



ELECTORAL AREA E/ WEST BOUNDARY – BIG WHITE ADVISORY PLANNING COMMISSION

Tuesday, January 2, 2024 – 5:00 pm

AGENDA

Big White Community School, 400 Happy Valley Road
and via tele-conference 1-877-385-4099

Participant Access Code: 8340018#

1. Call to Order

2. Land Acknowledgement

In the spirit of respect, truth and reconciliation, we honour and thank the Indigenous Peoples on whose traditional and unceded lands we operate.

3. Consideration of the Agenda (additions/deletions)

January 2, 2024

Recommendation: That the January 2, 2024, Electoral Area E/ West Boundary-Big White Advisory Planning Commission agenda be approved.

4. Election of Chair, Vice-Chair and Secretary

5. Draft Minutes

October 3, 2023

Recommendation: That the minutes of the October 3, 2023, Electoral Area E/ West Boundary – Big White Advisory Planning Commission meeting be adopted.

6. Delegations

7. Updates to Applications and Referrals

8. New Business

A. 0882453 BC Ltd. (Conrad Wiker, Agent)

RE: Development Variance Permit
RDKB File: BW-4203-07909.188/2023-078

B. Big White Ski Resort – Globe Restaurant

RE: LCRB Referral
RDKB File: BW-4109s-07444.450/2023-106

C. Happy Valley Day Lodge – Altitudes

RE: Special Event License

RDKB File: BW-4220-10293.275/2023-111

D. Big White Ski Resort

Re: Crown Grant Application

RDKB File: BW-2713-Ridge Base/2023-114

9. For Information

A. 2024 Planning and Development Department Application Process and Meeting Schedule

B. APC Guide

10. For Discussion

11. Adjournment



**Electoral Area E/ West Boundary – Big White
Advisory Planning Commission
MINUTES**

Tuesday, October 3, 2023
Big White Community School
In person and via tele-conference

Present:

Rachelle Marcinkoski, Chair
Mike Figurski, Vice-Chair
Paul Sulyma
Carla Berrie

Director S. Gibbs

Absent: John LeBrun, Anna Byrne

RDKB Staff Present: JoAnn Peachy

Guest(s) Present:

1. Call to Order

The meeting was called to order at 1709.

2. Land Acknowledgement

In the spirit of respect, truth and reconciliation, we honour and thank the Indigenous Peoples on whose traditional and unceded lands we operate. We would also like to acknowledge the enduring presence of the Indigenous Peoples of this region.

3. Adoption of Agenda

Recommendation: That the October 3, 2023, Electoral Area E/ West Boundary – Big White Advisory Planning Commission agenda be adopted as presented.

CARRIED

4. Adoption of Minutes

Recommendation: That the September 4, 2023, Electoral E/ West Boundary – Big White Advisory Planning Commission Minutes be adopted as presented.

CARRIED

5. **Delegations**

6. **Old Business and Updates to Applications & Referrals**

7. **New Business**

A. **0882453 BC Ltd. (Conrad Wiker, Agent)**

RE: Development Variance Permit
200 Moon Shine Crescent

Discussion/Observations:

The committee reviewed the application “as if” there was no building constructed already. Construction safety is a concern with not having any setback. Because the setback area is adjacent to a road versus a neighbor there were no concerns about negative impacts to the neighboring property. Snow storage from road clearing is an issue for MOTI to address so was not considered.

Although constructions safety was noted, the construction has already taken place and therefore any risk associated with it has already been undertaken and likely poses no additional threat.

The committee noted the expectation that the developer/strata follow the proper approvals moving forward.

Recommendation:

It was moved, seconded, and resolved that the APC recommends to the Regional District that Development Variance Permit 200 Moon Shine Crescent

Be supported with comment.

CARRIED

8. **For Information**

Moving forward, Sharen advised that the sentence “We would also like to acknowledge the enduring presence of the Indigenous Peoples of this region” will be removed from the Land Acknowledgement as it is redundant. Future agendas and meeting notes will be amended to reflect this.

9. **Discussion**

10. **Adjournment**

MOVED AND SECONDED that the meeting be adjourned at 17:32.



Electoral Area E/ West Boundary-Big White Advisory Planning Commission (APC) Staff Report

RE:	Development Variance Permit – 0882453 BC Ltd. (790-23V)		
Date:	January 2, 2024	File #:	2023-078 BW-4203-07909.188
To:	Members of the Electoral Area E/ West Boundary - Big White APC		
From:	JoAnn Peachey, Current Planning Supervisor		

Issue Introduction

At their October 25, 2023 meeting, the Board of Directors reviewed the development variance permit application to reduce the required setback along Raven Ridge Road from the rear lot line from 4.0m to 0.0m, a variance of 4.0m for construction of the single family dwelling at 200 Moon Shine Crescent (Lot 1, Plan KAP74021, District Lot 4203, SDYD, Except Plan KAS2401 (Phases 1 to 8) and a portion of Phased Strata Plan of Part of Lot 15, Plan KAP65363, District Lot 4203, SDYD). The Board of Directors resolved to defer the DVP application so that the Big White APC may consider it further.

After the Board of Directors meeting, the applicant placed the application on hold and has since provided further information (*See Attachment #2 - Applicant's New Submissions*).

History / Background Information

APC members may recall reviewing this application at the October 3, 2023 Big White APC meeting, and the previous report to the APC is attached for reference (*Attachment #1- Previous Staff Report to APC*).

The original application focused on the location of the strata access road on the remainder lot (Lot 1); however, the road was always intended to become part of the common property.

At that meeting, the following recommendation of support was made:

"The committee reviewed the application "as if" there was no building constructed already. Construction safety is a concern with not having any setback. Because the setback area is adjacent to a road versus a neighbor there were no concerns about negative impacts to the neighboring property. Snow storage from road clearing is an issue for MOTI to address so was not considered.

Although construction safety was noted, the construction has already taken place and therefore any risk associated with it has already been undertaken and likely poses no additional threat.

*The committee noted the expectation that the developer/strata follow **the proper approvals moving forward.**"*

It was moved, seconded, and resolved that the APC recommends to the Regional District that Development Variance Permit 200 Moon Shine Crescent

Be supported with comment.

The Electoral Area Services (EAS) Committee reviewed this application at their October 12, 2023 meeting and resolved:

That the EAS Committee tables the application pending receipt of the following information: A site plan(s) showing the exact location of the utilities.

Following the EAS Committee meeting, the agent, Mr. Wiker, provided an updated services map and Big White Utilities also provided their utilities mapping. These maps have since been updated and location of the utilities are included in the applicant's updated site plan. The applicant has also provided an updated executive summary, letters of support from utility providers: Telus (phone), FortisBC (electricity), Big White Utilities (sewer, water, gas) and letters of support from Billy Martin of Strata KAS938, and Peter Matter/Anitra Boyd of Lot 4 Bullet Creek Cabins (*See Attachment #2-Applicant's New Submissions*).

At the October 25, 2023 Board of Directors meeting, utility mapping was presented, along with letters of objection (*See Attachment #3-Public Submissions*), and spoken comments from the public and the property owner.

Implications

For Development Variance Permit applications, the RDKB considers whether the proposed variance will:

- a) Resolve a hardship;
- b) Improve the development;
- c) Cause negative impacts to the neighbouring properties.

The applicants addressed the above points (see attachments for more specific details).

Hardship

The applicant states that the proposal:

RESOLVES HARDSHIP faced by the Strata and current owner(s) as a result of past road construction and surveying errors by not adding additional expense and disruption to their homes several services would require movement and the roadway to be moved to the original registered location. Considering the additional hardship they have faced with the sink hole/roadway washout facing Moonshine owners financially and with respect to access, further supports efforts to alleviate any other additional future burdens.

