



eDAS File #: 2020-05576

Date: Apr/14/2021

Resort of the Canadian Rockies;  
c/o Resorts of the Canadian Rockies Inc.  
Patrick Majer

Attention: Patrick Majer

**Re: Proposed Subdivision of**

**LOT 1 DISTRICT LOTS 4128 AND 8901 KOOTENAY DISTRICT PLAN  
NEP19500 EXCEPT PLAN EPP76410**

**LOT A DISTRICT LOT 8901 KOOTENAY DISTRICT PLAN 1687 EXCEPT  
PLANS 10145, 15604, 17500, 18957, R368, NEP23072, NEP59141, NEP59794  
AND EPP76410**

**Currie Bowl Way W, Fernie Alpine Resort**

**Proposal:** A 23 lot Conventional subdivision

Your application for preliminary review of the proposed subdivision as detailed above has been considered and this letter summarizes the additional information and requirements that are required for consideration of approval of the subdivision.

Although we have sought to list all the conditions, this letter does not constitute an approval. Upon further consideration, or review of additional information, changes or additions may occur

1. As per Section 87 of the Land Title Act, written confirmation from the Regional District of East Kootenay is required to confirm compliance with all their applicable bylaws for subdivision. Please see their letter dated January 5, 2021.
2. The Natural Hazard Assessment prepared by Groundtech Engineering Ltd. dated November 30, 2015, has been accepted by the Provincial Approving Officer.

The applicant shall enter into one covenant pursuant to Section 219 of the

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

Land Title Act with the Minister of Transportation and Infrastructure and the Regional District of East Kootenay to restrict building on the lands in accordance with the above noted report. Specifically a site-specific geotechnical investigation will be required prior to construction. The report shall be added to the covenant as Schedule A.

Covenant is to have priority over all financial charges with appropriate notation on final documents. Written confirmation from the report author is required confirming the proposed covenant is consistent with the recommendations of the report.

CA6917570 and XD26248 (Boardman Creek covenant) may be released from title concurrently with final registration of the subdivision plan and new covenant. CA6917570 to remain in place on proposed remainder lands.

3. Currie Bowl Way to be dedicated and established a minimum of twenty (20) metres in width or three (3) metres beyond the extremities of cuts or fills, whichever is greater.
4. Currie Bowl Way is 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 Approving Officer. 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) 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

5. Proposed works within the existing dedicated portion of Currie Bowl Way require a valid Permit for Works in the Highway Right of Way from the Ministry of Transportation & Infrastructure. Application can be found at:  
<https://www2.gov.bc.ca/gov/content/transportation/funding-engagement-permits/permits>
6. Applicant to provide written confirmation from BC Hydro that their requested conditions of subdivision are satisfied as outlined in their letter dated December 1, 2020.
7. The Property Owner is required to either submit the "Acknowledgement of Contaminated Site Regulation" or "Site Profile (Schedule 1)" form for both parent parcels.
8. The Application to Deposit and Survey Plan Certification shall make reference to Ministry of Transportation and Infrastructure File Number 2020-05576.
9. Provincial records indicate the proposed development is located within an area with only limited potential to contain archaeological sites protected by the Heritage Conservation Act.

However, the applicant should be aware that there is still a chance that 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.

10. 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 Firesmart Manual for information about reducing the risk. Contact the Ministry of Forests, Land & Natural Resource Operations for more information or review their website at:  
<http://www.bcwildfire.ca/prevention/firesmart.htm>

Appropriate protection measures should be implemented and maintained, and property purchasers should be advised of the risk.

Completion of the matters outlined above will not automatically bring approval. Changes to acts, regulations, bylaws, fees, or other matters happen from time to time and may impact your proposal. This preliminary review of the subdivision proposal is valid for two years however it may be reconsidered at any time. After two years the applicant is advised to make written request for an extension.

Submission of final plans and documents to be accompanied by a current tax certificate to show proof all property taxes are paid, together with a plan examination fee of \$50.00 plus \$100.00 per lot for a total of \$2350.00. If paying by cheque, make payable to the Minister of Finance.

