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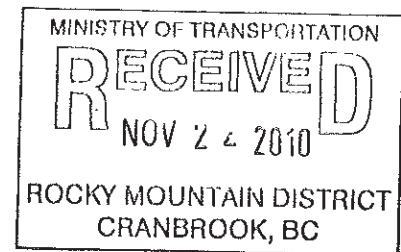
2010-06398

Headwaters Development Consulting

Box 221, 4779 Beatty Ave Canal Flats BC V0B 1B0
Phone: 349-5452 Fax: 349-7516 Email: bwoodbury@gmail.com

November 18, 2010

Ministry of Transportation & Infrastructure
129 – 10th Avenue South
Cranbrook, BC
V1C 2N1



Attn.: Leslie Elder
Approving Officer

Dear Ms. Elder:

Re: Whitetail Lake Landowners Corporation
PID 007-936-826
Sublot 168, District Lot 4596 Kootenay District Plan X32 except parts in Plans
NEP22293 and NEP_____

Please find enclosed a preliminary subdivision application form and fees, plus supporting information, for a 24 lot bare land strata subdivision of the above referenced property. Note that this application is based on there first being an approval of the contemplated 2 lot fee simple subdivision of the property to split off an approximately 60ha lot for Blue Lake Camp.

Servicing

Each of the proposed lots would be serviced by individual wells and on-site septic systems.

Road Access

The proposal contemplates the conversion of part of the Findlay Creek FSR and Whitetail Lake FSR to public roads (those portions that provide access to, and through, the property). Some of the proposed lots would have frontage on the public road, while others would have frontage on the new strata access routes.

Access to lands beyond

The applicant proposes to provide access to the Crown lands lying to the west of the property via a new FSR that follows the existing gravel road that runs from the Whitetail Lake FSR through the property to the north of the Blue Lake Camp.

Waiver of public road access to lands beyond would be sought for access to the Crown lands to the east of the subject property due to terrain limitations. Waiver of public road access to lands beyond would also be sought for access along the east side of Whitetail Lake to the lands to the north of the subject property, partly due to terrain limitations, and also as they already have existing access from the west.

Access to water

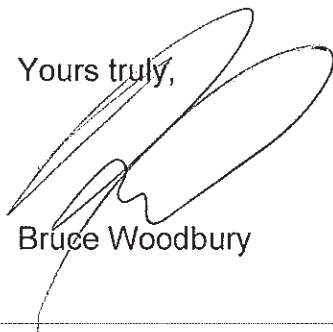
Although quite a bit of the west side of Fishermayden Lake is contiguous with the 20m wide Whitetail Lake FSR, the subdivision proposal includes significant widening of the road right of way at the north end of the lake to provide a safe pull off area and improved public access to Fishermayden Lake.

No public road is being proposed up the east side of Whitetail Lake. The shoreline of Whitetail Lake totals approximately 9.8km with some 2.3km of the west shore of the lake being adjacent to Crown lands. There also appears to be an existing public road right of way at the North West corner of the lake.

The application proposes to provide a 20m wide public road to and along the south west shore of Whitetail Lake from a point near the intersection of the Whitetail Lake FSR with the Blue Lake Camp road.

Should you have any question or require any clarification, or additional information, please contact me at your convenience.

Yours truly,

A handwritten signature in black ink, appearing to read 'Bruce Woodbury', with a large, stylized loop at the end.

Bruce Woodbury



PRELIMINARY SUBDIVISION APPLICATION

Submit this application to the Ministry of Transportation District Office or a Front Counter BC office in your area.