While the strata road access is partially located on Lot 1, staff notes that:

- The areas where the strata road are located on Lot 1 are to become common strata property once the building is finished (as it is part of a phased strata development), and
- The strata road access would not need to be moved to resolve the existing encroachment (as it would resolve itself).

It is also noted that any encroachment of utilities would also be resolved without relocation when the building becomes part of the phased strata.

In terms of the location of utilities, the applicant's site plan demonstrates the Hydro/Telus fibre distribution lines are currently on Lot 1. The letter received from Telus poses that a 3m statutory right of way (SRW) be put in place. A letter from FortisBC also notes that their underground facilities do not benefit currently from a SRW and notes that a minimum of 1.5m on either side of their conduit be free of permanent structures. FortisBC ideally recommends 3m on either side, due to local conditions.

This new information demonstrates that any proposed dwelling would need to be at least 3.12m from the currently property line of Lot 1 (based on the lines being up to 1.62m onto Lot 1 and a further 1.5m needed for a SRW) to accommodate a SRW for the hydro/telephone lines, without relocation of the lines.

As this is a new development, there are opportunities to address such site constraints through adjustments to building design and reduction in footprint/size. There are also opportunities to reorient the development to minimize the need for a variance.

For example, the original development permit included a site plan showing a smaller building sited in a location that would not have required this proposed variance nor any changes to either the strata access road or utilities.

Improves Development

The applicant states that the proposal will:

IMPROVE DEVELOPMENT by allowing current roadway and services to remain in place without significant disruption and cost to Owner(s), Strata and Big White Utilities by correcting the error.

It is acknowledged that there is a practical benefit to avoiding relocation of electricity/telephone utilities that currently service other properties in the Bullet Creek Strata. However, the proposed building location severely lessens the distance between the dwelling and Raven Ridge Road, which increases potential conflict with road maintenance, snow clearing, and future use of the road right of way. Further, building redesign would also avoid disruption and cost associated with utility relocation.

Impact to neighbouring properties

The applicant states that the proposal will:

Demonstrate NO NEGATIVE IMPACTS by allowing the single family residence to be build in its current form which shows overwhelming support for direct residences (See attached letters of support).

While the applicant has collected letters of support from some neighbouring property owners and provided them as part of the submission, letters of opposition have also been received (*See Attachment #3 – Public Submissions*). It is also noted that reducing the setback would impact Ministry of Transportation and Infrastructure, the collective users of Raven Ridge Road, and Bullet Creek Strata (as the entity that would maintain the exterior of the building once completed and incorporated into the strata).

At the time this report was prepared, the owner had not received a permit from the Ministry of Transportation and Infrastructure for the setback encroachment from Raven Ridge Road.

Attachments

- 1-Previous Staff Report to APC (without Attachment #3)
- 2-Applicant's New Submissions
- 3-Public Submissions



Electoral Area E/ West Boundary-Big White Advisory Planning Commission (APC) Staff Report

RE:	Development Variance Permit – McFarlane (790-23V)		
Date:	October 3, 2023	File #:	2023-078 BW-4203-07909.188
To:	Members of the Electoral Area E/ West Boundary - Big White APC		
From:	JoAnn Peachey, Current Planning Supervisor		

Issue Introduction

We received an application for a development variance permit from Conrad Wiker on behalf of David McFarlane (0882453 BC Ltd.) and KAS2401 Bullet Creek Strata to vary the minimum rear parcel line setback at 200 Moon Shine Crescent, Big White in Electoral Area E/ West Boundary (see *Attachments*).

Property Information	
Owner(s):	0882453 BC Ltd./ KAS2401 Bullet Creek Strata
Agent:	Conrad Wiker
Location:	200 Moon Shine Crescent
Electoral Area:	Electoral Area E/ West Boundary
Legal Description(s):	Lot 1, Plan KAP74021, District Lot 4203, SDYD, Except Plan KAS2401 (Phases 1 to 8)/Phased Strata Plan of Part of Lot 15, Plan KAP65363, District Lot 4203, SDYD
Area:	0.4ha (1ac)
Current Use(s):	Vacant
Land Use Bylaws	
OCP No. 1125:	Medium Density Residential
DP Area:	Commercial & Multiple Family / Alpine Environmentally Sensitive Landscape Reclamation
Zoning No. 1166:	Medium Density Residential 4 (R4)
Other	
ALR:	Outside ALR
Waterfront/Floodplain:	Unnamed stream
Water Service Area:	Big White Utilities
Sewer Service Area:	Big White Utilities
Planning Agreement Areas:	N/A

History / Background Information

The subject property is located immediately south of the Village Core at Big White, in Electoral Area E/ West Boundary. It is designated as Medium Density Residential in Big White Official Community Plan Bylaw No. 1125 and is zoned Medium Density Residential 4 (R4) in Big White Zoning Bylaw No. 1166, 2001. The subject area is the remainder lot of the Bullet Creek Cabins phased strata, and a portion of Bullet Creek Cabins (KAS2401) Strata's common strata property.

Although the subject property of Lot 1 is a hooked parcel with three (3) separate areas, the proposed building site is a triangular portion immediately south of Raven Ridge Road, east of Moonshine Crescent and north of the strata road. The building site also includes a portion of strata common property abutting Raven Ridge Road. There is also an unnamed creek within the Bullet Creek phased strata development that is protected by covenants on title to the south and west of the building site (*See Attachment #2-Subject Property Map*).

Bullet Creek Cabins phased strata development is surrounded by roads to the north (Raven Ridge Road), east (Big White Road) and south (Big White Road). A portion of the strata development abuts Moon Shine Crescent, where there is an access road. The surrounding area is residential, with the Village Core further north above Big White Road (*See Attachment #1-Site Location Map*).

A development permit was previously issued for Bullet Creek Cabins (Permit 202A-02D). This proposal must be generally consistent with the previously issued development permit.

A building permit was issued for a single family dwelling for the subject property (Lot 1). However, the building was constructed in a different location and not in accordance with the approved site plan. The Building Department issued a stop work order after receiving a certificate of location from the surveyor. The certificate of location showed the proposed building (1) within the strata's common property, (2) within the Ministry of Transportation and Infrastructure's (MOTI) setback permit area, and (3) within the rear parcel line setback.

As such, a development variance permit and MOTI setback permit are required to facilitate the single family dwelling.

Proposal

The applicant proposes a single family dwelling within the Bullet Creek Cabins phased strata development, as currently sited. The applicant will be modifying the building to remove the eaves currently encroaching into the road right of way.

The applicant is requesting to reduce the required setback along Raven Ridge Road:

1. *To vary the minimum setback from the rear lot line from 4.0m to 0.0m, a variance of 4.0m for construction of the single-family dwelling.*

Implications

For Development Variance Permit applications, the RDKB considers whether the proposed variance will:

- a) Resolve a hardship;
- b) Improve the development;
- c) Cause negative impacts to the neighbouring properties.

The applicants addressed the above points as such (see attachments for more specific details):

1. ***"RESOLVES HARDSHIP faced by the Strata and current owner(s) as a result of past road construction and surveying errors by not adding additional expense and disruption to their homes as all services would require movement and the roadway to be moved to the original registered location. Considering the additional hardship they have faced with the sink hole/roadway washout facing Moonshine owners financially and further supports efforts to alleviate any other additional burden.***
2. ***IMPROVES DEVELOPMENT by allowing current roadway and services to remain in place without significant disruption and cost to Owner(s), Strata and Big White Utilities. The overall development remains intact keep existing roadway access, vegetation and disturbs no other surroundings. Failure to do so may force the owner to request roadway and services be move to their correct location.***
3. ***NO NEGATIVE IMPACTS by allowing the single-family residence to be build in its current form and uses the previously existing site originally disturbed for the build in 2001, despite being in the incorrect location. (Please see the extensive letters of support attached). In other words, "nearly everything stays the same."***

Staff notes that financial hardship is not taken into consideration when evaluating applications.

