



Whitetail Lake Land Corp., Inc. No. A69710
1250 – 639 5th Ave SW
Calgary, AB
T2P 0M9
Delivered via email

eDAS File #: «Off code»2014-
Date: April 16, 2014

Dear Whitetail Lake Land Corp., Inc.:

**Re: Proposed Subdivision of SL 168, DL 4596, KD, Plan X32, except parts in Plans
NEP22293**

Your proposal for a 2 lot Conventional subdivision has received Preliminary Layout Approval, subject to the following condition(s):

1. Written confirmation from the Regional District of East Kootenay stating that all their bylaw requirements and any other conditions, as per their letter dated April 4, 2014, have been satisfied must be submitted prior to final approval;
2. The proposal does not meet the requirements of Section 75 (1)(a) of the Land Title Act, specifically; to the extent of the owner's control, there must be a sufficient highway to provide necessary and reasonable access:
 - a. to all new parcels, and
 - b. through the land subdivided to land lying beyond or around the subdivided land.

However, the Applicant has proposed access by Forest Service Road (Findlay FSR and Whitetail lake FSR) under BC Regulation 334/79. Therefore, the Applicant is required to be in strict compliance with BC Reg 334/79.

3. Application to Deposit must first be endorsed by the Regional Engineering Officer of the Ministry of Forest Lands and Natural Resource Operations (MLFNRO), as required under BC Regulation 334/79, Section 15, with the following notation:

Pursuant to Section 15(2) of BC Reg 334/79, consent is given to this plan of subdivision. The giving of this consent shall not imply an obligation of the Crown in right of the Province to improve, maintain or repair the forest service road shown on this plan.

Regional Engineering Officer, Ministry of Forests and Range

Evidence that this approval has been obtained is required prior to submission to the Provincial Approving Officer for final approval of the proposed subdivision.

| Local District Address |
|--|
| Rocky Mountain District 129 10th Avenue S Cranbrook, BC V1C 2N1 Canada Phone: (250) 426 1500 Fax: (250) 426 1523 |

4. Application to Deposit and Survey Plan Certificate to make reference to Ministry of Transportation & Infrastructure file number 2014-01022.
5. Provincial records indicate the proposed development is located within an area with the potential to contain archaeological sites protected by the Heritage Conservation Act. However, the likelihood for 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 Services Branch immediately at (250) 953-3334 if archaeological site deposits are encountered on the subject property.

6. The property being subdivided is within a wildfire interface area and may be subject to a hazard of wildfire. It is therefore recommended that the owner consult the following website and review the Firesmart Manual for information about reducing the risk, <http://www.pssg.gov.bc.ca/firecom/pdf/homeowner-firesmart.pdf> or contact the Ministry of Forests and Range for more information. Appropriate protection measures should be implemented and maintained, and property purchasers should be advised of the risk.

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 or regulations this preliminary layout approval is subject to review and may be cancelled.

Submission of Final Plans (Survey Plan Certification and Application to Deposit) to be accompanied by a current Tax Certificate (FIN 55), together with a plan examination fee of \$50.00 plus \$100.00 per lot created by the plan (for a Total of \$250.00). If paying by cheque, make payable to the Minister of Finance.

If you have any questions please contact Melissa Wiekenkamp at 250-426-1510, and quote File Number 2014-01022.

Signed on behalf of Provincial Approving Officer
by



Melissa Wiekenkamp
District Development Technician

cc: Regional District of East Kootenay

Elder, Leslie TRAN:EX

From: Elder, Leslie TRAN:EX
Sent: Wednesday, April 23, 2014 11:28 AM
To: Rebagliati, Dave FLNR:EX; Kroschel, Jamie D FLNR:EX
Cc: Wiekenkamp, Melissa M TRAN:EX
Subject: Whitetail Lake Application

Hi There – Not sure who is looking after the application that Whitetail Lake group made for works on the FSR – so can you let me know, or pass this along to them. They have been asking daily what the status is of their application to undertake works along the road, some of which requires tree removal. I would like to direct them to your office for updates on their application if at all possible.

I understand Melissa has been in contact with your office s22 and we have provided our support for the plans for upgrading of the road. What else is needed, if anything, in order to process their application? They are anxious to commence works.

Thanks.

Leslie Elder

Provincial Approving Officer, Rocky Mountain District - Cranbrook

Office: (250) 426-1509 / Cell: s17 / Ministry website: <http://www.th.gov.bc.ca/DA>



File: P 714 507
MoTI File: 2014-01022

April 4, 2014

Melissa Wiekenkamp
District Development Technician
Ministry of Transportation & Infrastructure
129 – 10th Avenue S
Cranbrook BC V1C 2N1

Dear Ms. Wiekenkamp:

Re: Subdivision Referral
PID: 007-936-026 - SL 168, District Lot 4596, Kootenay District, Plan X32
except Plan NEP22293

The proposal is to create a 60.7 ha parcel and a 1461 ha remainder parcel.

The subject property does not lie within the Agricultural Land Reserve.

The subdivision must comply with Upper Columbia Valley Zoning Bylaw No. 900, 1992. The subject property is currently zoned A-1, Rural Resource Zone. The A-1 zone requires a minimum parcel area of 60.0 hectares.

Bylaw No. 900 also requires that each parcel created has a minimum usable site area of 1,670 m². Usable site area means a contiguous area of land with an average slope not exceeding 15%, no portion of which is subject to land slip, avalanche, rock fall, flooding or high water table hazard.

The subdivision must also comply with RDEK Subdivision Servicing Bylaw No. 1954. All new parcels must be provided with sufficient quantities of potable water and adequate sewage disposal method.

For parcels greater than 8.0 hectares the owner may waive the requirement of proof of potable water provided they enter into an agreement with the RDEK, in the form of a section 219 covenant under the *Land Title Act*, that no habitable building will be constructed until proof of potable water requirements have been satisfied.

The subject property is adjacent to Whitetail Lake and numerous watercourses therefore floodplain management provisions apply.