A. PROPOSAL

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

| | | | |
|---|--|----------------------|---|
| Applicant File Number | | Ministry File Number | |
| Subdivision Type | <input type="checkbox"/> Conventional Subdivision <input type="checkbox"/> Sec 946 Local Government Act <input checked="" type="checkbox"/> Bare Land Strata Other (Specify) | | No. of Lots 24 |
| Full Legal Description(s) per State of Title Certificate(s) | Sublot 168 District Lot 4596 Kootenay District Plan X32 Except Plans NEP22293 and _____ | | |
| Full Civic Address | | | |
| Property Location | 12 Kilometers <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input checked="" type="checkbox"/> West from Canal Flats Local Gov't RDEK | | |
| | Access Road Findlay and Whitetail FSR | | Property Zoning A-1 |
| | Existing Land Use Vacant | | Intended Land Use Residential |
| | | | |
| Surrounding Land Use | North Vacant | South Vacant | East Vacant West Vacant and Blue Lake camp |
| Proposed Sewage Disposal | <input checked="" type="checkbox"/> Septic Tank <input type="checkbox"/> Community System <input type="checkbox"/> Other (specify) | | |
| Proposed Water Supply | <input checked="" type="checkbox"/> Well <input type="checkbox"/> Community System <input type="checkbox"/> Water Licenses <input type="checkbox"/> Other (specify) | | |

B. APPLICATION INFORMATION**Required items include:**

- ☒ Subdivision application form.
- ☒ The Preliminary Subdivision Application fee.
- ☒ An authorization letter from the owner if someone else, such as an agent, is applying on the owner's behalf.
- ☒ Original plus five copies of a scaleable sketch plan of proposed layout.

Properly engineered drawings will be required for final approval. The sketch should contain:

- ☒ the date it was drawn
- ☒ the scale
- ☒ north arrow
- ☒ legal description of the property being subdivided, and its adjacent properties
- ☒ outline of the subdivision in red or heavy black line
- ☒ all proposed lots, remainders, parks, rights of way, easements and roads showing dimensions and areas
- ☒ any existing property lines or roads proposed to be removed, closed or relocated
- ☒ all steep banks or slopes exceeding 2 m high and all slopes of 25% or greater, within or adjacent to the proposal area
- ☒ location of existing buildings and structures on the property and adjacent properties within 30m of property boundaries
- ☒ location of any onsite water sources to be developed
- ☐ approximate location of all existing and proposed utility services
- ☒ existing access roads and other roads and trails on the property (state names of roads)
- ☒ site locations of the soil inspection test holes and the percolation tests on each parcel
- ☒ approximate extent of area available for sewage disposal surrounding the test holes
- ☒ location of sewage disposal system and wells on adjacent properties within 30 m of property boundaries

The sketch must include the approximate grades and widths of roads and a design profile, preferably including a cross-section of the proposed road.

- ☒ One copy of the current State of Title Certificate so that property encumbrances can be checked.
- ☒ Copies of any covenants, easements, rights-of-way or other charges registered against the title. These are available through the Land Title Office.

Include these items as well, where applicable

- ☐ A copy of the Provincial Agricultural Land Commission application (if located within ALR). While a developer can apply for subdivision approval before he or she receives permission to proceed from the Agricultural Land Commission or the local government if it has been delegated the authority, the Provincial Approving Officer can only give approval if the property has cleared the Land Commission process in the meantime.
- ☒ A copy of Contaminated Sites Profile form or Contaminated Sites declaration statement, duly completed and signed.
- ☐ One copy of any test required by the Regional Health Authority.
- ☐ A Development Permit and plan where applicable.
- ☒ A copy of BC Assessment Authority Tax Notice showing property tax classification.

| C. SUBDIVISION APPLICATION FEES | | | PAYABLE UPON |
|-----------------------------------|----------|--|-----------------------------------|
| 1. Preliminary Layout Application | \$350.00 | Per lot or shared interest, including remainders, to a maximum of \$70,000 | Application |
| 2. Final Conventional Plan Exam | \$50.00 | Per examination | Final Subdivision Plan Submission |
| | \$100.00 | Per lot on the final plan | |
| 3. Final Strata Plan Examination | \$100.00 | Per examination | Application |
| | \$100.00 | Per lot on the final plan | |
| 4. Other Strata Fees | \$100.00 | To examine Form E for any phased development | Certificate Issuance |
| | \$100.00 | To issue a Certificate of Approval for each phase of a building strata development | |

Note: These fees may change without notice or amendment on this form. There may be other provincial and local government fees associated with your subdivision. To find out more, contact the local government in which the land is located, or contact the Islands Trust if located on the Gulf Islands.