It is also noted that the current location of the building was not approved by the RDKB or MOTI prior to construction. A variance was not required for the original site plan included in the approved building permit application.

Staff also notes that this proposal will meet all other regulations in the R4

zone such as height, setbacks, parcel coverage and parking minimums, provided the building becomes part of the phased building strata. In the interim, the strata plan will need to be amended so the building is not on common strata property during construction.

MOTI approval is required for the setback permit to facilitate the proposed dwelling. Raven Ridge Road has a limited shoulder before giving way to a steep embankment leading down towards the proposed building. Bringing a building closer to the embankment increases likelihood of conflicts with road maintenance and snow clearing.

Although Big White's OCP does not have specific policy regarding setback variances in Residential areas, it is a transportation objective to work with MOTI to ensure reasonable road maintenance standards are maintained at Big White (OCP Section 3.13.1).

Attachments

- 1-Site Location Map
- 2-Subject Property Map
- 3-Applicant's Submission Package

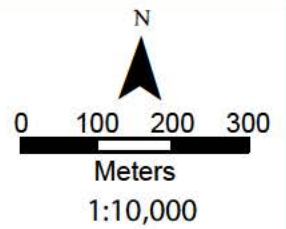


Regional District of
Kootenay Boundary

Date: 2023-08-17

Site Location Map

Lot 1,
Plan KAP74021, DL 4203,
SDYD



Subject Property:
Portion of 200 Moonshine
Crescent

Big White



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202-843 Rossland Ave, Trail BC V1R 4S8 | T: 250.368.9148 | T/F: 1.800.355.7352 | rdkb.com

Document Path: P:\PD\3200 Properties Titled\07 Area E (Big White)\BW-4203-07909.188\2023 DVP Application\Mapping\SubjectPropertyMaps_BW-4203.07909.188.aprx

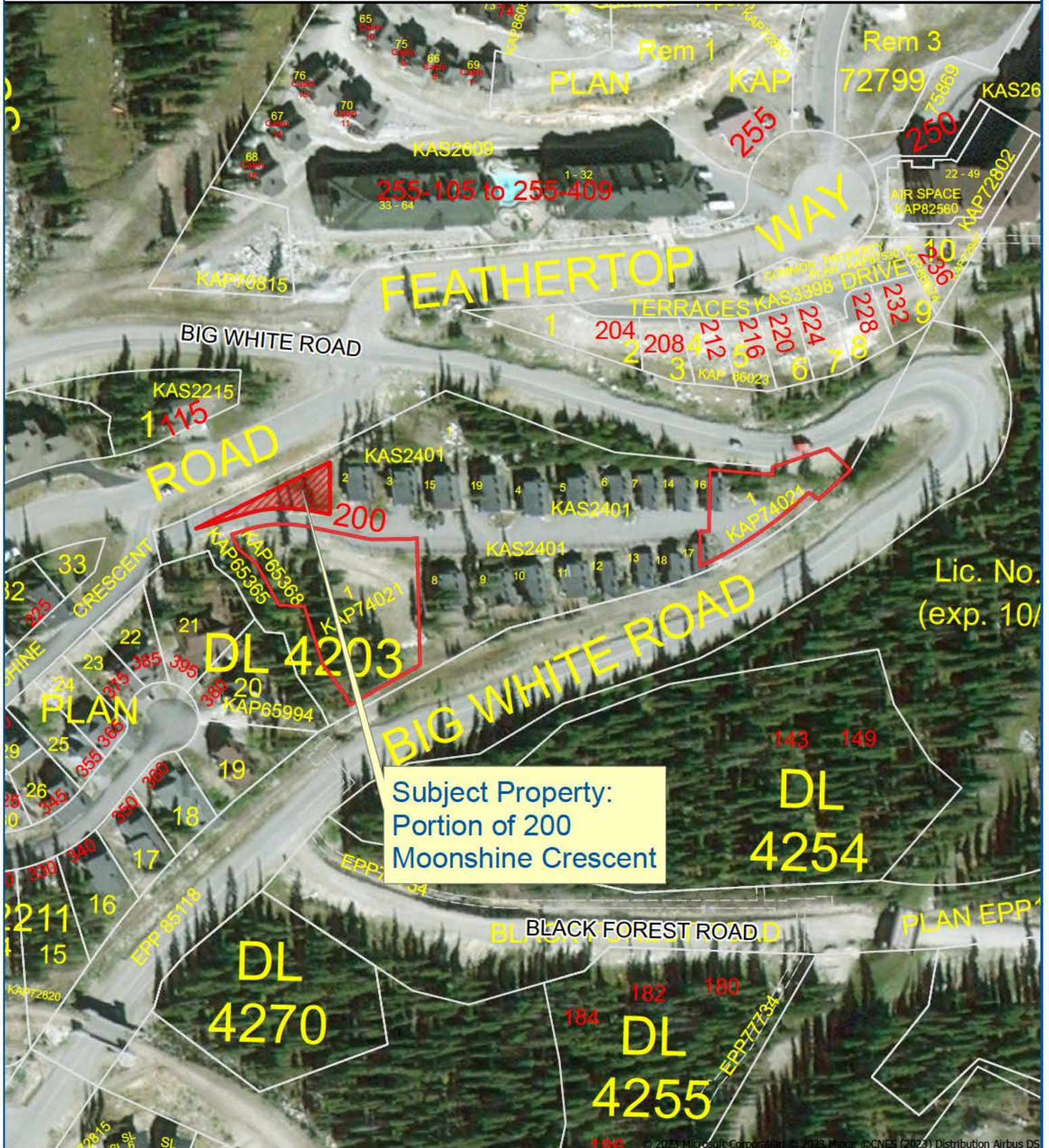
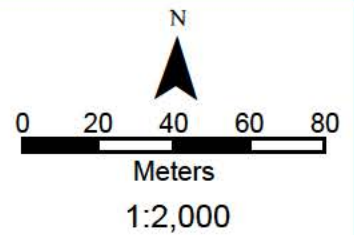