Before final approval is granted by the Ministry of Transportation and Infrastructure **the owner/applicant must:**

1. undertake an agreement with the RDEK for the groundwater wells;

.../2

2. adhere to the Sewerage System Regulation (BC Reg. 326/2004) for the proposed individual sewerage systems; and

submit to the RDEK the following documents:

- a. A well construction report signed by a registered well driller or a Professional Engineer for the well on each proposed parcel. The well construction report must verify that the well is a minimum 15 metres (49 feet) deep. If the well is less than 15 metres deep, the well construction report must be accompanied by a letter from a Professional Engineer confirming that the groundwater is suitable for domestic use.
- b. Pumping test results in accordance with Schedule "H" of Bylaw No. 1954 proving availability of at least 2270 litres of water per day for the well on each proposed parcel. The pump test must include drawdown and recovery information and be signed by a qualified well driller, qualified well pump installer or Professional Engineer.
- c. A letter substantially in the form of Schedule "M" of Bylaw No. 1954, and laboratory test results from an accredited water testing laboratory confirming that water from the well on each proposed parcel is within the criteria limits established by the current Guidelines for Canadian Drinking Water Quality, specifically referencing the aesthetic, chemical and microbiological parameters.
- d. A Restrictive Covenant agreement, pertaining to the well on each proposed parcel, between the owners and the RDEK substantially in the form of Schedule "I" with reference to the water quality as per item 1(a) of Schedule "I". If the water test results indicate the water does not meet the aesthetic parameters the restrictive covenant must also reference item 1(b) of Schedule "I".
- e. If the owner wishes to waive the proof of potable water requirements (Items a. through d. above) they must provide a section 219 covenant that no habitable building will be constructed until proof of potable water requirements have been satisfied, together with a letter of undertaking from a lawyer that the covenant will be registered concurrently with the plan of subdivision.
- f. A letter from the Public Health Inspector, or an authorized person or professional as defined in that regulation, confirming that each parcel is capable of supporting a Type 1 sewage system and a 100% replacement disposal area.
- g. A letter from a BC Land Surveyor, or other qualified professional, confirming minimum usable site area as defined in Bylaw No. 900.
- h. A copy of the survey plan proposed for registration in the Land Title Office. It is recommended that the land be surveyed after the Ministry of Transportation and Infrastructure grants preliminary layout approval.

RDEK comments are valid for a period of 24 months after which a new application fee must be paid and new comments issued.

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If you have questions concerning these comments call me at 250-489-0314.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jean Terpsma".

Jean Terpsma
Planning Technician

JT/hch
Enclosure

pc: Whitetail Lake Land Corp.
BC Assessment Authority – 704.04917.000



Your File #: Whitetail Lake
eDAS File #: 2010-06398
Date: Dec/12/2013

**REVISED PLNA – REPLACES PLNA LETTER
DATED NOV 28, 2013**

Whitetail Lake Land Corp., Inc. No. A69710;
c/o Box 2
Canal Flats, BC V0B 1B0

Attention: Barry Benson

**Re: Proposed Subdivision of Sublot 168, District Lot 4596, Kootenay District,
Plan X32, except Parts in Plans NEP22293**

Your proposal for a 25 lot Bare Land Strata subdivision, under BC Regulation 75/78 (as shown on lot layout plan prepared by VAST Resources, dated Feb 2013) has not been given approval by the Ministry of Transportation and Infrastructure for the following reasons:

- A. The Approving Officer considers that the land within your proposal may be subject to natural hazard(s) such as, but not limited to, flooding, erosion, land slip or avalanche. If the risk to persons and/or property is too great your proposal could be refused. If you wish to explore this aspect further, you should engage a Qualified Professional, registered with the Association of Professional Engineers and Geoscientists of BC (APEGBC), to advise you.

For assessing landslide hazards the professional shall follow the most recent version of the APEGBC Guidelines for Legislated Landslide Assessments for Residential Developments in BC and include the Appendix D: Landslide Assessment Assurance Statement, duly executed, with any report. Please note that for the purposes of that Appendix D statement, the province of British Columbia does not have an adopted level of landslide safety. Also, the report must be provided for the approving officer to refer to and retain in the record of the approval decision.

The Approving Officer could consider a subdivision plan at risk from an event, based upon a specific probability of occurrence of that event. When quantifying the frequency of occurrence of natural hazards, the Qualified Professional must distinguish between two different types of events: damaging events and life-threatening events.

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|--|
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When considering damaging events only, unless otherwise specified, a probability of occurrence of 1 in 475 years (10% probability in 50 years) for individual landslide hazards should be used as a minimum standard. This value is the probability of the damaging event occurring. The qualified professional is to identify the run-out extent, or area of influence, of the event.

Where the damaging event is a flooding hazard, a probability of occurrence of 1 in 200 years should be used as a minimum standard.

Where the damaging event is a snow avalanche hazard, a probability of occurrence of 1 in 300 years should be used as a minimum standard.

Where life-threatening catastrophic events are known as a potential natural hazard to a building lot the Qualified Professional is to consider events having a probability of occurrence of 1 in 10,000 years and is to identify areas beyond the influence of these extreme events.

Large scale development must consider the same 1:10,000 year events and must also consider the total risk to the new development. When the total risk approach is used, international standards must be identified. The consultant should clearly identify the calculation procedures used.

If there are any questions regarding terms of reference, please ask your Qualified Professional to contact us. Please submit one digital and one paper copies of any report.