D. FURTHER INFORMATION AND COMMENTS (Attach a separate sheet if more space is required)

This proposal is a subdivision of the remainder lot that will be created when the Blue Lake camp property has been subdivided from the parent property

E. OWNER(S)/APPLICANT INFORMATION

| | | |
|--|-------------------------------|------------------------------------|
| Property Owner(s) Full Name(s) Whitetail Lake Land Corp Incorp # A69710 | | Home Telephone |
| Address 1250 - 639 5th Ave SW | | Business Telephone 403-560-7579 |
| Calgary AB T2P 0M9 | E-Mail s22 | Fax 403-547-3039 |
| Agent Full Name Bruce Woodbury - Headwaters Development Consulting | | Home Telephone |
| Address Box 221 | | Business Telephone 250-349-5452 |
| Canal Flats BC V0B 1B0 | E-Mail bwoodbury@gmail.com | Fax 250-349-7516 |

I certify that all the information about and on all plans and other attachments is true, correct and complete.

I understand that this submission constitutes a preliminary application only.

No approvals are implied prior to receipt of written preliminary approval from the Ministry of Transportation.

Owner/Authorizing Signature

Date (yyyy/mm/dd)

Applicant/Agent Signature

Date (yyyy/mm/dd)

2010/11/19

Collection of Information:

The personal information on this form is collected under the authority of the Land Title Act. The information collected will be used to process your preliminary subdivision application, and it may be necessary for the ministry to provide this information to other agencies. If you have any questions about the collection, use and disclosure of this information, contact the District Development Technician at the nearest Ministry of Transportation office.

From: Elder, Leslie TRAN:EX
Sent: Monday, June 3, 2013 2:14 PM
To: 'Mark Mooney'
Cc: Tormala, Travis TRAN:EX
Subject: RE: Whitetail Lake Development - Follow up

Categories: Red Category

Hi Mark Last Monday we visited the Crown FSR and drive the road to the about the halfway point (the clearing) and then walked on foot for some distance. For the most part the alignment is acceptable but obviously requires a substantial amount of construction to bring it to an acceptable standard as a publicly maintained road. We also re-visited the Finlay FSR and considered the upgrades that would be required to bring this existing alignment to an acceptable 60km/h design. As stated previously, the concept you have proposed for upgrading of the Finlay Road to an standard acceptable to the Ministry of Transportation and Infrastructure (MOTI) has been accepted in principle. My next step will be to formally request written confirmation from MOTI and Ministry of Forest Lands and Natural Resource Operations (MFLNRO) for the proposed upgrading and then approval under BC Regulation 334/79, which will require written consent from the Regional Engineering Officer of the minister responsible for the Forest Act (see Section 2 below).

I will be writing to these ministry's shortly requesting the required consent. This may require additional dialogue with yourself to ensure that any required engineering requirements are clearly identified to ensure a clear understanding of the expectations for the required upgrades.

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

Please let me know if you have any questions regarding this information. Thank you again for your patience as we work with you towards an acceptable solution.

Leslie Elder

Provincial Approving Officer, Rocky Mountain District - Cranbrook

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

From: Mark Mooney s22

Sent: Tuesday, May 7, 2013 11:04 AM

To: Elder, Leslie TRAN:EX

Subject: Re: Whitetail Lake Development - Follow up

Hello Leslie,

Thank-you for your detailed email, we appreciate you taking the time.

We are encouraged by some of the next steps that are being taken, please let us know if it would make sense for one of us to make ourselves available to the 15th for the onsite visit. We were thinking Barry might be a good person to have along based on his experience with industry.

Would a meeting on Friday May 17th be to soon to get together?

Kind regards,

Mark

s22

On Mon, May 6, 2013 at 4:35 PM, Elder, Leslie TRAN:EX <Leslie.Elder@gov.bc.ca> wrote:
Hi Mark In response to your voice mail of last week I can provide the following update.

