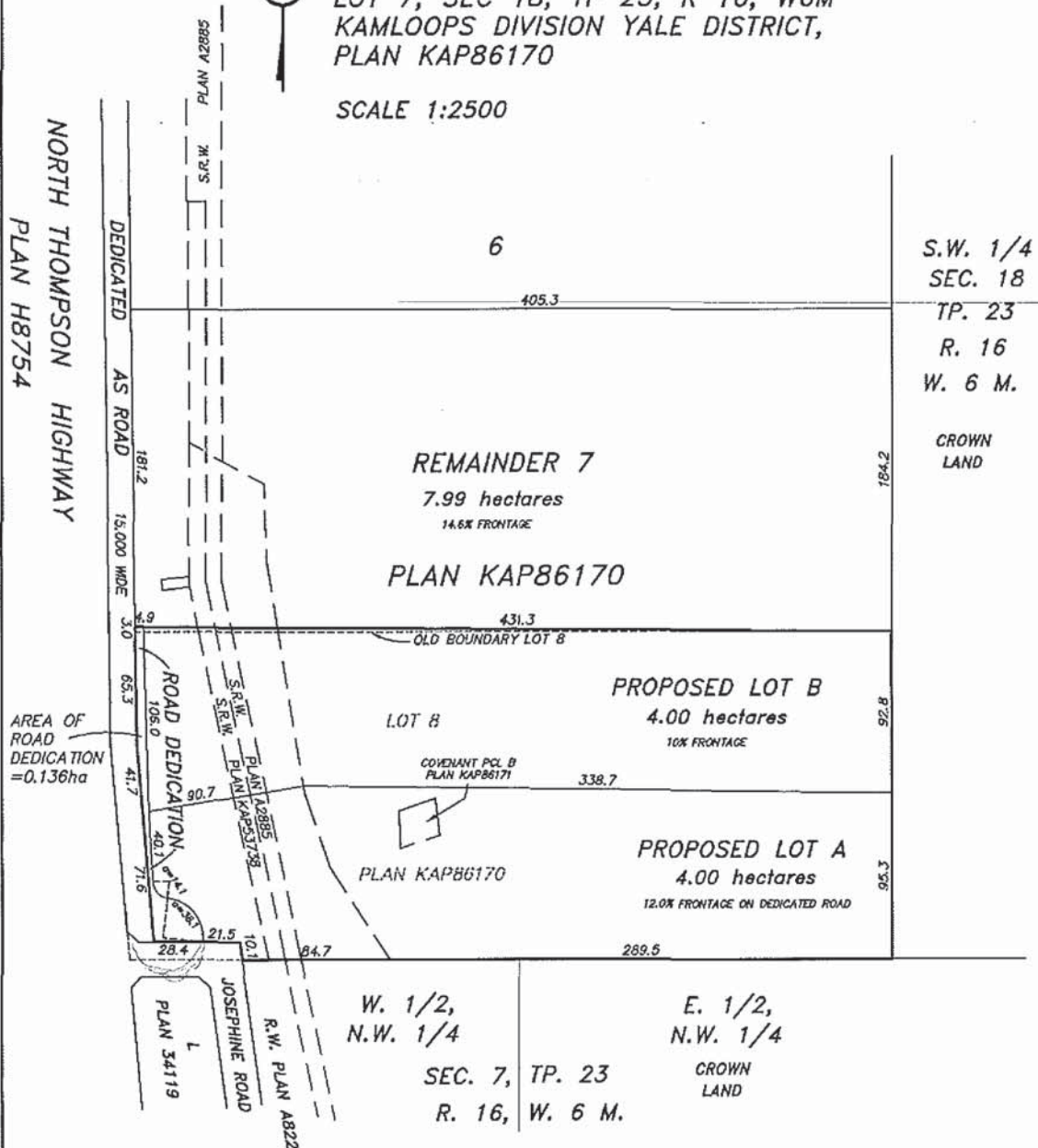
Here is the proposed revised Lot plan I just received from walter.
Kelsey

PROPOSED SUBDIVISION PLAN OF
LOT 8, SEC 18, TP 23, R 16, W6M
KAMLOOPS DIVISION YALE DISTRICT,
PLAN KAP86170

AND OF PART OF

LOT 7, SEC 18, TP 23, R 16, W6M
KAMLOOPS DIVISION YALE DISTRICT,
PLAN KAP86170

SCALE 1:2500



NOTE:

ALL DIMENSIONS AND AREA SUBJECT TO
FINAL LEGAL SURVEY.

DATE:
JANUARY 18th, 2011

ALLNORTH LAND SURVEYORS
#301-7 ST. PAUL STREET WEST,
KAMLOOPS, BC, V2C 1E9
TEL: 250-374-5331 FAX: 250-374-5332
DRAWN BY: WS
DRAWING NO: 10LC0726 PR 1
FILE NO: 10LC0726
FB: 247 P: 55-58

Jan. 17/11

20 acres.

- property zoned AF-1 / RL-1 may have proof of water exemption. - prop. zoned SH-1 - 2 ha parcel

↳ Arundels property received proof of water exemption b/c of sec. 7.2 of bylaw 799 → subdivision to be a min. 4 ha or greater; Applicants don't need to construct wells, but req. eng to certify water can be located on properties.

- Met w/ Joan & Dave to discuss road dedicatn/ or rd reserve covenant.

↳ The District is confident rd dedicatn/ can be achieved w/o reducing the lt size.

↳ the rd reserve covenant would only prevent permanent structures on r/w the District would still need to acquire lnd to build frontage rd.

∴ we are willing to work w/ Danny / Kelsey to ensure dedicatn/ is acquired.

- boundary of lt 7 - 1.5m (600 m²) short. (full length.)

- to allow for a variance for proof of water lt size

* Jan. 19/11

TT Barb Jackson and informed of revised subdivision proposal.

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, January 18, 2011 9:50 AM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX; Schleppe, Dave TRAN:EX; Eland, Sherry TRAN:EX
Subject: MoT Road Dedication - Arundel

Hello Danny & Kelsey,

Joan, Dave and myself discussed your request to modify condition #2 of the PLA, dated December 6, 2010 from road dedication to a road reserve covenant. The Ministry will require the road dedication. We understand the parcel size for each lot needs to be 4ha or greater to ensure the Thompson-Nicola Regional District exemption from proof of water. To ensure the dedication is achieved without reducing the parcel size below 4ha, we are open to suggestions for dedication layout and are willing to consider alternative cul-de-sac configurations.

The proposal submitted on January 13, 2011, shows the cul-de-sac dedication at the south boundary of Proposed Lot A. It may be to your benefit to reconsider locating the cul-de-sac between Proposed Lots A and B, as proposed in the road design drawings prepared by CTQ Consultants Ltd. dated August 2009. We recommend you consult with your surveyor, Walt Singer, as we are confident he can help you achieve a suitable layout.

With respect to the residential access to the Yellowhead Highway, the Ministry has two shared residential access applications (Files 2009-06900 & 2010-06282). The Ministry will review the access design drawings submitted by CTQ, dated December 2010. Once the review is complete and the Ministry is satisfied, two permits will be issued to construct and use the dedicated right of way as access to serve Lots 2-8. These permits will reflect the access locations as per the CTQ drawings dated December 2010. Please note, a previous permit was issued to construct and use a residential access to the Yellowhead Highway to serve Lot 1 (File #2009-06899).

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRS
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm
Please consider the environment before printing this email

-----Original Message-----

From: Danny Arundel S22
Sent: Thursday, January 13, 2011 1:48 PM
To: LeClair, Tracy TRAN:EX
Subject:

Hello Tracey,



As discussed in your office today, that you would review Item#2 on the PLA with Joan Brickwood to have it changed.

After discussion with our surveyor, it was suggested to leave the original subdivision plan in place for Lot 8 as all final subdivision staking and mylars have been completed and to then just add a covenant to show the property that highways is requesting to be on a road reserve covenant. A sepearate set of mylars would be completed to show the road reserve on Lot

8 and the bulb placement on the south end of Lot 8A. This is the drawing we had CTQ revise as you had requested in the the meeting we had in April/May 2010. Ive attached the original plan as well as the bulb placement on the south end of Lot 8/Jane Road.

Also,

Could you send us the information that is registered on file that shows where the legal access is to Lot 1-8. We would like to have something that is put into written form for us to refer to in the future.

Thanks,

Kelsey

From: Brickwood, Joan E. TRAN:EX
Sent: Thursday, January 13, 2011 2:16 PM
To: LeClair, Tracy TRAN:EX
Subject: RE: Arundel Dedication

No, it's not a dedication. They are proposing a road reserve covenant and plan. The PLA states dedication - which they want us to change. Prelim plan was done by Walt Singer from the looks of it, give him a call.
Joan

-----Original Message-----

From: LeClair, Tracy TRAN:EX
Sent: Thursday, January 13, 2011 2:04 PM
To: Brickwood, Joan E. TRAN:EX
Subject: FW: Arundel Dedication

Hi Joan, is this what we discussed? Does it make sense?

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
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www.th.gov.bc.ca/permits.htm
P Please consider the environment before printing this email

-----Original Message-----

From: Danny Arundel S22
Sent: Thursday, January 13, 2011 1:48 PM
To: LeClair, Tracy TRAN:EX
Subject:

Hello Tracey,

As discussed in your office today, that you would review Item#2 on the PLA with Joan Brickwood to have it changed. After discussion with our surveyor, it was suggested to leave the original subdivision plan in place for Lot 8 as all final subdivision staking and mylars have been completed and to then just add a covenant to show the property that highways is requesting to be on a road reserve covenant. A separate set of mylars would be completed to show the road reserve on Lot 8 and the bulb placement on the south end of Lot 8A. This is the drawing we had CTQ revise as you had requested in the the meeting we had in April/May 2010. Ive attached the original plan as well as the bulb placement on the south end of Lot 8/Jane Road.

Also,

Could you send us the information that is registered on file that shows where the legal access is to Lot 1-8. We would like to have something that is put into written form for us to refer to in the future.

Thanks,





PROPOSED PLAN OF SUBDIVISION OF
LOT 8, PLAN KAP86170
SEC. 18, TP. 23, R. 16, W6M
KAMLOOPS DIVISION YALE DISTRICT

SCALE 1:2500

NOTE: ALL DIMENSIONS AND AREAS ARE SUBJECT
TO FINAL LEGAL SURVEY.

LOT 7

PLAN KAP86170

436.075

PROPOSED LOT B

4.06 hectares

10% FRONTAGE

PLAN KAP86170

338.216

COVENANT
AREA

PROPOSED LOT A

4.01 hectares

12.7% FRONTAGE ON DEDICATED ROAD

255.762

E. 1/2,

N.W. 1/4

TP. 23

CROWN

W. 6 M.

LAND

W. 1/2,

N.W. 1/4

SEC. 7,

R. 16,

JOSEPHINE ROAD

PLAN 34119

NORTH THOMPSON HIGHWAY PLAN H8754

ROAD WIDENING

65.278

41.653

71.602

S.R.W.
S.R.W.

PLAN A2885
PLAN KAP53738

10.086

103.537

14.858

R.W. PLAN A822

49.936

94.750

92.826

95.281

188.108

S.W. 1/4

SEC. 18, TP. 23

R. 16, W6M

COSTER AND SINGER
BC AND CANADA LAND SURVEYORS
#301-7 ST. PAUL STREET WEST,
KAMLOOPS, BC, V2C 1E9

TEL: 250-374-5331 FAX: 250-374-5332

DRAWN BY: LH/WS

DRAWING NO: 073083 PR 5 MAY 7 2008

FILE NO: 073083

P:

FB:

From: Schleppe, Dave TRAN:EX
Sent: Thursday, January 6, 2011 9:39 AM
To: 'Danny Arundel'
Cc: LeClair, Tracy TRAN:EX; Eland, Sherry TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Amended PLA

Danny, referring to Sherry's e:mail of December 17/10, she is correct that the requirement for frontage road dedication has always been a condition of PLA. That requirement was lessened by the fact that the subdivision of Lots 1-4 was cancelled, however frontage road dedication was still on the table for the subdivision of Lot 8 and frontage road dedication will be required should any future subdivisions occur on any other lots. The requirement for the cul-de-sac dedication was always consistent as well and as per Condition #2 of the amended PLA dated December 12/10, the location of the cul-de-sac dedication can be in one of two locations fronting proposed lot 8A or 8B. Once access design for Lot 3 is completed you may submit it to us for review and approval. The Ministry will require written confirmation regarding the engineer of record as per Condition #1 of the amended PLA. The Ministry is still in favour of closing Jane Road dedication. A formal road closure process will occur after final subdivision approval. You have not heard back from us on Josephine Road because it is still an outstanding issue with us and it is still under consideration.

It is important to be consistent on the correspondence on this file so I would ask that all correspondence go through Tracy and she will in turn discuss the issues with me and/or Sherry.

Thank you

Dave Schleppe
District Program Manager
Ministry of Transportation and Infrastructure Thompson Nicola District
Phone: (250) 371-3815
Cell: (250) 851-6001
Fax: (250) 371-3848
e:mail: Dave.Schleppe@gov.bc.ca

-----Original Message-----

From: Danny Arundel S22
Sent: Wednesday, January 5, 2011 3:41 PM
To: Schleppe, Dave TRAN:EX
Subject:

Goodafternoon,

Just following up from our meeting in Nov. You said you would get back to us in regards to returning the property taken on Jane Road and we have not heard back from you. Also we were asked not to use Josephine road until we heard back from you and again we have not heard from you.

In our last 3 meetings you stated that you did not want the bulb or property. We had the surveyor do the final survey based on this information. Why has that now changed??? Whats going on? It was agreed in our last meeting that there was to be no additional changes. We have held up our word to get accesses designed to a 1B standard, our engineer is just completing the access design on Lot 3. Why have we received a new PLA with changes that were not agreed to in our final meeting?

thanks danny arundel

From: Schleppe, Dave TRAN:EX
Sent: Wednesday, January 5, 2011 3:44 PM
To: LeClair, Tracy TRAN:EX
Subject: FW:

Let's discuss.

Dave Schleppe
District Program Manager
Ministry of Transportation and Infrastructure Thompson Nicola District
Phone: (250) 371-3815
Cell: (250) 851-6001
Fax: (250) 371-3848
e:mail: Dave.Schleppe@gov.bc.ca

-----Original Message-----

From: Danny Arundel S22
Sent: Wednesday, January 5, 2011 3:41 PM
To: Schleppe, Dave TRAN:EX
Subject:

Goodafternoon,

Just following up from our meeting in Nov. You said you would get back to us in regards to returning the property taken on Jane Road and we have not heard back from you. Also we were asked not to use Josephine road until we heard back from you and again we have not heard from you.

In our last 3 meetings you stated that you did not want the bulb or property. We had the surveyor do the final survey based on this information. Why has that now changed??? Whats going on? It was agreed in our last meeting that there was to be no additional changes. We have held up our word to get accesses designed to a 1B standard, our engineer is just completing the access design on Lot 3. Why have we received a new PLA with changes that were not agreed to in our final meeting?

thanks danny arundel

- Jane Rd to be closed upon completⁿ of subdivision.
- the req. for cul-de-sac has been a req. for ALA. The locatⁿ of cul-de-sac. can be located either S. boundary of Prop. Lt A or btwn Lt A & B.
- The PLA is an ^{was} amendment to identify the ^{as per your request} req. outstanding ^{req.} for Subdivision.
- once access design for Lt 3 is completed please submit to the Ministry for review and approval. In addition, The Ministry will require ^{the} written confirmatⁿ access at Lt 6 is designed by the same engineer.

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, December 21, 2010 11:37 AM
To: Brickwood, Joan E. TRAN:EX
Subject: RE: 'new' geotech requirements

I am of the same opinion as you, a new report should be required if the 1:10,000 hasn't been referred to in the previous covenant. I think we should discuss this at our next dev apps meeting – or when you return.

Tracy LeClair, BA, BNRS
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

From: Brickwood, Joan E. TRAN:EX
Sent: Tuesday, December 14, 2010 11:42 AM
To: LeClair, Tracy TRAN:EX
Subject: FW: 'new' geotech requirements

Hmm, interesting comment from Bill,
I'm thinking we are going to have to consider another geotech report addressing the new requirements if Arundels put in any subsequent subdivision applications.
Joan

From: Sparkes, Bill TRAN:EX
Sent: Tuesday, December 14, 2010 11:37 AM
To: TRAN ALL Provincial Approving Officers
Subject: 'new' geotech requirements

Where we know from a previous file/report/covenant that there is a geotech issue, and the same property is under review for another subdivision proposal, do we require a new geotech report to assess if the property is safe using the new guidelines (1:10,000/Appendix D)?

I'm just sayin ...

I know in reality we need to look at each one individually and use common sense but it is an interesting question. Just because there is an existing geotech covenant on title, it may not be adequate for current requirements and a new report may be required.



From: Eland, Sherry TRAN:EX
Sent: Friday, December 17, 2010 3:29 PM
To: 'Danny Arundel'
Cc: Brickwood, Joan E. TRAN:EX; LeClair, Tracy TRAN:EX
Subject: Arundel's sub

HI Danny & Kelsey - The requirement for dedication has always been a requirement of PLA and you can dedicate as per the CTQ drawings if they are the engineer of record, of course you still have to survey that dedication in the field. We still need confirmation that CTQ is still the engineer of record.

Currently we need the design drawings for the type 1B intersection prior to construction. Also you need to provide a traffic control plan that the ministry accepts prior to starting construction on the intersection.

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Danny Arundel S22
Sent: Tuesday, December 14, 2010 1:13 PM
To: Eland, Sherry TRAN:EX
Subject: Re: Arundel's sub

Sherry,

I understand your comments below, that is why we followed up with your request in the spring to have the road redesigned to show bulb on the south end of Lot 8.

Please explain to us in more detail why then,

Spring of 2010 we are asked to redesign road to have bulb cross over Jane road dedication previously taken.

We proceed and have paid the engineer to redesign proposed rd. We have the new design in hand.

3 meetings after this we are told at each meeting no frontage rd no bulb.

We have been prepared since the spring to give the property needed for the future frontage road. We offered in our Sept. meeting to give the property needed for the bulb to cross over the jane road dedication and were told NO. We dont want the bulb or the property.

Finally, we have surveyor complete final mylars for subdivision as we have been told no road, no bulb.

Meeting in Nov, again states no road, no bulb.

We are told that the previous Jane road dedication was being looked at to be given back. How can this be given back if a road & bulb are in the picture?

Why are we asked to redesign road, then told NO road, then told jane rd may be returned and now dedication is once again needed for road & bulb?

We have gone to the expense of designing rd, redesigning over again as requested by your office and paying the surveyor and now once again highways office has changed their mind.

Thank-you for your prompt attention to this,

Kelsey & Danny

> Dear Danny & Kelsey - Although there have been many discussions and meetings about your proposed subdivision, here is the final clarity you seek. I have reviewed the file with the Provincial Approving Officer and

> the requirements for subdivision.

>

> Nothing has changed except we no longer are requesting the covenant

> that

restricts subdivision until a frontage road is constructed.

> You were previously granted relief from building the frontage road.

>

> We are looking at this lot as an independent subdivision, not as part

> of

a

> larger development, although in reality we should be considering your entire 8 lots and future plans, but again have given you relief on this. When subdividing any lot along a Controlled Access Hwy, with limited access locations, we require confirmation that the existing Right of Way is sufficient to allow for construction of a frontage road and turn arounds. If not, dedication would be required. This is not out of the ordinary.

>

> It is extremely unlikely that Lot 8 could be further subdivided given the

> site constraints, therefore if we do not protect for a "bulb" now, the owners of Lots 8A and 8B will have people turning around in their driveways, not to mention where the maintenance vehicle are going to turn

> around.

>

> You do not have to build the frontage road. If the ministry was to

> build

a

> frontage road one day (once the lots are sold and houses built) with public money then by providing the dedication now we would have adequate space for that. We do not want to be negotiating to get room for the frontage road with future owners, who may have constructed improvements in

> a location that prevents proper road construction. Therefore as each lot

> is subdivided, whether by the yourselves or a future owner(s), we will be

> requiring dedication to encompass frontage road, if it's not too late. This requirement is set out in Legislation.

>

> -----Original Message-----

> From: Danny Arundel S22

> Sent: Monday, December 13, 2010 6:47 AM

> To: Eland, Sherry TRAN:EX

> Subject:

>

> Not sure if you were able to open this file so I have resent it in

> this

email.

> Kelsey

>

>

> Thank-you for your quick reply.

> Let me refresh you on why we asked for another meeting with you. April

2010 We are asked to have our engineer redesign the road bulb to extend bulb across to Jane Rd dedication previous taken & upgrade access

- > fronting Lot 6 to 1B. (We pay engineer to complete this.) Discussion of
- > Josephine Road access being blocked by our neighbour. You told Dave
- > to get it cleared.
- > We meet with Bart Chenuz and are told he was asked by you to work with us
- > and neighbour to clear access on Josephine rd.
- > May 2010 Highways contacts us to request another meeting. Meet with Tracey & Dave and are told that no bulb or extra property is required and
- > new revised PLA would be issued showing NO Bulb NO extra property.
- > Bart

Chenuz contacts us and tells us he is no longer following up with the blockage on Josephine Rd.

- > Numerous calls to Tracey and told that she has a big workload and it
- > will be processed.. NO PAPERWORK RCVD.
- > Sept 2010 We cancel our application to subdivide Lot 1-4 and again ask for
- > our access permits for the existing 4 lot subdivision. We want to start
- > construction on lot 1 and need to put in driveway. We are told that
- > we
- no
- > longer have the 2 accesses from Hwy 5 to access these 4 lots. We also ask
- > for the access permit for Lot 5, 6, 7 ,8. Sept 17th Meet with Dave & Tracey again as we are being held up with no revised paperwork being issued. We go over Lot 8 requirements and access is the only real issue.
- > We are told again that we do not want the extra property and bulb on lot
- > 8. We have already told you this in our previous meeting. We agree to disagree on the number of accesses and wait to have meeting with you. Tracey asked us to email her regarding this meeting. (Iâ€™ve attached that email.) Still no paperwork.
- > Nov 2010 Meet with you. We discuss the 3 access points from hwy 5
- > and

the final completion requirements to complete subdivision of Lot 8. We are

- > very frustrated as we are told one thing, but it always changes when the
- > paperwork is finally printed. Additional requirements or changes
- > always

are added into PLA that we do not discuss or agree to. It is now Nov. and we have not received paperwork to show all the changes that we both agreed to for completion of Lot 8 subdivision. This is why we have come

- > into the meeting prepared to give highways all documentation required
- > to

submit for final subdivision approval. You ask that we first discuss all

- > issues.
- > We all agree that this has to be the FINAL meeting for subdivision of Lot
- > 8. All issues are discussed and the final outcome was as follows.

Re-submit letter of approval from Interior Health, access to be upgraded to 1B and then all paperwork & survey plans submitted & fees paid. NO other requirements/changes will be added after this meeting.

- > We were concerned that we would agree to upgrade access and then like
- in
- > the past, paperwork would add additional requirements. Tracey tried
- > to

get you to agree to let Joan have final comment to add / change but you stopped her and said NO, this is our final meeting. There is to be no additional changes or requirements. Dave Schleppe stated "how many times

> do we have to tell you, we do not want the extra property or the bulb.

That it is not a condition of subdivision. We may be prepared to give back the property taken for Jane Road dedication but first need to check on a few things."

> We pulled apart our new engineered plan and submitted only the access

> engineered drawing for you to copy as there is NO future frontage rd.

No

> property to be taken to complete this subdivision.

> Still concerned that like in the past, we will walk out of this

> meeting

and decisions made would be changed or altered on the paperwork. As we are taking notes, we are asked to do the minutes of the meeting and submit

> them to highways. We all go over the notes, point by point to ensure

that what is written on the paper is exactly what we all agree to and nothing was missed and no additional requirements or changes will be added

> at a later date.

> Just as we suspected, on Tracey's reply to the minutes adds

> additional

requirements for final subdivision!

> * Item #4: third bullet - At the meeting, the Ministry could not confirm

> there were no other additional requirements for subdivision. The Ministry

> needed to review the PLA. The Ministry will review the PLA for Lot 8

> and

send an updated PLA to Danny.

> We did not agree to give any additional property for completion of

subdivision. No frontage road, no extra property, no bulb. If this was to be a requirement it would have been written into our minutes of the meeting as to what was still required to complete final subdivision. At no time when we were going over the final requirements was it noted that additional property was to be dedicated.

> Once again, we are confronted with what has been agreed to in our meeting, has been changed now that it is on official paperwork.

> This is why we asked at the beginning of our meeting to have the tape recorder on, so there would be no confusion as to what had been agreed to.

> We did not record this, so we are asking that you follow thru with your

> word and the agreements we both made in our final meeting for

> subdivision.

> We have followed up with letter from Interior Health and it has been

> forwarded to your office; we have hired the engineer to design the access

> on Lot 3, and have been told that this drawing should tentatively be ready

> before the end of December 2010.; we have constructed the access on

> Lot

1,

> and intend to start construction of the remaining 2 accesses in the spring. We are doing everything that we have agreed too, and now we are

> relying on you to uphold the decisions you made in this meeting. No other additional requirements/changes to complete subdivision except those above mentioned. Item # 2 of the PLA dated Dec 6/10 needs to be removed.

>

> Thank-you,

> Kelsey & Danny

>

>

>

>

From: Eland, Sherry TRAN:EX
Sent: Tuesday, December 14, 2010 1:25 PM
To: LeClair, Tracy TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: FW: Arundel's sub

Please comment back to me on this.

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Danny Arundel S22
Sent: Tuesday, December 14, 2010 1:13 PM
To: Eland, Sherry TRAN:EX
Subject: Re: Arundel's sub

Sherry,
I understand your comments below, that is why we followed up with your request in the spring to have the road redesigned to show bulb on the south end of Lot 8.

Please explain to us in more detail why then,

Spring of 2010 we are asked to redesign road to have bulb cross over Jane road dedication previously taken.

We proceed and have paid the engineer to redesign proposed rd. We have the new design in hand.

3 meetings after this we are told at each meeting no frontage rd no bulb.

We have been prepared since the spring to give the property needed for the future frontage road. We offered in our Sept. meeting to give the property needed for the bulb to cross over the jane road dedication and were told NO. We dont want the bulb or the property.

Finally, we have surveyor complete final mylars for subdivision as we have been told no road, no bulb.

Meeting in Nov, again states no road, no bulb.

We are told that the previous Jane road dedication was being looked at to be given back. How can this be given back if a road & bulb are in the picture?

Why are we asked to redesign road, then told NO road, then told jane rd may be returned and now dedication is once again needed for road & bulb?

We have gone to the expense of designing rd, redesigning over again as requested by your office and paying the surveyor and now once again highways office has changed their mind.

Thank-you for your prompt attention to this,

Kelsey & Danny

> Dear Danny & Kelsey - Although there have been many discussions and

meetings about your proposed subdivision, here is the final clarity you seek. I have reviewed the file with the Provincial Approving Officer and the requirements for subdivision.

>

> Nothing has changed except we no longer are requesting the covenant that restricts subdivision until a frontage road is constructed.

> You were previously granted relief from building the frontage road.

>

> We are looking at this lot as an independent subdivision, not as part of a larger development, although in reality we should be considering your entire 8 lots and future plans, but again have given you relief on this. When subdividing any lot along a Controlled Access Hwy, with limited access locations, we require confirmation that the existing Right of Way is sufficient to allow for construction of a frontage road and turn arounds. If not, dedication would be required. This is not out of the ordinary.

>

> It is extremely unlikely that Lot 8 could be further subdivided given the site constraints, therefore if we do not protect for a "bulb" now, the owners of Lots 8A and 8B will have people turning around in their driveways, not to mention where the maintenance vehicle are going to turn around.

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> You do not have to build the frontage road. If the ministry was to build a frontage road one day (once the lots are sold and houses built) with public money then by providing the dedication now we would have adequate space for that. We do not want to be negotiating to get room for the frontage road with future owners, who may have constructed improvements in a location that prevents proper road construction. Therefore as each lot is subdivided, whether by the yourselves or a future owner(s), we will be requiring dedication to encompass frontage road, if it's not too late. This requirement is set out in Legislation.

>

> -----Original Message-----

> From: Danny Arundel S22

> Sent: Monday, December 13, 2010 6:47 AM

> To: Eland, Sherry TRAN:EX

> Subject:

>

> Not sure if you were able to open this file so I have resent it in this email.

> Kelsey

>

>

> Thank-you for your quick reply.

> Let me refresh you on why we asked for another meeting with you. April 2010 We are asked to have our engineer redesign the road bulb to extend bulb across to Jane Rd dedication previously taken & upgrade access fronting Lot 6 to 1B. (We pay engineer to complete this.) Discussion of Josephine Road access being blocked by our neighbour. You told Dave to get it cleared.

> We meet with Bart Chenuz and are told he was asked by you to work with us
 > and neighbour to clear access on Josephine rd.
 > May 2010 Highways contacts us to request another meeting. Meet with Tracey & Dave and are told that no bulb or extra property is required and
 > new revised PLA would be issued showing NO Bulb NO extra property.
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 Chenuz contacts us and tells us he is no longer following up with the blockage on Josephine Rd.
 > Numerous calls to Tracey and told that she has a big workload and it
 > will be processed.. NO PAPERWORK RCVD.
 > Sept 2010 We cancel our application to subdivide Lot 1-4 and again ask for
 > our access permits for the existing 4 lot subdivision. We want to start
 > construction on lot 1 and need to put in driveway. We are told that
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 > longer have the 2 accesses from Hwy 5 to access these 4 lots. We also ask
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 > We are told again that we do not want the extra property and bulb on lot
 > 8. We have already told you this in our previous meeting. We agree to disagree on the number of accesses and wait to have meeting with you. Tracey asked us to email her regarding this meeting. (Iâ€™ve attached that email.) Still no paperwork.
 > Nov 2010 Meet with you. We discuss the 3 access points from hwy 5
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 > very frustrated as we are told one thing, but it always changes when the
 > paperwork is finally printed. Additional requirements or changes
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 are added into PLA that we do not discuss or agree to. It is now Nov. and we have not received paperwork to show all the changes that we both agreed to for completion of Lot 8 subdivision. This is why we have come
 > into the meeting prepared to give highways all documentation required
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 submit for final subdivision approval. You ask that we first discuss all
 > issues.
 > We all agree that this has to be the FINAL meeting for subdivision of Lot
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 Re-submit letter of approval from Interior Health, access to be upgraded to 1B and then all paperwork & survey plans submitted & fees paid. NO other requirements/changes will be added after this meeting.
 > We were concerned that we would agree to upgrade access and then like
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 get you to agree to let Joan have final comment to add / change but you stopped her and said NO, this is our final meeting. There is to be no additional changes or requirements. Dave Schleppe stated â€œ how many times
 > do we have to tell you, we do not want the extra property or the bulb. That it is not a condition of subdivision. We may be prepared to give back the property taken for Jane Road dedication but first need to check on a few things.â€œ
 > We pulled apart our new engineered plan and submitted only the access
 > engineered drawing for you to copy as there is NO future frontage rd.

No

- > property to be taken to complete this subdivision.
- > Still concerned that like in the past, we will walk out of this meeting and decisions made would be changed or altered on the paperwork. As we are taking notes, we are asked to do the minutes of the meeting and submit them to highways. We all go over the notes, point by point to ensure that what is written on the paper is exactly what we all agree to and nothing was missed and no additional requirements or changes will be added at a later date.
- > Just as we suspected, on Tracey's reply to the minutes adds additional requirements for final subdivision!
- > * Item #4: third bullet - At the meeting, the Ministry could not confirm there were no other additional requirements for subdivision. The Ministry needed to review the PLA. The Ministry will review the PLA for Lot 8 and send an updated PLA to Danny.
- > We did not agree to give any additional property for completion of subdivision. No frontage road, no extra property, no bulb. If this was to be a requirement it would have been written into our minutes of the meeting as to what was still required to complete final subdivision. At no time when we were going over the final requirements was it noted that additional property was to be dedicated.
- > Once again, we are confronted with what has been agreed to in our meeting, has been changed now that it is on official paperwork.
- > This is why we asked at the beginning of our meeting to have the tape recorder on, so there would be no confusion as to what had been agreed to.
- > We did not record this, so we are asking that you follow thru with your word and the agreements we both made in our final meeting for subdivision.
- > We have followed up with letter from Interior Health and it has been forwarded to your office; we have hired the engineer to design the access on Lot 3, and have been told that this drawing should tentatively be ready before the end of December 2010.; we have constructed the access on Lot 1, and intend to start construction of the remaining 2 accesses in the spring. We are doing everything that we have agreed too, and now we are relying on you to uphold the decisions you made in this meeting. No other additional requirements/changes to complete subdivision except those above mentioned. Item # 2 of the PLA dated Dec 6/10 needs to be removed.
- >
- > Thank-you,
- > Kelsey & Danny
- >
- >
- >
- >
- >
- >

From: Eland, Sherry TRAN:EX
Sent: Tuesday, December 14, 2010 9:24 AM
To: 'Danny Arundel'
Cc: LeClair, Tracy TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Arundel's sub

Dear Danny & Kelsey - Although there have been many discussions and meetings about your proposed subdivision, here is the final clarity you seek. I have reviewed the file with the Provincial Approving Officer and the requirements for subdivision.

Nothing has changed except we no longer are requesting the covenant that restricts subdivision until a frontage road is constructed.
You were previously granted relief from building the frontage road.

We are looking at this lot as an independent subdivision, not as part of a larger development, although in reality we should be considering your entire 8 lots and future plans, but again have given you relief on this. When subdividing any lot along a Controlled Access Hwy, with limited access locations, we require confirmation that the existing Right of Way is sufficient to allow for construction of a frontage road and turn arounds. If not, dedication would be required. This is not out of the ordinary.

It is extremely unlikely that Lot 8 could be further subdivided given the site constraints, therefore if we do not protect for a "bulb" now, the owners of Lots 8A and 8B will have people turning around in their driveways, not to mention where the maintenance vehicle are going to turn around.

You do not have to build the frontage road. If the ministry was to build a frontage road one day (once the lots are sold and houses built) with public money then by providing the dedication now we would have adequate space for that. We do not want to be negotiating to get room for the frontage road with future owners, who may have constructed improvements in a location that prevents proper road construction. Therefore as each lot is subdivided, whether by the yourselves or a future owner(s), we will be requiring dedication to encompass frontage road, if it's not too late. This requirement is set out in Legislation.