If you have any questions or wish to set up an appointment, please do not hesitate to call Laura Branswell at (250) 426-1516.

Please quote file number 2020-05576 when contacting this office. We encourage you to make use of our online file system eDAS to track the progress of your application.

Signed on behalf of Provincial Approving Officer by



Laura Branswell  
Development Officer

Copy to: Regional District of East Kootenay



File: P 720 127  
eDAS File: 2020-05576

January 5, 2021

Laura Branswell  
District Development Technician  
Ministry of Transportation & Infrastructure  
129 - 10<sup>th</sup> Avenue South  
Cranbrook BC V1C 2N1

Dear Ms. Branswell:

**Re: Subdivision Application / Resorts of the Canadian Rockies Inc. (Majer)  
Lot A, DL 8901, KD, Plan 1687 except Plans 10145, 15604, 18957, R368, NEP23072,  
NEP59141, NEP59794 and EPP76410 and  
Lot 1, District Lots 4128 and 8901, KD, Plan NEP19500 except Plan EPP76410**

The application proposes 23 new residential lots, as phase 2 of the Timberlanding subdivision, extending along Currie Bowl Way. The proposed lots range from 908 m<sup>2</sup> to 0.97 ha and the proposal will leave two large remainder lots. The proposed lots are vacant and are intended for single family, two family and multi-family development.

The property is not within the Agricultural Land Reserve.

The subdivision must comply with the Elk Valley Zoning Bylaw No. 829, 1990. The proposed lots are zoned RS-2(A), Single Residential (Resort Residential) Zone. The minimum parcel size for this zone varies based on how the property is serviced and what type of dwelling is constructed. The proposed lots are intended to be serviced with community water and community sewerage systems. With community servicing, the minimum parcel size for a lot with a single family dwelling is 555m<sup>2</sup>, for a two-family dwelling it is 700m<sup>2</sup> and, for a multifamily dwelling it is 1670m<sup>2</sup>. Where a two family dwelling is subdivided along a common wall separating two dwelling units, each parcel must not be smaller than 350m<sup>2</sup>.

Each lot must also have a minimum usable site area of 460 m<sup>2</sup> where the parcels are served by both a community water and community sewer system and of 550 m<sup>2</sup> where it is located on a corner with the same level of community servicing. 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 properties are within the Fernie Alpine Resort area and may have slopes in excess of 15%. A Development Permit will be required prior to any alteration of land or vegetation and prior to subdivision sign-off by the RDEK.

Covenant CA6917570 is registered on both parent parcels and states that no improvements shall be constructed on the Land except in accordance with a site-specific geotechnical investigation report prepared by a geotechnical engineer confirming that the portion of the Land proposed for development is safe for development with habitable structure as proposed.

Access and any possible natural hazards must be addressed to the satisfaction of the Ministry of Transportation and Infrastructure.

The subdivision must comply with Subdivision Servicing Bylaw No. 1954. All parcels must be provided with sufficient quantities of potable water and an adequate sewage disposal method. The construction, extension or addition to a Community Water System must not proceed until a construction permit has been issued by the Issuing Official under the *Drinking Water Protection Act*.

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

1. make application to the RDEK for a Steep Slopes Development Permit,
2. adhere to the Sewerage System Regulation (BC Reg. 326/2004) for the proposed individual sewerage systems; and
3. submit to the RDEK the following:
  - a. A letter from the owner of the community water system confirming that the additional lots can be connected to the water system and that fees have been paid for connection to the water system;
  - b. Where the Community Water System is operated by a Strata corporation or private water utility, a current Certificate of Public Convenience and Necessity is required;
  - c. Confirmation from the owner of the Community Sewer System that all parcels proposed can be connected to the sewer system and that connection fees have been paid.
  - d. Confirmation from the Ministry of Environment or a Professional Engineer that the Community Sewer System can service the proposed parcels in compliance with the Municipal Sewer Regulation and related permits. The Professional Engineer must consider the possibility that a number of lots may have secondary suites or duplexes, and that two lots are proposed for multi-family development. The maximum number of dwelling units for proposed Lot 36 is 56 units and for proposed Lot 37 is 54 units, provided that the entirety of each parcel is considered usable site area (resort).