I had a meeting with Jack Bennetto, District Manager - Transportation, Tony Wideski and Jeremy Zandbergen, both from MFLNRO, regarding your proposal for upgrading of Finlay Forest Service Road and access to the proposed development at Whitetail Lake. Specifically, we discussed that Whitetail Development group has proposed to upgrade existing Finlay FSR from the end of the section of road currently under jurisdiction of the Ministry of Transportation & Infrastructure (MOTI) to the intersection of the proposed "new" strata road that would service the proposed development. The design would require upgrading of the current alignment to a 60 km/h rural collector standard. Once the upgrades were completed to the satisfaction of MOTI and MFLNRO, the support of these ministries would be requested in order to move forward with a request for approval under BC Regulation 334/79 Access via Forest Service Road. The concept was generally accepted by both ministries.

During our discussion we reviewed the potential for use of the alternate FSR, known as Crown Forest Service Road. It is my understanding that Whitetail Development group has undertaken

a preliminary review of this possible alternate means of access into the subject lands, however, the ministries believe that further review is required before a definitive response can be provided on the proposal to utilize Finlay FSR. This review will include a site visit by ministry staff on May 15th. It is important to ensure that all possibilities have been thoroughly investigated as the long term commitment by the Province to ensure an acceptable level of maintenance and safety to the residents and users of this road is significant.

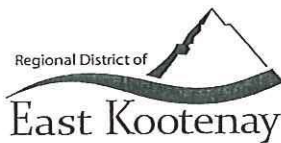
Once we have completed our onsite review it would be beneficial to arrange another meeting with yourselves. Please let me know when you would be available. Thanks.

Leslie Elder

Provincial Approving Officer, Rocky Mountain District - Cranbrook

Office: (250) 426-1509 / Cell: s17 Ministry website:

<http://www.th.gov.bc.ca/DA>



Bylaw Amendment Application

File: 709 525
Bylaw No. 2182

Applicant: Whitetail Lake Land Corp.
Agent: Mark Mooney
Location: Whitetail Lake Forest Service Road, West of Canal Flats
Legal: SL 168, DL 4596, KD, Plan X32 except Plan NEP22293

- Proposal**
- Rezone a portion of the property to SH-2, Small Holding Semi-Rural Zone, SH-3, Small Holding Rural Zone and A-2 Rural Residential (Country) Zone to accommodate the proposed subdivision.
 - SH-2 zone will be comprised of 24 lots ranging from 1.8 ha to 3.9 ha in size.
 - SH-3 zone will be comprised of 22 lots ranging from 5.82 ha to 11.65 ha in size.
 - A-2 zone will encompass 1 lot approximately 16.6 ha in size.
 - The remainder will be approximately 1,418 ha and will remain A-1, Rural Resource zone.
 - The owners group has offered to covenant all proposed lots so that no further subdivision is permitted, including the remainder. They also offer to covenant a minimum 15 metre setback from the high water mark of Whitetail Lake, restricting vegetation disturbance, construction, beach development, fertilizer use and tree removal.

Recommendation Bylaw 2182 be refused. Whitetail Lake is a backcountry location and the proposed land use and 42 parcel residential subdivision is inconsistent with the human settlement policies of the Regional Growth Strategy. Creating a public highway to this location will add to development pressure in the area.

If the Planning Committee recommends proceeding with initial readings of this bylaw, then the following conditions are recommended as part of the first reading resolution to be completed by the applicant prior to bylaw adoption:

- 1) The voluntary covenant be registered restricting buildings, structures and vegetation disturbance within 15m of the natural boundary of Whitetail Lake;
- 2) The voluntary covenant be registered restricting further subdivision of SH-2, SH-3 and A-2 zoned lands;
- 3) The voluntary covenant be registered restricting further subdivision of the A-1 remainder parcel; and
- 4) Confirmation from the Ministry of Transportation, Ministry of Forests and the applicant that there is an agreement in principle regarding the required change in status and upgrades to the access road.

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**Technical
Information – con't**

Current Zoning: A-1, Rural Resource Zone which requires a minimum parcel area of 60 ha.

Proposed Zoning: A-2, Rural Residential (Country) Zone which requires a minimum parcel area of 8.0 ha;

- SH-3, Small Holding Rural Zone which requires a minimum parcel area of 2.0 ha; and
- SH-2, Small Holding Semi-Rural Zone which requires a minimum parcel area of 1.0 ha.

Parcel Size: Total parcel area is approximately 1,488 ha; area under application is approximately 115 ha..