- B The proposed access by Forest Service Road (FSR) does not meet the requirements with respect to BC Regulation 334/79. Specifically, the existing geometrics of the Findlay Forest Service Road and the Whitetail Lake Forest Service Road, both proposed for access to the subject lands, does not meet the requirements of Section 15 of said Regulation.
- C Provincial records indicate that development associated with this application may be in conflict with archaeological sites protected under the Heritage Conservation Act. It should be noted that there are three (3) recorded sites, referenced with Borden Nos. EbQa-5, EbQa-6 and EbQa-7, in addition there are potential sites identified in the vicinity of Fisher Maiden Lake and others on or near the proposed development areas.
Therefore, the Provincial Approving Officer requires that as a condition of Preliminary Layout Approval, the applicant hire a qualified archaeologist to determine the need for an archaeological impact assessment of the subject property. The purpose of the archaeological impact assessment would be to accurately identify the location(s) of the known archaeological site(s); to record any additional sites that may be present, and to recommend any action that may be needed to manage archaeological values in conflict with future development. This might include the placement of covenants to ensure that such sites are not disturbed without proper authorization from the Archaeology and Registry Services Branch. If the archaeologist determines that an archaeological impact assessment is not required, the archaeologist must forward a written statement to this office with a c.c. to the Archaeology and

Registry Services Branch containing the reasons for eliminating this requirement.

If an archaeological impact assessment is required, you should be aware that applications for Heritage Conservation Act permits take in the order of 6 weeks to process. This includes allowance for a 30 day comment period from local First Nations. Processing time can be shortened accordingly if, at the time of application, supporting letter(s) are received from local First Nations.

Information on archaeological consultants may be obtained by calling the B.C. Association of Professional Consulting Archaeologists at 778-420-4450 or by checking their web site at <http://www.bcapca.bc.ca/>. Archaeological consultants are also listed in the Yellow Pages.

The following clauses are provided for information should you resolve to the satisfaction of the Provincial Approving Officer the reasons for issuance of the Preliminary Layout Not Approved. These clauses are provided for guidance only and may be amended depending on the positive resolution of the concerns above. If you do not resolve the concerns below within one year; and still wish to proceed, a new application and new fees will be required.

Should the above be overcome other aspects to be considered as part of the preliminary layout review include but not limited to:

1. The proposal does not meet the requirements of Section 75 (1)(a) of the Land Title Act, specifically; to the extent of the owner's control, there must be a sufficient highway to provide necessary and reasonable access
 - a. to all new parcels, and
 - b. through the land subdivided to land lying beyond or around the subdivided land.

However, the Applicant has proposed access by Forest Service Road (Findlay FSR and Whitetail lake FSR) under BC Regulation 334/79. Therefore, the Applicant is required to be in strict compliance with BC Reg. 334/79.

2. Regional District of East Kootenay is required to provide comments regarding their bylaw requirements and any other matters that maybe appropriate, prior to final approval. Compliance with Subdivision Servicing Bylaw No. 1954 is required.
3. Proposal to be in strict compliance with BC Regulation 75/78 - Strata Property Act.
4. Compliance with Local Government Act, Subdivision Regulations 262/70 is required. Specifically, the following sections, which states;

6.03 Subject to the provisions of sections 6.04 and 6.05, as the case may be, where a parcel is not served by a community water system nor a community sewer system, the parcel shall not be less than 18 000 square feet.

Conditions to be met when parcel less than 5 acres

6.04 Where a parcel is less than 5 acres and is not served by a community sewer,

- a. it shall meet the requirements of Appendix B, which is attached to and forms part of these regulations, or
- b. where the requirements of paragraph (a) cannot be met, consideration shall be given to alternate designs which will dispose of the liquid in the minimum size septic tank for a 3 bedroom, single family house, and which designs are in accordance with the requirement for alternate methods of disposal contained in the Regulations Governing Sewage Disposal and for which acceptable alternate designs and adequate area of appropriate soil is available for disposal, and the parcel shall be sized accordingly, except that where, in extraordinary and infrequent instances, the owner of the parcel does not wish to make the installation necessary for an acceptable alternate design in accordance with the foregoing, the subdivision may be approved, provided that the owner agrees in writing to registering a condition or covenant pursuant to section 219 of the Land Title Act in favour of the Crown at the time the subdivision is registered; such condition or covenant shall be satisfactory to the approving officer and shall restrict or prohibit the construction of buildings or structures on and (or) the use of any parcel until the necessary installations have been made, and copies of the results of all tests shall contain the signature, occupation and permanent address of the person undertaking the tests and shall accompany the plans of the proposed subdivision when it is submitted to the authority having jurisdiction to receive subdivision applications.

Design of larger disposal system

6.05 Except where the Waste Management Act is applicable, where a parcel is less than 5 acres and is not served by a community sewer system and where the intended use has a greater design sewage flow per day than the minimum capacity septic tank for a 3 bedroom, single family house in accordance with the Regulations Governing Sewage Disposal, the design sewage flow of the intended use shall be used in accordance with the Regulations Governing Sewage Disposal to determine the area of soil required in section 6.04 (a) and all other requirements of section 6.04 shall be met.

5. Applicant to enter into a covenant, pursuant to Section 219 of the Land Title Act, to be registered against the proposed lot(s) and remainder, in favour of the Minister of Transportation and Infrastructure and the Regional District of East Kootenay to establish the condition "No further subdivision until Findlay Forest Service Road and Whitetail Lake Forest Service Road have been upgraded, to the intersection of the Strata Road (unnamed at this time) and transferred to the jurisdiction of the Ministry of Transportation & Infrastructure, under the Transportation Act, and to the satisfaction of the Provincial Approving Officer". Additional language is required to clearly identify that there is no obligation of the Crown to improve, maintain or repair the Forest Service Road.

Covenant to have priority over all other charges, with appropriate notation on final plans.

6. Applicant to enter into a covenant, pursuant to Section 219 of the Land Title Act, to be registered against the proposed lot(s) and remainder, in favour of the Minister of Transportation and Infrastructure and the Regional District of East Kootenay to establish the condition "No further subdivision of subject lands will be permitted under BC Regulation 75/78 of the Bare Land Strata Property Act, specifically Section 2 (2), unless the proposed subdivision conforms to current zoning bylaws or an application for re-zoning of the lands is successfully adopted.

Covenant to have priority over all other charges, with appropriate notation on final plans.