- e. A letter from a geotechnical engineer confirming minimum usable site area as defined in Bylaw 829, for each parcel including the proposed remainders and confirming that any buildings on the properties meet the setback requirements as set out in Bylaw 829 with regard to new property boundaries.
- f. An application for a development permit in accordance with Sections 20.1 to 20.3 of the Fernie Alpine Resort Official Community Plan Bylaw 2363. The development permit process may result in additional requirements (ie: restrictive covenant for building envelopes) that must be addressed prior to provision of subdivision sign-off to the MoTI by the RDEK.
- g. A copy of the survey plan proposed for registration in the Land Title Office.

It is recommended that the well be drilled and the land be surveyed after the Ministry of Transportation and Infrastructure issues their Preliminary Layout Review letter.

RDEK comments are valid for 24 months, after which a new examination fee must be paid and new comments issued. If you have any questions concerning these comments, please call me at 250-489-0314 or toll free at 1-888-478-7335.

Sincerely,



Krista Gilbert  
Planning Technician

KG/kg

Enclosures

pc: BC Assessment Authority (folio: 701.03757.500 & 701.05514.000)  
ec: Patrick Majer, RCR



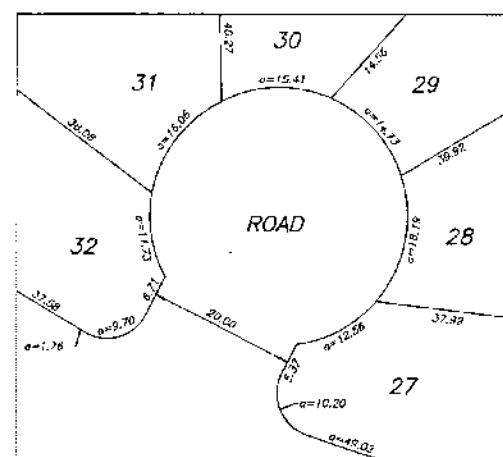
PLAN OF PROPOSED SUBDIVISION OF PARTS OF LOT 1,  
DISTRICT LOTS 4128 AND 8901, PLAN NEP19500  
AND PARTS OF LOT A, DISTRICT LOT 8901, PLAN 1687  
EXCEPT PLANS 10145, 15604, 17500, 18957,  
R368, NEP23072, NEP59141 AND NEP59794,  
ALL IN KOOTENAY DISTRICT

BCGS 82G.045

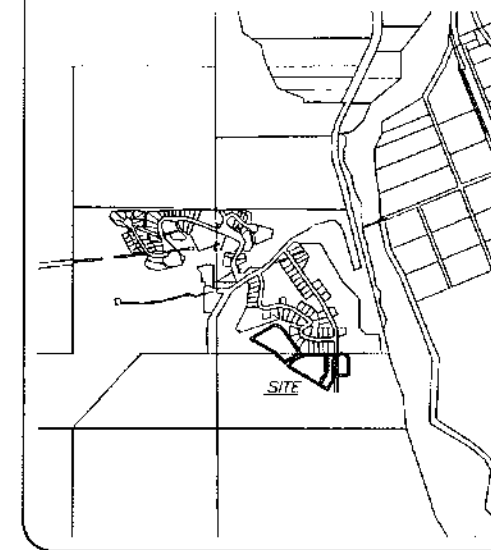
The intended plot size of this plan is 664mm in  
width by 560mm in height (D size) when plotted  
at a scale of 1:1000.

LEGEND

All distances are in metres or decimals thereof unless  
otherwise noted.



Detail A  
not to scale



KEYPLAN  
N.T.S.



WSP Planning (BC) Limited Partnership  
203-135 Victoria Ave. N. Cranbrook BC  
PROJECT REP. DRAWING NO.  
010048638-PSUB-R2

This plan lies within the Regional District of East  
Kootenay