Regional District of
Kootenay Boundary

Date: 2023-08-17

Subject Property Map

Lot 1,
Plan KAP74021, DL 4203,
SDYD



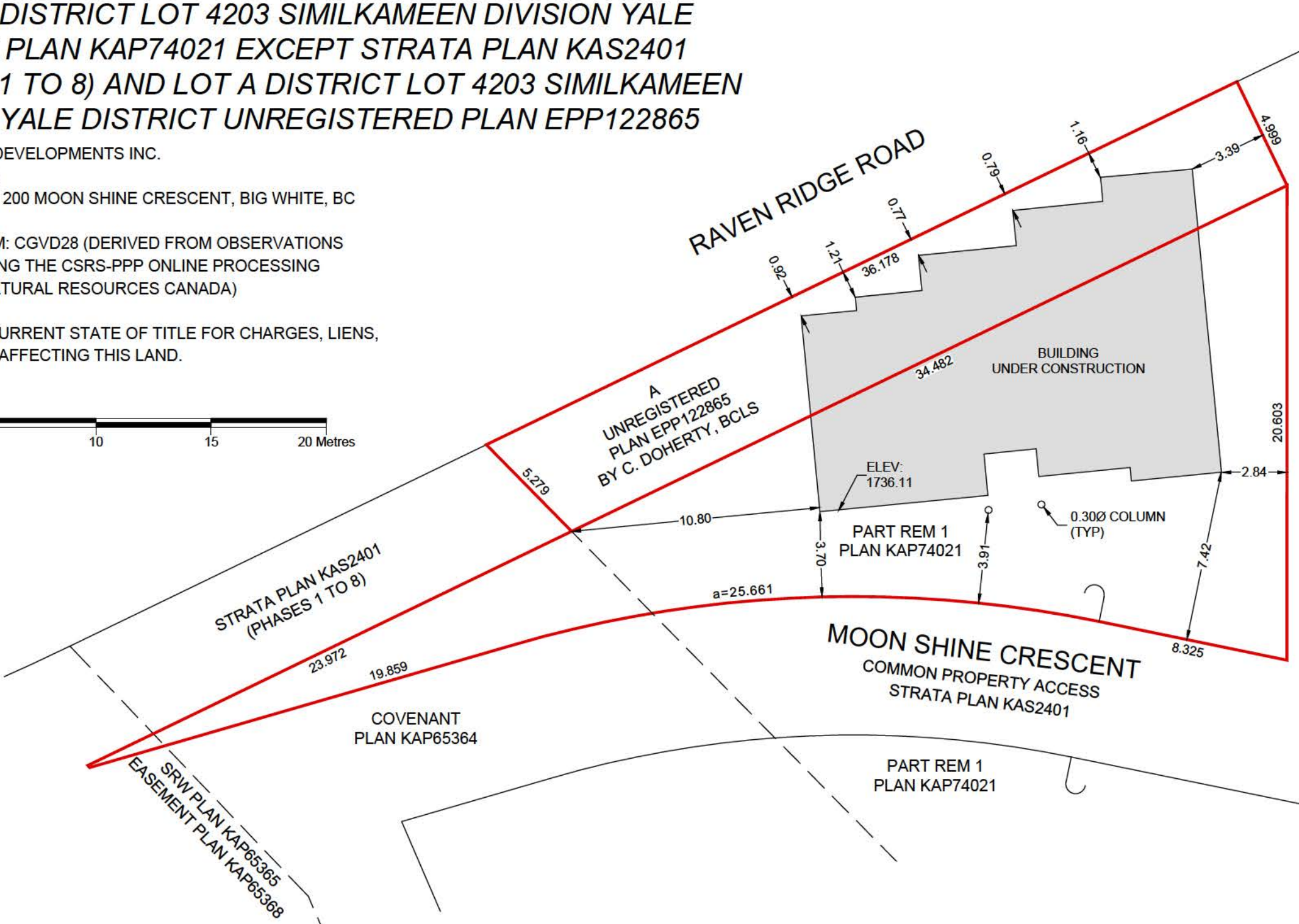
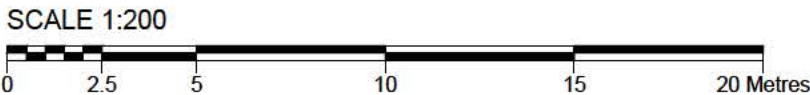
Subject Property:
Portion of 200
Moonshine Crescent

BC LAND SURVEYOR'S CERTIFICATE OF LOCATION ON PART OF LOT 1 DISTRICT LOT 4203 SIMILKAMEEN DIVISION YALE DISTRICT PLAN KAP74021 EXCEPT STRATA PLAN KAS2401 (PHASES 1 TO 8) AND LOT A DISTRICT LOT 4203 SIMILKAMEEN DIVISION YALE DISTRICT UNREGISTERED PLAN EPP122865

CLIENT: WIKER DEVELOPMENTS INC.
PID: 025-743-082
CIVIC ADDRESS: 200 MOON SHINE CRESCENT, BIG WHITE, BC

VERTICAL DATUM: CGVD28 (DERIVED FROM OBSERVATIONS PROCESSED USING THE CSRS-PPP ONLINE PROCESSING PROVIDED BY NATURAL RESOURCES CANADA)

REFER TO THE CURRENT STATE OF TITLE FOR CHARGES, LIENS, AND INTERESTS AFFECTING THIS LAND.



- NOTES:
- THIS PLAN HAS BEEN PREPARED BASED ON LAND TITLE & SURVEY AUTHORITY RECORDS AND A FIELD SURVEY.
 - OFFSET DISTANCES ARE MEASURED TO THE EXTERIOR OF CONCRETE FOUNDATION ON MAIN STRUCTURE AND ARE PERPENDICULAR TO PROPERTY LINES.
 - VISIBLE ENCROACHMENTS FROM OR ONTO THE PROPERTY ARE SHOWN IN RED.
 - THIS PLAN WAS PREPARED FOR MUNICIPAL BYLAW COMPLIANCE AND/OR MORTGAGE PURPOSES AND IS FOR THE EXCLUSIVE USE OF THE CLIENT.
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CERTIFIED CORRECT THIS 9th DAY OF MAY, 2023.

Corey M. Doherty, B.C.L.S.
This Document Is Not Valid Unless Digitally Signed

VECTOR
GEOMATICS LAND SURVEYING LTD.
111-810 Clement Ave
Kelowna, B.C. V1Y 0J7
Ph.: (250) 868-0172
www.vectorgeomatics.com

File: 2101231R0 Date: 2023-05-09
Drafted by: EC Checked by: CMD

SITE PLAN OF PART OF LOT 1 DISTRICT LOT 4203
SIMILKAMEEN DIVISION YALE DISTRICT
PLAN KAP74021 EXCEPT STRATA PLAN KAS2401
(PHASES 1 TO 8) AND LOT A DISTRICT LOT 4203 SIMILKAMEEN
DIVISION YALE DISTRICT UNREGISTERED PLAN EPP122865