7. A Storm Water Management Plan and/or a Drainage Plan using Ministry return periods and following good engineering practice is to be prepared by a Professional Engineer registered in British Columbia and experienced in hydrology. The plan must address drainage to an approved, natural outfall and must include, but not be limited to:
 - a. a sketch plan showing location of channels, cross-sections surveyed, erosion control features, test pits, permanent bench marks and cadastral information,
 - b. cross section details of the existing and proposed channels and all proposed erosion control features,
 - c. a Thalweg profile of the existing and proposed channel(s),
 - d. documentation of the characteristics of the native soils which exist along the proposed route(s),
 - e. explanation of design flow depths and velocity used in the design,
 - f. documentation of proposed methods for erosion control and
 - g. an assessment of the anticipated maintenance requirements for the channel(s) and structure(s).

One original hard copy and an electronic version of the report under the seal of the engineer to be submitted for review by Ministry staff.

Any recommendations of this report must be incorporated into road designs.

8. If required, any applicable drainage structures must be protected by registered easement(s) through the subject lands.

Drainage easements are to be provided, where appropriate, and to be a minimum of six (6) meters in width pursuant to Section 218 of the Land Title Act. A Reference Plan will be required to identify the area of easement. Such documents are to be registered with priority over any existing financial charges.

9. Proposed upgrades to the Findlay and Whitetail Lake Forest Service Roads need to consider the requirement for dedication and establishment of additional right of way, to a minimum of twenty (20) meters in width or three (3) meters beyond the extremities of cuts or fills, whichever is greater, to the intersection with the proposed Strata Road.

Designs to be in compliance with the BC SUPPLEMENT TO TAC GEOMETRIC DESIGN GUIDE for a 60 km/h Rural Collector geometric design. Applicant shall provide engineered drawings showing the vertical and horizontal alignments of the proposed road upgrades for review and acceptance by, the District Official with the Ministry of Transportation & Infrastructure and the Ministry of Forest, Lands and Natural Resources Operations, prior to the commencement of any works.

Following link is provided for reference:

http://www.th.gov.bc.ca/publications/eng_publications/geomet/TAC/TAC_2007_Supplement/Ch1400-2007.pdf.

10. No road construction or installation of utilities(deep or shallow) within the proposed Strata Road or within existing right of way of the Findlay and Whitetail Lake Forest Service Roads, to commence until a road design and drainage plan, prepared by a Professional Engineer, is reviewed and accepted by the Ministry of Transportation and Infrastructure.
11. Applicant to submit engineered plans detailing horizontal and vertical alignment of the proposed strata road for review prior to construction. Plans shall contemplate horizontal and vertical alignments that can accommodate a minimum of an SU9 or the equivalent emergency vehicle that may be provided by the local emergency services.
12. The internal access road and cul-de-sac accessing the strata lots shall be constructed using good engineering practice. Reference to the Transportation Association of Canada (TAC) Geometric Design for Canadian Roads manual and the BC Supplement to TAC Geometric Design Guide manual is recommended. Deviation from these guidelines will require a written submission of reasons to the Provincial Approving Officer. Road shall be to a suitable finished width (minimum seven (7) meters) that is sufficient to accommodate emergency vehicle traffic (i.e. ambulance, fire trucks) and utilities, drainage, snow removal, etc. Applicant to retain a Professional Engineer registered to conduct business in the Province of British Columbia, and experienced in road construction, to supervise and certify in writing that the cul-de-sac and internal road system has been constructed considering Transportation Association of Canada (TAC) Geometric Design for Canadian Roads manual and the BC Supplement to TAC Geometric Design Guide manual engineering practices. The report must include language stating that the test results comply with Ministry standards as outlined in the Standard Specifications for Highway Construction and that adequate testing has been performed to ensure a satisfactory representation of the entire section of construction.

13. Pursuant to Section 8(1) of the Strata Property Act, B.C. Regulation 75/78 (access to water), applicant is required to provide a 20 meter wide access to Whitetail Lake, (may be dedication only).
If relief is being sought from this requirement, applicant must submit a Statutory Declaration pursuant to Section 8(2) of the Strata Property Act, B.C. Regulation 75/78, requesting relief from the requirement of access to water outlining the reasons why the plan need not comply with the provisions of the Act. If relief is granted, final plans must be annotated as required under the Act.
14. Internal Strata Road design and construction drawings are to be supplied to, and approved by, all utility companies in regards to all utility locations prior to the commencement of road construction. Written confirmation from the appropriate utility company that adequate corridors are provided to accommodate all construction and maintenance activities must be submitted to the Ministry of Transportation & Infrastructure.
15. Applicant shall submit a copy of any approval(s) that may be required from Ministry of Forests, Lands and Natural Resource Operations (FLNRO) for any works that are required in-conjunction with road construction, installation of utilities, etc.
Please contact Front Counter BC for additional information on making application(s) for these work(s).
16. It is the responsibility of the Applicant to ensure that the installation of any new signs (regulatory, etc) required, meet the Ministry standards as specified by the Catalogue of Standard Traffic Signs, 2010 edition. These signs shall be purchased and installed prior to final approval. All costs for purchasing and installation are the responsibility of the Applicant.
17. Applicant is to submit a list of material sources and sieve analysis of all granular materials prior to any construction, for review and acceptance by the Ministry of Transportation and Infrastructure and, if applicable, the Ministry of Forests, Lands and Natural Resource Operations.
18. Written confirmation from an approved laboratory that all lots being created, including the remainder has availability of water that meets the parameters of the Canadian Drinking Water Guidelines including microbiological, chemical and aesthetic parameters. Please contact your Interior Health Authority office for more information on an accredited laboratory.

19. Applicant to enter into a covenant pursuant to Section 219 of the Land Title Act to be registered against the proposed lot(s) and remainder, in favour of the Minister of Transportation and Infrastructure and the Regional District of East Kootenay to establish the condition "No building, vegetation removal or soil disturbance within an area of 30 meters from the natural wetland areas as identified in the report prepared by Golder Associates, dated Oct 22, 2009, to protect the Riparian values of these wetlands".