-----Original Message-----

From: Danny Arundel S22
Sent: Monday, December 13, 2010 6:47 AM
To: Eland, Sherry TRAN:EX
Subject:

Not sure if you were able to open this file so I have resent it in this email.
Kelsey

Thank-you for your quick reply.

Let me refresh you on why we asked for another meeting with you.

April 2010 We are asked to have our engineer redesign the road bulb to extend bulb across to Jane Rd dedication previously taken & upgrade access fronting Lot 6 to 1B. (We pay engineer to complete this.) Discussion of Josephine Road access being blocked by our neighbour. You told Dave to get it cleared.

We meet with Bart Chenuz and are told he was asked by you to work with us and neighbour to clear access on Josephine rd.

May 2010 Highways contacts us to request another meeting. Meet with Tracey & Dave and are told that no bulb or extra property is required and new revised PLA would be issued showing NO Bulb NO extra property. Bart Chenuz contacts us and tells us he is no longer following up with the blockage on Josephine Rd.

Numerous calls to Tracey and told that she has a big workload and it will be processed..
NO PAPERWORK RCVD.

Sept 2010 We cancel our application to subdivide Lot 1-4 and again ask for our access permits for the existing 4 lot subdivision. We want to start construction on lot 1 and need to put in driveway. We are told that we no longer have the 2 accesses from Hwy 5 to access these 4 lots. We also ask for the access permit for Lot 5, 6, 7, 8. Sept 17th Meet with Dave & Tracey again as we are being held up with no revised paperwork being issued. We go over Lot 8 requirements and access is the only real issue. We are told again that we do not want the extra property and bulb on lot 8. We have already told you this in our previous meeting. We agree to disagree on the number of accesses and wait to have meeting with you. Tracey asked us to email her regarding this meeting. (I've attached that email.) Still no paperwork.

Nov 2010 Meet with you. We discuss the 3 access points from hwy 5 and the final completion requirements to complete subdivision of Lot 8. We are very frustrated as we are told one thing, but it always changes when the paperwork is finally printed. Additional requirements or changes always are added into PLA that we do not discuss or agree to. It is now Nov. and we have not received paperwork to show all the changes that we both agreed to for completion of Lot 8 subdivision. This is why we have come into the meeting prepared to give highways all documentation required to submit for final subdivision approval. You ask that we first discuss all issues. We all agree that this has to be the FINAL meeting for subdivision of Lot 8. All issues are discussed and the final outcome was as follows. Re-submit letter of approval from Interior Health, access to be upgraded to 1B and then all paperwork & survey plans submitted & fees paid. NO other requirements/changes will be added after this meeting.

We were concerned that we would agree to upgrade access and then like in the past, paperwork would add additional requirements. Tracey tried to get you to agree to let Joan have final comment to add / change but you stopped her and said NO, this is our final meeting. There is to be no additional changes or requirements. Dave Schleppe stated "how many times do we have to tell you, we do not want the extra property or the bulb. That it is not a condition of subdivision. We may be prepared to give back the property taken for Jane Road dedication but first need to check on a few things."

We pulled apart our new engineered plan and submitted only the access engineered drawing for you to copy as there is NO future frontage rd. No property to be taken to complete this subdivision.

Still concerned that like in the past, we will walk out of this meeting and decisions made would be changed or altered on the paperwork. As we are taking notes, we are asked to do the minutes of the meeting and submit them to highways. We all go over the notes, point by point to ensure that what is written on the paper is exactly what we all agree to and nothing was missed and no additional requirements or changes will be added at a later date.

Just as we suspected, on Tracey's reply to the minutes adds additional requirements for final subdivision!

* Item #4: third bullet - At the meeting, the Ministry could not confirm there were no other additional requirements for subdivision. The Ministry needed to review the PLA. The Ministry will review the PLA for Lot 8 and send an updated PLA to Danny. We did not agree to give any additional property for completion of subdivision. No frontage road, no extra property, no bulb. If this was to be a requirement it would have been written into our minutes of the meeting as to what was still required to complete final subdivision. At no time when we were going over the final requirements was it noted that additional property was to be dedicated.

Once again, we are confronted with what has been agreed to in our meeting, has been changed now that it is on official paperwork.

This is why we asked at the beginning of our meeting to have the tape recorder on, so there would be no confusion as to what had been agreed to.

We did not record this, so we are asking that you follow thru with your word and the agreements we both made in our final meeting for subdivision.

We have followed up with letter from Interior Health and it has been forwarded to your office; we have hired the engineer to design the access on Lot 1, and have been told that this drawing should tentatively be ready before the end of December 2010.; we have constructed the access on Lot 1, and intend to start construction of the remaining 2 accesses in the spring. We are doing everything that we have agreed too, and now we are relying on you to uphold the decisions you made in this meeting. No other additional requirements/changes to complete subdivision except those above mentioned. Item # 2 of the PLA dated Dec 6/10 needs to be removed.

Thank-you,
Kelsey & Danny

From: Brickwood, Joan E. TRAN:EX
Sent: Tuesday, December 14, 2010 9:03 AM
To: LeClair, Tracy TRAN:EX; Eland, Sherry TRAN:EX
Subject: RE: Arundel's sub

I reviewed the file and the requirements of subdivision.
Nothing has changed except we no longer are requesting the covenant that restricts subdivision until a frontage road is constructed.
The Arundels were previously granted relief from building the frontage road.

I am looking at this lot as an independent subdivision, not as part of a larger development (which really I shouldn't be doing). If this were any lot along a CA Hwy, with limited access locations, I would require confirmation that the existing Right of Way is sufficient to allow for construction of a frontage road and turn arounds. If not, dedication would be required. This is not out of the ordinary.

It is extremely unlikely that lot 8 could be further subdivided given the site constraints, therefore if we do not protect for a "bulb" now, the owners of Lots 8A and 8B will have people turning around in their driveways, not to mention where the maintenance vehicle are going to turn around.

The Arundels do not have to build the frontage road. The ministry will be building it one day (once the lots are sold and houses built) with public money. We do not need to be negotiating to get room for the frontage road with future owners, who may have constructed improvements in a location that prevents proper road construction. Therefore as each lot is subdivided, whether by the Arundels or future owner, we will be requiring dedication to encompass frontage road, if it; not too late. This requirement is set out in Legislation.

It was my understanding that the last meeting was about access to the CA hwy and not about the subdivision requirements.

I would greatly appreciate being including in meetings that involve discussion about subdivision requirements.

Thank you
Joan

-----Original Message-----

From: LeClair, Tracy TRAN:EX
Sent: Monday, December 13, 2010 10:49 AM
To: Brickwood, Joan E. TRAN:EX
Subject: FW: Arundel's sub

FYI

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm
P Please consider the environment before printing this email

-----Original Message-----

From: Eland, Sherry TRAN:EX
Sent: Monday, December 13, 2010 9:41 AM
To: LeClair, Tracy TRAN:EX

Subject: Arundel's sub

You'll need to go over this again with me this week.

Sherry Eland

District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805

cell 250 318-3134

fax 250 371-3848

-----Original Message-----

From: Danny Arundel S22

Sent: Monday, December 13, 2010 6:47 AM

To: Eland, Sherry TRAN:EX

Subject:

Not sure if you were able to open this file so I have resent it in this email.
Kelsey

Thank-you for your quick reply.

Let me refresh you on why we asked for another meeting with you.

April 2010 We are asked to have our engineer redesign the road bulb to extend bulb across to Jane Rd dedication previously taken & upgrade access fronting Lot 6 to 1B. (We pay engineer to complete this.) Discussion of Josephine Road access being blocked by our neighbour. You told Dave to get it cleared.

We meet with Bart Chenuz and are told he was asked by you to work with us and neighbour to clear access on Josephine rd.

May 2010 Highways contacts us to request another meeting. Meet with Tracey & Dave and are told that no bulb or extra property is required and new revised PLA would be issued showing NO Bulb NO extra property. Bart Chenuz contacts us and tells us he is no longer following up with the blockage on Josephine Rd.

Numerous calls to Tracey and told that she has a big workload and it will be processed..
NO PAPERWORK RCVD.

Sept 2010 We cancel our application to subdivide Lot 1-4 and again ask for our access permits for the existing 4 lot subdivision. We want to start construction on lot 1 and need to put in driveway. We are told that we no longer have the 2 accesses from Hwy 5 to access these 4 lots. We also ask for the access permit for Lot 5, 6, 7, 8. Sept 17th Meet with Dave & Tracey again as we are being held up with no revised paperwork being issued. We go over Lot 8 requirements and access is the only real issue.

We are told again that we do not want the extra property and bulb on lot

8. We have already told you this in our previous meeting. We agree to

disagree on the number of accesses and wait to have meeting with you.

Tracey asked us to email her regarding this meeting. (I've attached that email.) Still no paperwork.

Nov 2010 Meet with you. We discuss the 3 access points from hwy 5 and the final completion requirements to complete subdivision of Lot 8. We are very frustrated as we are told one thing, but it always changes when the paperwork is finally printed.

Additional requirements or changes always

are added into PLA that we do not discuss or agree to. It is now Nov.

and we have not received paperwork to show all the changes that we both

agreed to for completion of Lot 8 subdivision. This is why we have come

into the meeting prepared to give highways all documentation required to submit for final subdivision approval. You ask that we first discuss all issues.

We all agree that this has to be the FINAL meeting for subdivision of Lot 8. All issues are discussed and the final outcome was as follows.

Re-submit letter of approval from Interior Health, access to be upgraded to 1B and then all paperwork & survey plans submitted & fees paid. NO other requirements/changes will be added after this meeting.

We were concerned that we would agree to upgrade access and then like in the past, paperwork would add additional requirements. Tracey tried to get you to agree to let Joan

have final comment to add / change but you stopped her and said NO, this is our final meeting. There is to be no additional changes or requirements. Dave Schleppe stated "how many times do we have to tell you, we do not want the extra property or the bulb. That it is not a condition of subdivision. We may be prepared to give back the property taken for Jane Road dedication but first need to check on a few things."

We pulled apart our new engineered plan and submitted only the access engineered drawing for you to copy as there is NO future frontage rd. No property to be taken to complete this subdivision.

Still concerned that like in the past, we will walk out of this meeting and decisions made would be changed or altered on the paperwork. As we are taking notes, we are asked to do the minutes of the meeting and submit them to highways. We all go over the notes, point by point to ensure that what is written on the paper is exactly what we all agree to and nothing was missed and no additional requirements or changes will be added at a later date.

Just as we suspected, on Tracey's reply to the minutes adds additional requirements for final subdivision!

* Item #4: third bullet - At the meeting, the Ministry could not confirm there were no other additional requirements for subdivision. The Ministry needed to review the PLA. The Ministry will review the PLA for Lot 8 and send an updated PLA to Danny.

We did not agree to give any additional property for completion of subdivision. No frontage road, no extra property, no bulb. If this was to be a requirement it would have been written into our minutes of the meeting as to what was still required to complete final subdivision. At no time when we were going over the final requirements was it noted that additional property was to be dedicated.

Once again, we are confronted with what has been agreed to in our meeting, has been changed now that it is on official paperwork.

This is why we asked at the beginning of our meeting to have the tape recorder on, so there would be no confusion as to what had been agreed to.

We did not record this, so we are asking that you follow thru with your word and the agreements we both made in our final meeting for subdivision.

We have followed up with letter from Interior Health and it has been forwarded to your office; we have hired the engineer to design the access on Lot 3, and have been told that this drawing should tentatively be ready before the end of December 2010.; we have constructed the access on Lot 1, and intend to start construction of the remaining 2 accesses in the

spring. We are doing everything that we have agreed too, and now we are relying on you to uphold the decisions you made in this meeting. No other additional requirements/changes to complete subdivision except those above mentioned. Item # 2 of the PLA dated Dec 6/10 needs to be removed.

Thank-you,
Kelsey & Danny

Received
JAN 10 2011
TRA-2012-00039
Page 240

From: Eland, Sherry TRAN:EX
Sent: Monday, December 13, 2010 9:45 AM
To: LeClair, Tracy TRAN:EX
Subject: FW: MoT Amended PLA dated December 6, 2010
Attachments: IMG.pdf; Dec 2010.wps

Look at this as well please. Did I tell them the right thing?

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Danny Arundel S22
Sent: Sunday, December 12, 2010 1:44 PM
To: Eland, Sherry TRAN:EX
Subject: Re: MoT Amended PLA dated December 6, 2010

Thanks for your quick reply. Please see attached.
We look forward to hearing back from you.
Thanks,
Kelsey & Danny

> Danny - I apologize for any confusion. However we've been clear that
> the
property dedication along Hwy 5 at Lot 8 was a condition of subdivision and the dimensions
of that dedication would be adequate to contain a future frontage road with bulb which is
shown on your engineered drawings.

> The amendment was based on your change of plans and therefore we've
> agreed you do not have to construct the frontage road with bulb.

However

> I will review it again myself next week and give you clear direction
> on

the matter. I don't believe anything was added to the PLA, just an amendment to deal with
your additional access points.

>

> ----- Original Message -----

> From: Danny Arundel S22
> Sent: Friday, December 10, 2010 07:11 PM
> To: Eland, Sherry TRAN:EX
> Subject: Re: MoT Amended PLA dated December 6, 2010

>

> In our meeting, we were prepared to hand in all documentation to ask
> for

final approval and pay fees required as we had already met everything that
> was required to subdivide lot 8. (Access in place in 2 different
locations and all requirements for other agencies had been received.) No-one wanted to
take this from us, as you first wanted to discuss our issues. After discussing all issues
from both sides, we all agreed that

> we would resubmit final survey plan & paperwork required (after access
is

> built), upgrade the access fronting Lot 6 already in place from the
oversized farm access to a 18 standard and get another letter of approval

> from Interior health. We all reviewed these requirements and finally
everyone was content with final subdivision requirements. We then confronted you and said
"this is great here and now, but as soon as it is

> put onto paperwork, everything agreed to is changed". You assured us this

> was not going to happen this time. This meeting was to finalize everything that was required to complete final subdivision of Lot 8 and that nothing further was to be added or changed at a later date. We were

> not going to have to have another meeting to discuss this meeting and what

> was agreed to and/or changed. We all reviewed the 1B access, letter from

> interior health, and final subdivision survey and paperwork requirements.

> There was NO OTHER REQUIREMENTS NEEDED! The last thing we did prior to finishing the meeting was to once again go over the minutes of the meeting

> and we point blanked asked "was there any thing else that you wanted added

> or changed." Nothing was to be added or changed and we all agreed

> that

this was final for subdivision aproval and this was not going to be changed and continue going in circles and going nowhere. At NO time did we agree to give back additional property. The discussion on property was

> from both you and Dave Scheleppie stating that we do not want the property

> or the bulb and that we also may be prepared to give back the property taken for jane road dedication but first need to check on a few things.

Numerous times in this meeting it was said that there was to be NO frontage road and NO property was to be taken. Your new PLA is a complete

> contradiction to what you required to in our meeting. What is the

> point

of having a meeting to finalize subdivsion requirements, if your word is a

> bunch of BS.

>

> Please reply ASAP,

>

> Thanks,

>

> Very Flusterated,

> Danny & Kelsey

>

>> Hi Danny - I understand there is no frontage road. However, you

>> still

> have to make the road dedication as per the original PLA.

>> Sherry Eland

>> District Manager Transportation & Infrastructure Director Provincial

> Sign

>> Program office 250 371-3805

>> cell 250 318-3134

>> fax 250 371-3848

>> -----Original Message-----

>> From: Danny Arundel S22

>> Sent: Monday, December 6, 2010 2:04 PM

>> To: Eland, Sherry TRAN:EX

>> Subject: [Fwd: MoT Amended PLA dated December 6, 2010] Goodafternoon,

>> We just received amended PLA and just as we suspected, Tracey has

>> added

> into it additional requirements. This is NOT to what we agreed to in our

>> meeting! It was agreed that only what we discussed and agreed to was

> needed for completion of subdivision. No other meeting or continuation of

>> discussing changes requiremed to complete. There is NO FRONTAGE ROAD.

> Item

>> # 2 needs to be removed from this amendment. It was agreed that NO
> bulb,
>> NO additional property required. Please review our minutes of last
> meeting.
>> Thanks
>> Kelsey & Danny

>> ----- Original Message

>> -----

>
>
>
>
>
>
>

DATE: 10/10/2012
TIME: 10:40 AM
FROM: Kelsey & Danny
SUBJECT: [REDACTED]

For approval
of the Board,
We the undersigned

10/10/2012 10:40 AM. Please review the minutes of last meeting, it was
overlooked for a moment to a 10 standard. We are not
in a position to do this. We are not in a position to do this.
everyone was involved with this subdivision. This is
"this is going to be done now, but it is"

From: Eland, Sherry TRAN:EX
Sent: Monday, December 13, 2010 9:41 AM
To: LeClair, Tracy TRAN:EX
Subject: Arundel's sub

You'll need to go over this again with me this week.

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Danny Arundel S22
Sent: Monday, December 13, 2010 6:47 AM
To: Eland, Sherry TRAN:EX
Subject:

Not sure if you were able to open this file so I have resent it in this email.
Kelsey

Thank-you for your quick reply.

Let me refresh you on why we asked for another meeting with you.

April 2010 We are asked to have our engineer redesign the road bulb to extend bulb across to Jane Rd dedication previously taken & upgrade access fronting Lot 6 to 1B. (We pay engineer to complete this.) Discussion of Josephine Road access being blocked by our neighbour. You told Dave to get it cleared.

We meet with Bart Chenuz and are told he was asked by you to work with us and neighbour to clear access on Josephine rd.

May 2010 Highways contacts us to request another meeting. Meet with Tracey & Dave and are told that no bulb or extra property is required and new revised PLA would be issued showing NO Bulb NO extra property. Bart Chenuz contacts us and tells us he is no longer following up with the blockage on Josephine Rd.

Numerous calls to Tracey and told that she has a big workload and it will be processed..
NO PAPERWORK RCVD.

Sept 2010 We cancel our application to subdivide Lot 1-4 and again ask for our access permits for the existing 4 lot subdivision. We want to start construction on lot 1 and need to put in driveway. We are told that we no longer have the 2 accesses from Hwy 5 to access these 4 lots. We also ask for the access permit for Lot 5, 6, 7, 8. Sept 17th Meet with Dave & Tracey again as we are being held up with no revised paperwork being issued. We go over Lot 8 requirements and access is the only real issue.

We are told again that we do not want the extra property and bulb on lot 8. We have already told you this in our previous meeting. We agree to disagree on the number of accesses and wait to have meeting with you.

Tracey asked us to email her regarding this meeting. (I've attached that email.) Still no paperwork.

Nov 2010 Meet with you. We discuss the 3 access points from hwy 5 and the final completion requirements to complete subdivision of Lot 8. We are very frustrated as we are told one thing, but it always changes when the paperwork is finally printed. Additional requirements or changes always are added into PLA that we do not discuss or agree to. It is now Nov. and we have not received paperwork to show all the changes that we both agreed to for completion of Lot 8 subdivision. This is why we have come into the meeting prepared to give highways all documentation required to submit for final subdivision approval. You ask that we first discuss all issues.

We all agree that this has to be the FINAL meeting for subdivision of Lot 8. All issues are discussed and the final outcome was as follows. Re-submit letter of approval from Interior Health, access to be upgraded to 1B and then all paperwork & survey plans submitted & fees paid. NO other requirements/changes will be added after this meeting.

We were concerned that we would agree to upgrade access and then like in the past, paperwork would add additional requirements. Tracey tried to get you to agree to let Joan have final comment to add / change but you stopped her and said NO, this is our final meeting. There is to be no additional changes or requirements. Dave Schleppe stated "how many times do we have to tell you, we do not want the extra property or the bulb. That it is not a condition of subdivision. We may be prepared to give back the property taken for Jane Road dedication but first need to check on a few things."

We pulled apart our new engineered plan and submitted only the access engineered drawing for you to copy as there is NO future frontage rd. No property to be taken to complete this subdivision.

Still concerned that like in the past, we will walk out of this meeting and decisions made would be changed or altered on the paperwork. As we are taking notes, we are asked to do the minutes of the meeting and submit them to highways. We all go over the notes, point by point to ensure that what is written on the paper is exactly what we all agree to and nothing was missed and no additional requirements or changes will be added at a later date.

Just as we suspected, on Tracey's reply to the minutes adds additional requirements for final subdivision!

* Item #4: third bullet - At the meeting, the Ministry could not confirm there were no other additional requirements for subdivision. The Ministry needed to review the PLA. The Ministry will review the PLA for Lot 8 and send an updated PLA to Danny.

We did not agree to give any additional property for completion of subdivision. No frontage road, no extra property, no bulb. If this was to be a requirement it would have been written into our minutes of the meeting as to what was still required to complete final subdivision. At no time when we were going over the final requirements was it noted that additional property was to be dedicated.

Once again, we are confronted with what has been agreed to in our meeting, has been changed now that it is on official paperwork.

This is why we asked at the beginning of our meeting to have the tape recorder on, so there would be no confusion as to what had been agreed to.

We did not record this, so we are asking that you follow thru with your word and the agreements we both made in our final meeting for subdivision.

We have followed up with letter from Interior Health and it has been forwarded to your office; we have hired the engineer to design the access on Lot 3, and have been told that this drawing should tentatively be ready before the end of December 2010.; we have constructed the access on Lot 1, and intend to start construction of the remaining 2 accesses in the

spring. We are doing everything that we have agreed too, and now we are relying on you to uphold the decisions you made in this meeting. No other additional requirements/changes to complete subdivision except those above mentioned. Item # 2 of the PLA dated Dec 6/10 needs to be removed.

Thank-you,
Kelsey & Danny

From: LeClair, Tracy TRAN:EX
Sent: Monday, December 6, 2010 4:26 PM
To: Eland, Sherry TRAN:EX
Subject: FW: [Fwd: MoT Amended PLA dated December 6, 2010]
Attachments: untitled-1.2; 15367 PLA December 2010.pdf

In our meeting on November 4, 2010, the Ministry could not confirm if there were additional requirements for the subdivision and the Ministry needed to review the PLA and the PLA amendment history. Tracy clearly identified this in her email dated November 30, 2010 in response to the Ministries review of your meeting minutes.

The PLA Dated March 8, 2010 clearly identifies frontage road design and road dedication to encompass all road works (item #1). On April 17, 2010, the Ministry amended the PLA to address additional intersection and access requirements. The frontage road requirement was never removed/amended. The Ministry is amending the original condition (item #1 on PLA dated March 8, 2010) to request road dedication, as per the Design Drawings prepared by CTQ Consultants Ltd. As such it remains a subdivision requirement.

The Approving Officer has reviewed all the pertinent information and the meeting minutes. She requires all conditions of the PLA dated December 6, 2010 to be completed prior to final subdivision approval.

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm
P Please consider the environment before printing this email

-----Original Message-----

From: Eland, Sherry TRAN:EX
Sent: Monday, December 6, 2010 3:48 PM
To: LeClair, Tracy TRAN:EX
Subject: FW: [Fwd: MoT Amended PLA dated December 6, 2010]

Please prepare a response for me to send Danny.

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office
250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Danny Arundel S22
Sent: Monday, December 6, 2010 2:04 PM
To: Eland, Sherry TRAN:EX
Subject: [Fwd: MoT Amended PLA dated December 6, 2010]

Goodafternoon,

We just received amended PLA and just as we suspected, Tracey has added into it additional requirements. This is NOT to what we agreed to in our meeting! It was agreed that only what we discussed and agreed to was needed for completion of subdivision. No other meeting or continuation of discussing changes required to complete. There is NO FRONTAGE ROAD.

Item # 2 needs to be removed from this amendment. It was agreed that NO bulb, NO additional property require. Please review our minutes of 1 meeting.

Thanks

Kelsey & Danny

----- Original Message -----

Subject: MoT Amended PLA dated December 6, 2010

From: "LeClair, Tracy TRAN:EX" <Tracy.LeClair@gov.bc.ca>

Date: Mon, December 6, 2010 1:32 pm

To: "Danny Arundel" S22

Cc: "Eland, Sherry TRAN:EX" <Sherry.Eland@gov.bc.ca>

"Schleppe, Dave TRAN:EX" <Dave.Schleppe@gov.bc.ca>

"Brickwood, Joan E. TRAN:EX" <Joan.Brickwood@gov.bc.ca>

"Barb Jackson" <b.jackson@tnrd.bc.ca>

Good Afternoon Danny,

Enclosed is the amended Preliminary Layout Approval.

<<15367 PLA December 2010.pdf>>

If you have any questions please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.

Senior District Development Technician

Ministry of Transportation and Infrastructure Thompson-Nicola District

#127 - 447 Columbia Street

Kamloops, BC

Phone: (250) 371-3845

Fax: (250) 371-3848

www.th.gov.bc.ca/permits.htm

P Please consider the environment before printing this email

From: LeClair, Tracy TRAN:EX
Sent: Monday, December 6, 2010 1:33 PM
To: 'Danny Arundel'
Cc: Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX; Brickwood, Joan E. TRAN:EX; 'Barb Jackson'
Subject: MoT Amended PLA dated December 6, 2010

Good Afternoon Danny,

Enclosed is the amended Preliminary Layout Approval.



15367 PLA
December 2010.pd

If you have any questions please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email



Daniel Arundel

S22

Our File 02-015-15367

Date (yyyy/mm/dd) 2010/12/06

Proposed Subdivision of Lot 8, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP86170

This Preliminary Layout Approval (PLA) amends and replaces the PLA dated March 8, 2010 and is valid for one (1) year from the date of this letter. The PLA is issued based on the Drawing No. 073083 PR 5 dated May 7, 2008 and prepared by Coster and Singer, BC and Canada Land Surveyors.

1. One (1) Controlled Access to the Yellowhead Highway #5 to serve Lots 5, 6, 7 & 8 (Proposed Lots A and B) is to be designed by a Professional Engineer, constructed and paved to a Type 1B Standard as per Section 730 of the BC Supplement to TAC Geometric Design Guide, prior to final subdivision approval. The Ministry has CTQ Consultants Ltd. Frontage Road Plan and Profile Stations 1+360 – 1+720 Drawing No.C-02 Rev. No.1 dated August 2009, the Ministry will require confirmation CTQ has been retained as the Engineer of record. If another Engineering firm has been retained, new design drawings are to be submitted to the Ministry for review and approval.

The Ministry has a permit application, File #2010-06282, for the access construction and operation. The Ministry will issue a permit once the above information has been confirmed or provided.

A Traffic Control Plan is to be submitted to the Ministry for review prior to commencement of works along the travelled portion of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road Ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company.

Please note, the Ministry recommends the applicant evaluate the controlled access to the Yellowhead Highway #5 fronting Lot 6 as the access construction may constrain future building sites for Lot 6. Prior to the Ministry issuing a controlled access permit to Lot 6, the Ministry will require written confirmation if the access location fronting Lot 6 is the developers location of choice.

2. Proposed Frontage Road is to be dedicated, complete with a minimum 18m radius cul-de-sac, ditches and 3 meters beyond the toe of the slope, fronting Proposed Lots A and B. The cul-de-sac may either be located at the south boundary of Proposed Lot A or between Proposed Lots A and B. The frontage road dedication is to conform to the original design prepared by CTQ Consultants Ltd. Drawing No. G-01 dated August 2009.
3. Existing restrictive geotechnical covenant LB0176269 on Lot 8 Plan KAP86170 to be transferred to all proposed lots.

Provincial records indicate that proposed development is located within an area with the potential to contain archaeological sites protected by the Heritage Conservation Act. However, the likelihood for the development activity to impact on archaeological resources is thought to be minimal. As such, the Provincial Approving Officer has no objections to the proposed development proceeding without the need for an archaeological impact assessment.

Local District Address

Thompson Nicola District
#127-447 Columbia Street
Kamloops, BC
Phone:250-828-4002 Fax:250-371-3848

H0343a-das (2006/091)

Page 1 of 2

Permit #2010-06282
issued Mar 8/11
rugs CTQ submitted
approved by H0343a
Feb 15 2011

Revised Plan
submitted Jan 18/11
referred to TPRS
dated Feb 7/11
approv's revised plan

December 6, 2010

However, the applicant should be aware that there is still a chance the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads and other stone tools, or even buried human remains. If such material is encountered during demolition or construction, a *Heritage Conservation Act* Permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Please contact the Archaeology and Registry Services Branch immediately at (250) 952-4300 if archaeological site deposits are encountered on the subject property.

The approval granted is only for the general layout of the subdivision and is valid for one year from the date of 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, including remainders, created by the plan and made payable in the form of a cheque to the Minister of Finance.

If you have any questions please do not hesitate to call Tracy LeClair at (250) 371-3845.
(Name of Technician)

Yours truly,



Ministry of Transportation and Infrastructure

cc: THOMPSON-NICOLA REGIONAL DISTRICT (SD-P-161)

From: Eland, Sherry TRAN:EX
Sent: Thursday, December 2, 2010 4:12 PM
To: 'Danny Arundel'
Cc: LeClair, Tracy TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: RE: [Fwd: MoT Meeting November 4, 2010 - Meeting Minutes]

Hi Danny - Thank you for the email. The PLA is being amended to reflect the outstanding requirements for the subdivision. Tracy is working on it and will try to get it to you next week.

Great to hear about the engineered drawings (haven't received them yet) and the interior health letter has been received.

The Lot 1 permit notation in the minutes is just so we all know it was completed.

Tracy is working on the permit for access construction, but we understood there was no rush as construction cannot commence until the spring.

As to Josephine Road, the neighbour has moved his truck so there should be no problems. So let's be sure to practice our good neighbour policy.

Sherry Eland
District Manager Transportation & Infrastructure Director Provincial Sign Program office 250 371-3805
cell 250 318-3134
fax 250 371-3848

-----Original Message-----

From: Danny Arundel S22
Sent: Tuesday, November 30, 2010 1:30 PM
To: Eland, Sherry TRAN:EX
Subject: [Fwd: MoT Meeting November 4, 2010 - Meeting Minutes]

Sherry,
Please review letter from Tracey as the comment I've listed below (Item#4) is inaccurate.

In our meeting it was confirmed that there was no other reviewing/changing to be done on lot 8 and only what was discussed and confirmed in our meeting was outstanding. It was not an opportunity to rewrite a new PLA. (In our meeting, tracey tried to leave it as an opportunity for Joan to rewrite PIA and you stopped her immediately.)

We have an engineer working on completing an engineered drawing as required and have followed up with interior health and a letter has been forwarded to your office from them.

Also, Tracey letter states that we should add that the permit for Lot 1 has been issued. This does not make any sense, as this is referring to our meeting minutes, not what has been issued afterwards.

I've attached the minutes for you to review. Could you please follow-up with us as soon as possible.

Next, we are still waiting on the works permit that was to be issued on Tracey's return from holidays for Lot 5,6,7,8 based on the drawings submitted in our meeting. We still have not received.

You have asked us to refrain from using Josephine road (Which we have) to give you the opportunity to figure out usage. We have not had any reply, What is happening?

Thanks,
Kelsey & Danny

* Item #4: third bullet - At the meeting, the Ministry could not confirm there were no other additional requirements for subdivision. The Ministry needed to review the PLA. The Ministry will review the PLA for Lot 8 and send an updated PLA to Danny.

----- Original Message -----

Subject: MoT Meeting November 4, 2010 - Meeting Minutes
From: "LeClair, Tracy TRAN:EX" <Tracy.LeClair@gov.bc.ca>
Date: Tue, November 30, 2010 9:27 am
To: "Danny Arundel" S22
Cc: "Eland, Sherry TRAN:EX" <Sherry.Eland@gov.bc.ca>
"Schleppe, Dave TRAN:EX" <Dave.Schleppe@gov.bc.ca>

Hello Danny/Kelsey

The Ministry has reviewed the minutes you submitted on November 22, 2010 and has the following changes:

- * Dave's last name is Schleppe not Sleppe
- * Item #1 - should read "Engineer drawing submitted".
- * Item #2 - the permit for a residential access to Lot 1 was issued November 5, 2010 (Permit #2009-06899), can you make a note this item has been completed.
- * Item #4: third bullet - At the meeting, the Ministry could not confirm there were no other additional requirements for subdivision. The Ministry needed to review the PLA. The Ministry will review the PLA for Lot 8 and send an updated PLA to Danny.

Thank you for the opportunity to comment,

Regards,
Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm
P Please consider the environment before printing this email

From: Brickwood, Joan E. TRAN:EX
Sent: Thursday, December 2, 2010 4:12 PM
To: LeClair, Tracy TRAN:EX
Subject: RE: Arundel PLA Amendment

Thank you Tracy,

In the 1st sentence include wording identifying the drawing the PLA is being issued based upon – Coster and Singer plan dated May 7, 2008.

Condition 1 - access to serve Lots 5, 6, 7, and 8 (proposed Lots A and B) is to be

Has the permit application been made for this access location?

If it hasn't make submission of the application a condition and include the wording of your last sentence regarding Ministry will issue permit for the access and construction once the drawings have been submitted and reviewed.

If they have made the application, make note that we have received the application dated xxxx and the Ministry will issue permit for the access and construction once the drawings have been submitted and reviewed.

We want to limit the application submission confusion, if we can.

Include arch clause

Please issue amended PLA as recommended with the above changes as appropriate.

Thanks

Joan Brickwood

Provincial Approving Officer
Ministry of Transportation and Infrastructure
Thompson Nicola and Cariboo Districts
127-447 Columbia St Kamloops V2C 2T3
Ph: 250 371-3803
Fax: 250 371-3848
Joan.Brickwood@gov.bc.ca
www.th.gov.bc.ca/DA/Subdivision_Home.asp

From: LeClair, Tracy TRAN:EX
Sent: Friday, November 19, 2010 1:54 PM
To: Brickwood, Joan E. TRAN:EX
Subject: Arundel PLA Amendment



Hi Joan,

The Arundels have requested an amendment to the PLA dated March 8, 2010 to advise of any outstanding items required for their subdivision of Lot 8.

I sent an email to you on October 6, 2010 (attached) outlining the Arundels request and the District recommendations. Since then, a few meetings have occurred with the Arundels and the District recommendations have changed as follows:

<< File: 20101119135231.pdf >>

This Preliminary Layout Approval (PLA) amends and replaces the PLA dated March 8, 2010 and is valid for one (1) year from the date of this letter

- One (1) Controlled Access  the Yellowhead Highway #5 to serve Lots , 7 & 8 is to be designed by a Professional Engineer, constructed and paved to a Type 1B Standard, as per Section 730 of the BC Supplement to TAC Geometric Design Guide, prior to final subdivision approval. The design drawings are to be submitted to the Ministry for review and approval. The Ministry will issue a permit for the access and construction once the drawings have been submitted and reviewed.