PID: 025-743-082
CLIENT: WIKER DEVELOPMENTS INC.
CIVIC ADDRESS: 200 MOON SHINE CRESCENT, BIG WHITE, BC

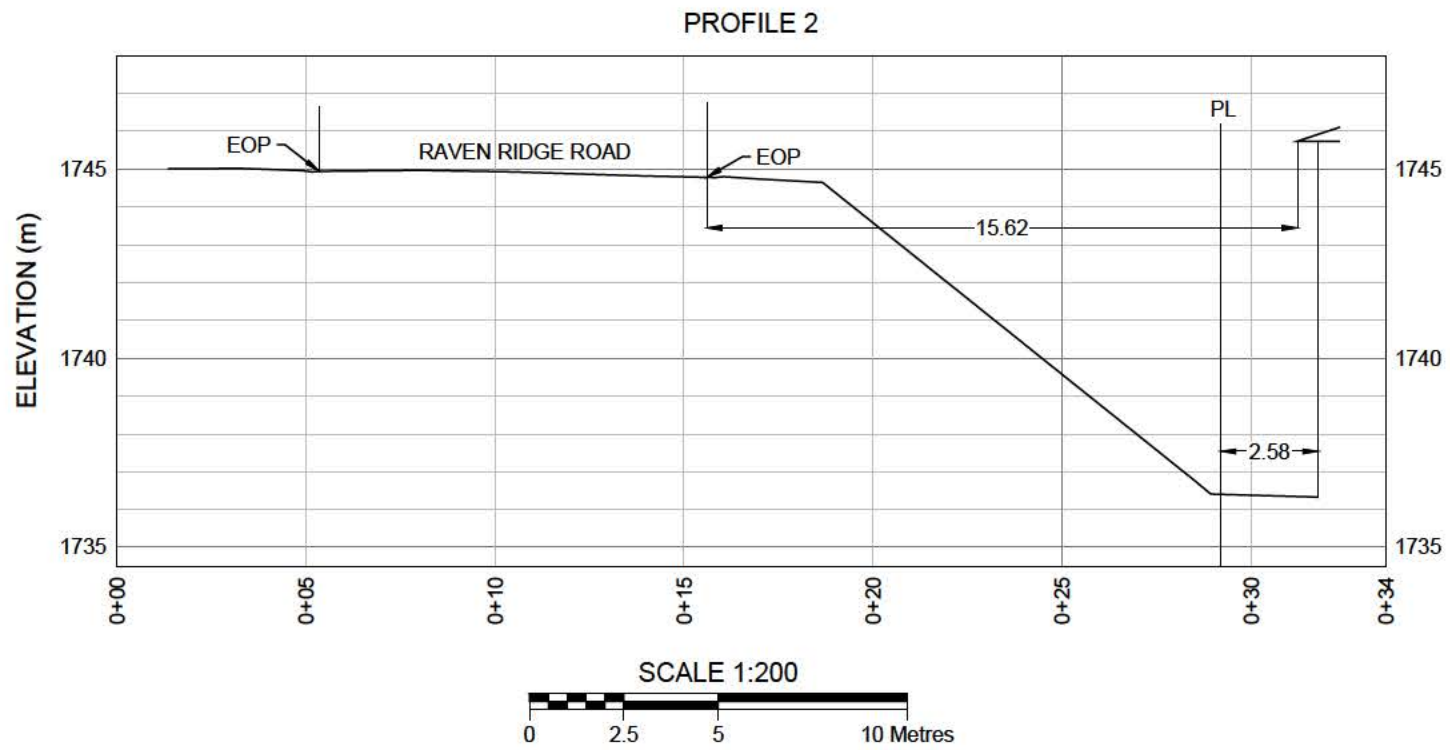
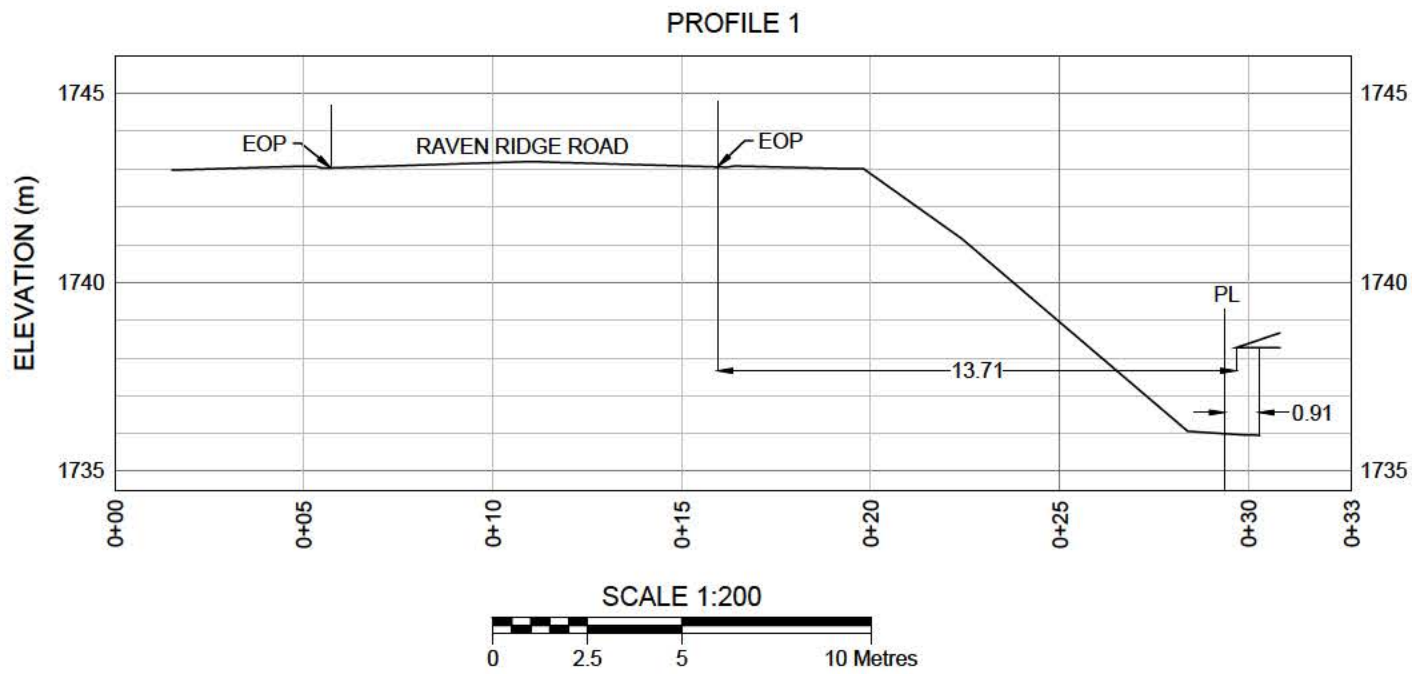
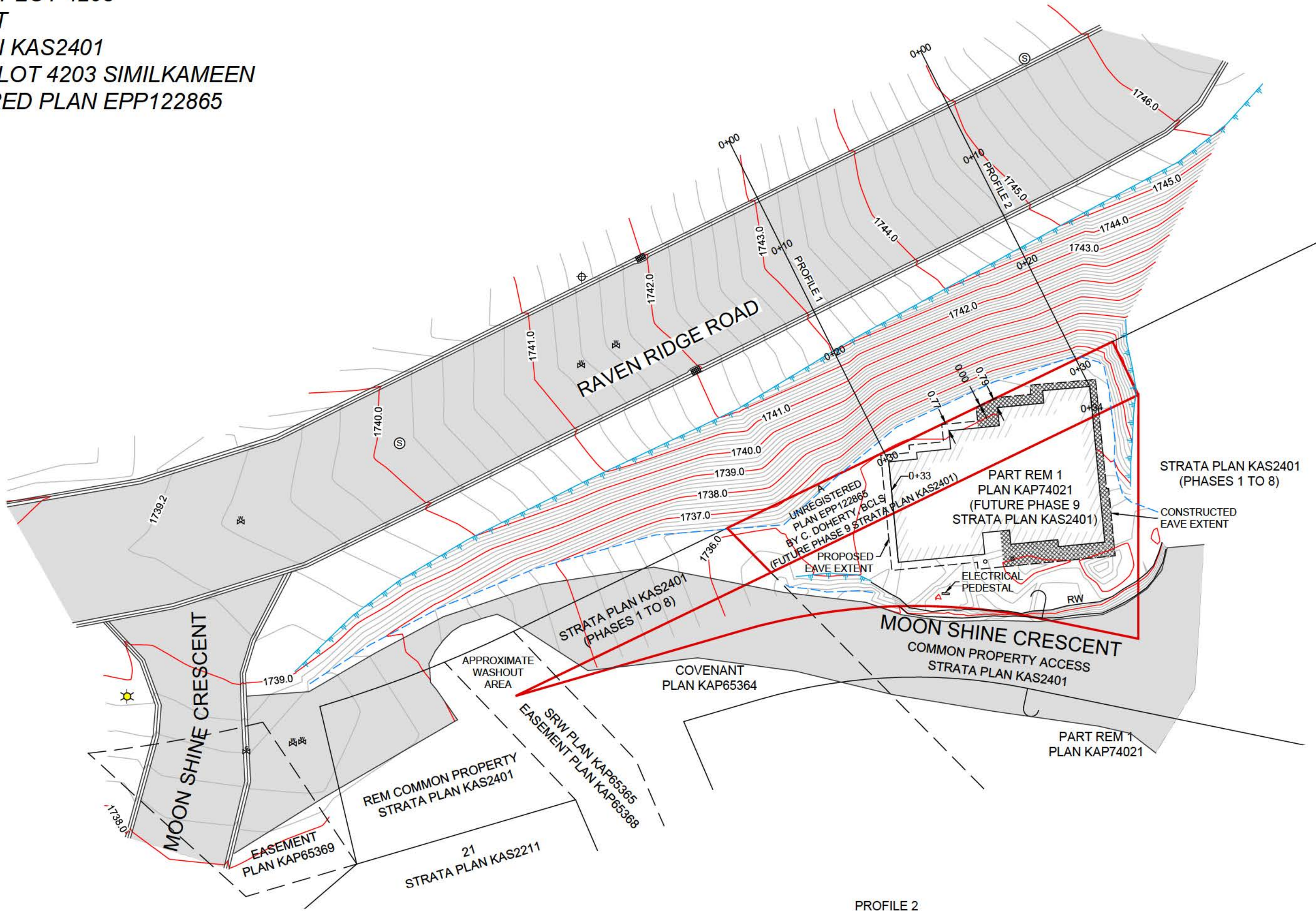
HORIZONTAL COORDINATE SYSTEM: UTM 11 NAD83(CSRS)
VERTICAL DATUM: CGVD28 (DERIVED FROM OBSERVATIONS
PROCESSED USING THE CSRS-PPP ONLINE PROCESSING
PROVIDED BY NATURAL RESOURCES CANADA)