Covenant to have priority over all other financial charges. Final plan to contain appropriate notation.

20. Applicant to enter into a covenant pursuant to Section 219 of the Land Title Act to be registered against the proposed lot(s) and remainder, in favour of the Minister of Transportation and Infrastructure and the Regional District of East Kootenay to establish the condition "No building, vegetation removal or soil disturbance within an area of 15.0 meters from the natural high water mark of Whitetail Lake.

Covenant to have priority over all other financial charges. Final plan to contain appropriate notation.

21. It may be necessary to protect the identified areas for septic disposal, both primary and reserve, pursuant to Section 219 of the Land Title Act. The Applicant maybe required to register a covenant with Interior Health Authority and the Regional District of East Kootenay to establish the identified areas "for sewage disposal only". For the lot(s) requiring covenants the sewage area should be surveyed, staked in the field and identified on a Reference Plan. Written confirmation from the Interior Health Authority representative that the identified area for sewage is acceptable and that they have reviewed the covenant documents and reference plan and find them to be satisfactory to be submitted.

Covenant to contain priority over any financial charges. Covenant notation to be provided on final plans.

22. As the property contains water courses, the Registrar of Land Titles may require return to Crown of those water courses. The BCLS you engage is advised to check with the Registrar prior to commencement of the legal survey. This may affect the individual parcel size of the lots being impacted.

23. Application to Deposit must first be endorsed by the Regional Engineering Officer of the Ministry of Forest Lands and Natural Resource Operations (MLFNRO), as required under BC Regulation 334/79, Section 15, with the following notation:

Pursuant to Section 15(2) of BC Reg. 334/79, consent is given to this plan of subdivision. The giving of this consent shall not imply an obligation of the Crown in right of the Province to improve, maintain or repair the forest service road shown on this plan.

Regional Engineering Officer, Ministry of Forests and Range

Evidence that this approval has been obtained is required prior to submission to the Provincial Approving Officer for final approval of the proposed subdivision.

24. The appropriate signature notation must be provided on the Application to Deposit for the Provincial Approving Officer's signature, pursuant to BC Regulation 75/78, being a bare land strata plan.
25. Application to Deposit and Survey Plan Certificate to make reference to Ministry of Transportation & Infrastructure file number 2010-06398.
26. Applicant to consider and incorporate development guidelines and recommendations, with respect to environmental sensitivities, from the Preliminary Site Survey prepared by Golder Associates, dated October 22, 2009.
27. The property being subdivided is within a wildfire interface area and may be subject to a hazard of wildfire. It is therefore recommended that the owner consult the following website and review the Firesmart Manual for information about reducing the risk, <http://www.pssg.gov.bc.ca/firecom/pdf/homeowner-firesmart.pdf> or contact the Ministry of Forests and Range for more information. Appropriate protection measures should be implemented and maintained, and property purchasers should be advised of the risk.
28. It is important to bring to your attention that the registration of this proposed 25 lot Bare Land Strata Subdivision may impact the subdivision application previously made to separate the lands known as Blue Lake Camp.

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

If you have any questions or wish to set up an appointment please do not hesitate to call Melissa Wiekenkamp at (250) 426-1510.

Please quote file number 2010-06398 when contacting this office.

A handwritten signature in black ink, appearing to read 'LEL', with a stylized flourish at the end.

Leslie Elder
Provincial Approving Officer

Attachments

cc: Regional District of East Kootenay

Billey, Janet R TRAN:EX

From: Elder, Leslie TRAN:EX
Sent: Friday, January 24, 2014 2:23 PM
To: 'Mark Mooney'; s22 ; 'Barry Benson'
Cc: Morello, Ray FLNR:EX; Bennetto, Jack D TRAN:EX; Wiekenkamp, Melissa M TRAN:EX; Fourie, Coenraad TRAN:EX; Chudleigh, Gordon J TRAN:EX; Trenholm, Barry FLNR:EX
Subject: MOTI File 2010-06398 Whitetail Lake Dev - Road Issues

Good Afternoon Everyone I wanted to follow up with respect to our most recent meetings regarding the requirements of BC Reg 334/79, Section 15, specifically the matter of meeting the requirements for a minimum 7.5m wide profile.

Ministry of Transportation & Infrastructure staff have met with Ministry of Forest, Lands and Natural Resource Operations (Forestry) staff to further to discuss the possibility of a variance in meeting the full requirements of a 7.5m wide profile for the entirety of the road length. Barry Trenholm, the Regional Engineer from FLNRO responsible for approval under BC Regulation 334/79, has indicated that there is no room for a variance. He has been given legal opinion that strict compliance with the requirements of the regulation must be met.

That being said, we are prepared to work with you to consider reasonable options to achieve the required widths through those short sections of road. I would recommend that a follow up meeting be held to discuss any options that you and your engineer may have considered. Please let me know when would be convenient for you and we will arrange a meeting with the appropriate individuals.

If you have any questions please do not hesitate to contact me directly. Thank you for your patience as we worked through this matter.

Leslie Elder

Provincial Approving Officer, Rocky Mountain District - Cranbrook

Office: (250) 426-1509 / Cell s17 / Ministry website: <http://www.th.gov.bc.ca/DA>

Billey, Janet R TRAN:EX

From: Bennetto, Jack D TRAN:EX
Sent: Friday, July 5, 2013 4:38 PM
To: Elder, Leslie TRAN:EX
Subject: FW: Whitetail Lake Development DRAFT!!

Leslie Elder, PAO

RE: Proposed Bare Land Strata Subdivision
Whitetail Lake Development
File # 2010-06398

I have reviewed your letter of Jun 18th, requesting comment for consideration under BC Reg 334/79.

I support the application if they meet the criteria required by the regulating agencies, subsequently approved by you, the PAO responsible, upon meeting these criteria.