A Traffic Control Plan is to be submitted to the Ministry for review prior to commencement of works along the travelled portion of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road Ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company.

Please note, the Ministry recommends the applicant evaluate the controlled access to the Yellowhead Highway #5 fronting Lot 6 as the access construction may constrain future building sites for Lot 6. Prior to the Ministry issuing a controlled access permit to Lot 6, the Ministry will require written confirmation if the access location fronting Lot 6 is the developers location of choice.

- Proposed Frontage Road is to be dedicated, complete with a minimum 18m radius cul-de-sac, ditches and 3 meters beyond the toe of the slope, fronting Proposed Lots A and B. The cul-de-sac may either be located at the south boundary of Proposed Lot A or between Proposed Lots A and B. The frontage road dedication is to conform to the original design prepared by CTQ Consultants Ltd. Drawing No. G-01 dated August 2009.
- In light of asking for road dedication fronting the Proposed subdivision of Lot 8, the Districts recommends removing condition #4 requiring a covenant for "no further subdivision until frontage road is constructed". The District is of the opinion any further subdivision of the Lots 5, 6 & 7 will result in additional frontage road dedication and potential road construction.
- All other items of the PLA mentioned in my email dated October 6, 2010 have been addressed.

Please let me know your thoughts on the Districts decision,

Thanks,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm



Please consider the environment before printing this email

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, November 30, 2010 9:28 AM
To: 'Danny Arundel'
Cc: Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX
Subject: MoT Meeting November 4, 2010 - Meeting Minutes

Hello Danny/Kelsey


The Ministry has reviewed the minutes you submitted on November 22, 2010 and has the following changes:

- Dave's last name is Schleppe not Sleppe
- Item #1 - should read "Engineer drawing submitted".
- Item #2 – the permit for a residential access to Lot 1 was issued November 5, 2010 (Permit #2009-06899), can you make a note this item has been completed.
- Item #4: third bullet – At the meeting, the Ministry could not confirm there were no other additional requirements for subdivision. The Ministry needed to review the PLA. The Ministry will review the PLA for Lot 8 and send an updated PLA to Danny.

Thank you for the opportunity to comment,

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

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LeClair, Tracy TRAN:EX

From: Schleppe, Dave TRAN:EX
Sent: Wednesday, November 24, 2010 4:10 PM
To: LeClair, Tracy TRAN:EX; Eland, Sherry TRAN:EX
Subject: RE: Request: Review Arundels Meeting Minutes

My name is spelled wrong. ☺ Item #1 should be "an engineered drawing submitted"

Dave Schleppe
District Program Manager
Ministry of Transportation and Infrastructure
Thompson Nicola District
Phone: (250) 371-3815
Cell: (250) 851-6001
Fax: (250) 371-3848
e:mail: Dave.Schleppe@gov.bc.ca

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, November 24, 2010 3:50 PM
To: Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX
Subject: Request: Review Arundels Meeting Minutes

Hi Sherry/Dave,

Attached are the Arundels meeting minutes from our meeting November 4, 2010. Please review the minutes and advise of any changes.

<< File: Arundels Meeting Minutes November 4, 2010.pdf >>

Thanks.

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

November 4, 2010

Attn: Tracey

Here is what has been agreed to in our meeting involving access to our 8 lot subdivision, as well as final requirements to complete subdivision of Lot 8.

Present at the meeting:

Sherry Eland, Dave Sleppie, Tracey Leclair

Danny Arundel, Kelsey Kashluba

1. Access that is currently in place in front of Lot 6 for Lot 5-8 will be upgraded to a 1B standard. (Drawing submitted at meeting. To be constructed in the Spring 2011)
2. Access to Lot 1 will be by driveway permit. (Works on right of way given Immediately)
3. Access to Lot 2-4 will be upgraded from the current driveway to a 1B standard. (Engineered drawing to be submitted. To be constructed in the spring 2011)
4. Lot 8-Subdivision final approval complete with the following:
 - Letter of approval from interior health
 - Submission of final survey plan, paperwork to show taxes are paid in full and fees required for completion.
 - No other or additional requirements for subdivision of Lot 8 will be added at a later date.

Danny Arundel

Kelsey Kashluba



From: Mahler, Ted [Ted.Mahler@interiorhealth.ca]
Sent: Friday, November 5, 2010 1:47 PM
To: LeClair, Tracy TRAN:EX
Subject: letter
Attachments: [Untitled].pdf

Hi Tracy,

As requested, I have attached Interior Health's letter, dated December 18, 2007, regarding an Arundel subdivision.

Ted

Ted Mahler
Environmental Health Officer/
Drinking Water Officer
Interior Health Authority
519 Columbia Street
Kamloops, BC V2C 2T8
phone: 250.851.7349
fax: 250.851.7341
email: ted.mahler@interiorhealth.ca

November 4, 2010

Attn: Tracey

Here is what has been agreed to in our meeting involving access to our 8 lot subdivision, as well as final requirements to complete subdivision of Lot 8.

Present at the meeting:

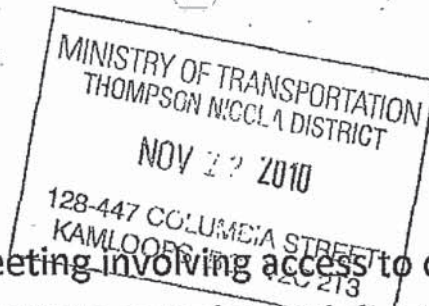
Sherry Eland, Dave Sleppie, Tracey Leclair

Danny Arundel, Kelsey Kashluba

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4. Lot 8-Subdivision final approval complete with the following:
 - Letter of approval from interior health
 - Submission of final survey plan, paperwork to show taxes are paid in full and fees required for completion.
 - No other or additional requirements for subdivision of Lot 8 will be added at a later date.

Danny Arundel

Kelsey Kashluba



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[Message as New](#)[Previous](#) | [Next](#)[Forward](#) | [Forward as Attachment](#) | [Reply](#) | [Reply All](#)**From:** "Danny Arundel" S22**Date:** Fri, September 17, 2010 1:07 pm**To:** tracy.leclair@gov.bc.ca**Cc:** sherry.eland@gov.bc.ca**Priority:** Normal**Options:** [View Full Header](#) | [View Printable Version](#)

Sept 17, 2010

Attention Tracy:

As discussed in our meeting today, you requested us to send an email regarding lot 8 subdivision.

I understand that all documentation from all other agencies in regards to subdivision has been received and conditions of subdivision met. The only outstanding condition is to do with controlled access being upgraded to a 1B standard. Our previous meeting in May removed the condition of a bulb at the end of Lot 8 and extra roadway needed as a frontage road is not being built. Therefore, as lot 5-7 are not subdividable, there is no need for additional restricting covenants, and the controlled access should be constructed only to a gravel standard for these driveways.

Please update PLA to show that all conditions have been met and that access is to be upgraded to 1B to finalize the application and final survey to be completed. Please also update works on rightofway dates so that we may complete the work needed to upgrade this access.

Thankyou,

Danny Arundel

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Move to: INBOX



Move

MOT - Dave, Sherry, Tracy
Arundels - Danny, Kelsey

Nov. 4/10.

- Cancel app. Lt 1-4 -> back to original lots 1-8
- differing opinion for access to registered Lts 1-8

South
Side end.

Question - Dedication in front of Lts 1-8

↳ taken for Hwy widening, but w/ subdivision
NOT asked for rd constructⁿ w/ dedicated
R/W.

↳ Access to Lt 6 to ^{be} constructed access to
Type 1B

- Eng drawing to be submitted to
Type 1B standard.
- Review Access - Issue permit

* Permit to be issued as shared Access to
serve Lts 5, 6, 7, 8 File # 2010-06282.

* Issue Access permit ~~at~~ ASAP. Lt 1 file #
2009-06877

Northend Access to serve Lts 1-4

- Access to Lt 2, 3, 4 - constructed to Type 1B

✓ Access to Lt 1 - constructed to

issued Nov. 2010
(2009-06877)

Driveway Stds. - Issued first

* Require Eng Drawings for Access @ Lt 3 - to Type 1B Std.
- Driveway over dedicated R/W.

✓ Lt 5-8 - Access Permit

✓ Lt 1 - CA Permit

Lt 2 - Drive way over constructed R/W - New Owner

Lts 3 & 4 - " " " "

Lt 8 - Rd Closure. → Arundels to send formal
rd closure to Ministry

→ Pending decision by MOT. →

MOT to follow-up w Arundels
pending further discussions and
research of Josephine Rd.

Arundel – Josephine Road November 2, 2010



From: Schleppe, Dave TRAN:EX
Sent: Monday, November 1, 2010 10:59 AM
To: Eland, Sherry TRAN:EX; LeClair, Tracy TRAN:EX; Saby, Jeff D TRAN:EX; Nelson, Harvey TRAN:EX
Subject: S22

Sherry, I just received a disturbing call from S22
S22 tore down a fence at the end of Josephine Road and ran their excavator up Josephine, removed boulders and a dirt berm and did some work with their bobcat. S22 then replaced the fence that S22 built with some makeshift fence. Doesn't make any sense. Several accusations were made about MoTi and the residences along Josephine are upset. I specifically told the S22 that access via Josephine was not viable and not on the table for discussion. I am meeting S22 tomorrow after our S22 meeting.
Sherry as you digest this, I believe our agenda for the Thursday meeting has gotten bigger.

From: Brickwood, Joan E. TRAN:EX
Sent: Friday, October 29, 2010 12:27 PM
To: Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX; LeClair, Tracy TRAN:EX
Subject: Arundel file review complete

Hi All,

I received the last CA Hwy access permit file (11344) and can now confirm the access to the Arundel house (Lot 2) previously Lot D, has not been approval at any time.

Historical subdivision files required submission of a CA hwy access permit for an "existing" driveway. 2 applications were made by the previous owner and both were not approved. At this time, there is no approved CA Hwy access to the 8 Arundel lots.

Attached please find the updated documents. One is for your information only and the other is the response I plan on mailing to the lawyer today (as I will be gone next week)

Please let me know if you feel there should be any changes to my lawyer response. I have also attached the lawyer letter for your reference.

Thank you



Arundel Lawyer Arundel notes to 20101019124836.p
response - Oct ... e-mail Oct 18... df

Joan Brickwood
Provincial Approving Officer
Ministry of Transportation and Infrastructure
Thompson Nicola and Cariboo Districts
127-447 Columbia St Kamloops V2C 2T3
Ph: 250 371-3803
Fax: 250 371-3848
Joan.Brickwood@gov.bc.ca
www.th.gov.bc.ca/DA/Subdivision_Home.asp

Arundel
Heethig

File: 02-15-15367
Your File: 01-18-02

October 15, 2010

Burke Frame Barristers
203-1211 Summit Dr
Kamloops BC V2C 5R9

Dear Reinhard Burke:

Thank you for your letter dated Sept 21, 2010 to Tracy LeClair, Senior District Development Technician.

You state in your correspondence that the Ministry and Mr. Arundel entered into an agreement where he would dedicate 15m of land for highway and the Ministry, in return, would grant 3 accesses to the controlled access Yellowhead Hwy #5 from his property. Please be informed this is not the case.

In 1994 the Ministry required a road reserve covenant (KH119960) be placed over a 15m strip of land now owned by Mr. Arundel for highway widening as a requirement of subdivision. When that land was proposed to be further subdivided, in 2007, the Ministry required the land under the road reserve covenant be formally dedicated as a condition of subdivision. The granting of access to the controlled access highway was in no way contingent on the dedication of road.

The previous approving officer, David LaBar, with Mr. Arundel and myself, reviewed a plan by Mr. Arundel identifying 4 existing/new access locations. The plan did not provide which, if any of the access locations were acceptable to provide shared access, for the 8 proposed lots, to the Yellowhead Hwy 5. A condition of the subdivision was for Mr. Arundel to make application for new access to the controlled access highway, for Ministry approval, prior to final approval of subdivision. Mr. Arundel did not fulfill this condition and chose to let the future buyers of the lots make application to the Ministry for access. This condition was considered waived when David LaBar approved the final subdivision plan without the application. Without application, no Ministry evaluation was undertaken on the proposed location(s) and it is therefore unknown which, if any, of the access locations would have been approved and permit(s) issued.

.../2

In response to your 3 statements:

1. The "strip" dedicated by Plan KAP86170 was required for widening of controlled access Yellowhead Hwy #5 corridor.
2. Josephine road is dedicated by survey plan as public road, however, like many dedicated roads, it has not been constructed in its' entirety. A blockage of a public road may be considered an offence that may require notice/remedial action under the *Transportation Act*. Please note this is true of Sec 49 of the *Transportation Act*, as well.
3. The Ministry has no record of a controlled access permit being issued for the driveway to the residence on Lot 2, to Mr. Arundel or previous owners. We have record of 2 denied permit applications for the previous owner.

Should you have any questions, please do not hesitate to contact me at 250 371-3803.

Yours truly,

Joan Brickwood
Provincial Approving Officer

pc: Tracy LeClair, Sr. Dev. Tech.

October 20, 2010

Based on e-mail from D. Arundel dated October 18, 2010.

D. Arundel Points:

- Submitted paperwork beginning of September cancelling application to subdivision Lots 1-4 (MoT File 02-15-15450 – application received May 15, 2008).
- Receiving run-around from MoT regarding access to Lots 1-4.
- Arundel in previous subdivision gave 50ft to Hwys and received 3 highway access points to access 8 lots.
- Application for hwy accesses were submitted as required for final subdivision and were misplaced or lost in MoT office.
- Resubmitted application for 3 access points in Nov 2009. Did not agree with response in January and resulted in site visit.
- Site visit – Dave Schleppe had no problem with 3 access points:
 - Lot 6 to access Lots 5-8
 - Lot 3 to access Lots 2-4
 - Lot 1 to access Lot 1 and if subdivision of Lots 1-4 continued a frontage road would be required.
- Have applied for works within RoW for driveway to Lot 1.
- Lot 6 access was built and permitted in 1999. The access on Lot 3 is built and used daily. Want agreement continued for 3rd access to be issued.

Subdivision History:

In 1994, as a requirement of subdivision, (Owner – Rickett File 02-15-11098) a road reserve covenant (KH119960) was registered on title of Lot D, Sec 18, TP 23 R 16 W6M, KDYD Plan 35241 except KAP53736. Identifying 15m from the easterly boundary of H8754 (Yellowhead Hwy 5 plan) "shall be reserved for future road purposes". This is the parent parcel of the subsequent Arundel subdivisions. 2 CA Hwy applications made for access to Lot D, (Files 02-15-11344 and 11975). Application on File 11344 was Not Approved in 1994 and application on File 11975 was Not Approved in 1995. In both cases the non-approval was due to a no build geotech covenant on the land. There is no record of an approved CA Hwy access permit issued for Lot D.

July 9, 1998 application from Ricketts to subdivide Lot D into 3 parcels (02-15-13104) Non-approval issued for TNRD and geotech issues. Other requirements – dedication of Road reserve covenant, and application for one access only to be approved by the Ministry.

In Jan 1999 – Arundel registered on Title of Lot D.

The Arundel subdivision creating 3 lots (Lt 1, Lt 2 and Rem Lot D – same layout as Rickett proposal) approved May 2000 (Plan KAP66849). PLA required submission of a shared access permit – Only One Access allowed – July 1999. One access granted (02-15-13323) – in location of present Lot 6. Later cancelled for breach of zoning by-law. Applied for again and not approved (2002, File 02-15-03647).

Arundel subdivision application to create 8 lots was originally 2 separate applications - Rem of Lot D to create 3 lots (File 02-15-15143) and Lots 1 and 2 to created 5 lots (File 02-15-15132). PLNA Jan 31/07 for Geotechnical issues.

PLA issued Oct 25/07.

Requirements of the PLA included:

- Dedication of the land under the road reserve covenant.
- Submission of a plan showing the proposed and existing access locations for Ministry review and approval.
- Application for CA Hwy access permit for new proposed access.
- Application for Shared driveways within the Hwy RoW
- Geotech report and various agency confirmations.

Report for PLA – Identified Hwy corridor strategy as 2RAU current with future class of 4RJED (4 lane rural junior expressway divided). Access strategy is Select with 1.6km intersection spacing (Arundel frontage is approx 1.3 km) and preferred access via frontage road. If frontage NOT possible, then limited or shared access. Previous PAO and Area Manager agreed to allow shared driveway within Hwy dedication for Lots 4-8.

Final plan was approved Mar 2008.

1 – Yellowhead Hwy 5 established additional 15m (road reserve covenant released from title)

2 - Submitted plan with 4 X's showing proposed and existing access locations. 3 proposed locations confirmed.

3 – no applications received for new access – Lot 1 to be submitted by new owner, and lots 3-4 when lots sold.

4. No driveway construction, so no permit application.

5-9. Geotech covenant and Agency confirmation.

Prior to completion of this final, *an application was made for a revision to subdivide Lot 8 into Lots 8 and 9 (Nov 2007).*

To prevent delay of the 8 lot subdivision it was decided to create a separate application to subdivide Lot 8 into 2 lots (Nov 16, 2007) File 02-15-15367.

PLA issued Mar 28/08

1. 20m RoW connecting to Josephine
2. Design and construction of Josephine Road
3. TNRD requirements

Revised PLA Sept 4/08

1. Proposed frontage road access 50m S of Lot 6/7 boundary
2. Frontage Rd from intersection to CDS located at boundary of Lot A & B (the 2 lots to be created from Lot 8) including design and construction to gravel standard.
3. TNRD requirements

April 28, 2009 application amended to include subdivision of Lot 7 into 2 lots.

PLNA for Lots 7 and 8 issued Aug 13/09

Non-approval for:

1. No TNRD approval
2. No IHA approval
- A. 1. From Sept 4/08 PLA

- B. 2 from Sept 4/08 PLA (Now referencing Lots 15 and 16 indicating potential to further subdivide all 8 lots)

Oct 30/09 Arundel e-mail cancelling subdivision of Lot 7.

Revised PLA for Lot 8 only – Mar 8/10

1. Design for frontage road from intersection with Hwy 5 to CDS at Lot 16, no construction, 15m radius CDS.
2. Proposed frontage road intersection at Lot 6, design drawings, construction and paving.
3. 6m corner cut offs
4. Covenant – no further subd of Lots 5-7 until frontage Rd constructed.
5. Transfer of geotech covenant to new lots
6. Works permit for driveway within RoW for Lots 5-7, 15 and 16.
7. IHA approval

Amendment to Revised PLA April 7/10

Condition 2 – Frontage road intersection to be Type 1B

Condition 4 – No Further subdivision until frontage road constructed.

During this time an application was made May 15, 2008 for subdivision of Lot 1-3 into 6 lots. (File 02-15-15450). Amendment to this application to include Lot 4 subdivision into 2 lots was made April 25, 2009.

PLA for Lots 1-3 issued Nov 4, 2008

1. Frontage road access to Hwy 5 to be located within boundary of Proposed Lot A (current Lot 1)
 2. Design, construction and paving of frontage road from intersection at Lot A to CDS at Lots E and F.
 3. Corner cutoffs
 4. Transfer of geotech covenant to new lots
- 5-8 TNRD, IHA, BCH and MoFR confirmation

Revised PLNA to include Lot 4 issued Aug 13, 2009

Non- approval conditions 1 and 2 for TRND and IHA.

Conditions A-D as 1-4 in PLA dated Nov 4, 2008 but referencing CDS to Lot G and H (Lot 4)

PLA for Lots 1-4 issued March 8, 2010.

1. Frontage road intersection to be within Lot 1A as per design drawings by CTQ Consultants. Paved, works permit required, Traffic Control Plan required.
2. Frontage road extended from intersection to CDS at N boundary Lot 5, designed and constructed to gravel standard
3. Corner cutoffs
4. Transfer geotech covenant to new lots
5. TNRD confirmation
6. IHA confirmation

Revisions to PLA for lots 1-4 (02-15-15450) April 7, 2010

Condition 2 – frontage road to be built to S. Boundary of 4A (vs. N. boundary of Lot 5 which would have provided frontage road connectivity)

Application for Subdivision of Lots 1-4 cancelled Sept 2010. Lot 2 sold to family member.

PAO comments:

Each revision of PLA has been as a result of a change or request by the developer.

Multiple locations have been considered, over the course of multiple meetings, for shared access to the 8 lots and subsequent proposed lots over a period of 3+ years. Options have included 1 shared access, 3 shared accesses, 2 shared accesses, access via Josephine, access at Lot 8, Lot 7/8, Lot 6, Lot 2/3, access at various locations within Lot 1, access via frontage road, gravel and paved.

Currently a closed access exists at Lot 6 (permit was cancelled). One unpermitted access is used in the vicinity of Lots 2/3. There is no record of an approved access permit from these lots to the Hwy for the current owner or past owner (Rickett). 2 past applications were been denied.

Historically, the subdivision requirements for Lot D have required ONLY ONE access. The frontage has remained the same, only the number of lots has changed (1 to 3, to 8, to?). It is a shame 3 proposed access locations were considered with the subdivision into 8 lots.

The Highway Corridor Strategy recommends limited access spaced at 1.6km and preferred access via frontage road.

There is no doubt that the goal for future protection of the Yellowhead Hwy, in this location, is a frontage road. The ideal situation, given the Arundel frontage of 1.3 km, would be one intersection location to the Hwy providing access via frontage road to the existing 8 lots and any future lots. This goal must be kept in mind as development proceeds along this corridor.

Other considerations for the frontage road are connectivity to Josephine Road, and the extension of a frontage road to the North along with intersection locations that may be required to access the existing properties north.

With the continual change in subdivision proposals from Arundel, the Ministry has become reactive, addressing the issue of the day vs keeping in mind the end goal.

Legislation

Regarding Access to a CA Hwy:

Section 51 of the *Transportation Act*

Clearly provides the Ministry authority in relation to a CA Hwy. It provides access may be authorized to a CA Hwy and provides for terms and conditions that may be imposed related to that authorization. It goes on to provide that access to a CA Hwy may be amended or terminated. The basis for this authority is for protection of health and safety of a person or public, or to preserve the integrity of the CA Hwy or to operate the CA Hwy in the most efficient and effective manner.

Regarding Subdivision approval for land adjacent to a CA Hwy (currently only Lot 8):

Sec 1 of *Land Title Act* – BC Reg 8/89

Provides the approving officer may refuse to approve a subdivision plan if he considers the plan does not provide adequate road allowance for a frontage road, service road or local street for the subdivided land, and land(s) contiguous or dependant on the subdivided property.

Sec 75(3) of *Land Title Act*:

Requires the approving officer to consider among other items, road dedication on a subdivision plan and suitability to existing and intended use, as well as role of road in future network.

Additional sections of the Land Title Act (83, 83.1, 86) require the PAO to consider sufficiency of Hwys within and around the subdivision, access in and out of subdivision, construction, drainage and surfacing. As well as potential further subdivision of the lands and all details on how hwys will be provided for future subdivision.

Local Services Act – Reg 262/70 Sec 5.08 states the number of Hwy intersections within a subdivision will be kept to a minimum.

Regarding Mr. Arundels e-mail comments:

- We acknowledge cancellation of the subdivision of Lots 1-4.
- Arundel is getting the run around from the Ministry regarding access, as his proposals keep changing and the Ministry is reactive. **We need to determine what is appropriate for access on this corridor regardless of which lots are or aren't being subdivided at the moment, and remain consistent.**
- The dedication of 50 ft (15m) was a requirement of the subdivision (to replace the road reserve covenant) and the Ministry granting access to the CA Hwy was/is not contingent on the dedication.
- An additional requirement of the subdivision was submission of CA Hwy permit application for **new** access(es) prior to final approval. The developer did not fulfil this condition and the condition was considered waived when the PAO approved the final plan, without application. As an application for CA Hwy access was not submitted, no evaluation was done on the 3-4 proposed locations and it is therefore unknown if any or all would have been approved and permit(s) issued. It is noted that the developer insists that the Ministry misplaced the applications. The final report for the subdivision clearly states Access to Lot 1 to be submitted by new owner and access for Lots 3 and 4 to be submitted upon sale. The comment: "Submission of CA access permit for Lots 5-8" unfortunately does not indicate "received" or if it was pending. It is also noted that this was not a new access location. A thorough search through all associated files has been conducted with no indication of access application. No application copy was attached to the final plan paperwork, and there is no record of a DAS file number. The developer has not been able either to provide documentation supporting the submission of an access permit application to the Ministry.
- 3 access applications were submitted in Nov 2009 and not approved.
- I cannot comment on the conversation that took place during the site visit.
- Application for works within Hwy RoW fronting Lot 1 has been submitted, permit has not been issued.
- Neither of the accesses are permitted. There is no "agreement" guaranteeing 3 accesses, as discussed above. The developer has not been able to supply a valid reason as to why 3 accesses are necessary. The Ministry has valid reasons for supporting only 1 access, though an argument could be made for having 2 accesses to support flow for a frontage road.

Joan Brickwood, PAO.

COPY

File: 02-15-15367
Your File: 01-18-02

October 26, 2010

Burke Frame Barristers
203-1211 Summit Dr
Kamloops BC V2C 5R9

Dear Reinhard Burke:

Thank you for your letter dated Sept 21, 2010 to Tracy LeClair, Senior District Development Technician.

You state in your correspondence that the Ministry and Mr. Arundel entered into an agreement where he would dedicate 15m of land for highway and the Ministry, in return, would grant 3 accesses to the controlled access Yellowhead Hwy #5 from his property. Please be informed this is not the case.

In 1994 the Ministry required a road reserve covenant (KH119960) be placed over a 15m strip of land now owned by Mr. Arundel for highway widening as a requirement of subdivision. When that land was proposed to be further subdivided, in 2007, the Ministry required the land under the road reserve covenant be formally dedicated as a condition of subdivision. The granting of access to the controlled access highway was in no way contingent on the dedication of road.

The previous approving officer, David LaBar, with Mr. Arundel and myself, reviewed a plan by Mr. Arundel identifying 4 existing/new access locations. The plan did not provide which, if any of the access locations were acceptable to provide shared access, for the 8 proposed lots, to the Yellowhead Hwy 5. A condition of the subdivision was for Mr. Arundel to make application for new access to the controlled access highway, for Ministry approval, prior to final approval of subdivision. Mr. Arundel did not fulfill this condition and chose to let the future buyers of the lots make application to the Ministry for access. This condition was considered waived when David LaBar approved the final subdivision plan without the application. Without application, no Ministry evaluation was undertaken on the proposed location(s) and it is therefore unknown which, if any, of the access locations would have been approved and permit(s) issued.

.../2

In response to your 3 statements:

1. The "strip" dedicated by Plan KAP86170 was required for widening of controlled access Yellowhead Hwy #5 corridor.
2. Josephine road is dedicated by survey plan as public road, however, like many dedicated roads, it has not been constructed in its' entirety. A blockage of a public road may be considered an offence that may require notice/remedial action under the *Transportation Act*. Please note this is true of Sec 49 of the *Transportation Act*, as well.
3. The Ministry has no record of a controlled access permit being issued for the driveway to the residence on Lot 2, to Mr. Arundel or previous owners. We have record of 2 denied permit applications for the previous owner.

Should you have any questions, please do not hesitate to contact me at 250 371-3803.

Yours truly,

Joan Brickwood
Provincial Approving Officer

pc: Tracy LeClair, Sr. Dev. Tech.

**BURKE FRAME
BARRISTERS***Jeffrey Frame***Reinhard Burke*
Jeff Shidel*

Our File: 01-18-02

September 21, 2010

CCPY

Via Fax

Ministry of Transportation & Infrastructure
Thompson Nicola District
127 - 447 Columbia Street
Kamloops, BC V2C 2T3

Attention: Tracy LeClair
Senior District Development Approvals Technician

Dear Tracy:

Re: Subdivision by Danny Arundels in Vinsula

We act for Daniel Arundel, who has received your letter of September 13th, 2010.

Our client is deeply concerned that the Ministry of Transportation and Infrastructure is now resiling from an agreement made in 2007 while he was seeking final subdivision approval for what became Plan KAP86170. In 2007 Danny Arundel agreed to dedicate a strip of land 15 meters wide to serve as a frontage road for Lots 3 to 8. The Ministry in return agreed to three access points from the frontage road to Highway 5. The location of the three points of access was confirmed in writing by the then Senior District Development Approvals Technician, Joan Brickwood, on March 11th, 2007.

If the Ministry had not agreed to the three points of access in 2007, our client would not have been willing to dedicate the 15 meter wide strip.

Please confirm that the Ministry will fulfill the commitment made in March 2007 to provide three points of access between the frontage road and Highway 5.

203 - 1211 Summit Drive
Kamloops, BC
V2C 5R9

Tel: (250) 434-2333
Fax: (250) 434-2334
*denotes Law Corporation

BURKE FRAME
BARRISTERS

Page 2

Our client would also appreciate your confirmation that:

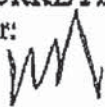
1. the strip dedicated by Plan KAP86170 is a frontage road and does not form part of the controlled access designated Highway 5;
2. Josephine Road is a public highway that is available for public travel and any blockage of that road is an offence under the *Transportation Act*; and
3. an access permit has been issued in the past for the driveway to the residence on Lot 2.

We look forward to hearing from you.

Yours sincerely,

BURKE FRAME

Per:



Reinhard Burke
RBkt

cc: client

09.21.10

LeClair, Tracy TRAN:EX

From: Danny Arundel S22
Sent: Tuesday, October 12, 2010 2:25 PM
To: LeClair, Tracy TRAN:EX

Attention tracy:

Re: Access lot 1

Driveway access is onto the future frontage
in the final subdivision of lot 1-8 in 200

Please issue us a Permit for the installation
driveway over Ministry of Transportation &
Sec. 18, Tp. 23, R. 16, W6M, KDYD, Plan KA

Re: Access Lot 2/3/4

Driveway access is onto the future frontage at the
current hwy access across from Lot 3. This current access allows Lot 2, 3, 4 to access
the future frontage road and then onto each individual driveway on each lot.

Please issue us a Permit for the installation, operation, and maintenance of a residential
driveway over Ministry of Transportation and Infrastructure Right of Way to serve Lot 2,
3, 4 all in Sec. 18, Tp. 23, R. 16, W6M, KDYD, Plan KAP86170.

Thanks,
Danny Arundel

Oct. 26/10
Review
Response
Re: Reg.
requiring dedicated residential
ve Lot 1

From: Brickwood, Joan E. TRAN:EX
Sent: Friday, October 15, 2010 3:36 PM
To: LeClair, Tracy TRAN:EX
Subject: RE: Request: Arundel PLA Amendment 02-15-15367

Tracy,

Please issue an amended PLA as recommended:

This Preliminary Layout approval amends and replaces the PLA dated March 8, 2010 and is valid for 1 year from the date of this letter. (we'll grant them an extension in this manner)

Condition 1. Two controlled access locations built to type 1B standard – paved (your 1st bullet) with Lot 6 access location disclaimer.

2. Dedication of Road within proposed Lots A and B with: Cul-de-sac to be established with a minimum 18m radius or 3 meters beyond any cuts and fills, whichever is greater. Your bullet 2 identified a 15m radius CDS (this would be constructed size).

Balance of conditions as per your e-mail including Note regarding dedication/construction with future subdivision.

We should discuss whether to respond to the lawyer letter prior to issuing an amended PLA or issue concurrently.

Another question – do they have a permit to construct the shared driveways within the right of way and if so, is it still valid?

Thanks
Joan

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, October 6, 2010 2:42 PM
To: Brickwood, Joan E. TRAN:EX
Cc: Schleppe, Dave TRAN:EX
Subject: Request: Arundel PLA Amendment 02-15-15367

Hi Joan,

Danny Arundel has requested changes to the PLA dated March 8, 2010 (As per attached email dated September 17, 2010). The email outlines the following:

- Remove the condition of the bulb at the end (south end) of Proposed Lot B and additional right of way needed for a frontage road – which is not required to be constructed (as per condition #1 in March 8, 2010 PLA).
- Controlled Access to be constructed to a gravel standard rather than paved (as per condition #2 in March 8, 2010 PLA)
- Lot's 5-7 cannot be further subdivided covenant – there is no need for additional restrictive covenants (as per condition #4 in March 8, 2010 PLA).

In light of this request, the District is recommending the following changes to the March 8, 2010 PLA (Attached):

- Two (2) Controlled Accesses to the Yellowhead Highway #5 are to be approved by the Ministry of Transportation and Infrastructure prior to final subdivision approval. The Ministry will require written confirmation of the two access locations prior to the issuance of the Controlled Access Permits. The two (2) accesses are to be constructed and paved to a Type 1B Standard as per Section 730 of the BC Supplement to TAC Geometric Design Guide.

Prior to construction, the Applicant is required to apply to the Ministry of Transportation and Infrastructure for a Works on Highway Right of Way Permit for the construction of two (2) Type 1B Accesses. The permit application is to include a Traffic Control Plan for the works along the travelled portion of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road Ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company.

Please note, the Proposed Controlled Access location to the Yellowhead Highway #5 fronting Lot 6 to serve Lots 1-8 may eliminate or constrain future building sites for Lot 6. If the access is to be retained fronting Lot 6, the Ministry will require written assurance sufficient building sites can be achieved within the Lot.

- Proposed Frontage Road is to be dedicated complete with a minimum 15m radius cul-de-sac, ditches and 3 meters beyond the toe of the slope is to be established fronting Proposed Lots A and B. The cul-de-sac may either be located at the south boundary of Proposed Lot A or between Proposed Lots A and B. The frontage road dedication is to conform to the original design prepared by CTQ Consultants Ltd. Drawing No. G-01 dated August 2009.
- The District has discussed the potential for further subdivision of Lots 1-8 and there is a need for frontage road; however, the proposal is only for the subdivision of Lot 8 and further frontage road dedication will have to be required at time of further subdivisions. Therefore, the District recommends removing condition #4 in PLA dated March 8, 2010.

The following conditions of the PLA are to be retained or have been addressed:

#2. Previously amended as per email dated April 7, 2010 (Attached) Require Type 1B Access to be paved and constructed as per Section 730 of the BC Supplement to TAC Geometric Design Guide.

#3. 6m x 6m Corner cut-offs - no longer required.

#4. Recommended to be removed.