FIELD SURVEY COMPLETED: JULY 5, 2023

REFER TO THE CURRENT STATE OF TITLE FOR CHARGES,
LIENS, AND INTERESTS AFFECTING THIS LAND.



- LEGEND**
- Subject Property
 - Major Contour (1.0m)
 - Minor Contour (0.2m)
 - Top Slope
 - Bottom Slope
 - Catch Basin
 - Fire Hydrant
 - Lamp Standard
 - Sanitary Manhole
 - Asphalt
 - Gas Valve
 - Water Valve
 - EOP Edge of Pavement
 - PL Property Line
 - RW Retaining Wall
 - Constructed Eave Extent



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File: 2101231R1 Date: 2023-09-18
Drafted by: NS Checked by: CMD



GENERAL NOTES

DO NOT SCALE DRAWINGS. IF DIMENSIONS ARE IN QUESTION THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING CLARIFICATION FROM ASHBURY HOMES BEFORE CONTINUING WITH THE WORK. WRITTEN DIMENSIONS ALWAYS TAKE PRECEDENCE OVER SCALE MEASUREMENTS.

ASHBURY HOMES SHALL NOT BE RESPONSIBLE FOR ANY VARIANCES FROM THE STRUCTURAL DRAWINGS AND SPECIFICATIONS, OR ADJUSTMENT REQUIRED RESULTING FROM CONDITIONS ENCOUNTERED AT THE JOB SITE AND IS THE SOLE RESPONSIBILITY OF THE OWNER/ BUILDER.

CONTRACTOR AND ALL SUB-TRADES TO REVIEW SITE CONDITIONS, SCOPE OF WORK, ANY RELATED WORK, ALL DRAWINGS AND DOCUMENTATION AND REPORT ANY DISCREPANCIES TO ASHBURY HOMES PRIOR TO CONSTRUCTION.

ALL WINDOW AND DOOR SIZES AND OPERATION ARE TO BE CONFIRMED BY OWNER/ BUILDER WITH THE MANUFACTURER.

ALTHOUGH EVERY EFFORT HAS BEEN MADE TO PROVIDE COMPLETE AND ACCURATE DRAWINGS WE CANNOT ELIMINATE THE POSSIBILITY OF HUMAN ERROR, THEREFORE ASHBURY HOMES WILL NOT BE LIABLE FOR ANY ERRORS OR OMISSIONS.

ALL WORK SHALL CONFIRM TO THE CURRENT BUILDING CODES ADOPTED BY AUTHORITIES HAVING JURISDICTION OR LOCAL BUILDING CODES AND BYLAWS WHICH MAY TAKE PRECEDENCE.

ALL WORKMANSHIP TO MEET OR EXCEED IN ALL RESPECTS TO GOOD BUILDING PRACTICE.

ZONING R4

LOT AREA
SITE COVERAGE
FLOOR AREA RATIO

PROPOSAL

1454 m²
190 m²
316 m²

REQUIREMENTS

50% = 727m²
80% = 1163.2m²

LOT 1 PLAN KAP74021 DL 4203 | PID 025743082

Ashbury Homes
ashburyhomes.ca

REVISION TABLE			
NUMBER	DATE	REVISED BY	ISSUED FOR
R1	2021.06.25	SK	REVIEW

SHEET TITLE:
PERSPECTIVES

PROJECT DESCRIPTION:
LOT 1 BULLET CREEK
BIG WHITE, BC

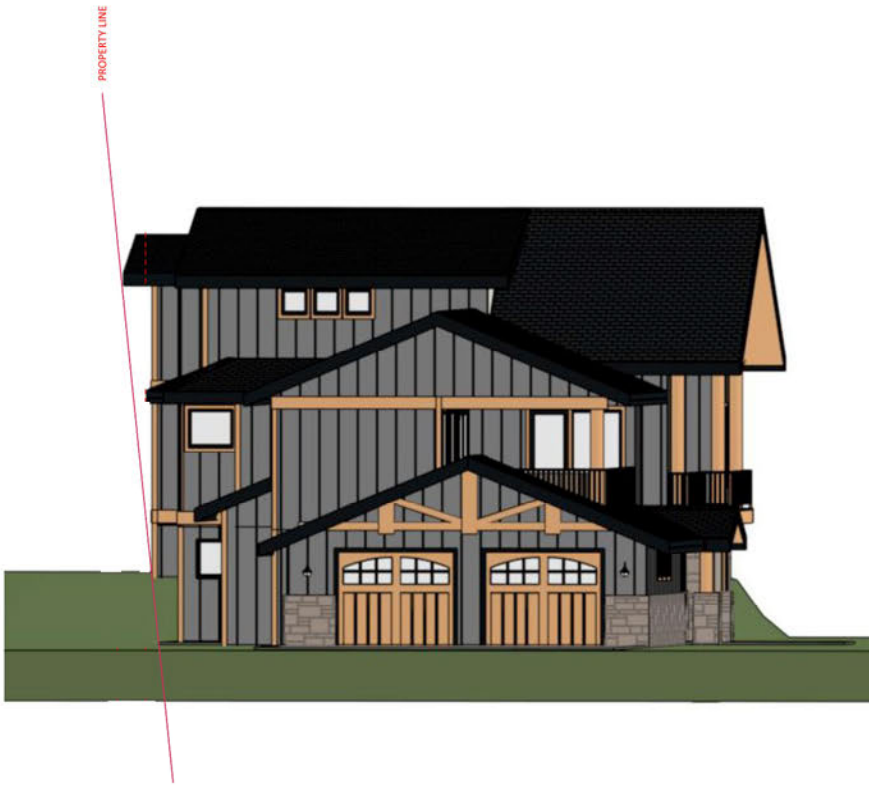
DATE:

2021.06.25

SCALE:

SHEET:

A-1



LOT 1 PLAN KAP74021 DL 4203 | PID 025743082

Ashbury Homes
ashburyhomes.ca

REVISION TABLE	
NO.	DATE
1	2021.06.25
	ISSUED FOR REVIEW

SHEET TITLE:
SITE ELEVATION

PROJECT DESCRIPTION:
LOT 1, BULLETT CREEK
BIG WHITE, BC

DATE:
2021.06.25

SCALE:

SHEET:
A-10

REVISION TABLE	ISSUED FOR
NUMBER	DATE
1	2021.06.25
2	2021.06.25
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67	2021.06.25
68	2021.06.25
69	2021.06.25
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71	2021.06.25
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73	2021.06.25
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81	2021.06.25
82	2021.06.25
83	2021.06.25
84	2021.06.25
85	2021.06.25
86	2021.06.25
87	2021.06.25
88	2021.06.25
89	2021.06.25
90	2021.06.25
91	2021.06.25
92	2021.06.25
93	2021.06.25
94	2021.06.25
95	2021.06.25
96	2021.06.25
97	2021.06.25
98	2021.06.25
99	2021.06.25
100	2021.06.25

SHEET TITLE:
FRONT & REAR ELEVATIONS

PROJECT DESCRIPTION:
LOT 1 BULLET CREEK
BIG WHITE, BC

DATE:
2021.06.25

SCALE:
1/4" = 1'-0"

SHEET:
A-2



FRONT ELEVATION



REAR ELEVATION

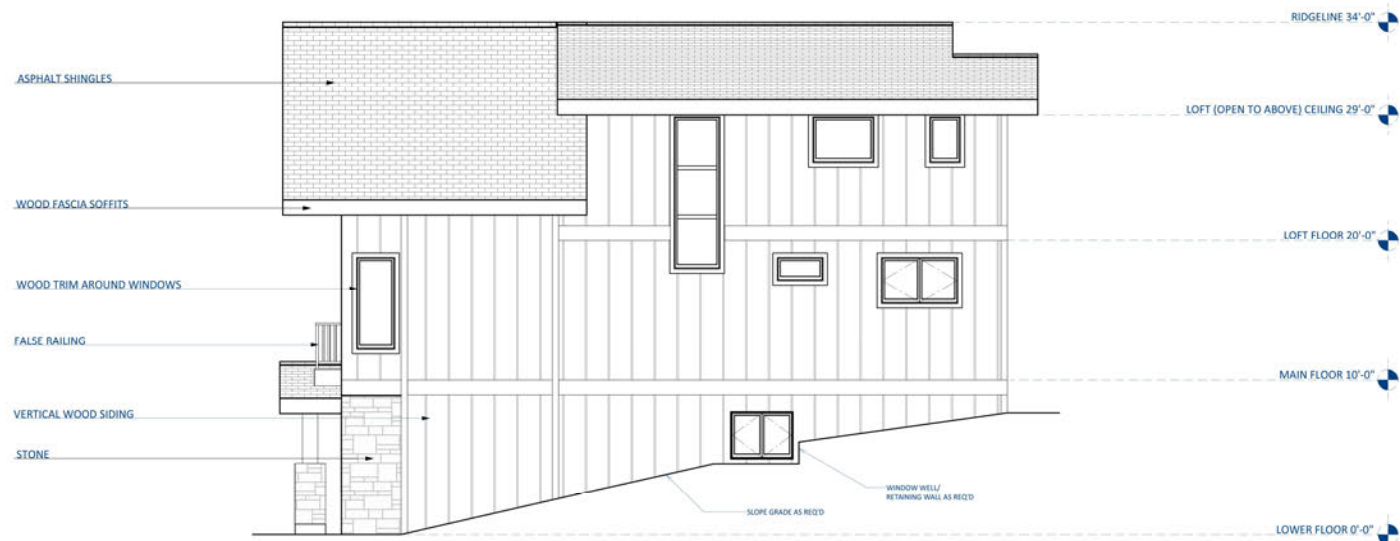
GRADE ELEVATIONS ARE FOR CONCEPTUAL USE ONLY.
ACTUAL FINISH GRADE TO BE DETERMINED ACCORDING TO SITE CONDITIONS.

LOT 1 PLAN KAP74021 DL 4203 | PID 025743082

Ashbury Homes
ashburyhomes.ca



LEFT ELEVATION



RIGHT ELEVATION

SPATIAL CALCULATIONS	RIGHT	LEFT
TOTAL EXPOSED FACE	84m ²	109m ²
LIMITING DISTANCE	3m	3m
OPENINGS	7m ² (8.3%)	6.5m ² (6%)

GRADE ELEVATIONS ARE FOR CONCEPTUAL USE ONLY.
ACTUAL FINISH GRADE TO BE DETERMINED ACCORDING TO SITE CONDITIONS.

LOT 1 PLAN KAP74021 DL 4203 | PID 025743082

Ashbury Homes
ashburyhomes.ca

REVISION TABLE			
NUMBER	DATE	REVISED BY	ISSUED FOR
001	2021.06.25	SK	REVIEW

SHEET TITLE:
LEFT & RIGHT ELEVATIONS

PROJECT DESCRIPTION:
LOT 1 BULLET CREEK
BIG WHITE, BC

DATE:
2021.06.25

SCALE:
1/4" = 1'-0"

SHEET:
A-3

**SITE PLAN OF PART OF LOT 1 DISTRICT LOT 4203
SIMILKAMEEN DIVISION YALE DISTRICT
PLAN KAP74021 EXCEPT STRATA PLAN KAS2401
(PHASES 1 TO 8) AND LOT A DISTRICT LOT 4203 SIMILKAMEEN
DIVISION YALE DISTRICT UNREGISTERED PLAN EPP122865**

PID: 025-743-082
CLIENT: WIKER DEVELOPMENTS INC.
CIVIC ADDRESS: 200 MOON SHINE CRESCENT, BIG WHITE, BC

HORIZONTAL COORDINATE SYSTEM: UTM 11 NAD83(CSRs)
VERTICAL DATUM: CGVD28 (DERIVED FROM OBSERVATIONS
PROCESSED USING THE CSRS-PPP ONLINE PROCESSING
PROVIDED BY NATURAL RESOURCES CANADA)