Specific to your letter and consideration for subdivision

- Industry has indicated that they would not like to see this move forward as it might negatively impact their hauling operations.
 - I question the validity of this concern, as the road use would not be restricted and would continue to be allowed for the same uses as it is now, primarily forest extraction
 - The public use this road now and will continue to do so. There are recreational facilities in the area that are accessed by the existing road.
 - The size of the subdivision is small
 - Industry could and would continue to use the road in the same fashion as they do, with no changes to their requirements
 - The road will be improved by the developer, providing a better road than exists now, safer for all users
- Zoning by-laws in the area support this type of development
- The road will be upgraded by the proponent, to a standard that is superior to the existing conditions, providing a safer road for the users
- MoTI would not be required to maintain the road, and would be clearly defined in the approvals for subdivision.

Jack Bennetto
District Manager Transportation
Rocky Mountain District
Office 250 426-1508
Cell s17
Email Jack.Bennetto@gov.bc.ca
129 - 10th Avenue South, Cranbrook, BC V1C-2N1

Elder, Leslie TRAN:EX

From: Mark Mooney s22
Sent: Monday, March 3, 2014 2:50 PM
To: Elder, Leslie TRAN:EX
Cc: Barry Benson; Brian Benson; Wiekenkamp, Melissa M TRAN:EX
Subject: Re: Whitetail Development

Thanks Leslie,

I'm glad we asked the question in our meeting, this changes the order that we will be doing things slightly and may extend the time required for the strata subdivision but since all the checklist items are the same I don't see it being a major issue.

At what point would you feel comfortable issuing a PLA for this one fee simple lot? After reviewing the geotech report and seeing there are no red flags?

Kind regards,

Mark

On Mon, Mar 3, 2014 at 2:41 PM, Elder, Leslie TRAN:EX <Leslie.Elder@gov.bc.ca> wrote:

Good Afternoon – I have spoken with the Deputy Registrar to confirm my understanding of how to create one fee simple lot and 25 Bare Land Strata lots. The short answer is, you can't. You will have to subdivide off the proposed fee simple lot first that will then create a remainder. The remainder will then be subdivided further under the Bare Land Strata Act, utilizing the lot averaging option. Please note this will affect your overall parcel size for the lot averaging option, which also has to consider the area required for roads and other common features of the strata. I have included that section of the Act for your reference. Hope this answers your questions.

Approval of plan

2 (1) No bare land strata plan shall be approved by an approving officer unless

(a) it conforms to the relevant municipal or regional district zoning bylaws and development permits, and

(b) it complies with the Act, this regulation and rules made under section 75 of the *Land Surveyors Act*.

(2) Notwithstanding subsection (1) (a), where a zoning bylaw sets out minimum lot or parcel sizes, the approving officer may approve a bare land strata plan containing strata lots of less than the permitted size so long as

(a) the total area of the land in the bare land strata plan (exclusive of those portions intended to provide access routes) divided by the number of strata lots intended to be created is not less than

(i) where the bylaw specifies a minimum lot size but no average lot size, the minimum lot size so specified, or

(ii) where the bylaw specifies a minimum lot size and an average lot size, the average lot size so specified, and

(b) the approving officer is satisfied that a building or structure appropriate to the intended use can be constructed on each of the strata lots in compliance with the zoning bylaw, or in compliance with a development permit, where a development permit has been issued by the municipality or regional district.

(3) Nothing in this section authorizes the approving officer to approve a bare land strata plan containing a strata lot that is of a size less than the minimum size prescribed under the *Local Services Act*, where the land intended to be included in the bare land strata plan is subject to that Act.

Leslie Elder

Provincial Approving Officer, Rocky Mountain District - Cranbrook

Office: (250) 426-1509 / Cell: (250) 426-1509 s17 Ministry website: <http://www.th.gov.bc.ca/DA>

From: Barry Benson [mailto:barry@rockieswest.com]
Sent: Monday, February 24, 2014 10:04 AM
To: Elder, Leslie TRAN:EX
Cc: 'Brian Benson'; 'Mark Mooney'
Subject: RE: Whitetail Development

Good morning Leslie.

The parcel size for the fee simple lot is planned at 150 acres which conforms to the A-1 zoning minimum parcel requirements.

Let me know if you require anything additional.

Regards,

Barry Benson

Royal LePage Rockies West Realty

Managing Broker/Owner

C s22

b 250.342.5599

f 866.457.8582

barry@rockieswest.com

Visit my website at www.barrybenson.ca

From: Elder, Leslie TRAN:EX [mailto:Leslie.Elder@gov.bc.ca]

Sent: February-24-14 9:26 AM

To: 'Barry Benson'; 'Mark Mooney'

Subject: Whitetail Development

Good Morning – As I start to consider the question of including the fee simple lot into the Strata subdivision, I was reviewing the lot layout. I cannot find a parcel size for the fee simple lot. Could you please let me know what that will be? Thanks

Leslie Elder

Provincial Approving Officer, Rocky Mountain District - Cranbrook

Office: (250) 426-1509 / Cell

s17

Ministry website: http://www.th.gov.bc.ca/DA



Ministry of
Forests, Lands and
Natural Resource Operations

File: 11250-32-0108-01

November 15, 2013

Leslie Elder
Provincial Approving Officer
Ministry of Transportation and Infrastructure
129 S 10th Avenue
Cranbrook, B.C. V1C 2N1

Dear Leslie Elder:

**Re: Proposed Bare Land Strata Subdivision Application for:
Sublot 168, District Lot 4596, Kootenay District, Plan X32, except Parts in Plans
NEP22293
Whitetail Lake Development
File: 2010-06398**

I have reviewed the Bare Land Strata Subdivision application described above and I am supportive of the Provincial Approving Officer granting access to the subdivision via the Findlay Forest Service Road. Meeting the specified conditions of *BC Regulation 334/79 Section 15* will be required prior to endorsement of the proponent's plan by the Ministry's Regional Engineering Officer. Therefore the proponent should be made aware of the following issues that may impact his application:

1. *BC Regulation 334/79 15(b)*

if the road is between 7.5 m and 9 m wide, a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the Forest Act for which the Minister of Finance is not responsible certifies in writing to the approving officer that the load limits restrict the maximum width of vehicles to 3.05 m, ...