#5. Existing restrictive geotechnical covenant LB0176269 on Lot 8 Plan KAP86170 to be transferred to all proposed lots.

#6. Permit application submitted and issued for driveway over dedicated right of way to Lots 5, 6, 7 and 8 (Permit # 2010-00373). The permit has been issued to the current land owner. Upon the sale of the lots the permits is to be amended for shared driveway.

#7. Written confirmation from Interior Health Authority stating compliance with their letter dated December 21, 2009. Interior Health Authority has not reviewed the necessary information for the sewerage disposal system and full back up areas for Proposed Lot 4. Review and approval of the information will be required prior to final subdivision approval.

In addition, the District would like to add the following at the end of the PLA advising of future road improvements fronting all 8 Lots: Note: Any further subdivision will result in additional road dedication/frontage road construction.

<< File: Sept 17, 2010 Arundel .pdf >> << File: April 7, 2010.pdf >> << File: PLA March 8, 2010.pdf >>

Please let me know your thoughts,

Thanks,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845



 Please consider the environment before printing this email

From: Brickwood, Joan E. TRAN:EX
Sent: Friday, October 15, 2010 3:36 PM
To: LeClair, Tracy TRAN:EX
Subject: RE: Request: Arunndel PLA Amendment 02-15-15367

Tracy,

Please issue an amended PLA as recommended:

This Preliminary Layout approval amends and replaces the PLA dated March 8, 2010 and is valid for 1 year from the date of this letter. (we'll grant them an extension in this manner)

Condition 1. Two controlled access locations built to type 1B standard – paved (your 1st bullet) with Lot 6 access location disclaimer.

2. Dedication of Road within proposed Lots A and B with: Cul-de-sac to be established with a minimum 18m radius or 3 meters beyond any cuts and fills, whichever is greater. Your bullet 2 identified a 15m radius CDS (this would be constructed size).

Balance of conditions as per your e-mail including Note regarding dedication/construction with future subdivision.

We should discuss whether to respond to the lawyer letter prior to issuing an amended PLA or issue concurrently.

Another question – do they have a permit to construct the shared driveways within the right of way and if so, is it still valid?

Thanks
Joan

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, October 6, 2010 2:42 PM
To: Brickwood, Joan E. TRAN:EX
Cc: Schleppe, Dave TRAN:EX
Subject: Request: Arunndel PLA Amendment 02-15-15367

Hi Joan,

Danny Arundel has requested changes to the PLA dated March 8, 2010 (As per attached email dated September 17, 2010). The email outlines the following:

- Remove the condition of the bulb at the end (south end) of Proposed Lot B and additional right of way needed for a frontage road – which is not required to be constructed (as per condition #1 in March 8, 2010 PLA).
- Controlled Access to be constructed to a gravel standard rather than paved (as per condition #2 in March 8, 2010 PLA)
- Lot's 5-7 cannot be further subdivided covenant – there is no need for additional restrictive covenants (as per condition #4 in March 8, 2010 PLA).

In light of this request, the District is recommending the following changes to the March 8, 2010 PLA (Attached):

- Two (2) Controlled Accesses to the Yellowhead Highway #5 are to be approved by the Ministry of Transportation and Infrastructure prior to final subdivision approval. The Ministry will require written confirmation of the two access locations prior to the issuance of the Controlled Access Permits. The two (2) accesses are to be constructed and paved to a Type 1B Standard as per Section 730 of the BC Supplement to TAC Geometric Design Guide.

Prior to construction, the Applicant is required to apply to the Ministry of Transportation and Infrastructure for a Works on Highway Right of Way Permit for the construction of one (1) Type 1B Access. The permit application is to include a Traffic Control Plan for the works along the travelled portion of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road Ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company.

Please note, the Proposed Controlled Access location to the Yellowhead Highway #5 fronting Lot 6 to serve Lots 1-8 may eliminate or constrain future building sites for Lot 6. If the access is to be retained fronting Lot 6, the Ministry will require written assurance sufficient building sites can be achieved within the Lot.

- Proposed Frontage Road is to be dedicated complete with a minimum 15m radius cul-de-sac, ditches and 3 meters beyond the toe of the slope is to be established fronting Proposed Lots A and B. The cul-de-sac may either be located at the south boundary of Proposed Lot A or between Proposed Lots A and B. The frontage road dedication is to conform to the original design prepared by CTQ Consultants Ltd. Drawing No. G-01 dated August 2009.
- The District has discussed the potential for further subdivision of Lots 1-8 and there is a need for frontage road; however, the proposal is only for the subdivision of Lot 8 and further frontage road dedication will have be required at time of further subdivisions. Therefore, the District recommends removing condition #4 in PLA dated March 8, 2010.

The following conditions of the PLA are to be retained or have been addressed:

#2. Previously amended as per email dated April 7, 2010 (Attached) Require Type 1B Access to be paved and constructed as per Section 730 of the BC Supplement to TAC Geometric Design Guide.

#3. 6m x 6m Corner cut-offs - no longer required.

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#5. Existing restrictive geotechnical covenant LB0176269 on Lot 8 Plan KAP86170 to be transferred to all proposed lots.

#6. Permit application submitted and issued for driveway over dedicated right of way to Lots 5, 6, 7 and 8 (Permit # 2010-00373). The permit has been issued to the current land owner. Upon the sale of the lots the permits is to be amended for shared driveway.

#7. Written confirmation from Interior Health Authority stating compliance with their letter dated December 21, 2009. Interior Health Authority has not reviewed the necessary information for the sewerage disposal system and full back up areas for Proposed Lot 4. Review and approval of the information will be required prior to final subdivision approval.

In addition, the District would like to add the following at the end of the PLA advising of future road improvements fronting all 8 Lots: Note: Any further subdivision will result in additional road dedication/frontage road construction.

<< File: Sept 17, 2010 Arundel .pdf >> << File: April 7, 2010.pdf >> << File: PLA March 8, 2010.pdf >>

Please let me know your thoughts,

Thanks,

Tracy LeClair, BA, BNRSoc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, October 6, 2010 2:42 PM
To: Brickwood, Joan E. TRAN:EX
Cc: Schleppe, Dave TRAN:EX
Subject: Request: Arundel PLA Amendment 02-15-15367

Follow Up Flag: Follow up
Flag Status: Flagged

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Prior to construction, the Applicant is required to apply to the Ministry of Transportation and Infrastructure for a Works on Highway Right of Way Permit for the construction of the two (2) Type 1B Accesses. The permit application is to include a Traffic Control Plan for the works along the travelled portion of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road Ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company.

Please note, the Proposed Controlled Access location to the Yellowhead Highway #5 fronting Lot 6 to serve Lots 1-8 may eliminate or constrain future building sites for Lot 6. If the access is to be retained fronting Lot 6, the Ministry will require written assurance sufficient building sites can be achieved within the Lot.

- Proposed Frontage Road is to be dedicated complete with a minimum ^{built to 15m} 18m radius cul-de-sac, ditches and 3 meters beyond the toe of the slope is to be established fronting Proposed Lots A and B. The cul-de-sac may either be located at the south boundary of Proposed Lot A or between Proposed Lots A and B. The frontage road dedication is to conform to the original design prepared by CTQ Consultants Ltd. Drawing No. G-01 dated August 2009.
- The District has discussed the potential for further subdivision of Lots 1-8 and there is a need for frontage road; however, the proposal is only for the subdivision of Lot 8 and further frontage road dedication will ~~have~~ be required at time of further subdivisions. Therefore, the District recommends removing condition #4 in PLA dated March 8, 2010.

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#7. Written confirmation from Interior Health Authority stating compliance with their letter dated December 21, 2009. Interior Health Authority has not reviewed the necessary information for the sewerage disposal system and full back up areas for Proposed Lot 4. Review and approval of the information will be required prior to final subdivision approval.

In addition, the District would like to add the following at the end of the PLA advising of future road improvements fronting all 8 Lots: Note: Any further subdivision will result in additional road dedication/frontage road construction.



Sept 17, 2010
Arundel .pdf



April 7, 2010.pdf



PLA March 8,
2010.pdf

Please let me know your thoughts,

Thanks,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

LeClair, Tracy TRAN:EX

From: Danny Arundel S22
Sent: Friday, September 17, 2010 1:07 PM
To: LeClair, Tracy TRAN:EX
Cc: Eland, Sherry TRAN:EX

Sept 17, 2010

Attention Tracy:

As discussed in our meeting today, you requested us to send an email regarding lot 8 subdivision.

I understand that all documentation from all other agencies in regards to subdivision has been received and conditions of subdivision met. The only outstanding condition is to do with controlled access being upgraded to a 1B standard. Our previous meeting in May removed the condition of a bulb at the end of Lot 8 and extra roadway needed as a frontage road is not being built. Therefore, as lot 5-7 are not subdividable, there is no need for additional restricting covenants, and the controlled access should be constructed only to a gravel standard for these driveways.

Please update PLA to show that all conditions have been met and that access is to be upgraded to 1B to finalize the application and final survey to be completed. Please also update works on rightofway dates so that we may complete the work needed to upgrade this access.

Thankyou,

Danny Arundel

*Extension request for Lts 5-8 Driveway over
Right of Way (2010-00373)*



Daniel Arundel

S22

Our File 02-015-15367

Date (yyyy/mm/dd) 2010/03/08

Proposed Subdivision of Lot 8, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP86170

Your proposal for two (2) lots fee simple subdivision has received preliminary layout approval, subject to the following condition(s):

1. Design for Proposed Frontage Road is to be extended south from the intersection with Yellowhead Highway #5 complete with cul-de-sac to the southern boundary of Lot 16 and be in accordance with the following:
 - a) Proposed frontage road is to be designed, to Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide regarding subdivision roads, including drainage works complete to a natural outfall, to the satisfaction of the District Manager, Transportation. Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, super elevation design, and all utility locations to be submitted to, and **approved by the District Official** prior to the commencement of any works. Construction of frontage road is not required at this time. Additional dedication may be required to encompass all road works within Lots 5, 6, 7 and 8.
 - b) A Minimum 15 meter radius cul-de-sac, ditches and 3 meters beyond the toe of the slope is to be established.
2. Proposed Frontage Road Intersection to Yellowhead Highway #5 is to be located within the boundary of Lot 6. New road construction drawings are to reflect the changes of the intersection location at Lot 6. The intersection is to be designed, constructed and paved to the Ministry of Transportation and Infrastructure Intersection Standards. The paving width of the intersection is to be determined upon submission and approval of the Frontage Road Design Drawings.
 - a) Intersection and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current *Standard Specifications for Highway Construction*. Excerpts from the *Standard Specifications for Highway Construction* are attached for information purposes, and do not in any way, exempt the developer from adhering to any and all applicable Standards.
 - i) Section 165 - Protection of the Environment
 - ii) Section 194 - Traffic Management for Work Zones
 - iii) Section 200 - Clearing and Grubbing
 - iv) Section 201 - Roadway and Drainage Excavation
 - v) Section 202 - Granular Surfacing, Base and Sub-Bases
 - vi) Section 303 - Culverts
 - vii) Section 757 - Revegetation Seeding
 - b) Inspections may be carried out by the Ministry at any time during construction activities.

See email
dated April 7/10
w/ Amendment
to intersection
design

Local District Address

Thompson Nicola District
#127-447 Columbia Street
Kamloops, BC
Phone: 250-828-4002 Fax: 250-371-3848

March 8, 2010

- c) The developer shall give a minimum of one (1) week's notice prior to completion of each of the following stages to allow for the scheduling of inspections. Inspections, by the Ministry representative or approved professional from clause c), shall be carried out upon completion of each of the following stages of construction:
- i) Clearing and Grubbing and Subgrade Slope Staking.
 - ii) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
 - iii) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.
 - iv) Paving.
- d) All inspections carried out by personnel other than the Ministry representative must be appropriately documented and submitted as per clause c.
- e) The applicant is required to apply for a Works on Highway Right of Way Permit for the construction of intersections.
- f) Submission of a Traffic Control Plan for the works along the travelled surface of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company. Please note, the Works on Highway Right of Way Permit will not be issued without the submission and approval of Frontage Road design drawings and a Traffic Control Plan.
3. 6 m x 6 m corner cutoffs to be established at all intersections.
4. Provision of a suitably worded covenant, regarding the land which may be subject to further subdivisions, registrable under Section 219 of the Land Title Act in favour of Her Majesty The Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure. The Covenant is to state no further subdivision of Lots 5, 6, & 7 until frontage road is constructed to the Ministry of Transportation and Infrastructure road construction standards. Covenant to be registered with priority over any financial charges.
5. Existing restrictive geotechnical covenant LB0176269 on Lot 8 Plan KAP86170 to be transferred to all proposed lots.
6. The applicant is required to submit a Works on Highway Right of Way Permit application for a driveway within The Ministry of Transportation and Infrastructure Right of Way, prior to final subdivision approval. The driveway permit will serve Lots 5, 6, 7 and Proposed Lots 15 & 16. The driveway must be constructed as per Section 1420.08 of the BC Supplement to TAC Geometric Design Guide. Upon the sale of Lots 5, 6, 7, and Proposed Lots 15 & 16 the new owners should be advised to contact the Ministry to apply for driveway permits over the dedicated Right of Way.
7. Written confirmation from Interior Health Authority stating compliance with their letter dated December 21, 2009. Interior Health Authority has not reviewed the necessary information for the sewerage disposal system and full back up areas for Proposed Lot 4. Review and approval of the information will be required prior to final subdivision approval.

Provincial records indicate that proposed development is located within an area with the potential to contain archaeological sites protected by the Heritage Conservation Act. However, the likelihood for the development activity to impact on archaeological resources is thought to be minimal. As such, the Provincial Approving Officer has no objections to the proposed development proceeding without the need for an archaeological impact assessment.

However, the applicant should be aware that there is still a chance the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous

March 8, 2010

amounts of fire-stained or fire-broken rock, artifacts such as arrowheads and other stone tools, or even buried human remains. If such material is encountered during demolition or construction, a *Heritage Conservation Act* Permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Please contact the Archaeology and Registry Services Branch immediately at (250) 952-4300 if archaeological site deposits are encountered on the subject property.

The approval granted is only for the general layout of the subdivision and is valid for one year from the date of 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, including remainders, created by the plan and made payable in the form of a cheque to the Minister of Finance.

If you have any questions please do not hesitate to call Tracy LeClair at (250) 371-3845.
(Name of Technician)

Yours truly,



Ministry of Transportation

cc: B.C. HYDRO & POWER AUTHORITY
INTERIOR HEALTH AUTHORITY
MINISTRY OF FORESTS & RANGE, DISTRICT
MINISTRY OF FORESTS & RANGE, FIRE CONTROL
TELUS ENGINEERING
THOMPSON-NICOLA REGIONAL DISTRICT (SD-P-164)

LeClair, Tracy TRAN:EX

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, April 7, 2010 12:02 PM
To: S22
Cc: 'bnanson@ctqconsultants.ca'; Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Subdivision PLA Amendments for Files 02-15-15367 & 02-15-15450

Hello Danny and Kelsey,

As per your meeting April 1, 2010 with Sherry Eland and Dave Schleppe and in subsequent discussions with the Provincial Approving Officer the following items are amended on the two (2) Preliminary Layout Approvals (PLA) Dated March 8, 2010 for File #02-15-15367 (Subdivision of Lot 8) and

Not Responsive

- File 02-15-15367 (Subdivision of Lot 8):
 - Item Number 2 – Proposed Frontage Road Intersection is to be designed according to Section 730 of the BC Supplement to TAC Geometric Design Guide Type 1B (as per my email sent April 6, 2010).
 - Item Number 4 – Covenants require reasons why they are to be registered on the title of properties. The No Further Subdivision Covenant for Lots 5, 6, & 7 needs to clearly state, no further subdivision of Lots 5, 6 & 7 until frontage road is constructed (as it is outlined in the PLA). This will allow you or future land owners an option for further subdivision.

All remaining items of this PLA are still required.

Not Responsive

All other requirements of this PLA are still required.

The Ministry looks forward to the submission of the revised road construction drawings for Lots 1-8 for review prior to the commencement of the frontage road construction.

Please note, the Ministry understands you are currently proceeding with preliminary road construction at this time. The Ministry has not approved the revised road construction drawings and will need to review the drawings prior to the commencement of frontage road construction.

Once the revised drawings are approved the Ministry will require at least one week's notice prior to the completion of each of the following stages to allow for review of the road construction:

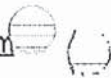
- 1) Clearing and Grubbing and Subgrade Slope Staking
- 2) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
- 3) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.

In addition, if any work or machines are to be located on the shoulder or on the Yellowhead Highway #5 a permit application is to be submitted and a traffic control plan is to be approved prior to the commencement of work.

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845

Fax: (250) 371-3848

www.th.gov.bc.ca/permits.htm



 Please consider the environment before printing this email



Interior Health

FILE COPY

December 18, 2007

Ministry of Transportation
#127 – 447 Columbia Street
Kamloops, BC V2C 2T3

Attention: Rob Purdy, District Development Technician

Dear Sir:

Re: Subdivision of Lot 2, Sec 18, Twp 23, Rge 16, W6M, KDYD, Plan KAP66849
Vinsulla Area; Applicant: Daniel Arundel; Min. of Trans. file: 02-015-15367

The above subdivision has been reviewed by our office with respect to onsite sewage disposal. We do not have a concern with this proposal.

If you have any questions regarding this matter please contact our office at 851-7340.

Sincerely,

Ted Mahler
Registered Public Health Inspector/
Drinking Water Officer

cc. Daniel Arundel, Applicant

From: Brickwood, Joan E. TRAN:EX
Sent: Wednesday, October 27, 2010 9:37 AM
To: Audet, Clare; 'ted.mahler@interiorhealth.ca'
Cc: LeClair, Tracy TRAN:EX
Subject: Arundel subdivision of lot 8. File 02-15-15367

Hi Ted and Clare,

This subdivision has changed a number of times and I'm not sure if your concerns have been addressed.

The first response from Ted was Dec 18, 2007 for the subdivision of just Lot 8 into 2 lots (at the time still part of Lot 2, Sec 18 Twp 23, R16 Plan KAP66849) and the response was "We do not have a concern with this proposal."

Then the subdivision was revised to include subdivision of Lots 7 and 8 into a total of 4 lots.

Clare's response of Sept 16, 2009, required submission of information as per the Land Development Information document.

Then, the Arundels cancelled the Lot 7 application and decided to proceed with only Lot 8 as originally proposed.

So, my question is, does Ted's Dec 18, 2007 response stand, or is there information the Arundels need to provide to IHA?

For your convenience I have attached the responses and proposed plans. Located on Yellowhead Hwy 5 in Vinsulla.



20101027093138.p20101027093213.p20101027093255.p20101027093317.p

df

df

df

df

Thanks so much!

Joan Brickwood

Provincial Approving Officer
Ministry of Transportation and Infrastructure
Thompson Nicola and Cariboo Districts
127-447 Columbia St Kamloops V2C 2T3
Ph: 250 371-3803
Fax: 250 371-3848
Joan.Brickwood@gov.bc.ca
www.th.gov.bc.ca/DA/Subdivision_Home.asp

From: Brickwood, Joan E. TRAN:EX
Sent: Friday, October 15, 2010 3:36 PM
To: LeClair, Tracy TRAN:EX
Subject: RE: Request: Arundel PLA Amendment 02-15-15367

Tracy,

Please issue an amended PLA as recommended:

This Preliminary Layout approval amends and replaces the PLA dated March 8, 2010 and is valid for 1 year from the date of this letter. (we'll grant them an extension in this manner)

Condition 1. Two controlled access locations built to type 1B standard – paved (your 1st bullet) with Lot 6 access location disclaimer.

2. Dedication of Road within proposed Lots A and B with: Cul-de-sac to be established with a minimum 18m radius or 3 meters beyond any cuts and fills, whichever is greater. Your bullet 2 identified a 15m radius CDS (this would be constructed size).

Balance of conditions as per your e-mail including Note regarding dedication/construction with future subdivision.

We should discuss whether to respond to the lawyer letter prior to issuing an amended PLA or issue concurrently.

Another question – do they have a permit to construct the shared driveways within the right of way and if so, is it still valid?

Thanks
Joan

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, October 6, 2010 2:42 PM
To: Brickwood, Joan E. TRAN:EX
Cc: Schleppe, Dave TRAN:EX
Subject: Request: Arundel PLA Amendment 02-15-15367

Hi Joan,

Danny Arundel has requested changes to the PLA dated March 8, 2010 (As per attached email dated September 17, 2010). The email outlines the following:

- Remove the condition of the bulb at the end (south end) of Proposed Lot B and additional right of way needed for a frontage road – which is not required to be constructed (as per condition #1 in March 8, 2010 PLA).
- Controlled Access to be constructed to a gravel standard rather than paved (as per condition #2 in March 8, 2010 PLA)
- Lot's 5-7 cannot be further subdivided covenant – there is no need for additional restrictive covenants (as per condition #4 in March 8, 2010 PLA).

In light of this request, the District is recommending the following changes to the March 8, 2010 PLA (Attached):

- Two (2) Controlled Accesses to the Yellowhead Highway #5 are to be approved by the Ministry of Transportation and Infrastructure prior to final subdivision approval. The Ministry will require written confirmation of the two access locations prior to the issuance of the Controlled Access Permits. The two (2) accesses are to be constructed and paved to a Type 1B Standard as per Section 730 of the BC Supplement to TAC Geometric Design Guide.

Prior to construction, the Applicant is required to apply to the Ministry of Transportation and Infrastructure for a Works on Highway Right of Way Permit for the construction of the two (2) Type 1B Accesses. The permit application is to include a Traffic Control Plan for the works along the travelled portion of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road Ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company.

Please note, the Proposed Controlled Access location to the Yellowhead Highway #5 fronting Lot 6 to serve Lots 1-8 may eliminate or constrain future building sites for Lot 6. If the access is to be retained fronting Lot 6, the Ministry will require written assurance sufficient building sites can be achieved within the Lot.

- Proposed Frontage Road is to be dedicated complete with a minimum 15m radius cul-de-sac, ditches and 3 meters beyond the toe of the slope is to be established fronting Proposed Lots A and B. The cul-de-sac may either be located at the south boundary of Proposed Lot A or between Proposed Lots A and B. The frontage road dedication is to conform to the original design prepared by CTQ Consultants Ltd. Drawing No. G-01 dated August 2009.
- The District has discussed the potential for further subdivision of Lots 1-8 and there is a need for frontage road; however, the proposal is only for the subdivision of Lot 8 and further frontage road dedication will have be required at time of further subdivisions. Therefore, the District recommends removing condition #4 in PLA dated March 8, 2010.

The following conditions of the PLA are to be retained or have been addressed:

#2. Previously amended as per email dated April 7, 2010 (Attached) Require Type 1B Access to be paved and constructed as per Section 730 of the BC Supplement to TAC Geometric Design Guide.

#3. 6m x 6m Corner cut-offs - no longer required.

#4. Recommended to be removed.

#5. Existing restrictive geotechnical covenant LB0176269 on Lot 8 Plan KAP86170 to be transferred to all proposed lots.

#6. Permit application submitted and issued for driveway over dedicated right of way to Lots 5, 6, 7 and 8 (Permit # 2010-00373). The permit has been issued to the current land owner. Upon the sale of the lots the permits is to be amended for shared driveway.

#7. Written confirmation from Interior Health Authority stating compliance with their letter dated December 21, 2009. Interior Health Authority has not reviewed the necessary information for the sewerage disposal system and full back up areas for Proposed Lot 4. Review and approval of the information will be required prior to final subdivision approval.

In addition, the District would like to add the following at the end of the PLA advising of future road improvements fronting all 8 Lots: Note: Any further subdivision will result in additional road dedication/frontage road construction.
<< File: Sept 17, 2010 Arundel .pdf >> << File: April 7, 2010.pdf >> << File: PLA March 8, 2010.pdf >>

Please let me know your thoughts,

Thanks,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845



 Please consider the environment before printing this email

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, October 6, 2010 2:42 PM
To: Brickwood, Joan E. TRAN:EX
Cc: Schleppe, Dave TRAN:EX
Subject: Request: Arundel PLA Amendment 02-15-15367

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- Remove the condition of the bulb at the end (south end) of Proposed Lot B and additional right of way needed for a frontage road – which is not required to be constructed (as per condition #1 in March 8, 2010 PLA).
- Controlled Access to be constructed to a gravel standard rather than paved (as per condition #2 in March 8, 2010 PLA)
- Lot's 5-7 cannot be further subdivided covenant – there is no need for additional restrictive covenants (as per condition #4 in March 8, 2010 PLA).

In light of this request, the District is recommending the following changes to the March 8, 2010 PLA (Attached):

- Two (2) Controlled Accesses to the Yellowhead Highway #5 are to be approved by the Ministry of Transportation and Infrastructure prior to final subdivision approval. The Ministry will require written confirmation of the two access locations prior to the issuance of the Controlled Access Permits. The two (2) accesses are to be constructed and paved to a Type 1B Standard as per Section 730 of the BC Supplement to TAC Geometric Design Guide:

Prior to construction, the Applicant is required to apply to the Ministry of Transportation and Infrastructure for a Works on Highway Right of Way Permit for the construction of the two (2) Type 1B Accesses. The permit application is to include a Traffic Control Plan for the works along the travelled portion of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road Ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company.

Please note, the Proposed Controlled Access location to the Yellowhead Highway #5 fronting Lot 6 to serve Lots 1-8 may eliminate or constrain future building sites for Lot 6. If the access is to be retained fronting Lot 6, the Ministry will require written assurance sufficient building sites can be achieved within the Lot.

- Proposed Frontage Road is to be dedicated complete with a minimum 15m radius cul-de-sac, ditches and 3 meters beyond the toe of the slope is to be established fronting Proposed Lots A and B. The cul-de-sac may either be located at the south boundary of Proposed Lot A or between Proposed Lots A and B. The frontage road dedication is to conform to the original design prepared by CTQ Consultants Ltd. Drawing No. G-01 dated August 2009.
- The District has discussed the potential for further subdivision of Lots 1-8 and there is a need for frontage road; however, the proposal is only for the subdivision of Lot 8 and further frontage road dedication will have be required at time of further subdivisions. Therefore, the District recommends removing condition #4 in PLA dated March 8, 2010.

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#2. Previously amended as per email dated April 7, 2010 (Attached) Require Type 1B Access to be paved and constructed as per Section 730 of the BC Supplement to TAC Geometric Design Guide.

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#4. Recommended to be removed.

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#7. Written confirmation from Interior Health Authority stating compliance with their letter dated December 21, 2009. Interior Health Authority has not reviewed the necessary information for the sewerage disposal system and full back up areas for Proposed Lot 4. Review and approval of the information will be required prior to final subdivision approval.

In addition, the District would like to add the following at the end of the PLA advising of future road improvements fronting all 8 Lots: Note: Any further subdivision will result in additional road dedication/frontage road construction.



Sept 17, 2010
Arundel .pdf



April 7, 2010.pdf



PLA March 8,
2010.pdf

Please let me know your thoughts,

Thanks,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

From: Grosjean, Pamela TRAN:EX
Sent: Friday, October 1, 2010 2:04 PM
To: LeClair, Tracy TRAN:EX
Subject: Kelsey phone message -Urgent

Hi Tracey, Kelsey phoned Friday wanting to know if their permit was done yet. It has been 3 weeks now. She advised this is **URGENT**.

(250) 578-0399
(250) 320-4449

Pam Grosjean

Ministry of Transportation & Infrastructure
Provincial Sign Program Clerk
Thompson Nicola District Clerk
#127 - 447 Columbia Street, Kamloops, BC
Phone (250) 828-4003 Fax (250) 371-3848
pamela.grosjean@gov.bc.ca

Oct. 5/10

Phoned kelsey and advised it was taking a bit longer to review application as workload is an issue. I advised I would get to application as soon as I could and have a response the following week.

↳ permit ext. for driveway construction permit extended until Sept. 30, 2011.

From: Danny Arundel S22
Sent: Friday, September 17, 2010 1:07 PM
To: LeClair, Tracy TRAN:EX
Cc: Eland, Sherry TRAN:EX

Sept 17, 2010

Attention Tracy:

As discussed in our meeting today, you requested us to send an email regarding lot 8 subdivision.

I understand that all documentation from all other agencies in regards to subdivision has been received and conditions of subdivision met. The only outstanding condition is to do with controlled access being upgraded to a 1B standard. Our previous meeting in May removed the condition of a bulb at the end of Lot 8 and extra roadway needed as a frontage road is not being built. Therefore, as lot 5-7 are not subdividable, there is no need for additional restricting covenants, and the controlled access should be constructed only to a gravel standard for these driveways.

Please update PLA to show that all conditions have been met and that access is to be upgraded to 1B to finalize the application and final survey to be completed. Please also update works on rightofway dates so that we may complete the work needed to upgrade this access.

Thankyou,

Danny Arundel

*Extension request for Lts 5-8 Driveway over
Right of Way (2010-00373)*

From: LeClair, Tracy TRAN:EX
Sent: Wednesday, April 7, 2010 12:02 PM
To: S22
Cc: 'bnanson@ctqconsultants.ca'; Eland, Sherry TRAN:EX; Schleppe, Dave TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Subdivision PLA Amendments for Files 02-15-15367 & 02-15-15450

Hello Danny and Kelsey,

As per your meeting April 1, 2010 with Sherry Eland and Dave Schleppe and in subsequent discussions with the Provincial Approving Officer the following items are amended on the two (2) Preliminary Layout Approvals (PLA) Dated March 8, 2010 for File #02-15-15367 (Subdivision of Lot 8) and File # 02-15-15450 (Subdivision of Lots 1-4):

- File 02-15-15367 (Subdivision of Lot 8):
 - Item Number 2 – Proposed Frontage Road intersection is to be designed according to Section 730 of the BC Supplement to TAC Geometric Design Guide Type 1B (as per my email sent April 6, 2010).
 - Item Number 4 – Covenants require reasons why they are to be registered on the title of properties. The No Further Subdivision Covenant for Lots 5, 6, & 7 needs to clearly state, no further subdivision of Lots 5, 6 & 7 until frontage road is constructed (as it is outlined in the PLA). This will allow you or future land owners an option for further subdivision.

All remaining items of this PLA are still required.

- File 02-15-15450 (Subdivision of Lots 1-4):
 - Item Number 2 – The Proposed Frontage Road is to be extended south from the intersection with the Yellowhead Highway #5 complete with cul-de-sac to the southern boundary of Lot 4A, as proposed in the Original Road Construction Designs prepared by CTQ Consultants Ltd. dated August 2009.

All other requirements of this PLA are still required.

The Ministry looks forward to the submission of the revised road construction drawings for Lots 1-8 for review prior to the commencement of the frontage road construction.

Please note, the Ministry understands you are currently proceeding with preliminary road construction at this time. The Ministry has not approved the revised road construction drawings and will need to review the drawings prior to the commencement of frontage road construction.

Once the revised drawings are approved the Ministry will require at least one weeks' notice prior to the completion of each of the following stages to allow for review of the road construction:

- 1) Clearing and Grubbing and Subgrade Slope Staking
- 2) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
- 3) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.

In addition, if any work or machines are to be located on the shoulder or on the Yellowhead Highway #5 a permit application is to be submitted and a traffic control plan is to be approved prior to the commencement of work.

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845



 Please consider the environment before printing this email

LeClair, Tracy TRAN:EX

From: LeClair, Tracy TRAN:EX
Sent: Tuesday, April 6, 2010 2:41 PM
To: 'bnanson@ctqconsultants.ca'
Cc: S22
Subject: Arundels Road Design's - Type 1B Access Design

Hi Brock,

Enclosed is the Access design from Section 730 of the BC Supplement to TAC Geometric Design Guide. The access to serve Lots 5, 6, 7, & 8 should be designed and constructed to a Type 1B Standard.



Section 730
Access Design.pdf

If you have any questions, please feel free to contact me.

Regards,

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

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N.T.S.

Diagram illustrating a standard driveway layout. The layout shows a central driveway with a throat width of 6.0. The driveway is flanked by variable shoulder widths. The radius of the driveway is indicated as R 8. The diagram is labeled "LANE EDGE" at the top. A note specifies: "For Commercial driveways use 9 metres for both the Radius and Throat."

The diagram illustrates a road cross-section with the following dimensions and labels:

- Variable Shoulder Width**: Indicated at both the left and right edges of the road.
- LANE EDGE**: The boundary between the lane and the shoulder.
- Shoulder Widening**: The area between the lane edge and the outer shoulder edge.
- Dimensions**:
 - 3.5: Distance from the lane edge to the start of the shoulder widening on both sides.
 - 3.5: Distance from the start of shoulder widening to the centerline on both sides.
 - R 9**: Radius of the circular transition for the shoulder widening on both sides.
 - Var. Throat Width**: The width of the throat area between the shoulder widening and the lane edge.
 - 15: Distance from the centerline to the outer edge of the shoulder widening on both sides.
 - T₁**: Total width of the lane.
 - P.L.**: Pavement Length, the distance from the lane edge to the start of the shoulder widening.

Peak hour Right-turn Volumes	Throat Width
< 5 vph	6
$5 \leq \text{vph} < 15$	9

The radius and throat widths noted are minimum dimensions. A wheel path tracking template should be used to verify that the largest expected design vehicle that occurs with some frequency can be accommodated.

From: Brickwood, Joan E. TRAN:EX
Sent: Wednesday, April 7, 2010 8:11 AM
To: Schleppe, Dave TRAN:EX
Cc: LeClair, Tracy TRAN:EX; Eland, Sherry TRAN:EX
Subject: RE: Arndel sub

I look forward to hearing your recommendations for my consideration. Please let me know when you are available and we'll get together.

Joan Brickwood
Provincial Approving Officer
Ministry of Transportation and Infrastructure Thompson Nicola and Cariboo Districts
127-447 Columbia St Kamloops V2C 2T3
Ph: 250 371-3803
Fax: 250 371-3848
Joan.Brickwood@gov.bc.ca
www.th.gov.bc.ca/DA/Subdivision Home.asp

-----Original Message-----

From: Eland, Sherry TRAN:EX
Sent: Thursday, April 1, 2010 9:12 PM
To: Schleppe, Dave TRAN:EX
Cc: LeClair, Tracy TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Arndel sub

Please brief Joan and Tracy about our specific final discussion with Kelsey and Danny.