Density: Maximum number of lots without rezoning: 25
Proposed number of lots: 48 plus a remainder
Maximum number of lots with rezoning: 51 plus remainder

ALR Status: Not within.

Interface Fire Hazard Rating: Not rated.

Additional Comments:

- An Archaeological Impact Assessment report prepared by Arrow Archaeology Limited has been submitted with the application. There are known archaeological sites on the property.
- A subdivision application is underway to create a 61.7 ha parcel, for the Blue Lake Forest Camp, from the remainder of SL 168.
- Upgrades to the Whitetail Lake Forest Service Road are required as part of the Blue Lake Camp one lot and remainder subdivision. They include widening some sections to 7.5m and improving line of site in some areas.
- The proposed development of the remainder parcel would require dedication and upgrades to approximately 26 kilometres of Forest Service road, which may lead to future development pressure in the area.
- The remote location of the proposed development is inconsistent with the Columbia Valley Development Policies and the Regional Growth Strategy that state residential development should be directed to existing settlement areas, while keeping rural areas rural.
- Four letters regarding the development have been received. Three letters in opposition state concerns including the potential impact on the integrity of the environmental and recreational values of the area as well as impact on the wildlife corridor and fishery. One letter from The Blue Lake Forest Education Society states the owners group has been cooperative and supportive of the Blue Lake facility and will continue to do so in the future.

Consultation

APC Areas F & G: APC recommends a public hearing be held for the proposal however it does not support the rezoning. The APC would like to see public access to the lake maintained, roads are unknown at this time and the development could set a precedent for future satellite subdivisions.

Consultation – con't

Referral Agency Comments:

- **Ministry of Forest and Range:** The proposal will significantly increase person user days which will negatively impact visuals from the camping area on the lake. Pressure on the trophy fishery will increase and the rustic, remote character of the recreation opportunity will be lost. It is recommended that riparian areas, wildlife corridors and areas hosting red and blue listed species be identified, protected, isolated and reserved from development activity. Continued forest management will be required in the control of Mountain Pine Beetle. An Interface Fire Hazard plan should be in place as well as a plan for access to Crown land adjacent to the northern boundary of this development.
- **Ministry of Transportation:** The proposed subdivision does not front on to a public road and an access by a Forest Service Rd does not meet the requirements with respect for access from a FSR pursuant to the Land Title Act. The Blue Lake subdivision requires road improvements including widening to full structural, stabilized and finished width of 7.5m. Further subdivision requires the FSR to be completed, the entire road dedicated by survey, gazetted and transferred to MoTI. Road must be designed and built to Ministry Standard as per BC Supplement to TAC.
- **ILMB:** interests unaffected by bylaw.
- **Ministry of Tourism, Culture & the Arts:** The proposed development may add pressure to the trophy fishery and may compromise the successful management of the Recreation Site. It will also affect the overall backcountry experience visitors enjoy. The 24 waterfront lots on the east shore of the lake will be viewed by the Recreation Site and the proposed 7.5m setback from the lake is not enough of a visual buffer. MTCA recreation sites and trails coexist within an integrated resource management setting.
- **Village of Canal Flats:** Application be supported subject to: i) restrictive covenants to prevent future subdivision to smaller sized lots; and ii) finalized agreements with the Nature Trust of BC and other interested parties which demonstrate ecological sensitivity to the area and foresight for public use.
- **Ministry of Environment, Ecosystem Biologist:** Application be deferred until detailed inventories, detailed planning and the adoption of enforceable bylaws are in place. There are significant concerns regarding the potential impacts on fish and wildlife and their habitats as well as the potential impact to the sport fishing capability of the lake.
- **Interior Health:** No response
- **Environmental Protection:** No response
- **Water Stewardship:** No response
- **Community & Rural Development:** No response
- **Agriculture & Lands:** No response
- **First Nations Akisqnuk & KNC:** No response
- **School District No. 6:** No response
- **Telus**
- **NanoFibre:** No response

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**Director Booth
Comments**

Comments not received to date.

**Documents
Attached**

- Bylaw
- Zoning Map
- Proposal

**RDEK
Contact**

Jean Terpsma, Planning Technician
Phone: 250.489.0314
Email: jterpsma@rdek.bc.ca