The proponent will be required to meet the minimum 7.5m width for the entire length of the Forest Service Road(s) that are providing access to the subject lands.

The maximum vehicle width will be restricted to 3.05 m for road sections that are between 7.5 and 9.0 meters. Tenured Road Use Agreement holders however, will be able to retain their current ability to use oversized vehicles on these road sections under certain circumstances. It is recommended that the proponent install appropriate warning signage for these narrower road sections for public safety.

**Ministry of Forests, Lands
and Natural Resource
Operations**

Resource Operations
Rocky Mountain District
Location:
1902 Theatre Road
Cranbrook, BC V1C 7G1

Mailing Address:
1902 Theatre Road
Cranbrook, BC V1C 7G1
Tel: (250) 426-1700
Fax: (250) 426-1777

2. BC Regulation 334/79 15(c)

the road meets the requirements of paragraph (a) or (b) except for a single lane bridge, cattle guard or culvert and a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the Forest Act for which the Minister of Finance is not responsible certifies that the bridge, cattle guard or culvert is adequate for the proposed use.

The existing structures identified in Section 15(c) are designed to current industrial road use standards and meet or exceed the proposed 60 km/h Rural Collector Design requirements. Where existing culverts and /or cattle guards are deemed unsuitable for upgraded road sections, the proponent will be responsible for the purchase and installation of the required new structures.

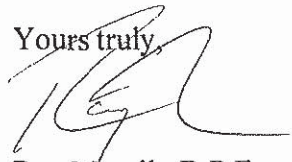
3. BC Regulation 334/79 15(c) (2)

The approving officer shall not approve a plan referred to in subsection (1) unless the plan has been endorsed with the consent of a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the Forest Act for which the Minister of Finance is not responsible ...:

The regional engineering officer responsible for endorsing the proponent's plan is Barry Trenholm, Engineering Group Leader-South. Barry can be contacted at 250 398-4794 or at Barry.Trenholm@gov.bc.ca.

The proponent should be made aware that the Ministry of Forests, Lands and Natural Resource Operations does not support a transfer of the existing Forest Service Road(s) to the Ministry of Transportation and Infrastructure as this road network is required for ongoing and future industrial use.

Canfor is the primary Road Use Permit holder on the Findlay Forest Service Road and is responsible for road maintenance. Road maintenance standards and timing of maintenance activities on industrial roads may not meet the current/future needs or expectations of the applicant. The applicant may wish to enter into a third party maintenance agreement with Canfor to facilitate additional road maintenance activities during periods when Canfor is not active on the road network.

Yours truly,

Ray Morello R.P.F.

District Manager
Rocky Mountain Natural Resource District

Billey, Janet R TRAN:EX

From: Morello, Ray FLNR:EX
Sent: Monday, March 3, 2014 4:37 PM
To: Wiekenkamp, Melissa M TRAN:EX
Subject: RE: Whitetail Lake

Hi Melissa

I will pass your questions on to our Regional engineer
thanks

Ray Morello, RPF
District Manager
Rocky Mountain Natural Resource District
Kootenay Boundary Region

Ministry of Forests, Lands and Natural Resource Operations
1902 Theatre Road, Cranbrook, BC
Phone: (250) 426 1725 Cell s17

From: Wiekenkamp, Melissa M TRAN:EX
Sent: Monday, March 3, 2014 3:31 PM
To: Morello, Ray FLNR:EX
Subject: Whitetail Lake

Hi Ray,

On February 21 2014 MoTI had a meeting with the folks from the Whitetail Lake subdivision.

They are working on solutions to make the road meet the FLNRO requirement of 7.5m wide for the entire length. I am hoping to get from you some clarification of your process:

- My understanding is that once MoTI has approved the road design, we will pass the design to FLNRO for your review and approval as well, from your engineering branch. Is this correct? Is there anything that you need from us in the mean time?
- What kinds of permits will they require from FLNRO to do the work on the road? What is the approximate timeline for those permits? Do they need to supply anything particular with the permit applications i.e. shape file, etc?