From: Schleppe, Dave TRAN:EX
Sent: Tuesday, April 6, 2010 9:01 AM
To: LeClair, Tracy TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Re:

Yes, I have new direction on Arundels and wanted to talk to you and Joan

From: LeClair, Tracy TRAN:EX
To: Schleppe, Dave TRAN:EX
Sent: Tue Apr 06 08:45:28 2010
Subject:

Hey,

Harvey mentioned you wanted to talk this morning, but I have to go in the field to cherry creek this am. I should be back around noon. Can we talk then?

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

From: Eland, Sherry TRAN:EX
Sent: Thursday, April 1, 2010 9:12 PM
To: Schleppe, Dave TRAN:EX
Cc: LeClair, Tracy TRAN:EX; Brickwood, Joan E. TRAN:EX
Subject: Arndel sub

Please brief Joan and Tracy about our specific final discussion with Kelsey and Danny.

LeClair, Tracy TRAN:EX

From: Brickwood, Joan E. TRAN:EX
Sent: Tuesday, March 23, 2010 9:05 AM
To: LeClair, Tracy TRAN:EX
Subject: FW: B.C.Reg. 8/89

More on Arundel issue
Joan

From: Caldwell, Art R TRAN:EX
Sent: Monday, March 22, 2010 9:26 AM
To: Brickwood, Joan E. TRAN:EX
Subject: B.C.Reg. 8/89

Joan

Further to your Friday's question , you would also apply B.C. Reg. 8/89 to the proposal.



8_89.htm

Art R.Caldwell
Provincial Approving Officer
Rocky Mountain District
Ministry of Transportation and Infrastructure
E-Mail: Art.Caldwell@gov.bc.ca
Phone: 250-426-1507
Fax: 250-426-1523
Toll Free: 1-888-613-9993

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B.C. Reg. 8/89
O.C. 87/89

Deposited January 20, 1989

Land Title Act

**APPLICATION FOR
SUBDIVISION APPROVAL REGULATION**

[includes amendments up to B.C. Reg. 546/2004, December 31, 2004]

**Subdivision approval for land adjacent to
controlled access highway**

1 Where a plan of subdivision affects land adjacent to a controlled access highway as defined in the *Transportation Act*, the approving officer, in addition to the ground for refusal stated in section 85 (3) of the *Land Title Act*, may refuse to approve the subdivision plan if he considers that it does not provide access to the land in the subdivision, its remainder and the lands contiguous to the subdivided property, or lands dependent upon the subdivided property, or land dependent upon the subdivided property for its sole access by means of an adequate road allowance for a frontage road, service road or local street.

[am. B.C. Reg. 546/2004, App. s. 20.]

**Subdivision approval for land
subject to an implementation agreement**

2 Where a plan of subdivision affects land that is the subject of an implementation agreement under section 868 (2) of the *Local Government Act*, the approving officer may, in addition to the grounds for refusal stated in section 86 (1) (c) of the *Land Title Act*, refuse to approve the subdivision plan if he or she considers it does not comply with the implementation agreement.

[en. B.C. Reg. 6/99.]

[Provisions of the *Land Title Act*, R.S.B.C. 1996, c. 250 relevant to the enactment of this regulation:
section 86 (2)]

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From: Muirhead, Peter K TRAN:EX
Sent: Friday, March 19, 2010 4:39 PM
To: Brickwood, Joan E. TRAN:EX; TRAN ALL Provincial Approving Officers
Cc: LeClair, Tracy TRAN:EX
Subject: Re: Friday question - covenants on lots adjacent to parcel being subdivided.

need access via cul-de-sac / N. frontage Rd.

The short answer is yes you can get creative and request road construction and request covenants. The devil is in the details. You would have no jurisdiction over 5 6 or 7 but if you refuse 8 without road but offer as a solution the covenant then you will have a strong legal foundation because you will base the refusal on items in section 86 that you have authority to say no too. Ie the road is not constructed to the satisfaction of the PAO. Have a good weekend

From: Brickwood, Joan E. TRAN:EX
To: TRAN ALL Provincial Approving Officers
Cc: LeClair, Tracy TRAN:EX
Sent: Fri Mar 19 16:13:48 2010
Subject: Friday question - covenants on lots adjacent to parcel being subdivided.

Hi Everyone,

Here's the story, question at the end.

A subdivision created 8 lots along a CA Hwy. Widening was taken for possible frontage road, but no frontage road was required at the time of subdivision. See attachment.

<<KAP86170.tif>>

The Lots are all further subdivideable.

The same developer still owns all 8 lots.

The developer has submitted an application to subdivide lots 1-4 into 8 lots. We have requested a frontage road for those lots be built with 1 intersection to the CA Hwy. They are grudgingly willing to do so with a Stat RoW cul-de-sac in the vicinity of Lot 5.

The developer has also submitted an application to divide Lot 8 into 2 lots. We asked that they construct an intersection and frontage road to Lot 8. Please note the dedication shown as Josephine road is not constructed to the Hwy in this location, nor is it a viable option. Most of Josephine road is a wagon trail and the intersection with the CA Hwy about 1km to the south is poor. We do not want additional traffic on it.

They refuse to construct frontage road to Lot 8 as it is too expensive.

We are willing to let them build the intersection (vicinity of lot 6) and have a driveway to lot 8 in the RoW, on the condition that they place covenants on Lots 5, 6 and 7 stating no further subdivision unless frontage road is constructed.

My question: Can I require a covenant on Lots 5, 6 and 7 when those lots are not part of the subdivision, but based on the fact that they lots can be further subdivided and a frontage road is ultimately required to protect the CA Hwy? We fully expect the developer to continue subdividing the lots and trying to avoid road construction.

Any ideas?

Thanks so much!

Joan Brickwood

Provincial Approving Officer

ood, Joan E. TRAN:EX

To: Fisher, David N TRAN:EX
Cc: Monday, March 22, 2010 5:04 PM
Brickwood, Joan E. TRAN:EX; TRAN ALL Provincial Approving Officers
LeClair, Tracy TRAN:EX
Subject: RE: Friday question - covenants on lots adjacent to parcel being subdivided.

Joan:

You could use leverage to go the covenant route but it seems to me that only draws out the pain and makes the solution more difficult to reach. Why put off road construction yet again when the cost can be spread over all the lots now? What happens if the covenants are applied and then lot 6 is sold; does the new owner have to extend the frontage road and build the intersection on order to access his lot (to the benefit of lots 5, 7 and 8)? That sounds less reasonable than asking the original developer to build now.

There may or may not have been a mistake in the original subdivision, as Howard suggests. Check it out, but "Adequate road access" is the approving officer's discretion and I think it likely that plan accurately reflects his decision (he signed it). That being the case, what was the plan for developing the frontage? I can't imagine a "direct access now and frontage sometime in the future" as being viable for a controlled access highway like Hwy 97. Therefore these lots have no constructed road access. And who would build the frontage later? The approving officer may have considered the arrangement adequate but that doesn't mean that you have to reach the same conclusion.

Bearing in mind that I don't see the whole picture here (residential lots? traffic? location? Hwy four-laning coming soon?) I would think that constructed access road needs to be built as soon as possible, especially if the game is to avoid road construction altogether. If they refuse to provide what you think is necessary, you can refuse the subdivision.

David N Fisher
Manager, Development Approvals
Ministry of Transportation & Infrastructure
250-356-9250

From: Brickwood, Joan E. TRAN:EX
Sent: Friday, March 19, 2010 4:14 PM
To: TRAN ALL Provincial Approving Officers
Cc: LeClair, Tracy TRAN:EX
Subject: Friday question - covenants on lots adjacent to parcel being subdivided.

Hi Everyone,

Here's the story, question at the end.

A subdivision created 8 lots along a CA Hwy. Widening was taken for possible frontage road, but no frontage road was required at the time of subdivision. See attachment.

<< File: KAP86170.tif >>

The Lots are all further subdivideable.

The same developer still owns all 8 lots.

The developer has submitted an application to subdivide lots 1-4 into 8 lots. We have requested a frontage road for those lots be built with 1 intersection to the CA Hwy. They are grudgingly willing to do so with a Stat RoW cul-de-sac in the vicinity of Lot 5.

The developer has also submitted an application to divide Lot 8 into 2 lots. We asked that they construct an intersection and frontage road to Lot 8. Please note the dedication shown as Josephine road is not constructed to the

From: Hunter, Howard TRAN:EX
Sent: Monday, March 22, 2010 3:07 PM
To: Brickwood, Joan E. TRAN:EX
Cc: LeClair, Tracy TRAN:EX; TRAN ALL Provincial Approving Officers
Subject: RE: Friday question - covenants on lots adjacent to parcel being subdivided.

Joan, based on the information provided, we don't understand how the parent subdivision could have been approved, (fairly recently we might add, i.e. March 11, 2008), contiguous with a designated Controlled Access Highway, without the frontage road actually having been constructed as a condition of said subdivision. (This is not exactly what we call protecting the safety & integrity of this interregional Controlled Access Highway Corridor by providing safe alternative access.)

We would suggest that you check previous file and see if there is any documentation to clarify, why the alternative access was not constructed at the time of subdivision.

If a mistake was made, then it seems the only logical recourse at this time under the circumstances, would be for you to see if you can have a Caveat registered at LTO, against all lots in the parent subdivision, precluding sale or further s/d, until such time as frontage road has been properly constructed.

We also note that no frontage road widening was taken along the frontage of lots 1,2 and about half of lot 3. If such dedication is or should also have also been dedicated, then perhaps that should be included is Caveat condition as well.

Also there should be no reason to be accepting Stat RoW in lieu of actual public road dedication as you mentioned in your e-mail.

It seems to us that as a Ministry, if there is still any overall Provincial concern about protecting the safety of these Controlled Access Corridors, by minimizing the number of accesses etc, that action will need to be taken on this very quickly, before any of the properties are sold. (**By copy I would ask David Fisher to give the provincial perspective on the importance protecting these Controlled Corridors and this particular situation that you have presented.**)

If you find on checking file that a mistake was made, we would also suggest that you apprise your Regional Director of the situation, and discuss course of action intended, so that he is aware beforehand.

In our view it is important to move quickly on this, before the original developer sells off any of the subject lots. The onus for construction of the original frontage road was ,and still appears to be clearly the responsibility of the original developer.

From what you have said, it sounds like there is considerable potential for this section of a Controlled Access Highway being compromised, very quickly, if appropriate action is not taken quickly.

Hope this helps...

Brickwood, Joan E. TRAN:EX

From: Caldwell, Art R TRAN:EX
Sent: Monday, March 22, 2010 9:26 AM
To: Brickwood, Joan E. TRAN:EX
Subject: B.C.Reg. 8/89

Joan

Further to your Friday's question , you would also apply B.C. Reg. 8/89 to the proposal.



8_89.htm

Art R.Caldwell
Provincial Approving Officer
Rocky Mountain District
Ministry of Transportation and Infrastructure
E-Mail: Art.Caldwell@gov.bc.ca
Phone: 250-426-1507
Fax: 250-426-1523
Toll Free: 1-888-613-9993

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O.C. 87/89

Deposited January 20, 1989

Land Title Act

**APPLICATION FOR
SUBDIVISION APPROVAL REGULATION**

[includes amendments up to B.C. Reg. 546/2004, December 31, 2004]

**Subdivision approval for land adjacent to
controlled access highway**

1 Where a plan of subdivision affects land adjacent to a controlled access highway as defined in the *Transportation Act*, the approving officer, in addition to the ground for refusal stated in section 85 (3) of the *Land Title Act*, may refuse to approve the subdivision plan if he considers that it does not provide access to the land in the subdivision, its remainder and the lands contiguous to the subdivided property, or lands dependent upon the subdivided property, or land dependent upon the subdivided property for its sole access by means of an adequate road allowance for a frontage road, service road or local street.

[am. B.C. Reg. 546/2004, App. s. 20.]

**Subdivision approval for land
subject to an implementation agreement**

2 Where a plan of subdivision affects land that is the subject of an implementation agreement under section 868 (2) of the *Local Government Act*, the approving officer may, in addition to the grounds for refusal stated in section 86 (1) (c) of the *Land Title Act*, refuse to approve the subdivision plan if he or she considers it does not comply with the implementation agreement.

[en. B.C. Reg. 6/99.]

[Provisions of the *Land Title Act*, R.S.B.C. 1996, c. 250 relevant to the enactment of this regulation:
section 86 (2)]

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1:2500 40m = 100m
520m = 1300m road

Present proposal

- Sub of Lots 1-4 into 8 lots
- Sub of Lt 8 into 3 lots

Creates a total of 13 lots along C.A Hwy with no frontage road ($\approx 1300m$ along C.A Hwy)

we have approved 2 access locations

- (1) Vicinity of Lt 1
 - (2) Vicinity of Lt 6
- } both developer preference.

- We have ~~allowed~~ ^{approved} frontage road to be constructed in the Ministry Highway ROW they will only have to dedicate if road falls outside existing dedication

Developer is willing to construct access at Lot 1 (no design yet) to a gravel standard with a CDS @ Lot 4

PLA Req. to construct CDS @ boundary Lt 5 to provide access to paved standard. CDS can be by SRW and removed as road is continued.

See Ch. 1400 H10.11 Paving.

Just because other gravel frontage roads were created/allowed in past doesn't imply we should enforce cement standards.

- 8 Lots created along CA Hwy. (16 lots)
Each lot can be further subdiv.
- Frontage Road ideally should have been constructed to serve 8 lots.
- Chapter 400 states paving for 4 or more lots.
Definitely pave off a CA Hwy

Safety is issue

- this is a straight 2 lane stretch prone to passing
- also, there is good sight distance available
- paving prevents gravel/mud dragged onto highway.

- Applicant is willing to have 2 accesses and wants temp 3rd access to house
- Multiple options and ~~options~~ opportunities provided to developers (meetings, revised layouts, revised PLAs) to facilitate progress of subdiv.

Need to Look @ whole project

Min. 13 lots to max of 16 with only access via Hwy 5.

LTA BC Reg 8/89 states:

where subd affects land adjacent to the CA Hwy, the AO may refuse (in addition to 85(3)) a sub if he considers it does not provide access to:

- land in subd;
- its remainder;
- lands contiguous to the sub. property
- lands dependent of subd property or lands dependent on the subd. property for its sole access by means of adequate road allowance for a - frontage road,
 - service road, or
 - local street.

75(3) a-f

In considering road dedication on sub. plan

a - loc. & width

b - suitability in relation to existing + intended use by subd

c - configuration of sub. land

d - relation of road to be dedicated to existing main Hwy approach

e - width - present + future use

f - likely or possible role of road in future network serving area being subd.

83⁽²⁾ c - if approving officer considers there is a reason to anticipate that the land may be resubd. a sketch showing the further subd. can be done is provide

d If the AO reqs this info, profiles of every new highway shown on plan and details (topographical, eng. problems, env. or planning studies).

83.1 (5) things HWYS consider

- a) if plan complies with established regmt & standards in relation to HWYS
- b) whether HWYS within & leads to & beyond the subd are sufficient in relation to capacities & access in & out of subd.

86(1)

(c) refuse subd if:

- ii) doesn't comply w this ACT relating to access, & sufficiency of Hwy allowances.
- iii) HWYS on plan are not cleared, drained, constructed & surveyed to the AO's satisfaction or security provided for.
- iii) HWY legally establish on lands adjoining, lying beyond or around subd land is not sufficient in AO opinion

Local Gov Act

945(1)

AO may req the owner of subd. land provide land to cut compensation

(a) 20m

b) lesser of 10m

or difference between current width & 20m

for widening existing Hwy within subd

(2) can req more i.e. 8m road etc can be contained in 20m

Local Services Act

Reg 262/70

5.04 Roads shall be provided to give access to parcels adjoining Ct Hwys unless the Minister responsible for the Trans Act refused under sec 51 to authorize creation of access

5.08 - The # of Hwy intersection within a subd shall be kept to a minimum

b) T-shaped intersections shall be used to carry small amt of local traffic

Power Poles

- Ministry does not relocate power poles @ our cost for private development.
- We do have an agreement w/ Hydro to relocate poles if we are re-aligning or widening Hwy. - Reduced cost to Ministry.

We are already allowing developer to construct frontage road in C/Hwy Rd dedication where Hydro poles are placed rather than dedicating a frontage road.

There is likely enough dedication to encompass frontage road.

Issues

Developers responsibility to build the req'd frontage road

13 lots warrants frontage road

- Frontage road can be started @ Lt 1 but needs to continue to Lt 5. min.
- If lot 8 is subd then frontage needs to be provide to the 2 new lots & lots 6 & 7 (4 lots)

If 5 is subd then the connection piece can be completed.

Developer has been breaking subd into sections & claiming frontage is not warranted for "2 lots"
Must look at whole section & protection of CA Hwy & safety to traveling public & residents of new lots.

My recommendations

- Full construction of frontage road & 2 intersections, 1 CDS & paved → or 1 only (less expensive).
- This would be the reqmt if this was brought in originally as a 12 - 16 lot subd.

DRAWY BY: WS
 DRAWING NO: 073083
 FILE NO: 073083
 FE 247 P. 55-
 FE 253 P. 23-24
 FE 249 P. 42-51
 FE 272 P. 11-14

TRA-2012-00039
Page 323

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From: Muirhead, Peter K TRAN:EX
Sent: Friday, March 19, 2010 4:39 PM
To: Brickwood, Joan E. TRAN:EX; TRAN ALL Provincial Approving Officers
Cc: LeClair, Tracy TRAN:EX
Subject: Re: Friday question - covenants on lots adjacent to parcel being subdivided.

need access view cul-de-sac / N. frontage Rd.

The short answer is yes you can get creative and request road construction and request covenants. The devil is in the details. You would have no jurisdiction over 5 6 or 7 but if you refuse 8 without road but offer as a solution the covenant then you will have a strong legal foundation because you will base the refusal on items in section 86 that you have authority to say no too. Is the road is not constructed to the satisfaction of the PAO. Have a good weekend

From: Brickwood, Joan E. TRAN:EX
To: TRAN ALL Provincial Approving Officers
Cc: LeClair, Tracy TRAN:EX
Sent: Fri Mar 19 16:13:48 2010
Subject: Friday question - covenants on lots adjacent to parcel being subdivided.

Hi Everyone,

Here's the story, question at the end.

A subdivision created 8 lots along a CA Hwy. Widening was taken for possible frontage road, but no frontage road was required at the time of subdivision. See attachment.

<<KAP86170.tif>>

The Lots are all further subdivideable.

The same developer still owns all 8 lots.

The developer has submitted an application to subdivide lots 1-4 into 8 lots. We have requested a frontage road for those lots be built with 1 intersection to the CA Hwy. They are grudgingly willing to do so with a Stat RoW cul-de-sac in the vicinity of Lot 5.

The developer has also submitted an application to divide Lot 8 into 2 lots. We asked that they construct an intersection and frontage road to Lot 8. Please note the dedication shown as Josephine road is not constructed to the Hwy in this location, nor is it a viable option. Most of Josephine road is a wagon trail and the intersection with the CA Hwy about 1km to the south is poor. We do not want additional traffic on it.

They refuse to construct frontage road to Lot 8 as it is too expensive.

We are willing to let them build the intersection (vicinity of lot 6) and have a driveway to lot 8 in the RoW, on the condition that they place covenants on Lots 5, 6 and 7 stating no further subdivision unless frontage road is constructed.

My question: Can I require a covenant on Lots 5, 6 and 7 when those lots are not part of the subdivision, but based on the fact that they lots can be further subdivided and a frontage road is ultimately required to protect the CA Hwy? We fully expect the developer to continue subdividing the lots and trying to avoid road construction.

Any ideas?

Thanks so much!

Joan Brickwood

Provincial Approving Officer

Ministry of Transportation and Infrastructure

Thompson Nicola and Cariboo Districts

127-447 Columbia St Kamloops V2C 2T3

Ph: 250 371-3803

Fax: 250 371-3848

Joan.Brickwood@gov.bc.ca

www.th.gov.bc.ca/DA/Subdivision_Home.asp

ood, Joan E. TRAN:EX

ro:
Cc:
Subject:

Fisher, David N TRAN:EX
Monday, March 22, 2010 5:04 PM
Brickwood, Joan E. TRAN:EX; TRAN ALL Provincial Approving Officers
LeClair, Tracy TRAN:EX
RE: Friday question - covenants on lots adjacent to parcel being subdivided.

Joan:

You could use leverage to go the covenant route but it seems to me that only draws out the pain and makes the solution more difficult to reach. Why put off road construction yet again when the cost can be spread over all the lots now? What happens if the covenants are applied and then lot 6 is sold; does the new owner have to extend the frontage road and build the intersection on order to access his lot (to the benefit of lots 5, 7 and 8)? That sounds less reasonable than asking the original developer to build now.

There may or may not have been a mistake in the original subdivision, as Howard suggests. Check it out, but "Adequate road access" is the approving officer's discretion and I think it likely that plan accurately reflects his decision (he signed it). That being the case, what was the plan for developing the frontage? I can't imagine a "direct access now and frontage sometime in the future" as being viable for a controlled access highway like Hwy 97. Therefore these lots have no constructed road access. And who would build the frontage later? The approving officer may have considered the arrangement adequate but that doesn't mean that you have to reach the same conclusion.

Bearing in mind that I don't see the whole picture here (residential lots? traffic? location? Hwy four-laning coming soon?) I would think that constructed access road needs to be built as soon as possible, especially if the game is to avoid road construction altogether. If they refuse to provide what you think is necessary, you can refuse the subdivision.

David N Fisher
Manager, Development Approvals
Ministry of Transportation & Infrastructure
250-356-9250

From: Brickwood, Joan E. TRAN:EX
Sent: Friday, March 19, 2010 4:14 PM
To: TRAN ALL Provincial Approving Officers
Cc: LeClair, Tracy TRAN:EX
Subject: Friday question - covenants on lots adjacent to parcel being subdivided.

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Any ideas?

Thanks so much!

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Ph: 250 371-3803
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Joan.Brickwood@gov.bc.ca
www.th.gov.bc.ca/DA/Subdivision_Home.asp

From: Hunter, Howard TRAN:EX
Sent: Monday, March 22, 2010 3:07 PM
To: Brickwood, Joan E. TRAN:EX
Cc: LeClair, Tracy TRAN:EX; TRAN ALL Provincial Approving Officers
Subject: RE: Friday question - covenants on lots adjacent to parcel being subdivided.

Joan, based on the information provided, we don't understand how the parent subdivision could have been approved, (fairly recently we might add, i.e. March 11, 2008), contiguous with a designated Controlled Access Highway, without the frontage road actually having been constructed as a condition of said subdivision. (This is not exactly what we call protecting the safety & integrity of this interregional Controlled Access Highway Corridor by providing safe alternative access.)

We would suggest that you check previous file and see if there is any documentation to clarify, why the alternative access was not constructed at the time of subdivision.

If a mistake was made, then it seems the only logical recourse at this time under the circumstances, would be for you to see if you can have a Caveat registered at LTO, against all lots in the parent subdivision, precluding sale or further s/d, until such time as frontage road has been properly constructed.

We also note that no frontage road widening was taken along the frontage of lots 1,2 and about half of lot 3. If such dedication is or should also have also been dedicated, then perhaps that should be included is Caveat condition as well.

Also there should be no reason to be accepting Stat RoW in lieu of actual public road dedication as you mentioned in your e-mail.

It seems to us that as a Ministry, if there is still any overall Provincial concern about protecting the safety of these Controlled Access Corridors, by minimizing the number of accesses etc, that action will need to be taken on this very quickly, before any of the properties are sold. (**By copy I would ask David Fisher to give the provincial perspective on the importance protecting these Controlled Corridors and this particular situation that you have presented.**)

If you find on checking file that a mistake was made, we would also suggest that you apprise your Regional Director of the situation, and discuss course of action intended, so that he is aware beforehand.

In our view it is important to move quickly on this, before the original developer sells off any of the subject lots. The onus for construction of the original frontage road was ,and still appears to be clearly the responsibility of the original developer.

From what you have said, it sounds like there is considerable potential for this section of a Controlled Access Highway being compromised, very quickly, if appropriate action is not taken quickly.

Hope this helps...

From: Brickwood, Joan E. TRAN:EX
Sent: Friday, March 19, 2010 4:14 PM
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Cc: LeClair, Tracy TRAN:EX
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From: Caldwell, Art R TRAN:EX
Sent: Monday, March 22, 2010 9:26 AM
To: Brickwood, Joan E. TRAN:EX
Subject: B.C.Reg. 8/89

Joan

Further to your Friday's question , you would also apply B.C. Reg. 8/89 to the proposal.



8_89.htm

Art R.Caldwell
Provincial Approving Officer
Rocky Mountain District
Ministry of Transportation and Infrastructure
E-Mail: Art.Caldwell@gov.bc.ca
Phone: 250-426-1507
Fax: 250-426-1523
Toll Free: 1-888-613-9993

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Important Information (disclaimer and copyright information)

B.C. Reg. 8/89
O.C. 87/89

Deposited January 20, 1989

Land Title Act

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section 86 (2)]

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From: LeClair, Tracy TRAN:EX
Sent: Monday, March 8, 2010 9:30 AM
To: S22
Cc: 'Barb Jackson'
Subject: Lots 1-4 & 8 Subdivision Preliminary Approval

Hi Danny,

Attached are the PLA's for the Proposed Subdivisions of Lots
#02-15-15367).

Not Responsive

and Lot 8 (MoT File



15450 PLA March
5, 2010.pdf



15367 PLA March
5, 2010.pdf

Tracy LeClair, BA, BNRSc.
Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email



Daniel Arundel

S22

Our File 02-015-15367

Date (yyyy/mm/dd) 2010/03/08

Proposed Subdivision of Lot 8, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP86170

Your proposal for two (2) lots fee simple subdivision has received preliminary layout approval, subject to the following condition(s):

1. Design for Proposed Frontage Road is to be extended south from the intersection with Yellowhead Highway #5 complete with cul-de-sac to the southern boundary of Lot 16 and be in accordance with the following:
 - a) Proposed frontage road is to be designed, to Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide regarding subdivision roads, including drainage works complete to a natural outfall, to the satisfaction of the District Manager, Transportation. Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, super elevation design, and all utility locations to be submitted to, and **approved by the District Official** prior to the commencement of any works. Construction of frontage road is not required at this time. Additional dedication may be required to encompass all road works within Lots 5, 6, 7 and 8.
 - b) A Minimum 15 meter radius cul-de-sac, ditches and 3 meters beyond the toe of the slope is to be established.
2. Proposed Frontage Road Intersection to Yellowhead Highway #5 is to be located within the boundary of Lot 6. New road construction drawings are to reflect the changes of the intersection location at Lot 6. The intersection is to be designed, constructed and paved to the Ministry of Transportation and Infrastructure Intersection Standards. The paving width of the intersection is to be determined upon submission and approval of the Frontage Road Design Drawings.
 - a) Intersection and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current *Standard Specifications for Highway Construction*. Excerpts from the *Standard Specifications for Highway Construction* are attached for information purposes, and do not in any way, exempt the developer from adhering to any and all applicable Standards.
 - i) Section 165 - Protection of the Environment
 - ii) Section 194 - Traffic Management for Work Zones
 - iii) Section 200 - Clearing and Grubbing
 - iv) Section 201 - Roadway and Drainage Excavation
 - v) Section 202 - Granular Surfacing, Base and Sub-Bases
 - vi) Section 303 - Culverts
 - vii) Section 757 - Revegetation Seeding
 - b) Inspections may be carried out by the Ministry at any time during construction activities.

See email
dated April 7/10
w/ Amendment
to intersection
design

Local District Address

Thompson Nicola District
#127-447 Columbia Street
Kamloops, BC
Phone: 250-828-4002 Fax: 250-371-3848

March 8, 2010

- c) The developer shall give a minimum of one (1) week's notice prior to completion of each of the following stages to allow for the scheduling of inspections. Inspections, by the Ministry representative or approved professional from clause c), shall be carried out upon completion of each of the following stages of construction:
 - i) Clearing and Grubbing and Subgrade Slope Staking.
 - ii) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
 - iii) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.
 - iv) Paving.
 - d) All inspections carried out by personnel other than the Ministry representative must be appropriately documented and submitted as per clause c.
 - e) The applicant is required to apply for a Works on Highway Right of Way Permit for the construction of intersections.
 - f) Submission of a Traffic Control Plan for the works along the travelled surface of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company. Please note, the Works on Highway Right of Way Permit will not be issued without the submission and approval of Frontage Road design drawings and a Traffic Control Plan.
3. 6 m x 6 m corner cutoffs to be established at all intersections.
4. Provision of a suitably worded covenant, regarding the land which may be subject to further subdivisions, registrable under Section 219 of the Land Title Act in favour of Her Majesty The Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure. The Covenant is to state no further subdivision of Lots 5, 6, & 7 until frontage road is constructed to the Ministry of Transportation and Infrastructure road construction standards. Covenant to be registered with priority over any financial charges.
5. Existing restrictive geotechnical covenant LB0176269 on Lot 8 Plan KAP86170 to be transferred to all proposed lots.

6. The applicant is required to submit a Works on Highway Right of Way Permit application for a driveway within The Ministry of Transportation and Infrastructure Right of Way, prior to final subdivision approval. The driveway permit will serve Lots 5, 6, 7 and Proposed Lots 15 & 16. The driveway must be constructed as per Section 1420.08 of the BC Supplement to TAC Geometric Design Guide. Upon the sale of Lots 5, 6, 7, and Proposed Lots 15 & 16 the new owners should be advised to contact the Ministry to apply for driveway permits over the dedicated Right of Way.

7. Written confirmation from Interior Health Authority stating compliance with their letter dated December 21, 2009. Interior Health Authority has not reviewed the necessary information for the sewerage disposal system and full back up areas for Proposed Lot 4. Review and approval of the information will be required prior to final subdivision approval.

Provincial records indicate that proposed development is located within an area with the potential to contain archaeological sites protected by the Heritage Conservation Act. However, the likelihood for the development activity to impact on archaeological resources is thought to be minimal. As such, the Provincial Approving Officer has no objections to the proposed development proceeding without the need for an archaeological impact assessment.

However, the applicant should be aware that there is still a chance the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous

March 8, 2010

amounts of fire-stained or fire-broken rock, artifacts such as arrowheads and other stone tools, or even buried human remains. If such material is encountered during demolition or construction, a *Heritage Conservation Act* Permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Please contact the Archaeology and Registry Services Branch immediately at (250) 952-4300 if archaeological site deposits are encountered on the subject property.

The approval granted is only for the general layout of the subdivision and is valid for one year from the date of 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, including remainders, created by the plan and made payable in the form of a cheque to the Minister of Finance.

If you have any questions please do not hesitate to call Tracy LeClair at (250) 371-3845.
(Name of Technician)

Yours truly,



Ministry of Transportation

cc: B.C. HYDRO & POWER AUTHORITY
INTERIOR HEALTH AUTHORITY
MINISTRY OF FORESTS & RANGE, DISTRICT
MINISTRY OF FORESTS & RANGE, FIRE CONTROL
TELUS ENGINEERING
THOMPSON-NICOLA REGIONAL DISTRICT (SD-P-164)



UPDATED REPORT ON PRELIMINARY SUBDIVISION OF LOT 8

COMMENTS:

Original Proposed Subdivision of Lot 8 into two (2) 10 Acre (4 ha) lots – refer to original Report on Preliminary Subdivision dated March 28, 2008.

Amended comments for Preliminary two (2) lot Subdivision dated September 2, 2008 – Revised comments address MoT requirements for access to Yellowhead Highway and Frontage Road.

Revised subdivision to include Lot 7 for a total of Lots 7 & 8 (4 - 10 Acre Lots) – refer to Report on Preliminary Subdivision dated July 24, 2009. The Proposed four (4) lot subdivision was given PLNA as the ministry had not received correspondence from TNRD and IHA.

The applicants have requested to revise the subdivision to the original proposal of Lot 8 into 2 10acre parcels, as per email dated October 30, 2009.

Proposal:

- Applicants are proposing the subdivision of Lot 8 into 2 – 10 Acre (approx. 5ha) Lots, as per email dated October 30, 2009.
- MoT comments from the original report dated march 28, 2008, the amended report dated September 2, 2008 and the revised report dated July 24, 2009 remain the same. The only changes from MoT comments are as follows:
 - Frontage Road to Proposed Lot 8 to be graveled. – Further discussions with the Arundels changed the plans for road construction to Lot 8 – Please see below:

UPDATE

- The Ministry met with the applicants November 4, 2009, November 18, 2009, November 25, 2009, January 26, 2010 and February 2, 2010 to discuss their options for Lots 1-8:
 - Subdividing Lots 1-4 (MoT File #02-15-15450)
 - Access options to existing Lots 1-8 (MoT Access Permit Applications File #2009-06899 (Lot 1), 2009-06900 (Lots 2, 3 & 4) & 2010-00373 (Lots 5, 6, 7 & 8))
 - Subdividing Lot 8 (MoT File #02-15-15367)

The applicants have submitted a letter dated February 3, 2010 regarding their plans to proceed with subdividing Lots 1-4, Lot 8 and to proceed with access location at Lot 1 – to be used by Lots 1-4 and in front of Lot 6 (which is not the originally planned access in front of Lot 7).

- Meetings with the Provincial Approving Officer, Project Manager – Dave Schleppe and the District Manager, Sherry Eland concluded that the Ministry will support the following:
 - Subdivide Lots 1-4: Road Construction to Ministry Chapter 1400 Gravel standards, Paved Throat at the proposed access in front of Lot 1, road to be constructed to the southern boundary of Lot 4b to accommodate future access to Lot 5.
 - Two (2) Access Locations will be supported: Access to Lot 1 and Lot 6 (Engineered drawings are to reflect the new location of the access to Lot 6 – CTQ Frontage Road Construction Drawings dated February 2009 propose access in front of Lot 7. The accesses are to be constructed and have paved throats to Ministry standards.
 - Subdivide Lot 8: No road construction required to Lot 8, additional frontage road dedication required to accommodate for future frontage road and no further subdivision covenants until frontage road construction is complete registered on Lots 5, 6, and 7.

MoT Comments

- Yellowhead Highway #5
 - Right of Way of approximately 45.72 meters is sufficient
 - No further right of way dedication will be required.
 - Previous subdivision creating the 8 lots in Plan KAP86170 dedicated the required 15 meter right of way widening for frontage road dedication.

- Road Requirements: Please refer to the above noted Updated Comments in the "Proposal" Section
 - Access to Lots 5, 6, 7 & and Proposed Lots 15 and 16 are to be accessed by one access which has been selected by the Arundels and approved by the Ministry, in front of Lot 6. The access is to be constructed to Ministry Intersection Standards and paved. The ministry initially required frontage road construction for all 8 Lots; however, further discussions with the applicant and the Ministry concluded that no frontage road construction for Lots 5, 6, 7 & 8 will be required.
 - Although the frontage road is not required to be constructed, the Ministry will require an ultimate footprint of the future frontage road. Therefore, road construction drawings will be required for Lots 5, 6, 7, & 8 and incorporating the new intersection at Lot 6.
 - If the ultimate footprint of the road construction requires additional right of way through Lots 5, 6, 7 and 8; additional right of way will need to be dedicated.
 - A Cul-de-sac at the southern boundary of Lot 8 is to be dedicated. The Cul-de-sac is to be 15m in width. The dedication of the Cul-de-sac will provide sufficient right of way for future frontage road construction.
- **Covenant:**
 - To ensure frontage road is eventually constructed. The Ministry requires a covenant to be registered on Lot 5, 6, 7 & 8 which states No further subdivision of Lots 5, 6, 7, & 8 until frontage road is constructed to the Ministry of Transportation and Infrastructure Road Construction Standards.
- **Hazards:**
 - The subject property does have rock bluffs and outcrops and there the potential for rock fall on the subject properties. In the previous subdivision created the 8 lot subdivision, KAP86170, a geotechnical report by AMEC dated June 27, 2007 was completed and identified a covenanted safe area for building. A geotechnical restrictive covenant (LB176269) was placed on the all 8 lots. The geotechnical covenant is to be transferred to all of the 8 newly created lots. As health is concerned with sufficient land area for an appropriate primary and reserve sewage system because of the location of the topography and the location of the BC Hydro right of way, there may be concern for a suitable building site, once the sewage covenant locations have been identified. Require a site plan of Lots 1 and 2, to identify the requirements of health and provide a location for suitable building site that meets the covenant restriction and TNRD zoning setbacks.
 - There are no watercourses located on the subject property that warrants concern for flooding; therefore, there is no requirement for a restrictive covenant or statutory right of ways.
- **Archaeology:** There appears to be no archaeological sites on the subject property or in the area; therefore, an archaeological assessment will not be required.
- **Section 75 of LTA:** The unsurveyed Crown Land to the east of the subject property has public access via a dedicated subdivision road and via Yellowhead Highway 5 to the north of the subject property. Therefore, access to lands beyond is not required. There are no watercourses that border the subject property; therefore, access to water is not required.

Agency Comments:

Thompson Nicola Regional District Letter dated October 1, 2008 and Follow Up Email Dated January 22, 2010

- Applicants met proof of water
- Wildland Covenant to be registered against parent parcel
- Both Proposed Lots meet 10% Frontage
- No further comments

Interior Health Authority Letter dated December 18, 2007

- No objections.

Ministry of Forests, Kamloops District

- Did not comment in the initial referral process of Lot 8
- Further correspondence as per email dated June 9, 2009
 - Require maintenance of fencing due to adjacent range tenures.
 - It appears that John McQueen, MoFR, has discussed the concerns with the applicant and is satisfied that existing fencing and terrain was sufficient. Clarified to the applicant that it is the responsibility of the private land owner (and future owners of the proposed new lots should be properly informed) to provide and maintain stock proof fence in order to keep range stock off of their private lands. The fencing provisions are set out under the *Trespass Act*.
 - No further objections.

Ministry of Forests, Fire Control Letter dated December 4, 2007

- No objections

BC Hydro – Letter dated December 11, 2007

- No objections

Recommend granting **Preliminary Layout Approval**, valid for 365 days, subject to:

Preliminary Subdivision Approval is granted based on the Original Subdivision Proposal of Lot 8, Sec. 18, Tp. 23, R.16, W6M, KDYD, Plan KAP86170, Prepared by Coster and Singer BC and Canada Land Surveyors, Drawing No. 073083 Dated May 7, 2008.

1. Designs for Proposed Frontage Road are to be extended south from the intersection with Yellowhead Highway #5 complete with cul-de-sac to the southern boundary of Lot 16 and be in accordance with the following:
 - a) Proposed frontage road is to be designed, to Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide regarding subdivision roads, including drainage works complete to a natural outfall, to the satisfaction of the District Manager, Transportation. Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, super elevation design, and all utility locations to be submitted to, and **approved by the District Official** prior to the commencement of any works. Construction of frontage road is not required at this time. Additional dedication may be required to encompass all road works within Lots 5, 6, 7 and 8.
 - b) A Minimum 15 meter radius cul-de-sac, ditches and 3 meters beyond the toe of the slope is to be established.
2. Proposed Frontage Road Intersection to Yellowhead Highway #5 is to be located within the boundary of Lot 6. New road construction drawings are to reflect the changes of the intersection location at Lot 6. The intersection is to be designed, constructed and paved to the Ministry of Transportation and Infrastructure Intersection Standards.

how far do you want paving?

 - a) Intersection and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current *Standard Specifications for Highway Construction*. Excerpts from the *Standard Specifications for Highway Construction* are attached for information purposes, and do not in any way, exempt the developer from adhering to any and all applicable Standards.
 - i) Section 165 - Protection of the Environment
 - ii) Section 194 – Traffic Management for Work Zones
 - iii) Section 200 – Clearing and Grubbing
 - iv) Section 201 – Roadway and Drainage Excavation
 - v) Section 202 – Granular Surfacing, Base and Sub-Bases
 - vi) Section 303 – Culverts
 - vii) Section 757 – Revegetation Seeding
 - b) Inspections may be carried out by the Ministry at any time during construction activities.
 - c) The developer shall give a minimum of one (1) week's notice prior to completion of each of the following stages to allow for the scheduling of inspections. Inspections, by the Ministry representative or approved professional from clause c), shall be carried out upon completion of each of the following stages of construction:
 - i) Clearing and Grubbing and Subgrade Slope Staking.
 - ii) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
 - iii) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.
 - iv) Paving
 - d) All inspections carried out by personnel other than the Ministry representative must be appropriately documented and submitted as per clause c.
 - e) The applicant is required to apply for a Works on Highway Right of Way Permit for the construction of intersections.
 - f) Submission of a Traffic Control Plan for the works along the travelled surface of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company. Please note, the Works on Highway Right of Way Permit will not be issued

without the submission and approval of Frontage Road design drawings and a Traffic Control Plan.

3. 6 m x 6 m corner cutoffs to be established at all intersections.
4. Provision of a suitably worded covenant, regarding the land which may be subject to further subdivisions, registrable under Section 219 of the Land Title Act in favour of Her Majesty The Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure. The Covenant is to state no further subdivision of Lots 5, 6, & 7 until frontage road is constructed to the Ministry of Transportation and Infrastructure road construction standards. Covenant to be registered with priority over any financial charges.
5. Existing restrictive geotechnical covenant LB0176269 on Lots 1, 2, 3 & 4 Plan KAP86170 to be transferred to all eight (8) of the proposed lots.
6. The applicant is required to submit a Works on Highway Right of Way Permit application for a driveway within The Ministry of Transportation and Infrastructure Right of Way, prior to final subdivision approval. The driveway permit will serve Lots 5, 6, 7 and Proposed Lots 15 & 16. The driveway must be constructed as per Section 1420.08 of the BC Supplement to TAC Geometric Design Guide. Upon the sale of Lots 5, 6, 7, and Proposed Lots 15 & 16 the new owners should be advised to contact the Ministry to apply for driveway permits over the dedicated Right of Way.
7. Written confirmation from Interior Health Authority stating compliance with their letter dated December 21, 2009. Interior Health Authority has not reviewed the necessary information for the sewerage disposal system and full back up areas for Proposed Lot 4. Review and approval of the information will be required prior to final subdivision approval.
8. Provincial records indicate that proposed development is located within an area with the potential to contain archaeological sites protected by the Heritage Conservation Act. However, the likelihood for the development activity to impact on archaeological resources is thought to be minimal. As such, the Provincial Approving Officer has no objections to the proposed development proceeding without the need for an archaeological impact assessment.

However, the applicant should be aware that there is still a chance the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads and other stone tools, or even buried human remains. If such material is encountered during demolition or construction, a *Heritage Conservation Act* Permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Please contact the Archaeology and Registry Services Branch immediately at (250) 952-4300 if archaeological site deposits are encountered on the subject property.

Ministry of Transportation and Infrastructure
Thompson Nicola District, Southern Interior Region
#127 - 447 COLUMBIA STREET
KAMLOOPS BC V2C 2T3

Ministry Employee Signature



(Print Name)

Tracy LeClair

Ministry Employee Title

Senior District Development Technician

For Minister of Transportation

Date (yyyy-mm-dd)

2010/03/05

Please issue as recommended
John [Signature] Mar 5/10



UPDATED REPORT ON PRELIMINARY SUBDIVISION OF LOT 8

COMMENTS:

Original Proposed Subdivision of Lot 8 into two (2) 10 Acre (4 l
dated March 28, 2008.

Amended comments for Preliminary two (2) lot Subdivision date
requirements for access to Yellowhead Highway and Frontage

Revised subdivision to include Lot 7 for a total of Lots 7 & 8 (4 -
dated July 24, 2009. The Proposed four (4) lot subdivision was
from TNRD and IHA.

The applicants have requested to revise the subdivision to the o
dated October 30, 2009.

Proposal:

- Applicants are proposing the subdivision of Lot 8 into 2 – 10
2009.
- MoT comments from the original report dated march 28, 200
revised report dated July 24, 2009 remain the same. The on
 - Frontage Road to Proposed Lot 8 to be graveled. – F
road construction to Lot 8 – Please see below:

UPDATE

- The Ministry met with the applicants November 4, 2009, Nove
February 2, 2010 to discuss their options for Lots 1-8:
 - Subdividing Lots 1-4 (MoT File #02-15-15450)
 - Access options to existing Lots 1-8 (MoT Access Perr
2, 3 & 4) & 2010-00373 (Lots 5, 6, 7 & 8))
 - Subdividing Lot 8 (MoT File #02-15-15367)
- The applicants have submitted a letter dated February 3, 2010
Lot 8 and to proceed with access location at Lot 1 – to be use
planned access in front of Lot 7).
- Meetings with the Provincial Approving Officer, Project Manag
concluded that the Ministry will support the following:

- Subdivide Lots 1-4: Road Construction to Ministry Cha
access in front of Lot 1, road to be constructed to the southern boundary of Lot 4b to accommodate future access
to Lot 5.
- Two (2) Access Locations will be supported: Access to Lot 1 and Lot 6 (Engineered drawings are to reflect the
new location of the access to Lot 6 – CTQ Frontage Road Construction Drawings dated February 2009 propose
access in front of Lot 7. The accesses are to be constructed and have paved throats to Ministry standards.
- Subdivide Lot 8: No road construction required to Lot 8, additional frontage road dedication required to
accommodate for future frontage road and no further subdivision covenants until frontage road construction is
complete registered on Lots 5, 6, and 7.

MoT Comments

- Yellowhead Highway #5
 - Right of Way of approximately 45.72 meters is sufficient
 - No further right of way dedication will be required.
 - Previous subdivision creating the 8 lots in Plan KAP86170 dedicated the required 15 meter right of way widening for
frontage road dedication.

Need to change
cleases & order so
it is clear that
we need design for
& additional dedication
for frontage road, & CTS,
but would req. construction

design
Req. construction +
paving of intersection
- need to identify
distance of paving
ex. 10m^{N+S} from centreline
of intersection.

- **Road Requirements:** Please refer to the above noted Updated Comments in the "Proposal" Section
 - Access to Lots 5, 6, 7 & and Proposed Lots 15 and 16 are to be accessed by one access which has been selected by the Arundels and approved by the Ministry, in front of Lot 6. The access is to be constructed to Ministry Intersection Standards and paved. The ministry initially required frontage road construction for all 8 Lots; however, further discussions with the applicant and the Ministry concluded that no frontage road construction for Lots 5, 6, 7 & 8 will be required.
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 - There are no watercourses located on the subject property that warrants concern for flooding; therefore, there is no requirement for a restrictive covenant or statutory right of ways.
- **Archaeology:** There appears to be no archaeological sites on the subject property or in the area; therefore, an archaeological assessment will not be required.
- **Section 75 of LTA:** The unsurveyed Crown Land to the east of the subject property has public access via a dedicated subdivision road and via Yellowhead Highway 5 to the north of the subject property. Therefore, access to lands beyond is not required. There are no watercourses that border the subject property; therefore, access to water is not required.

Agency Comments:

Thompson Nicola Regional District Letter dated October 1, 2008 and Follow Up Email Dated January 22, 2010

- Applicants met proof of water
- Wildland Covenant to be registered against parent parcel
- Both Proposed Lots meet 10% Frontage
- No further comments

Interior Health Authority Letter dated December 18, 2007

- No objections.

Ministry of Forests, Kamloops District

- Did not comment in the initial referral process of Lot 8
- Further correspondence as per email dated June 9, 2009
 - Require maintenance of fencing due to adjacent range tenures.
 - It appears that John McQueen, MoFR, has discussed the concerns with the applicant and is satisfied that existing fencing and terrain was sufficient. Clarified to the applicant that it is the responsibility of the private land owner (and future owners of the proposed new lots should be property informed) to provide and maintain stock proof fence in order to keep range stock off of their private lands. The fencing provisions are set out under the *Trespass Act*.
 - No further objections.

Ministry of Forests, Fire Control Letter dated December 4, 2007

- No objections

- No objections

Recommend granting **Preliminary Layout Approval**, valid for 365 days, subject to:

Preliminary Subdivision Approval is granted based on the Original Subdivision Proposal of Lot 8, Sec. 18, Tp. 23, R.16, W6M, KDYD, Plan KAP86170, Prepared by Coster and Singer BC and Canada Land Surveyors, Drawing No. 073083 Dated May 7, 2008.

1. Proposed Frontage Road Intersection to Yellowhead Highway #5 is to be located within the boundary of Lot 6. New road construction drawings are to reflect the changes of the intersection location at Lot 6. The intersection is to be designed, constructed and paved to the Ministry of Transportation and Infrastructure Intersection Standards, *and be submitted for Ministry approval prior to construction*
 - a) The applicant is required to apply for a Works on Highway Right of Way Permit for the construction of intersections.
 - b) Submission of a Traffic Control Plan for the works along the travelled surface of the Yellowhead Highway #5. The Traffic Control Plan is to be in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Road ways and WCB Regulation, Part 18. The Traffic Control Plan is to be completed by a certified Traffic Control Company. Please note, the Works on Highway Right of Way Permit will not be issued without the submission and approval of Frontage Road design drawings and a Traffic Control Plan.
 2. Proposed Frontage Road is to be extended south from the intersection with Yellowhead Highway #5 complete with cul-de-sac to the southern boundary of Lot 16 and be in accordance with the following:
 - a) Proposed frontage road is to be designed, to Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide regarding subdivision roads, including drainage works complete to a natural outfall, to the satisfaction of the District Manager, Transportation. *Two copies* of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, super elevation design, and all utility locations to be submitted to, and **approved by the District Official** prior to the commencement of any works. *Construction of frontage Road is not required at this time. Additional dedication may be required*
 - i) Section 165 - Protection of the Environment
 - ii) Section 194 – Traffic Management for Work Zones
 - iii) Section 200 – Clearing and Grubbing
 - iv) Section 201 – Roadway and Drainage Excavation
 - v) Section 202 – Granular Surfacing, Base and Sub-Bases
 - vi) Section 303 – Culverts
 - vii) Section 757 – Revegetation Seeding
 - b) *Intersection* Road and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current *Standard Specifications for Highway Construction*. Excerpts from the *Standard Specifications for Highway Construction* are attached for information purposes, and do not in any way, exempt the developer from adhering to any and all applicable Standards.
to encompass all road works within Lots 5-8.
 - c) Inspections may be carried out by the Ministry at any time during construction activities.
 - d) The developer shall give a minimum of one (1) week's notice prior to completion of each of the following stages to allow for the scheduling of inspections. Inspections, by the Ministry representative or approved professional from clause c), shall be carried out upon completion of each of the following stages of construction:
 - i) Clearing and Grubbing and Subgrade Slope Staking.
 - ii) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
 - iii) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.
 - iv) *Paving*
 - e) All inspections carried out by personnel other than the Ministry representative must be appropriately documented and submitted as per clause c).
- This will be permanent*
- A Minimum 15 meter radius cul-de-sac, ditches and 3 meters beyond the toe of the slope *are to be established* within Yellowhead Highway #5 right of way. If required, additional road right-of-way dedication may be established with a Statutory Right of Way in the name of the Minister of Transportation and Infrastructure. The cul-de-sac may be removed during construction of subsequent phases of the frontage road.
- Existing ROW for Yellowhead Hwy #5 & Josephine Rd may be used.*
- Is offset CDS acceptable?*

g) Driveway construction standards must meet section 1420.08 of the BC Supplement to TAC Geometric Design Guide. Include these standards in the sales prospectus of lots and submit with final plans.

3. 6 m x 6 m corner cutoffs to be established at all intersections.

4. Provision of a suitably worded covenant, regarding the land which may be subject to further subdivisions, registrable under Section 219 of the Land Title Act in favour of Her Majesty The Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure. The Covenant is to state no further subdivision of Lots 5, 6, & 7 until frontage road is constructed to the Ministry of Transportation and Infrastructure road construction standards. Covenant to be registered with priority over any financial charges.

5. Existing restrictive geotechnical covenant LB0176269 on Lots 1, 2, 3 & 4 Plan KAP86170 to be transferred to all eight (8) of the proposed lots.

6. Permit for driveway within Ministry ROW. * do you want driveway constructed?

Note: Archaeological sites in British Columbia whether recorded or unrecorded, are protected under provisions of the **Heritage Conservation Act** and may not be altered without a permit issued by the **Ministry of Tourism, Culture and the Arts, Archaeological Assessment & Planning Branch**. Since some potential does exist for the presence of unrecorded sites on this property, please notify the applicant to stop land-altering activity and contact Archaeological Assessment & Planning Branch at Ph:(250) 953-3334 Fax:(250) 953-3340 should remains be encountered during land development activities. * Use same Arch notification on both PLAs for consistency.

Ministry of Transportation and Infrastructure
Thompson Nicola District, Southern Interior Region
#127 - 447 COLUMBIA STREET
KAMLOOPS BC V2C 2T3

Ministry Employee Signature

Tracy LeClair

(Print Name)

Tracy LeClair

Ministry Employee Title

Senior District Development Technician

For Minister of Transportation

Date (yyyy-mm-dd) 2010/03/04

Requires changes - sorry lots of notes - come talk to me.
Jesse Mcer 5/10

From: Barb Jackson [bjackson@tnrd.bc.ca]
Sent: Friday, January 22, 2010 9:25 AM
To: LeClair, Tracy TRAN:EX
Subject: RE: Arundel Subdivision: Your File SD-P-161 MoT File #02-15-15367

Hi Tracy,

I understand that Danny Arundel wishes to return his subdivision application back to before he added Lot 7 KAP86170 to the application, and that we are now asked to provide final comments on his revised subdivision application dated May 7, 2008, wherein the two proposed lots A and B meet the minimum 10% lot perimeter road frontage requirement.

Under these circumstances, the TNRD letter of October 1, 2008 still applies and Planning Services has no other requirements for this proposed subdivision.

Barb Jackson

From: LeClair, Tracy TRAN:EX [mailto:Tracy.LeClair@gov.bc.ca]
Sent: Monday, January 04, 2010 2:07 PM
To: Barb Jackson
Subject: Arundel Subdivision: Your File SD-P-161 MoT File #02-15-15367

Hi Barb,

Please find enclosed an email from Danny Arundel requesting to cancel the revised subdivision for Lots 7 & 8 to only include Lot 8.

<<Arundel - Lot 8.pdf>>

It would be appreciated if you could review the original proposal and provide comments as they pertain to your policies and regulations.

I did not include the original plan; however, if you require it or any additional information, please let me know.

Thanks,

Tracy LeClair, BA, BNRSc.
A/ Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
Tracy.Leclair@gov.bc.ca
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

From: LeClair, Tracy TRAN:EX
Sent: Monday, January 4, 2010 2:07 PM
To: bjackson@tnrd.bc.ca
Subject: Arundel Subdivision: Your File SD-P-161 MoT File #02-15-15367

Hi Barb,

Please find enclosed an email from Danny Arundel requesting to cancel the revised subdivision for Lots 7 & 8 to only include Lot 8.



Arundel - Lot
8.pdf

It would be appreciated if you could review the original proposal and provide comments as they pertain to your policies and regulations.

I did not include the original plan; however, if you require it or any additional information, please let me know.

Thanks,

Tracy LeClair, BA, BNRSc.
A/ Senior District Development Technician
Ministry of Transportation and Infrastructure
Thompson-Nicola District
#127 - 447 Columbia Street
Kamloops, BC
Phone: (250) 371-3845
Fax: (250) 371-3848
Tracy.Leclair@gov.bc.ca
www.th.gov.bc.ca/permits.htm

 Please consider the environment before printing this email

LeClair, Tracy TRAN:EX

From: Danny Arundel S22
Sent: Friday, October 30, 2009 10:00 AM
To: LeClair, Tracy TRAN:EX
Subject: Arundel-Lot7/8

Please cancel our revised application to include lot 7 with out Lot 8 subdivison.
Lot8-Prior to revision, all replys were received from other agencies and we are looking for
final approval.

Thankyou
Danny Arundel



Thompson-Nicola Regional District

Department: Planning

300 - 465 Victoria Street
Kamloops, British Columbia
Canada V2C 2A9

Tel. (250) 377-8673

Fax. (250) 372-5048

Toll Free in BC: 1-877-377-8673

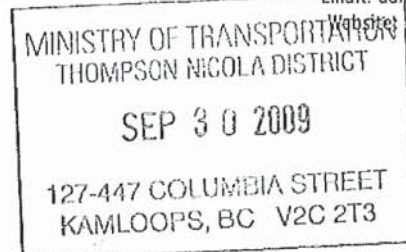
Email: admin@tnrd.bc.ca

Website: www.tnrd.bc.ca

September 29, 2009

Ministry of Transportation
Thompson Nicola District
#127 - 447 Columbia Street
Kamloops, BC V2C 2T3

Attention: District Highways Manager



Dear Madam:

Subject: **Revised (May 1, 2009) Subdivision Application No. SD-P-161 (02-015-15367)**
Proposed Subdivision of **Lot 7 & 8**, Section 18, Township 23, Range 16, W6M,
KDYYD, Plan KAP86170 - Vinsulla, BC (Daniel Arundel)

RELEVANT INFORMATION ON THE PROPERTY:

1. Zone: SH-1 (Small Holding)
2. Minimum Lot Area Permitted in the Zone: 2 ha
3. Agricultural Land Reserve: N/A
4. Applicable Plan or Study Designation:
 - Kamloops North Official Community Plan – Agricultural designation
 - Regional Growth Strategy

COMMENTS ON PROPOSED SUBDIVISION

PROOF OF WATER

1. Proof of water meeting the requirements of Bylaw No. 799 is required for proposed Lots 13, 14, 15 & 16.

10% FRONTAGE

2. Proposed Lots 13, 14, 15 and 16 do not conform to the 10% lot perimeter frontage requirement of Bylaw 799.

BUILDINGS

3. The revised Site Plan shows a building on proposed lot 14. The application must supply Planning Services with information on the use of the building (Removal of the building may be a requirement for subdivision).

.../2

MUNICIPALITIES: Ashcroft, Barriere,
Cache Creek, Chase, Clearwater,
Clinton, Kamloops, Logan Lake,
Lytton, Merritt

ELECTORAL AREAS: "A" "B" "E" "I" "J"

TRA-2012-00039 "O" "P"

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REGIONAL GROWTH STRATEGY

4. It is a policy of the Thompson-Nicola Regional District's (TNRD) Regional Growth Strategy (RGS) to recognize and respect development constraints imposed by environmental factors, and to avoid development within hazardous areas or undertake precautions or mitigative measures where development is unavoidable.

The proposed subdivision has identified rock fall hazards. A geotechnical hazard covenant is recommended for all proposed parcels.

WILDFIRE

5. Wildfire is recognized as a hazard for rural property owners. The applicant will be required to register a Wildland Interface Covenant against all parcels created by the proposed subdivision.

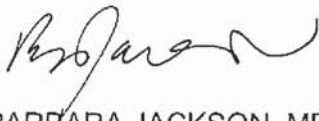
SURVEY LINES

5. The final survey lines must not encroach on any of the setbacks required for any existing buildings or structures, or the buildings and structures will have to be moved to provide the required setbacks.

***APPLICANT PLEASE NOTE:**

That it would be in your best interest to review all conditions of subdivision approval listed on the Ministry of Transportation's Preliminary Layout Approval (PLA) before embarking on or expending any funds to satisfy our comments.

Yours truly,



BARBARA JACKSON, MEM, MCIP
Planner

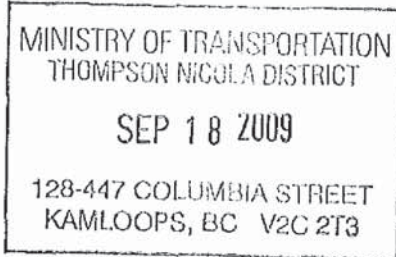
BJ/cdc/ac

c.c. Daniel Arundel
9290 Yellowhead Hwy., Heffley Creek, BC V0E 1Z0



Interior Health

September 16, 2009



Daniel Arundel

S22

Dear Mr. Arundel

Re: Proposed 4 Lot subdivision of Lots 7 and 8, Section 18, Twp.23, Rg 16, W6M, KDYD, KAP86170 Hwy file # 02-015-15367

The Ministry of Transportation has requested that Interior Health review your subdivision application from the viewpoint of our regulations and guidelines. To facilitate the review process the applicant will be required to submit specific information with regards to sewage disposal.

1. The enclosed *Land Development Information* outlines the process for assessing sewage disposal requirements in a subdivision. It is required that the preliminary site evaluation for onsite sewage disposal be conducted by either a qualified surveyor, geoscientist or an Authorized Person as defined by the *Sewerage System Regulation* (ie. a qualified engineer or a Registered Onsite Waste Water Practitioner). The enclosed literature outlines the information that must be submitted to Interior Health for further processing of the subdivision application.

Interior Health will reserve all comments and recommendations regarding this subdivision until all the required information is submitted to the satisfaction of Interior Health and an inspection/assessment of the soil test pits and sewage disposal site(s) has occurred. If you have any questions regarding this matter please contact our office at (250) 851-7340.

Sincerely,

Clare Audet
Environmental Health Officer/
Drinking Water Officer

cc: Tracy Leclair, Ministry of Transportation

Enclosure

Bus: (250)851-7347 Fax: (250) 851-7341
Email: clare.audet@interiorhealth.ca
Web: interiorhealth.ca

HEALTH PROTECTION
Less Risk ~ Better Health

Kamloops Public Health
519 Columbia Street
Kamloops BC V2C 2T8



Daniel Arundel

S22

TO ENSURE IMMEDIATE ATTENTION

Please Quote File No. 02-015-15367

Date (yyyy/mm/dd) 2009/08/13

Proposed subdivision of Lots 7 & 8, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP86170

Your proposal for a 4 (four) lot subdivision for the revised subdivision plan dated April 27, 2009 has not been given approval by the Ministry of Transportation for the following reasons:

1. The Ministry has not received written confirmation from the Thompson Nicola Regional District of compliance with all their applicable policies and regulations. ~ *Letter dated Sept. 29/09*
2. The Ministry has not received written confirmation from the Interior Health authority of compliance with all their applicable policies and regulations. ~ *Letter dated Sept. 16/09*

The following clauses are provided for information should the applicant be able to resolve the above reasons for non issuance of a preliminary letter of approval. These clauses are for guidance only and may be amended depending on the resolution of the concerns above. If the applicant does not resolve the concerns above within one year; and wishes to proceed, a new application will be required.

- A. Proposed Frontage Road access to Yellowhead Highway #5 is to be located where the grade of the fill slope meets the grade of the highway surface, which is approximately 50 meters south of the boundaries of Lots 6 and 7.
- B. Proposed Frontage Road is to be extended south from the intersection with Yellowhead Highway #5 complete with cul-de-sac to the proposed boundaries of Lot 16 and 15 and to be constructed in accordance with the following:
 - a) Proposed roads to be designed, constructed and paved to local Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide, regarding subdivision roads, to the satisfaction of the District Manager, Transportation. Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, superelevation design, and all utility locations to be submitted to, and **approved by the District Official** prior to the commencement of any works.
 - b) Road and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current *Standard Specifications for Highway Construction*. Excerpts from the *Standard Specifications for Highway Construction* are attached for information purposes, and do not in any way, exempt the developer from adhering to any and all applicable Standards.
 - i) Section 165 - Protection of the Environment
 - ii) Section 194 - Traffic Management for Work Zones
 - iii) Section 200 - Clearing and Grubbing
 - iv) Section 201 - Roadway and Drainage Excavation
 - v) Section 202 - Granular Surfacing, Base and Sub-Bases
 - vi) Section 303 - Culverts

Local District Address

Thompson Nicola District
#127 - 447 COLUMBIA STREET
KAMLOOPS BC V2C 2T3



Daniel Arundel

S22

TO ENSURE IMMEDIATE ATTENTION

Please Quote File No. 02-015-15367

Date (yyyy/mm/dd) 2009/08/13

Proposed subdivision of Lots 7 & 8, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP86170

Your proposal for a 4 (four) lot subdivision for the revised subdivision plan dated April 27, 2009 has not been given approval by the Ministry of Transportation for the following reasons:

1. The Ministry has not received written confirmation from the Thompson Nicola Regional District of compliance with all their applicable policies and regulations. - *Letter dated Sept. 29/09*
2. The Ministry has not received written confirmation from the Interior Health authority of compliance with all their applicable policies and regulations. - *Letter dated Sept. 16/09*

The following clauses are provided for information should the applicant be able to resolve the above reasons for non issuance of a preliminary letter of approval. These clauses are for guidance only and may be amended depending on the resolution of the concerns above. If the applicant does not resolve the concerns above within one year; and wishes to proceed, a new application will be required.

- A. Proposed Frontage Road access to Yellowhead Highway #5 is to be located where the grade of the fill slope meets the grade of the highway surface, which is approximately 50 meters south of the boundaries of Lots 6 and 7.
- B. Proposed Frontage Road is to be extended south from the intersection with Yellowhead Highway #5 complete with cul-de-sac to the proposed boundaries of Lot 16 and 15 and to constructed in accordance with the following:
 - a) Proposed roads to be designed, constructed and paved to local Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide, regarding subdivision roads, to the satisfaction of the District Manager, Transportation. Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, superelevation design, and all utility locations to be submitted to, and **approved by the District Official** prior to the commencement of any works.
 - b) Road and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current *Standard Specifications for Highway Construction*. Excerpts from the *Standard Specifications for Highway Construction* are attached for information purposes, and do not in any way, exempt the developer from adhering to any and all applicable Standards.
 - i) Section 165 - Protection of the Environment
 - ii) Section 194 - Traffic Management for Work Zones
 - iii) Section 200 - Clearing and Grubbing
 - iv) Section 201 - Roadway and Drainage Excavation
 - v) Section 202 - Granular Surfacing, Base and Sub-Bases
 - vi) Section 303 - Culverts

Local District Address

Thompson Nicola District
#127 - 447 COLUMBIA STREET
KAMLOOPS BC V2C 2T3

Revised comments for Report on Preliminary Subdivision – July 24, 2009

File: 15-15367 – Arundel's Proposed 4 Lot Subdivision for Lots 7 & 8 – see original Report dated March 28, 2008 and Revised Subdivision Report September 2, 2008

Proposal:

- Applicants have revised their original subdivision plan to include creating two additional lots on the existing Lot 7, as the applicant is required to construct frontage road along the south boundary of Lot 7. Revised subdivision plan is dated April 27, 2009. Applicant has paid the additional fees of \$700 for the two new lots. (Receipt #834454k)
- New referrals were sent to all of the referral agencies.
- MoT comments from the revised report dated September 2, 2008 and the original subdivision report dated March 28, 2008 remain the same, as the new frontage road construction will provide access to the 4 lots created from Lot 7 and 8. The only changes from MoT comments is as follows:
 - Frontage road will be required to be paved, as the applicant is created additional 4 lots that will directly access the newly constructed frontage. In addition, the frontage road is directly off of a paved Controlled Access Highway (Yellowhead Highway #5). Cul-de-sac to remain in the same location.
 - As built will be required for final subdivision approval as well.

External Agency Comments:

Thompson Nicola Regional District – To date MoT has not received subdivision comments for the revised subdivision plan dated April 27, 2009.

Interior Health Authority – To date MoT has not received subdivision comments for the revised subdivision plan dated April 27, 2009.

Telus Engineering – letter dated June 3, 2009

Telus commented that they have no objection to the revised subdivision plan.

BC Hydro – Letter dated May 11, 2009

BC Hydro commented that they have no objections to the revised subdivision plan.

Ministry of Forests, Kamloops District – email dated June 9, 2009

MoF, District, commented that their only concern would be the requirement for maintenance of fencing due to adjacent range tenures. It appears that John McQueen has discussed these concerns with the applicant and was satisfied that existing fencing and terrain was sufficient. Clarified to the applicant that it is the responsibility of the private land owner (and future owners of the proposed new lots should be properly informed) to provide and maintain stock proof fence in order to keep range stock off of their private lands. The fencing provisions are set out under the *Trespass Act*.

Ministry of Forests, Fire Control – To date MoT has not received subdivision comments for the revised subdivision plan dated April 27, 2009.

Subdivision comments from MoF, Fire Control, are not a requirement for subdivision approval; therefore, is not mandatory response. MoF, Fire Control, generally send out Fire Control guidelines to the applicant, which is covered by the TNRD wildfire covenant.

Recommend granting ***Preliminary Layout NOT Approval***, for the revised subdivision plan dated April 27, 2009 valid for 365 days, subject to:


1. The Ministry has not received written confirmation from the Thompson Nicola Regional District of compliance with all their applicable policies and regulations.
2. The Ministry has not received written confirmation from the Interior Health authority of compliance with all their applicable policies and regulations.


The following clauses are provided for information should the applicant be able to resolve the above reasons for non issuance of a preliminary letter of approval. These clauses are for guidance only and may be amended depending on the resolution of the concerns above. If the applicant does not resolve the concerns above within one year; and wishes to proceed, a new application will be required.