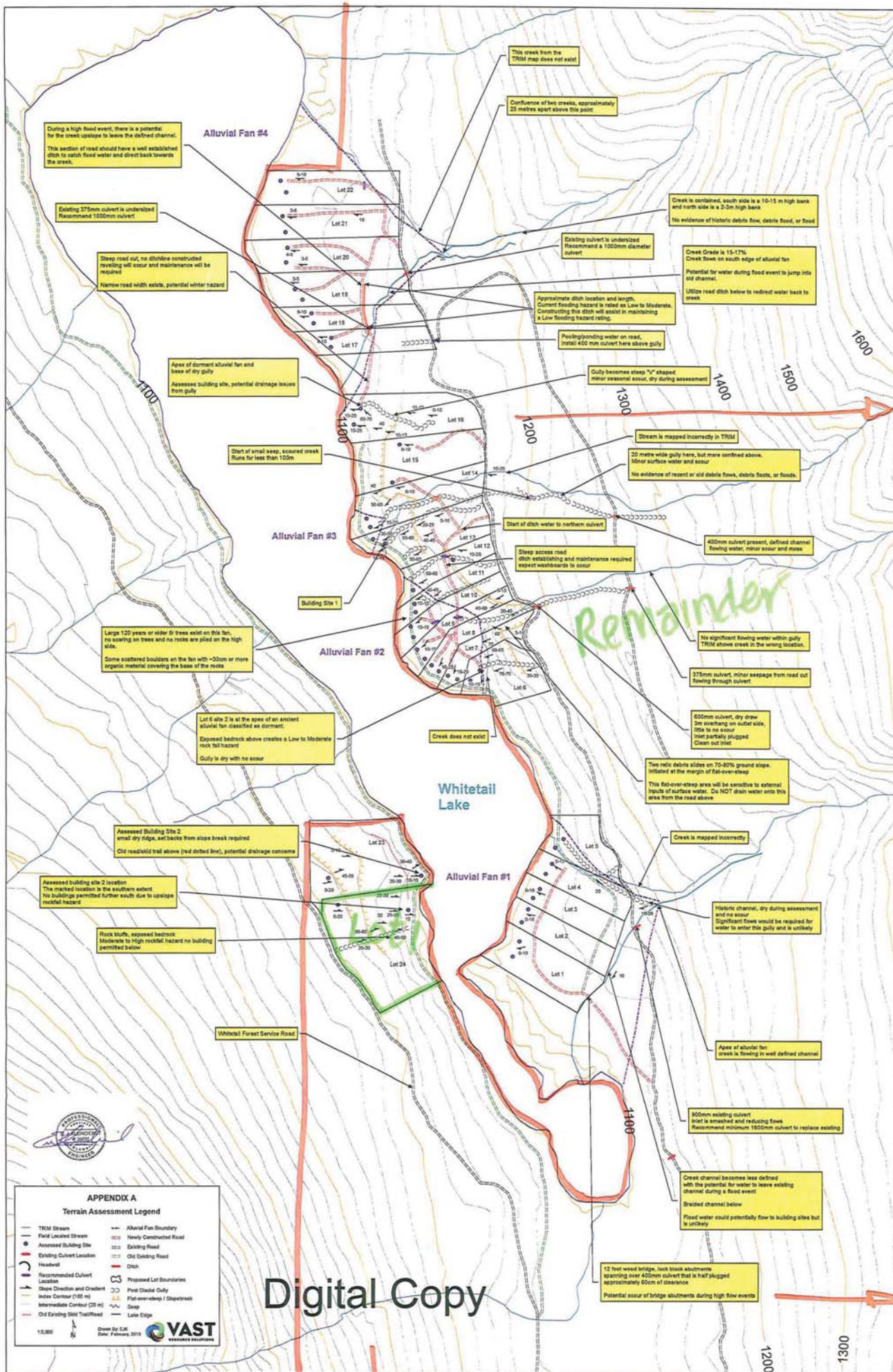
I believe they are hoping to start some of the work on the road in the Spring, before it gets really busy in the area, so an idea of timelines so that they can schedule accordingly would be appreciated. If you have any questions for me, please feel free to give me a call. Thanks so much Ray.

Cheers!

Melissa

Melissa Wiekenkamp, PAg | District Development Technician

<< OLE Object: Picture (Device Independent Bitmap) >> Please consider the environment before printing this email.



Most Recent layout - Feb 2013

From: Elder, Leslie TRAN:EX
Sent: Friday, November 15, 2013 9:32 AM
To: 'Mark Mooney' s22 'esweet@sweetcrofteng.com'
Cc: Fourie, Coenraad TRAN:EX; Wiekenkamp, Melissa M TRAN:EX; Morello, Ray FLNR:EX; Bennetto, Jack D TRAN:EX
Subject: Whitetail Lake Development (MOT File 2010-06398)

Good Morning – I wanted to follow up with everyone after our call this morning with Eric and my meeting with staff at MFLNRO (Forestry) on Wednesday.

On Wednesday I had a conversation with Ray Morello, Dave Rebagliati and Barry Trenholm regarding the letter of support required to move forward with the proposed subdivision under BC Regulation 334/79. This Regulation states, as follows;

Access by a forest service road

15 (1) Where a subdivision plan tendered under section 83 of the Act affects land where the only connection with such land to the general highway system of the Province is by a forest service road established under the [Forest Act](#), an approving officer may approve the subdivision plan where

(a) if the road is not less than 9 m wide, a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the [Forest Act](#) for which the Minister of Finance is not responsible certifies in writing to the approving officer that the load limits restrict the maximum width of vehicles to 4.27 m,

(b) if the road is between 7.5 m and 9 m wide, a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the [Forest Act](#) for which the Minister of Finance is not responsible certifies in writing to the approving officer that the load limits restrict the maximum width of vehicles to 3.05 m, or

(c) the road meets the requirements of paragraph (a) or (b) except for a single lane bridge, cattle guard or culvert and a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the [Forest Act](#) for which the Minister of Finance is not responsible certifies that the bridge, cattle guard or culvert is adequate for the proposed use.

(2) The approving officer shall not approve a plan referred to in subsection (1) unless the plan has been endorsed with the consent of a regional engineering officer of the ministry of the minister responsible for the administration of those portions of the [Forest Act](#) for which the Minister of Finance is not responsible in the following form:

Land Title Act[s. 75 (3)]

Consent

Pursuant to [section 15 \(2\)](#) of [B.C. Reg. 334/79](#), consent is given to this plan of subdivision. The giving of this consent shall not imply an obligation of the Crown in right of the Province to improve, maintain or repair the forest service road shown on this plan.

Regional engineering officer, Ministry of Forests and Range

Specifically, the matter that is of concern to Barry Trenholm, as the Regional Engineering Officer required to endorse the plan of subdivision, is Section 15 (1) (b) and (c). To clarify, the MFLNRO (Forestry) will require a minimum width of 7.5m for the entire length of the Forest Service Road(s) that are providing access to the subject lands. In our discussion with Eric this morning we recommended that the next step would likely be to identify those specific areas that currently do not meet the minimum width of 7.5m and further identify any constraints that would be prohibitive in meeting the minimum width (i.e. limited right of way, private property, geotechnical restrictions).

Staff at MFLRNO, specifically Ray Morello, has committed to provide me with their formal response this week. Once I am receipt of this letter I will ensure that a copy has been provided to yourselves for consideration in moving forward. If you have any questions please do not hesitate to contact me directly.

Leslie Elder

Provincial Approving Officer, Rocky Mountain District - Cranbrook

Office: (250) 426-1509 / Cell: s17 / Ministry website: <http://www.th.gov.bc.ca/DA>