1. Proposed Frontage Road access to Yellowhead Highway #5 is to be located where the grade of the fill slope meets the grade of the highway surface, which is approximately 50 meters south of the boundaries of Lots 6 and 7.
- ✓ 2. Proposed Frontage Road is to be extended south from the intersection with Yellowhead Highway #5 complete with cul-de-sac to the proposed boundaries of Lot 16 and 15 and to be constructed in accordance with the following:
 - a) Proposed roads to be designed, constructed and paved to local Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide, regarding subdivision roads, to the satisfaction of the District Manager, Transportation. Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, superelevation design, and all utility locations to be submitted to, and **approved by the District Official prior** to the commencement of any works.
 - b) Road and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current *Standard Specifications for Highway Construction*. Excerpts from the *Standard Specifications for Highway Construction* are attached for information purposes, and do not in any way, exempt the developer from adhering to any and all applicable Standards.
 - i) Section 165 - Protection of the Environment
 - ii) Section 194 – Traffic Management for Work Zones
 - iii) Section 200 – Clearing and Grubbing
 - iv) Section 201 – Roadway and Drainage Excavation
 - v) Section 202 – Granular Surfacing, Base and Sub-Bases
 - vi) Section 303 – Culverts
 - vii) Section 757 – Revegetation Seeding
 - c) Testing and/or inspections by an independent testing agency with Professional Engineer or ASCT registration will be required by the Ministry representative. The testing shall be done in accordance with the current *Standard Specifications for Highway Construction*, and shall be submitted to, and approved by the Ministry, prior to commencement of the next stage of construction.
 - d) Inspections may be carried out by the Ministry at any time during construction activities.
 - e) The developer shall give a minimum of one (1) week's notice prior to completion of each of the following stages to allow for the scheduling of inspections. Inspections, by the Ministry representative or approved professional from clause c), shall be carried out upon completion of each of the following stages of construction:
 - i) Clearing and Grubbing and Subgrade Slope Staking.
 - ii) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
 - iii) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.
 - iv) Paving
 - f) The proponent shall submit a full size set of as-built drawings incorporating any/all changes made to the design during construction and submitted no later than one month after construction completion and prior to final acceptance of the road by the Ministry.
 - g) All required signs, including: road name sign; stop sign; and "No Thru Road" sign; and road markings are to be included on the engineered drawings and installed to Ministry standards prior to final approval. Please provide at least three potential road names as soon as possible for our review and approval.
 - h) Installation of all signage and road markings to the satisfaction of the District Official prior to final approval.
 - i) Construction of the minimum 15 meter radius paved cul-de-sac at the boundary of Lots 15 & 16. Cul-de-sac is to be designed and constructed to Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide regarding subdivision roads. Cul-de-sac, ditches and 3 meters beyond the toe of the slope are to be within Ministry highway right of way and further highway right of way dedication may be required.

- j) Driveway construction standards must meet section 1420.08 of the BC Supplement to TAC Geometric Design Guide. Include these standards in the sales prospectus of lots and submit with final plans.

Note: Archaeological sites in British Columbia whether recorded or unrecorded, are protected under provisions of the **Heritage Conservation Act** and may not be altered without a permit issued by the **Ministry of Tourism, Sports and the Arts, Archaeological Assessment & Planning Branch**. Since some potential does exist for the presence of unrecorded sites on this property, please notify the applicant to stop land-altering activity and contact Archaeological Assessment & Planning Branch at Ph:(250) 952-5021 Fax:(250) 952-4188 should remains be encountered during land development activities.

Ministry of Transportation & Infrastructure	Ministry Employee Signature 
	(Print Name) Dawn Braithwaite
	Ministry Employee Title Sr. District Development Tech.
2009/07/24	For Minister of Transportation
Date (yyyy-mm-dd)	

Pls issue PLNA as recommended

Aug 13/09.

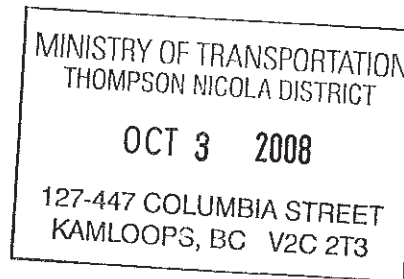


Thompson-Nicola Regional District

Department: Planning

October 1, 2008

Ministry of Transportation and Infrastructure
Thompson Nicola District
#127 – 447 Columbia Street
Kamloops, BC V2C 2T3



300 - 465 Victoria Street
Kamloops, British Columbia
Canada V2C 2A9
Tel. (250) 377-8673
Fax. (250) 372-5048
Toll Free in BC: 1-877-377-8673
Email: admin@tnrd.bc.ca
Website: www.tnrd.bc.ca

Attention: District Highways Manager

Dear Madam:

Subject: Subdivision Application No. SD-P-161 (02-015-15367)
REVISED PLAN OF MAY 7, 2008
Proposed Subdivision of Lot 8, Section 18, Township 23, Range 16, W6M,
KDYY, Plan KAP86170 - Vinsulla, BC (Daniel Arundel)

Please be advised that the applicants have met the proof of water requirements of Subdivision Servicing Bylaw No. 799 for Subdivision Application No. SD-O-161.

The applicants have met the proof of water requirements for proposed Lots A and B by providing an addendum to the AMEC Groundwater Potential Evaluation report, dated May 18, 2008. In this addendum dated September 29, 2008, AMEC confirms its previous conclusion that there is likely to be sufficient groundwater available to meet the 2,273 liters/day requirement on proposed lots A and B, in accordance with Section 7.2 of Bylaw No. 799.

Wildfire Hazard Covenant No. LB143637 is registered against the parent parcel. This covenant must be registered against the two new parcels.

Geotech Hazard Covenant No. LB176269 is registered against the parent parcel. This covenant must be registered against the two new parcels.

Finally, the Revised Plan of Subdivision dated May 7, 2008, shows that both proposed Lots A and B meet the minimum 10% lot perimeter road frontage requirement.

Thank you for the opportunity to comment on this proposed subdivision.

Yours truly,

BARBARA JACKSON, MEM, MCIP
Planner

BJ/ac

cc Daniel Arundel

S22

MUNICIPALITIES: Ashcroft, Barriere,
Cache Creek, Chase, Clearwater,
Clinton, Kamloops, Logan Lake,
Lytton, Merritt
ELECTORAL AREAS: "A" "B" "E" "I" "J"
TRA-2012L00089"N" "O" "P"
Page 363



Daniel Arundel

S22

Your File

Our File 02-015-15367

Date (yyyy/mm/dd) 2008/09/04

Proposed Subdivision of

Lot 2, Section 18, Township 23, Range 16, W6M, KDYD, Plan KAP66849

Your proposal for a two (2) lot fee simple subdivision has received preliminary layout approval, subject to the following condition(s):

This Preliminary Layout Approval (PLA) amends and replaces the PLA dated March 28, 2008

1. Proposed Frontage Road access to Yellowhead Highway #5 is to be located where the grade of the fill slope meets the grade of the highway surface, which is approximately 50 meters south of the boundaries of Lots 6 and 7.
2. Proposed Frontage Road is to be extended south from the intersection with Yellowhead Highway #5 complete with cul-de-sac to the proposed boundaries of Lot A and B and to constructed in accordance with the following:
 - a) Proposed roads to be designed, constructed and graveled to Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide regarding subdivision roads, including drainage works complete to a natural outfall, to the satisfaction of the District Manager, Transportation. Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, super elevation design, and all utility locations to be submitted to, and **approved by the District Official prior** to the commencement of any works. Design drawings are to include, but not limited to, the following:
 - i. Typical Section – Include gravel design standards
 - ii. Cross Sections – Showing Centerline, crossfall, ditch elevations, utility locations, culverts, right of way boundaries, feature point codes and stations
 - iii. Proposed and existing utility locations – included on Plan and Profile drawings.
 - iv. Plan / Profile – As per drawing examples, see Chapter 1200 of the BC Supplement to TAC
 - v. Cross culvert locations – culverts are to be certified for 50 to 200 year events by a Professional Engineer, see Chapter 1000 in the BC Supplement to TAC. Culvert sizes should meet or exceed the Ministry's minimum sizes.
 - vi. Ditches are to be designed with a 1 meter flat bottom, sloped at a 2:1 away from the roadway. Ditch bottoms should be a minimum of 0.15 meters below the bottom of the SGSB, to ensure that the roadway gravel structure can drain.

Local District Address

Thompson Nicola District
#127 - 447 COLUMBIA STREET
KAMLOOPS BC V2C 2T3

- b) Road and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current *Standard Specifications for Highway Construction*. Excerpts from the *Standard Specifications for Highway Construction* are attached for information purposes, and do not in any way, exempt the developer from adhering to any and all applicable Standards.
 - i) Section 165 - Protection of the Environment
 - ii) Section 194 - Traffic Management for Work Zones
 - iii) Section 200 - Clearing and Grubbing
 - iv) Section 201 - Roadway and Drainage Excavation
 - v) Section 202 - Granular Surfacing, Base and Sub-Bases
 - vi) Section 303 - Culverts
 - vii) Section 757 - Revegetation Seeding
- c) Testing and/or inspections by an independent testing agency with Professional Engineer or ASCT registration will be required by the Ministry representative. The testing shall be done in accordance with the current *Standard Specifications for Highway Construction*, and shall be submitted to, and approved by the Ministry, prior to commencement of the next stage of construction.
- d) Inspections may be carried out by the Ministry at any time during construction activities.
- e) The developer shall give a minimum of one (1) week's notice prior to completion of each of the following stages to allow for the scheduling of inspections. Inspections, by the Ministry representative or approved professional from clause c), shall be carried out upon completion of each of the following stages of construction:
 - i) Clearing and Grubbing and Subgrade Slope Staking.
 - ii) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
 - iii) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.
 - iv) Paving (when required).
- f) All inspections carried out by personnel other than the Ministry representative must be appropriately documented and submitted as per clause
- g) Construction of the minimum 15 meter radius gravel cul-de-sac at the boundary of Lots A and B. Cul-de-sac is to be designed and constructed to Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide regarding subdivision roads. Cul-de-sac, ditches and 3 meters beyond the toe of the slope are to within Ministry highway right of way and further road right of way dedication may be required.
- h) All required signs, including: road name sign; stop sign; and "No Thru Road" sign; are to be included on the engineered drawings and installed to Ministry standards prior to final approval. Please provide at least one proposed road name as soon as possible for our review and approval.
- i) Driveway construction standards must meet section 1420.08 of the BC Supplement to TAC Geometric Design Guide. Include these standards in the sales prospectus of lots and submit with final plans.

Letter
Dated 13
Oct. 11/08
Written confirmation of approval from the Thompson-Nicola Regional District of compliance with their letter March 25, 2008.

Note: As per the meeting between the developer and the Ministry of Transportation and Infrastructure on August 21 and 25, 2008, the developer is aware that any further subdivision of Lots 4, 5, 6, & 7 will require paving the entire length of the frontage road to the south. No further access to Yellowhead Highway 5 for future subdivision of Lots 4, 5, 6, & 7 will be permitted. Existing access to be utilized and frontage road to be constructed to pavement specifications.

Revised comments for Report on Preliminary Subdivision – September 2, 2008

File: 15-15367 – Arundel's Proposed 2 Lot Subdivision for Lot 8 – see original Report dated March 28, 2008

- Previous agency comments remain the same as on the March 28, 2008 Subdivision Report
- Revised TRAN Comments – Access Requirements:
 - Access to the proposed Lots A & B will be via a frontage road access from Highway 5. Frontage Road access to be located where the grade of the cut slope meets the grade of the highway, which is approximately 50 meters south of the boundary of Lots 6 and 7.
 - Frontage road is to be constructed to TRAN gravel specifications, as per Chapter 1400 of the BC Supplement to TAC complete with a minimum 15 meter radius cul-de-sac.
 - Cul-de-sac is to be located at the proposed boundaries of Lots A & B – which will provide frontage road access to the proposed Lot A
 - Pavement will not be a requirement of the proposed development as it is for 2 lots. Developer has been made aware in a meeting August 21 & 25, 2008 that any further subdivision of lots 4, 5, 6 & 7 will require pavement of the entire length of the frontage road to the south
 - As this is a short section of frontage road construction and pavement will be completed at a future date – recommend that as-builts not be required as part of final subdivision approval.

Recommend granting revised Preliminary Approval, valid for 365 days, subject to:

- "This Preliminary Layout Approval (PLA) amends and replaces the PLA dated Mar 28, 2008"*
1. Written confirmation of approval from the Thompson-Nicola Regional District of compliance with their letter March 25, 2008.

Note: we always put OUR regmt 1st TNRD @ End.

2. Proposed Frontage Road access to Highway 5 is to be located where the grade of the fill slope meets the grade of the highway surface, which is approximately 50 meters south of the boundaries of Lots 6 and 7.
3. Proposed Frontage Road is to be extended south from the intersection with Highway 5 complete with cul-de-sac to the proposed boundaries of Lot A and B and to constructed in accordance with the following:

- a) Proposed roads to be designed, constructed and graveled to Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide regarding subdivision roads, complete with a minimum 15m radius cul-de-sac at the terminus, including drainage works complete to a natural outfall, to the satisfaction of the District Manager, Transportation. Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, super elevation design, and all utility locations to be submitted to, and approved by the District Official prior to the commencement of any works. Design drawings are to include, but not limited to, the following:

- a. Section Type – Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, super elevation design, and all utility locations to be submitted to, and approved by the District Official prior to the commencement of any works.
- b. Cross Sections – Showing Centerline, crossfall, ditch elevations, utility locations, culverts, right of way boundaries, feature point codes and stations
- c. Proposed and existing utility locations – included on Plan and Profile drawings.
- d. Plan / Profile – As per drawing examples, see Chapter 1200 of the BC Supplement to TAC
- e. Cross culvert locations – culverts are to be certified for 50 to 200 year events by a Professional Engineer, see Chapter 1000 in the BC Supplement to TAC. Culvert sizes should meet or exceed the Ministry's minimum sizes.
- f. Ditches are to be designed with a 1 meter flat bottom, sloped at a 2:1 away from the roadway. Ditch bottoms should be a minimum of 0.15 meters below the bottom of the SGSB, to ensure that the roadway gravel structure can drain.

- b) Road and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current *Standard Specifications for Highway Construction*. Excerpts from the *Standard Specifications for Highway Construction* are attached for information purposes, and do not in any way, exempt the developer from adhering to any and all applicable Standards.

- i) Section 165 - Protection of the Environment
- ii) Section 194 - Traffic Management for Work Zones
- iii) Section 200 - Clearing and Grubbing
- iv) Section 201 - Roadway and Drainage Excavation
- v) Section 202 - Granular Surfacing, Base and Sub-Bases
- vi) Section 303 - Culverts
- vii) Section 757 - Revegetation Seeding

- c) Testing and/or inspections by an independent testing agency with Professional Engineer or ASCT registration will be required by the Ministry representative. The testing shall be done in accordance with the current *Standard Specifications for Highway Construction*, and shall be submitted to, and approved by the Ministry, prior to commencement of the next stage of construction.

- d) Inspections may be carried out by the Ministry at any time during construction activities.

- e) The developer shall give a minimum of one (1) week's notice prior to completion of each of the following stages to allow for the scheduling of inspections. Inspections, by the Ministry representative or approved professional from clause c), shall be carried out upon completion of each of the following stages of construction:

- i) Clearing and Grubbing and Subgrade Slope Staking.
- ii) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
- iii) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.
- iv) Paving (when required).

Most of the area unregulated
→ keep consider

- f) All inspections carried out by personnel other than the Ministry representative must be appropriately documented and submitted as per clause (c).

g) Construction of a 15m cul-de-sac at boundary of lots A+B.

Do we have a frontage Rd speed zone?

- h) All required signs, including: road name sign; stop sign; "No Thru Road" sign; and "50 km/h" sign; are to be included on the engineered drawings and installed to Ministry standards prior to final approval. Please provide at least one proposed road name as soon as possible for our review and approval.

- i) Driveway construction standards must meet section 1420.08 of the BC Supplement to TAC Geometric Design Guide. Include these standards in the sales prospectus of lots and submit with final plans.

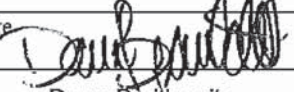
NOTE:

Note: Archaeological sites in British Columbia whether recorded or unrecorded, are protected under provisions of the **Heritage Conservation Act** and may not be altered without a permit issued by the **Ministry of Tourism, Sports and the Arts, Archaeological Assessment & Planning Branch**. Since some potential does exist for the presence of unrecorded sites on this property, please notify the applicant to stop land-altering activity and contact Archaeological Assessment & Planning Branch at Ph:(250) 952-5021 Fax:(250) 952-4488 should remains be encountered during land development activities.

953-3324

953-3310

Culture

Ministry of Transportation	Ministry Employee Signature 
	(Print Name) Dawn Braithwaite
	Ministry Employee Title Sr. District Development Tech.
	For Minister of Transportation
Date (yyyy-mm-dd)	

between the developer & TRAN

Please Plot with issue changes

As per meeting on Aug 21 & 25/08 the Developer is aware that any further subdivision of lots 4, 5, 6 & 7 will require paving the entire length of the frontage road to the south.



Daniel Arundel

S22

Your File

Our File 02-015-15367

Date (yyyy/mm/dd) March 28, 2008

Dear Daniel Arundel:

Re: Proposed Subdivision of Lot 8, Sec. 18, Tp. 23, R. 16, W6M, KDYD, Plan KAP86170

Your proposal for a one lot and remainder fee simple subdivision has received preliminary layout approval, subject to the following conditions:

1. Provision of an engineered drawing to show the connection from the frontage road to Josephine Road #2586. Proposed right of way to be dedicated 20m or 3m beyond cuts and fills whichever is greater.
2. Josephine Road #2586 to be designed, constructed and paved (if required by Ministry) to local Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide, regarding subdivision roads, to the satisfaction of the District Manager, Transportation. Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, superelevation design, and all utility locations to be submitted to, and approved by the District Official prior to the commencement of any works.
 - a) Road and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current Standard Specifications for Highway Construction. References to the Standard Specifications for Highway Construction follow for information purposes, and do not in any way, exempt the developer from adhering to any and all applicable Standards.
 - i) Section 165 - Protection of the Environment
 - ii) Section 194 - Traffic Management for Work Zones
 - iii) Section 200 - Clearing and Grubbing
 - iv) Section 201 - Roadway and Drainage Excavation
 - v) Section 202 - Granular Surfacing, Base and Sub-Bases
 - vi) Section 303 - Culverts
 - vii) Section 757 - Revegetation Seeding
 - b) Testing and/or inspections by an independent testing agency with Professional Engineer or ASCT registration will be required by the Ministry representative. The testing shall be done in accordance with the current *Standard Specifications for Highway Construction*, and shall be submitted to, and approved by the Ministry, prior to commencement of the next stage of construction.
 - c) All inspections carried out by personnel other than the Ministry representative must be appropriately documented and submitted as per clause b).
 - d) Inspections may be carried out by the Ministry at any time during construction activities.
 - e) The developer shall give a minimum of one (1) week's notice prior to completion of each of the following stages to allow for the scheduling of inspections. Inspections, by the Ministry representative or approved professional from clause c), shall be carried out upon completion of each of the following stages of construction:
 - i) Clearing and Grubbing and Subgrade Slope Staking.

Local District Address

Thompson Nicola District
#127 - 447 COLUMBIA STREET
KAMLOOPS BC V2C 2T3

April 1, 2008
Daniel Arundel

- ii) Roadway and Drainage Excavation and Subgrade Construction Slope Stakes.
 - iii) Select Granular Sub-base Construction and Slope Stakes for Surface Course Construction.
 - iv) Paving (when required).
- f) Installation of all signage and road markings to the satisfaction of the District Official prior to final approval.
- g) The proponent shall submit a full size set of as-built drawings incorporating any/all changes made to the design during construction and submitted no later than one month after construction completion and prior to final acceptance of the road by the Ministry.
- h) Driveway construction standards must meet section 1420.08 of the BC Supplement to TAC Geometric Design Guide. Include these standards in the sales prospectus of lots and submit with final plans.
3. Written confirmation of approval from the Thompson-Nicola Regional District of compliance with their letter of March 25, 2008.

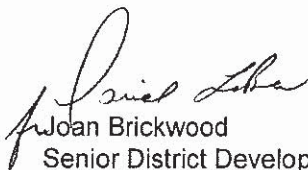
Note: Archaeological sites in B.C. whether recorded or unrecorded, are protected under provisions of the Heritage Conservation Act and may not be altered without a permit issued by the Ministry of Sustainable Resource Management, Archaeological and Registry Services Branch. Since some potential does exist for the presence of unrecorded sites on this property, please stop land-altering activity and contact the Archaeology Permitting Section at phone; [250] 953-3334 or fax; [250] 953-3340 should remains be encountered during land development.

The approval granted is only for the general layout of the subdivision and is valid for one year from the date of 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, including remainders, created by the plan and made payable in the form of a cheque to the Minister of Finance.

If you have any questions please do not hesitate to call Rob Purdy At (250) 371-3855.
(Name of Technician)

Yours truly,



Joan Brickwood
Senior District Development Technician
Ministry of Transportation

cc: Thompson-Nicola Regional District (SD-P-161)
Interior Health Authority
Ministry of Forests & Range, Kamloops District
Ministry of Forests & Range, Fire Control
Telus Engineering
BC Hydro & Power Authority
Jeff Saby, Area Manager

**CERTIFICATION OF SUBDIVISION
ROAD CONSTRUCTION**

ROAD NAME	ROAD NO.
LOCATION	
DISTRICT	REGION

This is to advise that I am the Professional Engineer, registered with the Association of Professional Engineers and Geoscientists of British Columbia(APEGBC), and was retained to undertake and coordinate all field reviews required with respect to this project, and that I have taken all steps as regulated under the Provincial Statute for my profession and required by good practice and by the definition of "field reviews", in order to issue the following certification.

As used herein, "field reviews" means such reviews of the work at the project site (and/or the fabrication locations, where applicable) considered necessary by, and at the professional discretion of, the Registered Professional to ensure that all aspects of the work substantially conform to the plans and supporting documents "accepted" by the Ministry for the project.

All aspects of project execution have been reviewed, either by me or under my direction, and are to my satisfaction.

I certify that all aspects of the construction work substantially complied with the plans and supporting documents, including all amendments, which supported the acceptance of the project by the Ministry. In addition, significant revisions to the accepted plans and supporting documents have been documented and marked on the plans or described in documents, and all have been noted in an "as-built" drawing set to be submitted to the Ministry, and that the road and associated features has a level of durability and resistance at least equal to that expected from a road and associated features documented by the approved drawings and specifications.

SIGNATURE OF REGISTERED PROFESSIONAL	<i>(please affix professional seal here)</i>		
NAME OF REGISTERED PROFESSIONAL (please print)	DATE SIGNED	Y	M D
ADDRESS (please print)			
PHONE NO.	FAX NO.		



REPORT ON PRELIMINARY SUBDIVISION

Highway District	<u>Thompson Nicola District</u>		Regional District	<u>Thompson Nicola Regional District</u>				
Road Name/Route Number	<u>Yellowhead Highway #5</u>							
Legal Description	<u>Lot 8, Sec. 18, Tp. 23, R. 16, W6M, KDYD, Plan KAP86170</u>							
Name of Applicant/Agent	<u>Daniel Arundel</u>							
Located	<u>30</u>	km	<input checked="" type="checkbox"/> N	<input type="checkbox"/> S	<input type="checkbox"/> E	<input type="checkbox"/> W	of	<u>Kamloops</u>
Topographic Description	<p>Lot 8, Plan KAP86170 is an approximately 8ha parcel of land located on the east side of the Yellowhead Hwy. #5. The westerly portion of the land adjacent to the Hwy is river valley bottom and is relatively flat for a distance varying from 100m to 200m west to east. Beyond that, the hillside rises steeply for a distance of about 200m to 300m to the east for the remainder of Lot 8, Plan KAP86170. The main landforms are bedrock controlled valley sidewall slopes and colluvial aprons and fans. Average slope gradient is about 35 degrees. Rock bluffs and outcrops exist and boulders are scattered in the vicinity of potential building sites. Potential development sites are limited.</p>							
Previous Reference	<u>02-015-15132 and 02-015-15143</u>							
Outcome	<u>Subdivision Plan KAP86170</u>			Reference Date	<u>March 11, 2008</u>			
Present Land Use	<u>Rural residential</u>							
Proposed Land Use	<u>Rural residential</u>							
Present Zoning	<u>SH-1 (Small Holdings)</u>			Zoning Minimum Parcel Size	<u>2 ha</u>			
Conform with OCP				ALC Approval	<u>Speed Zone 90km/hr</u>			
Street System Adequate for Additional Traffic	<u>Yes</u>	Access All Lots	<u>Comments</u>	Off Street Parking OK	<u>Yes</u>			
Subdivision Affected by Controlled Access Highway (B.C. Reg. 8/89)	<u>Yes</u>							
Sec. Street System Exist	<u>No</u>			Require Widening?	<u>See comments</u>			
75 1(a) <u>NA</u>	75 1(c)(d) Involved <u>NA</u>			Alternate access (B.C. Reg. 334/79)	<u>NA</u>			
946 Subdivision	<u>No</u>							
Conflict Highway Design Line	<u>No</u>			Pipeline Crossing	<u>No</u>			
Hydro/Tel Line Crossing	<u>Yes</u>			RR Crossing	<u>No</u>			
Frontage Rule	<u>Doesn't Meet</u>			Require Community Water	<u>No</u>			
Require Community Sewer	<u>No</u>			Conventional Sewage Disposal OK	<u>Yes</u>			
Road/Land Drainage OK	<u>Yes</u>	Require Covenant	<u>Exists</u>	Erosion	<u>No</u>	Landslip	<u>Yes</u>	
Flooding	<u>No</u>	Rockfall	<u>Yes</u>	Avalanche	<u>No</u>	Wildlife	<u>Yes</u>	
Road Closure	<u>No</u>	Wildfire	<u>Yes</u>	Archaeological Site	<u>Comments</u>	If yes, see attached form.		
Contaminated Site	<u>Waiver on File</u>			Site Regraded	<u>No</u>			
Require: Site Profile	<u>No</u>							
State Title Certificate/Certificate of Title	<u>Title LB176268 on File</u>							

Proposal

The proposal is to subdivide Lot 8, Plan KAP86170 to create two approximately equal sized 4ha lots – proposed Lots A and B.

Background

- Plan 35241, February 25, 1985 subdivided these parcels to create Lot D;
- Plan KAP53736, December 13, 1994 subdivided the northern part of Lot D, Plan 35241 to create Lot 1 and Rem Lot D
- Plan KAP66849, May 26, 2000 subdivided most of the remainder of Lot D, Plan 35241 to create Lot 1 and Lot 2.
- Plan KAP86170, March 11, 2008 created Lots 1 to 8

MOT Comments

- MOT staff undertook a field inspection on January 23, 2007. Geotechnical concerns were observed, rock fall, steep hillside, rock outcrops, and limited potential development sites.
- AMEC Terrain Hazard Assessment, dated June 27, 2007 was reviewed by Ministry Geotech P.Eng. See comments on file 02-015-15132. An additional addendum was requested to address hydrology. Addendum by AMEC dated September 27, 2007, was reviewed by Ministry Geotech P.Eng.
- Summit Environmental Consultants Ltd. report dated November 21, 2007, reviewed upslope hydrology and determined that the geotechnical remediation (buffer strip) indicated by the AMEC report for protection from rock fall hazard will also serve to infiltrate potential surface flow, and that if the building line as outlined in the AMEC report is adhered to, potential surface flows should not impact residential development as proposed and a detailed site drainage plan is not required at this time.
- Geotech Covenant LB176269 on title identifying safe building sites.
- Yellowhead Hwy. #5
 - Originally gazetted April 1958
 - Plan H-8754, January 1969, established North Thompson Highway with a 30m ROW - gazetted December 1970.
 - Plan 35241, February 1985 took widening of approximately 15.24m fronting the northern half of Lot D
 - A road reserve covenant (KH119960, October 1994) was registered against the titles of Lot D, Sec. 18, Tp. 23, R. 16, W6M, KDYD, Plan 35241, Except Plan KAP53736 and Lot 1, Plan KAP53736, for 15m adjacent to the east boundary of Plan H-8754. This covenant has been discharged as 15m widening was taken by Plan KAP86170, March 11, 2008.
 - The Hwy Corridor strategy for Yellowhead Hwy #5 is to go from 2RAU to 4RJED (4 land rural/urban junior expressway (paved top width 22m) divided. Access strategy is select with 1.6km spacing in the future with preferred access via frontage road if possible.
 - No additional widening required
- Access
 - Currently, Lot 8, Plan KAP86170 has a proposed shared access with Lots 5-7.
 - Due to the location of BC Hydro ROW, and the requirement for shared access there is limited room available for a shared driveway. It has been agreed with the Area Manager and the PAO that a shared driveway within the proposed road dedication will be allowed for proposed Lots 5 to 8. The PLA, October 2007 recommend shared access agreement and easements and required the applicant to apply for a shared driveway Permit within the Hwy ROW.
 - Josephine Road #2586 is dedicated 20m and commences along the south boundary of Proposed Lot 8 and extends to the Hwy, but is not constructed at the location of proposed Lot 8. Applicant looked at using Josephine Road #2586 to access proposed Lot 8, but the cost of developing the road to provide access was not feasible. There was also conflict with adjacent property owners who were opposed to further development of Josephine Road.
 - The applicant has not provided an access plan for proposed Lots A and B
- RAAD database identifies the area as low potential under the Overview Assessment

TNRD – Letter dated March 25, 2008

- Proof of water for proposed Lots A and B
- Lots A and B do not conform to the 10% lot perimeter frontage. Applicant must submit a revised plan where one parcel meets this requirement. The Board will consider the new proposed layout after PLA.
- A geotechnical hazard covenant must be registered against both parcels.
- A Wildland Interface Covenant must be registered against both parcels
- Final survey lines must not encroach on any of the setbacks required for any existing buildings or structures

Interior Health – Letter dated December 18, 2007

- No Objections

MOF – Fire – Letter dated December 4, 2007

- No objections – standard wildland and  division guidelines

BC Hydro – Letter dated December 11, 2007

- No objections

Recommend granting Preliminary Layout Approval, valid for 365 days, subject to:

1. Provision of an engineered drawing to show the connection from the frontage road to Josephine Road #2586. Proposed right of way to be dedicated 20m or 3m beyond cuts and fills whichever is greater.
2. Josephine Road #2586 to be designed, constructed and paved (if required by Ministry) to local Ministry standards in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide, regarding subdivision roads, to the satisfaction of the District Manager, Transportation. Two copies of the drawings including, but not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, superelevation design, and all utility locations to be submitted to, and approved by the District Official prior to the commencement of any works.
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 - h) Driveway construction standards must meet section 1420.08 of the BC Supplement to TAC Geometric Design Guide. Include these standards in the sales prospectus of lots and submit with final plans.
3. Written confirmation of approval from the Thompson-Nicola Regional District of compliance with their letter of March 25, 2008.

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Ministry of Transportation

Ministry Employee Signature

(Print Name)

Joan Brickwood

Ministry Employee Title

Senior District Dev. Approvals Technician

For Minister of Transportation

Date (yyyy-mm-dd)

N
NORTH THOMPSON
PLAN H8754
PLAN 35

NORTH THOMPSON HIGHWAY	DWG C02
PLAN H8754	

DWG C01

[illegible]

S.W. 1/4
SEC. 18
TP. 23
R. 16
W. 6 M.

ADDITIONAL REQUIRED ROW

N.W. 1/4
SEC. 18
TP. 23
R. 16
W. 6 M.

S.E. 1/4
SEC. 18
TP. 23
R. 16
W. 6 M.
CROWN
LAND

NOTE: 1. ALL CONSTRUCTION AND MATERIALS TO CURRENT MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE STANDARDS AND SPECIFICATIONS
2. CONTRACTOR SHALL COORDINATE UTILITY PILE RELOCATIONS WITH UTILITIES
3. TRAFFIC CONTROL (IF REQUIRED SHALL BE IN ACCORDANCE WITH MOTI REQUIREMENTS)
4. FUTURE ROAD INCLUDED FOR APPROVAL PURPOSE ONLY AND IS NOT IN CONTRACT DESIGN VEHICLE: WB-12

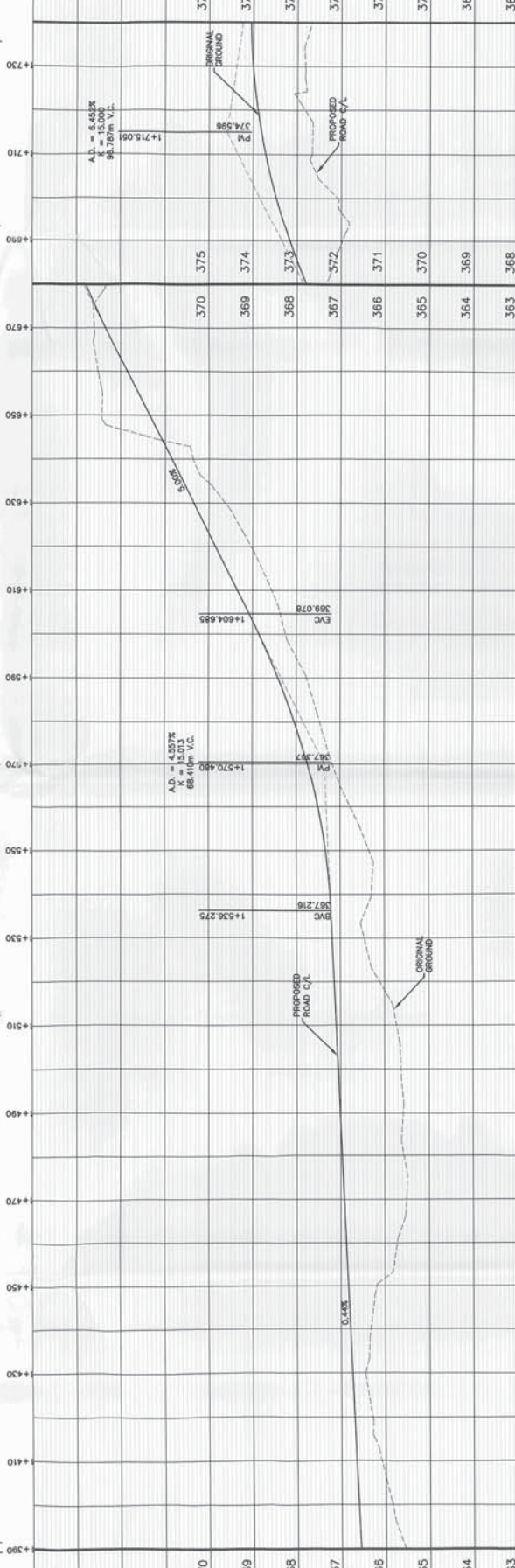
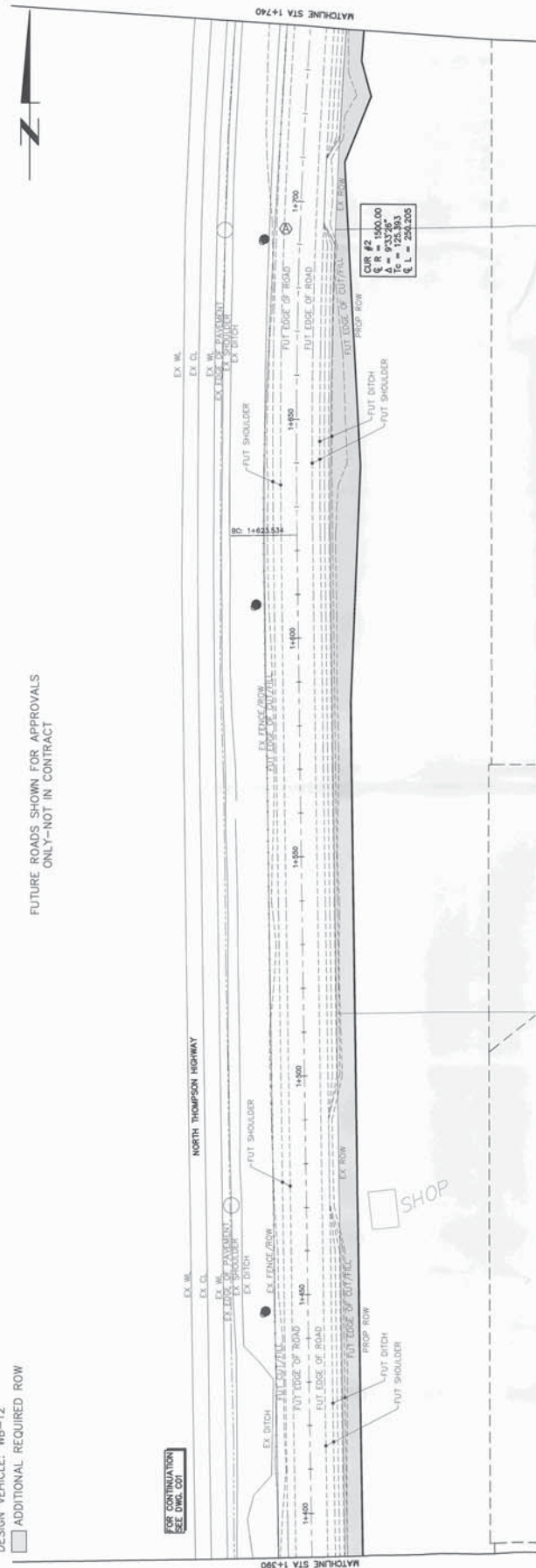
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DESIGN VEHICLE: WB-12
☐ ADDITIONAL REQUIRED ROW

FUTURE ROADS SHOWN FOR APPROVALS
ONLY-NOT IN CONTRACT

FOR CONTINUATION
SEE DWG. C03

FOR CONTINUATION
SEE DWG. C01



proposed		existing		proposed		existing	
Water	●	Water	●	Hyd	●	Water	●
Steam	●	Steam	●	Steam	●	Steam	●
Seawater	●	Seawater	●	Seawater	●	Seawater	●
Scum	●	Scum	●	Scum	●	Scum	●
U.L. Telephone	●	U.L. Telephone	●	U.L. Telephone	●	U.L. Telephone	●
U.L. Cable TV	●	U.L. Cable TV	●	U.L. Cable TV	●	U.L. Cable TV	●
U.L. Col. TV	●	U.L. Col. TV	●	U.L. Col. TV	●	U.L. Col. TV	●
Hydrant	●	Hydrant	●	Hydrant	●	Hydrant	●
Medic	●	Medic	●	Medic	●	Medic	●
Design level of Sanitary	○	Design level of Sanitary	○	Design level of Sanitary	○	Design level of Sanitary	○
Service at property line	○	Service at property line	○	Service at property line	○	Service at property line	○
Design level of Storm	○	Design level of Storm	○	Design level of Storm	○	Design level of Storm	○
Service at property line	○	Service at property line	○	Service at property line	○	Service at property line	○
Existing level of Sanitary	○	Existing level of Sanitary	○	Existing level of Sanitary	○	Existing level of Sanitary	○
Service at property line	○	Service at property line	○	Service at property line	○	Service at property line	○
Existing level of Storm	○	Existing level of Storm	○	Existing level of Storm	○	Existing level of Storm	○
Service at property line	○	Service at property line	○	Service at property line	○	Service at property line	○

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						By
						"Y' MM DD
					No.	
					Cash	

[illegible]

Drawn	LAS
Design	
Approved	
Date	AUGUST 2009
Scale	H 1:500 V 1:50

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FRONTAGE
PLAN AND
FRONTAGE ROAD S

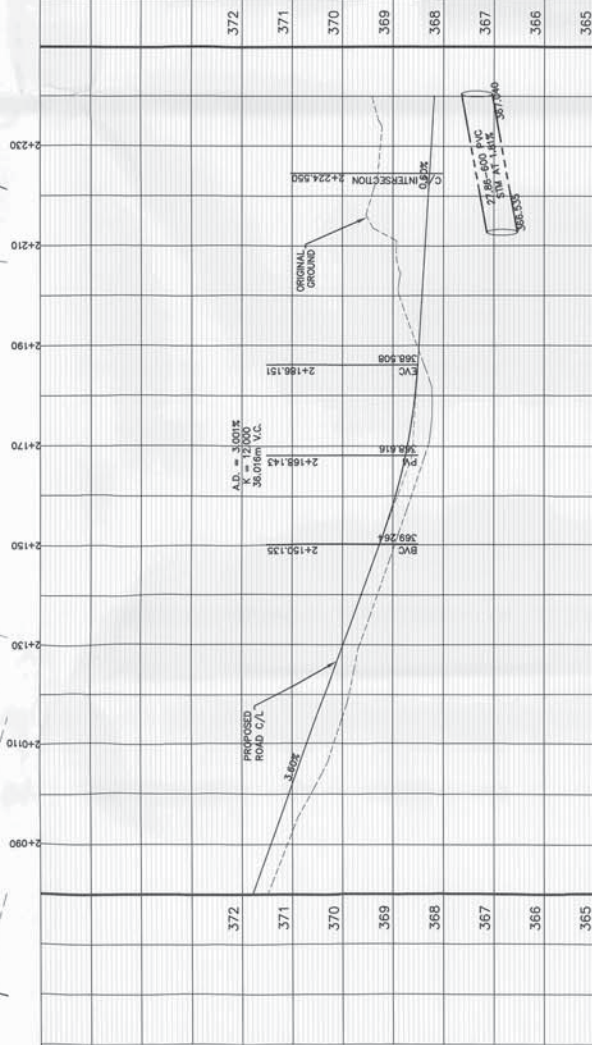
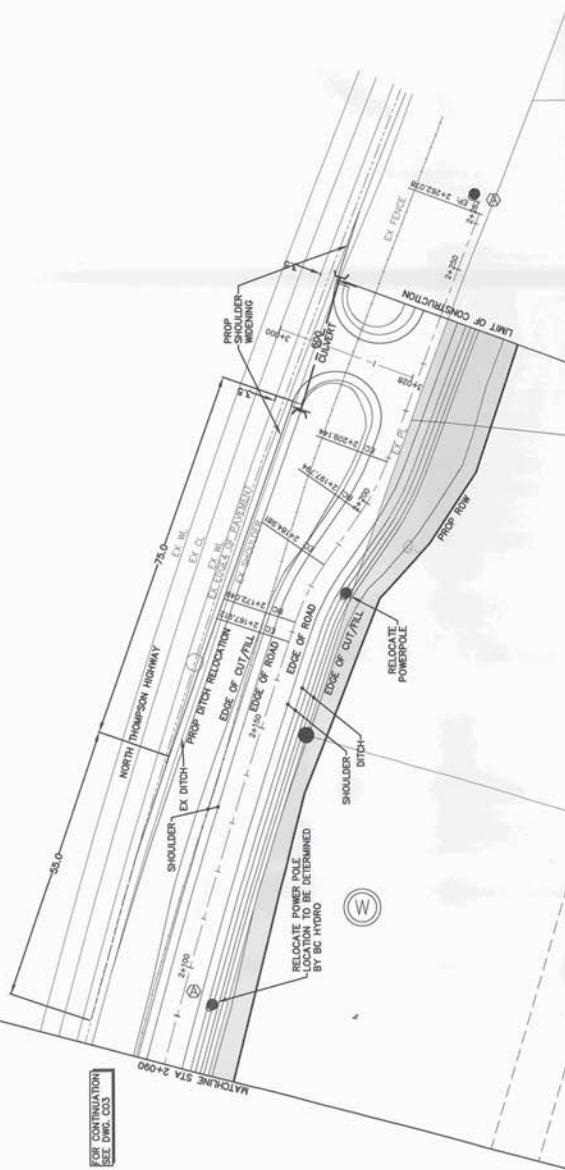
TEL 250 372-9212
FAX 250 372-9213

Project No. 08087	Rev No. 0
Drawing No. C-02	

[illegible]

☐ ADDITIONAL REQUIRED ROW

FOR CONTINUATION
SEE DWG. CO3



King	proposed	existing
Water	BO	Blawie
San. Sewer	S	San. Marzette
Storm Sewer	CO	Storm Marzette
Gas	Q	Cleantech
U.G. Telephone	CB	Catch Basin
U.G. Electrical	OW	Dynell
U.G. Cable TV	LS	Power Pole
Hydrant	Hyd	Low Standard
Hyd	WV	Waste Valve
		Waste of Almond

proposed

080	Design Invert of Sanitary Service at property line
085	
090	
095	
100	Design Invert of Storm Service at property line
105	
110	
115	Existing Invert of Sanitary Service at property line
120	
125	
130	Existing Invert of Storm Service at property line
135	
140	

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Drawn	LAS
Design	
Approved	
Date	AUGUST 2009
Scale	H 1:500 V 1:50

202-175 FOURTH AVENUE
KAMLOOPS BC V2C 3K1

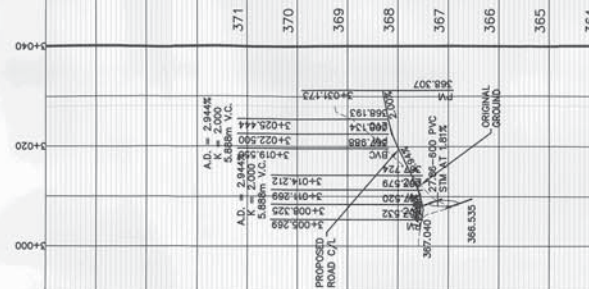
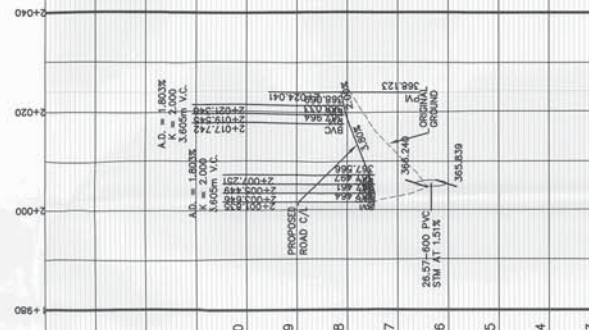
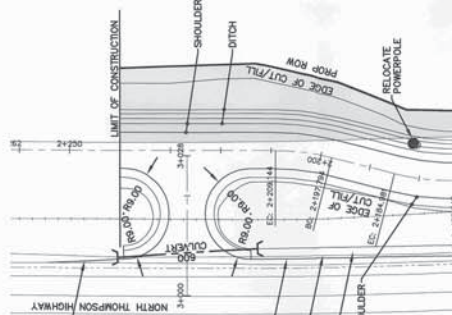
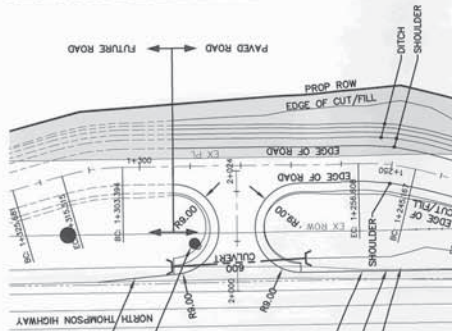
CTO

Consultants Ltd

**FRONTAGE ROAD
PLAN AND PROFILE**

FRONTAGE ROAD STA 2+080-

TEL: 260 372-4213 FAX: 250 372-4213	Project No.	05087	Rev No.	0
	Drawing No.			

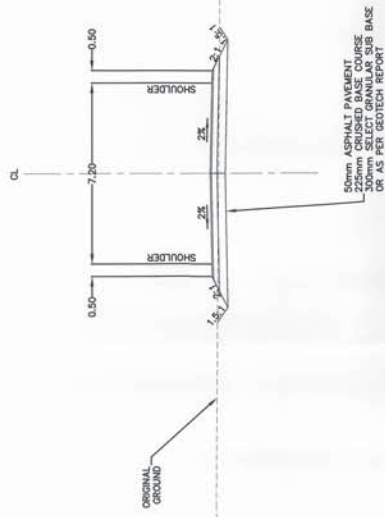
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	Approved		
	Date	AUGUST 2009	
	Scale	H 1:500 V 1:50	

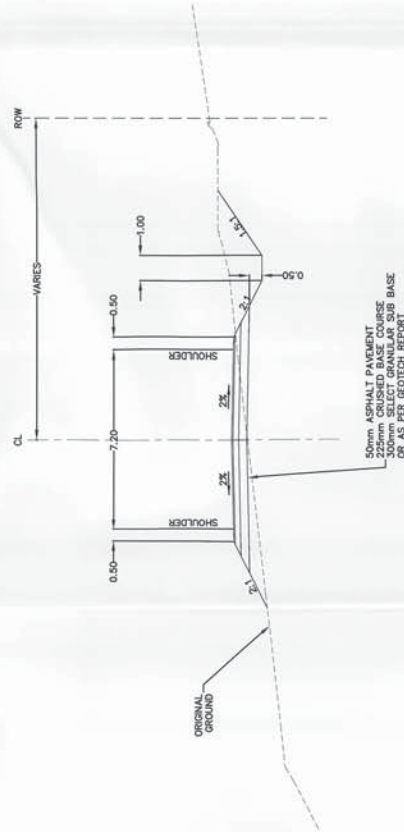
ENCL 363
CTQ
 Frontage Road
 Plan and Profile
 Frontage Road Access

TEL 250 372-9212 FAX 250 372-9213	Project No. 08087	Drawing No. C-05

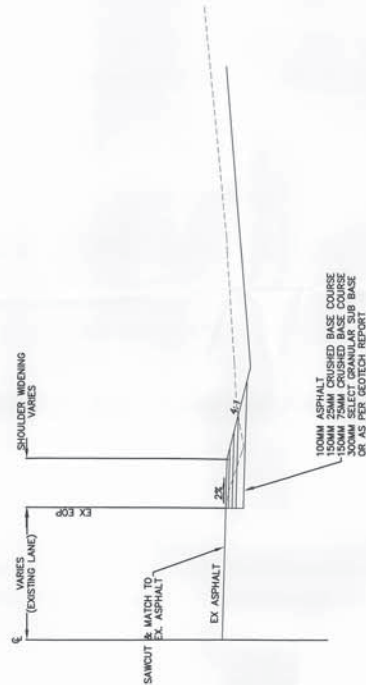
ACCESS PAVED



FRONTAGE PAVED



SHOULDER WIDENING



CIO
CONSULTANTS LTD.
FRONTAGE ROAD
TYPICAL SECTIONS

175-250 375-500
175-250 375-500
175-250 375-500

Drawn: LAS
Design: LAS
Approved: LAS
Date: AUGUST 2009
Scale: 1:100



Revised: 01-01-09
Revised: 01-01-09
Revised: 01-01-09

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Revised: 01-01-09

Project No. 00007

Drawing No. D-01

Rev. No. 0

Rev. No. 0

Rev. No. 0

Rev. No. 0

Rev. No. 0

Rev. No. 0

Rev. No. 0

Rev. No. 0

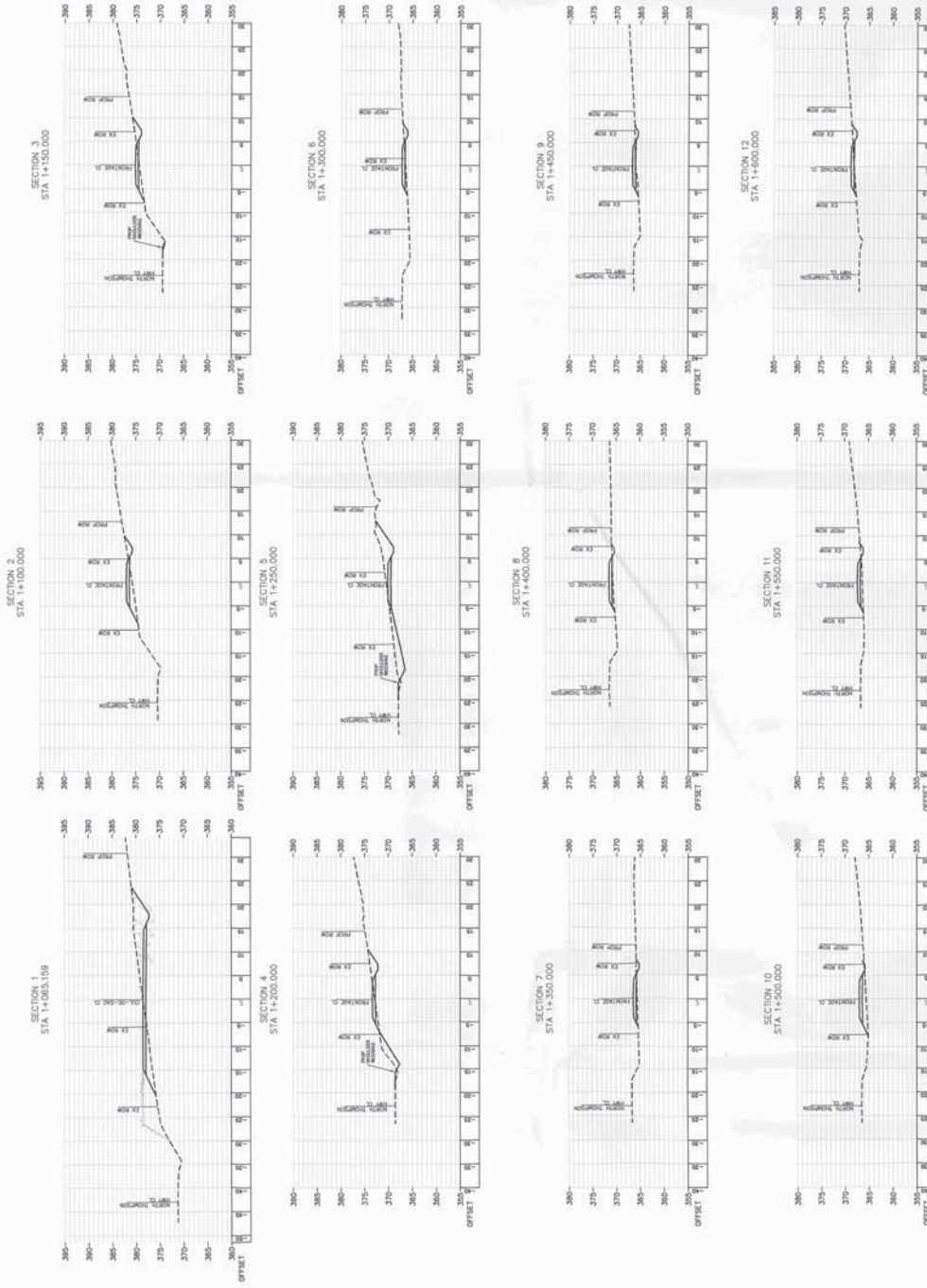
Rev. No. 0

Rev. No. 0

Rev. No. 0

Rev. No. 0

Rev. No. 0



FOR APPROVAL

00087

CIO
CONSULTANTS LTD.
FRONTAGE ROAD
CROSS SECTIONS

225-175, 180-190, 190-200
KAMLOOP, BC V2C 3K3

Drawn: LUS
Design: LUS
Approved: LUS
Date: AUGUST 2009
Scale: 1:500



Project No. 00087
Drawing No. D-02
Rev. No. 0

Issued For Approval
Issued For Approval

2 09.08.19
1 09.04.09

By: Y.M.M.D. By: Y.M.M.D.

Checked: Y.M.M.D. By: Y.M.M.D.

Revised: Y.M.M.D. By: Y.M.M.D.

Revised: Y.M.M.D. By: Y.M.M.D.

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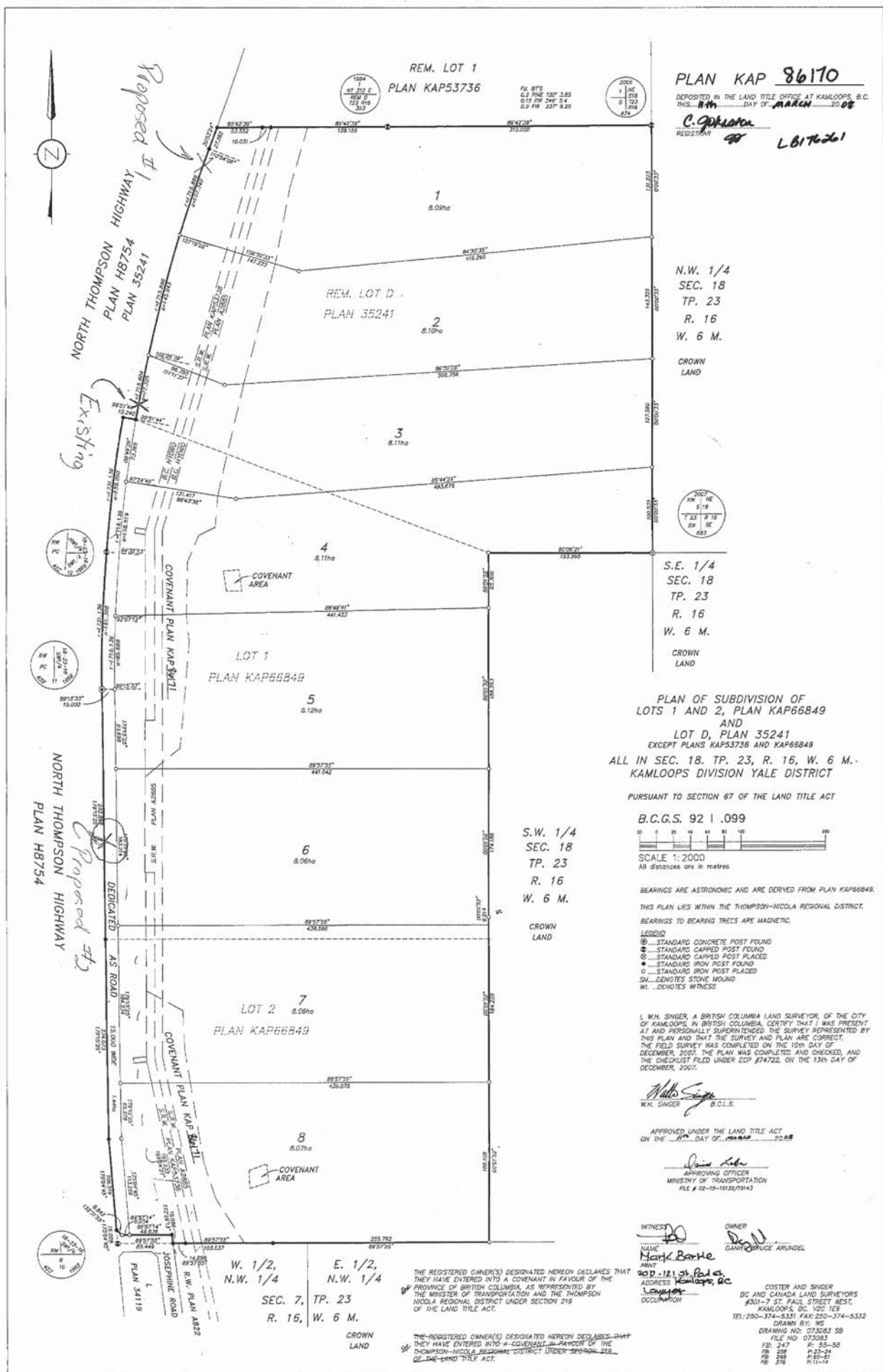
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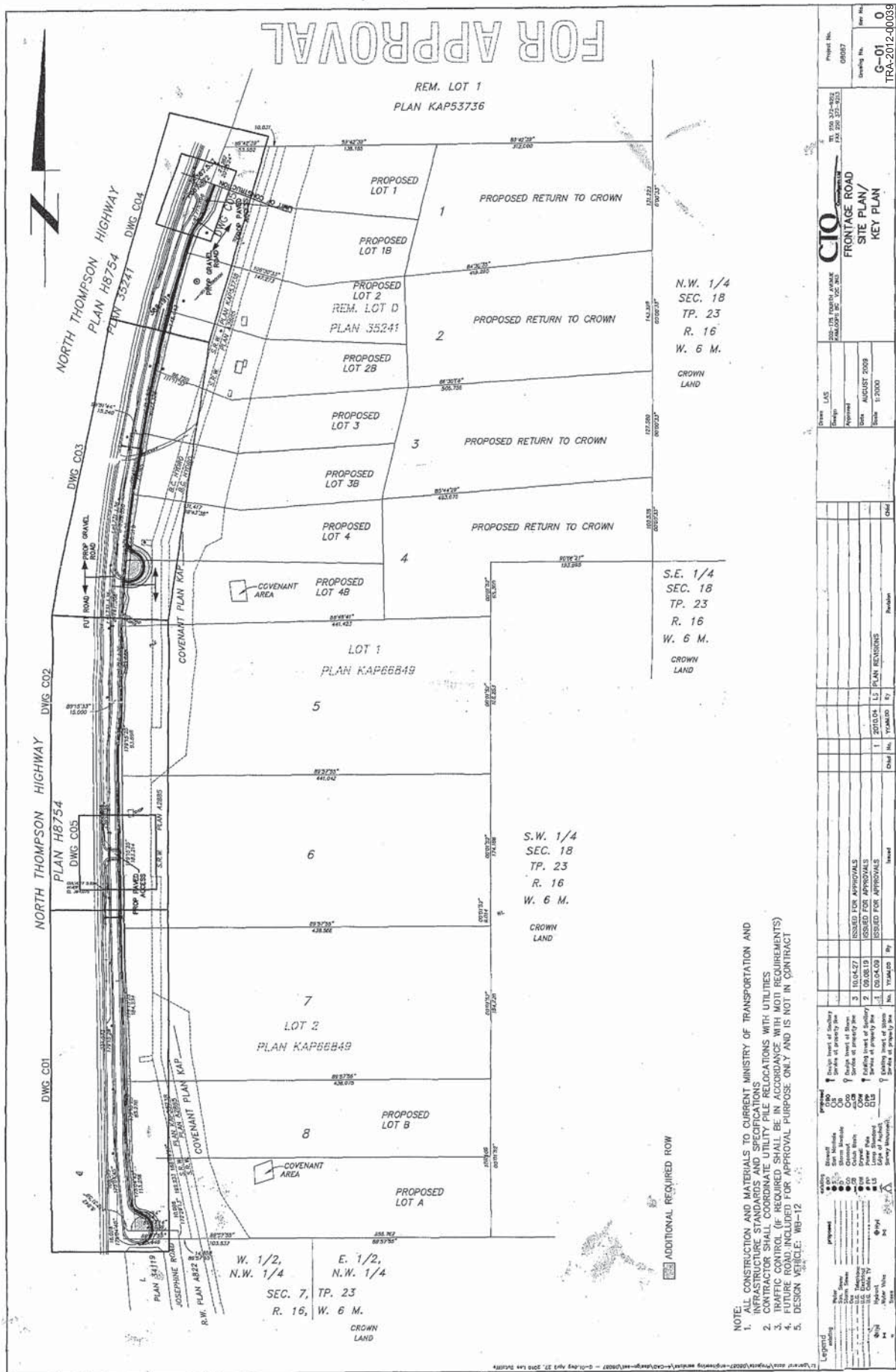
Revised: Y.M.M.D. By: Y.M.M.D.

Revised: Y.M.M.D. By: Y.M.M.D.



FOR APPROVAL

REM. LOT 1
PLAN KAP53736



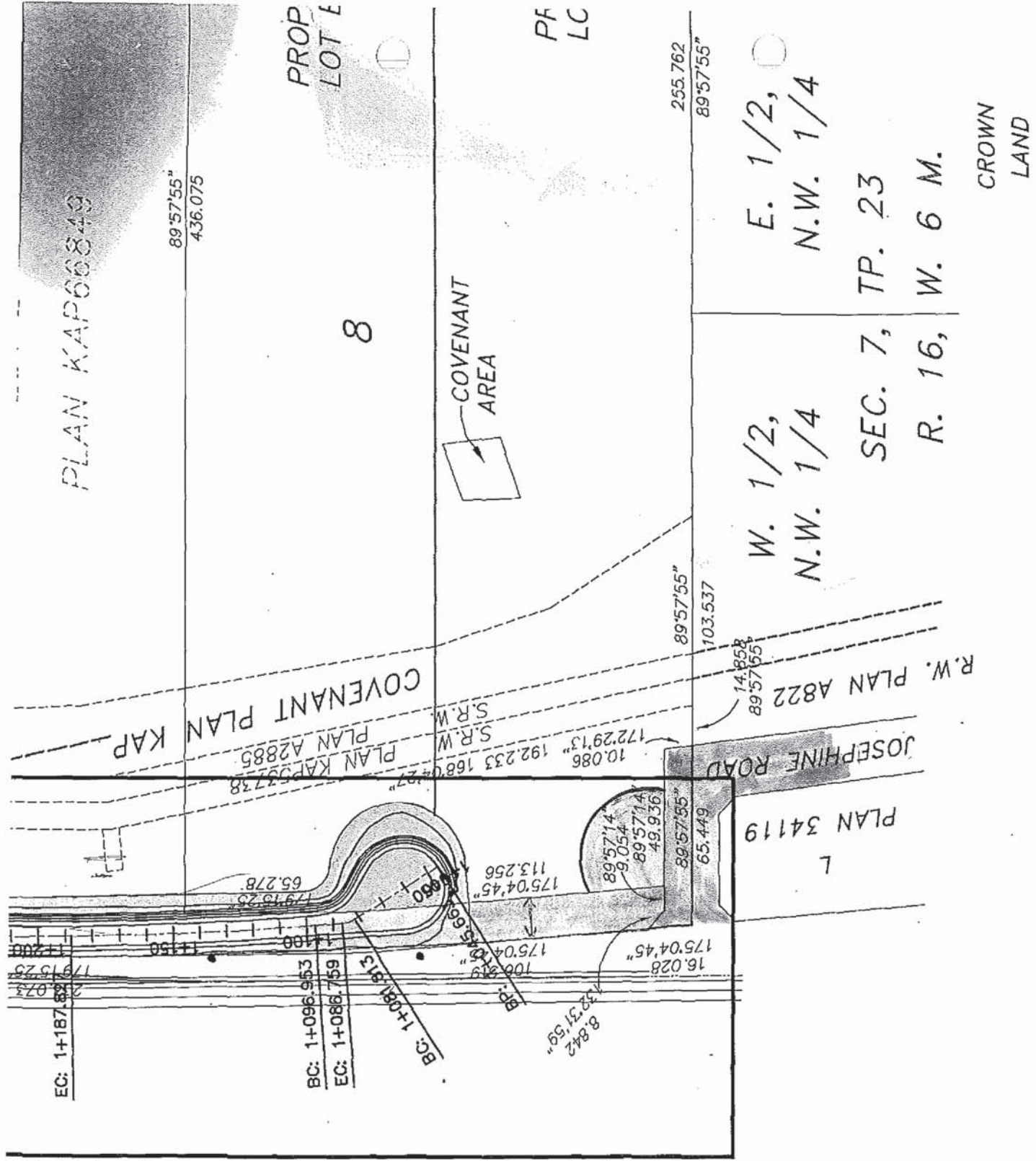
NOTE: ALL CONSTRUCTION AND MATERIALS TO CURRENT MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE STANDARDS AND SPECIFICATIONS
1. CONTRACTOR SHALL COORDINATE UTILITY PILE RELOCATIONS WITH UTILITIES
2. TRAFFIC CONTROL (IF REQUIRED) SHALL BE IN ACCORDANCE WITH MOTI REQUIREMENTS
3. FUTURE ROAD INCLINED FOR APPROVAL PURPOSE. ONLY AND IS NOT IN CONTRACT
4. DESIGN VEHICLE: WB-12

[illegible]

FUTURE ROADS SHOWN FOR APPROVALS
ONLY--NOT IN CONTRACT



DWG C01



THE REG
THEY HA
THOMPS
OF THE

THE MIN
NICOLA
THE

CROWN
LAND

E. 1/2,
N.W. 1/4
SEC. 7, TP. 23
R. 16, W. 6 M.

PLAN 8610

8
8.07ha
COVENANT
AREA

LOT 2
8.06ha
PLAN KAP66849

6
8.06ha

89°57'55"
441.042

89°57'55"
438.566

89°57'55"
438.075

89°57'55"
255.762

R.W. PLAN A822

JOSEPHINE ROAD

PLAN 34119

COVENANT PLAN KAP

PLAN A2885
PLAN KAP53738
S.R.W.
S.R.W.

COVENANT

DEDICATED AS ROAD

15,000 WIDE

1.44ha

179°15'25"
65.278

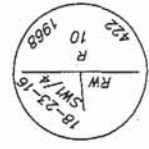
175°04'45"
113.256

175°04'45"
106.519

175°04'45"
106.519

175°04'45"
106.519

175°04'45"
106.519



NORTH THOMPSON HIGHWAY
PLAN H8754

KAP 86100