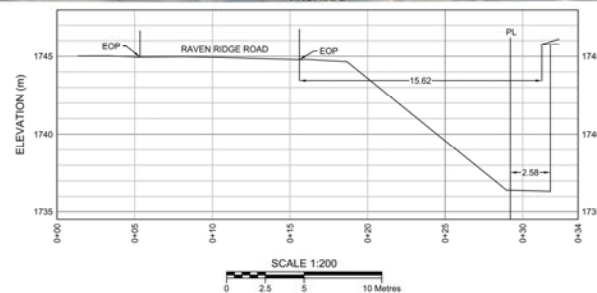
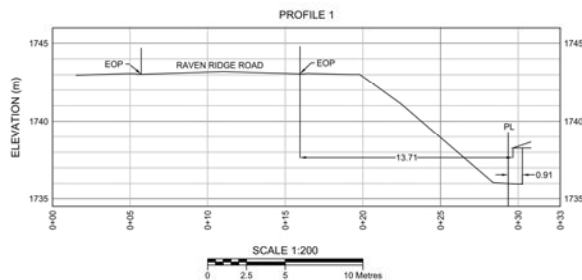
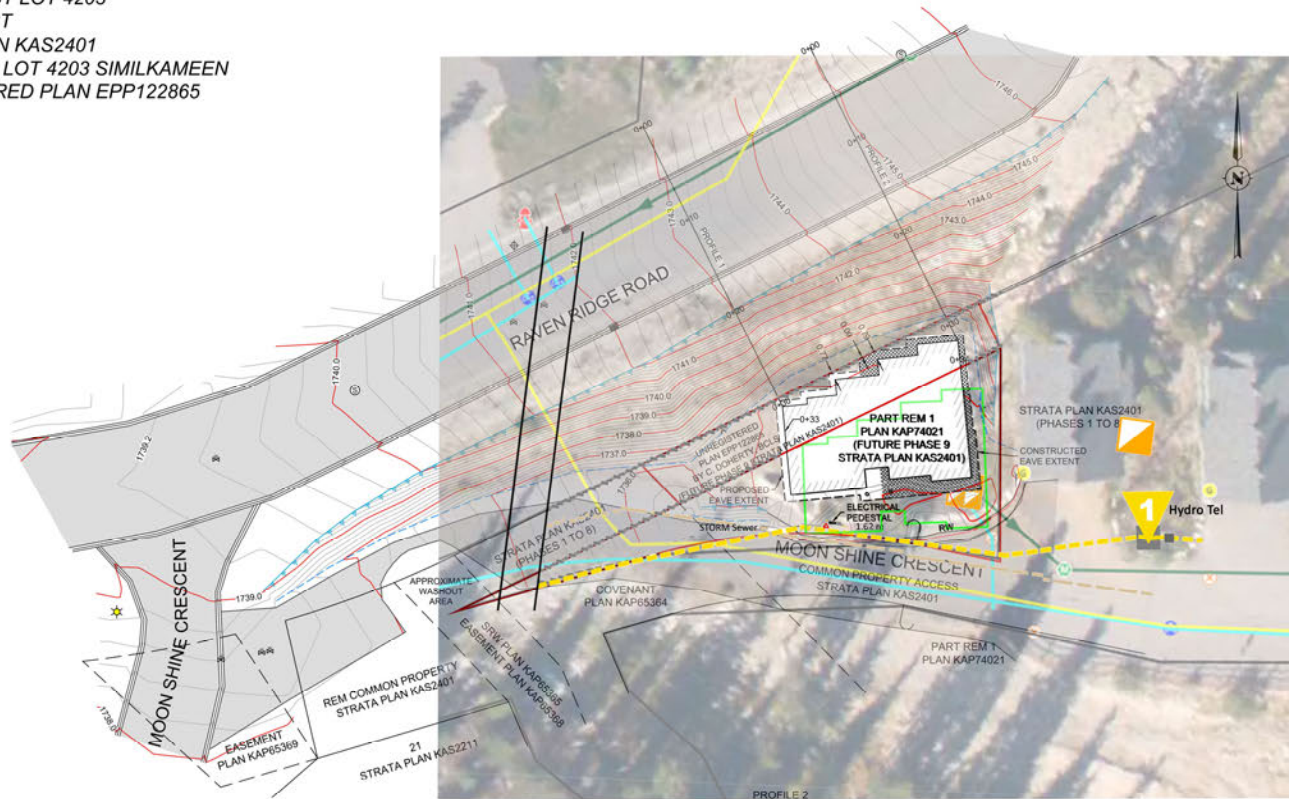
FIELD SURVEY COMPLETED: JULY 5, 2023

REFER TO THE CURRENT STATE OF TITLE FOR CHARGES,
LIENS, AND INTERESTS AFFECTING THIS LAND.

SCALE 1:300
0 2.5 5 10 15 20 25 30 Metres

LEGEND

- Subject Property
- Major Contour (1.0m)
- Minor Contour (0.2m)
- Top Slope
- Bottom Slope
- Catch Basin
- Fire Hydrant
- Lamp Standard
- Sanitary Manhole
- Asphalt
- Gas Valve
- Water Valve
- EOP
- PL
- ROP
- Edge of Pavement
- Property Line
- Retaining Wall
- Constructed Eave Extent



THIS PLAN WAS PREPARED FOR DESIGN PURPOSES AND IS FOR THE EXCLUSIVE USE
OF THE CLIENT. BOUNDARIES SHOWN ARE SUBJECT TO CHANGE WITH LEGAL SURVEY.
VECTOR GEOMATICS LAND SURVEYING LTD. ACCEPTS NO RESPONSIBILITY OR
LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A
RESULT OF REPRODUCTION, TRANSMISSION, OR ALTERATION TO THIS DOCUMENT
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2101231 TOPO R1

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Kelowna, B.C. V1Y 0J7
Ph: (250) 868-0172
www.vectorgeomatix.com
File: 2101231R1 Date: 2023-09-18
Drafted by: NS Checked by: CMD

Legend

*All overlays based on mapping
provided by all utilities directly
including:

- Telus
- Fortis
- Big White Utilities
(Gas/Water/Sewer)

- WATER
- GAS
- Hydro / Tel
- Original Home
Placement

* Distances of
Services
from Property
Line Lot 1

Water: 3.12 m

Gas: 3.12 m

Hydro / Tel: -1.62 m
(ON Private Property)

REVISION TABLE	ISSUED FOR
NO. DATE	REVISION BY
1 2023.06.25 NS	

SHEET TITLE:
SITE PLAN

PROJECT DESCRIPTION:
LOT 1 BULLET CREEK
BIG WHITE, BC

DATE:
2021.06.25

SCALE:

SHEET:

A-9



Wiker Developments, Inc.
"Every problem has a solution!"

3337 Turnbull Rd., W. Kelowna, BC, V4T-1W3
PH: 250-878-9090 conradwiker@gmail.com

200 Moonshine Crescent Information

Executive Summary:

Variance Application & Registration(s)

Re: Site Survey Information / Variance Proposal / Permit Proposal / Building Permit Status

Rational: Update all historical documents and required applications on the property owned by 088245 BC, LTD.

Variance Request: MOT – Structural Setback Request / RDKB – Setback Variance / Building Permit Update

Builder/General Contractor: Wiker Developments, Inc. – C. Wiker

Owner: David McFarlane

UPDATED: Dec. 6, 2023

Attention: Regional District of Kootenay Boundary, BW Utility, MOT (Ministry of Transportation), Etc.

To Whom It May Concern,

The following is to provide ALL governing bodies, interested individuals, and concerned parties/organizations with UPDATED information regarding the new construction project on Lot 1 within the Bullet Creek Development and the discovery of the incorrect location of the existing roadway into Bullet Creek which has cause issue with the new build setbacks of 200 Moonshine Crescent.

At this time the project is still under a RDKB Building Department STOP WORK ORDER until the matter is resolved, and the appropriate documentation has been received, filed and approved by Land Titles, MOT, RDKB, the current Strata and its membership. This particular Summary addresses the specific details of the Regional District of the Regional District of Kootany Boundary based on new information, correct updated and verified mapping of ALL SERVCIES, additional letters of support, and hopes to address the few concerns raised by opposing support.

Specifically, the purpose of the updated information within is to address:

- 1) RESOLVING HARDSHIP faced by the Strata and current owner(s) as a result of past road construction and surveying errors originally completed in 1999-2001 by the original Developer.
- 2) IMPROVE DEVELOPMENT by allowing current roadway and services to remain in place without significant disruption and cost to Owner(s), Strata and Big White Utilities by correcting the error.
- 3) Demonstrate NO NEGATIVE IMPACTS by allowing the single family residence to be build in its current form which shows overwhelming support for direct residences (See attached letters of support).

The historical context for the overall project will present all parties with ALL information in the hope of finding a best solution(s) forward with all concerned organizations and individuals - specifically, for the owner(s) for all of Bullet Creek (Moonshine Cres.) – address and/or include all of the required variance(s) / permit(s) / applications which have been included for all parties. Direct conversations have occurred over the past few months with RDKB, MOT, STRATA and Big White Utilities and/or any other interested groups. The information has been presented in electronic form in the following link:

<https://www.dropbox.com/scl/fo/oghfq913askgqzl07ex52/h?rlkey=9j9v0ojabccy4fhut1bw3iaax&dl=0>

Although all government and regulatory bodies have mentioned delays due to a backlog of “paperwork” and staffing shortages, it is our hope that these applications may be expedited as the build season is so short and time is of the essence for all and be placed on the upcoming January agenda.

While reviewing the materials attached, please do not hesitate to contact myself or my team for any details, explanations or information or additional requirements and/or documentation.

Thank you for you consideration and efforts with this matter.

1. Historical Background

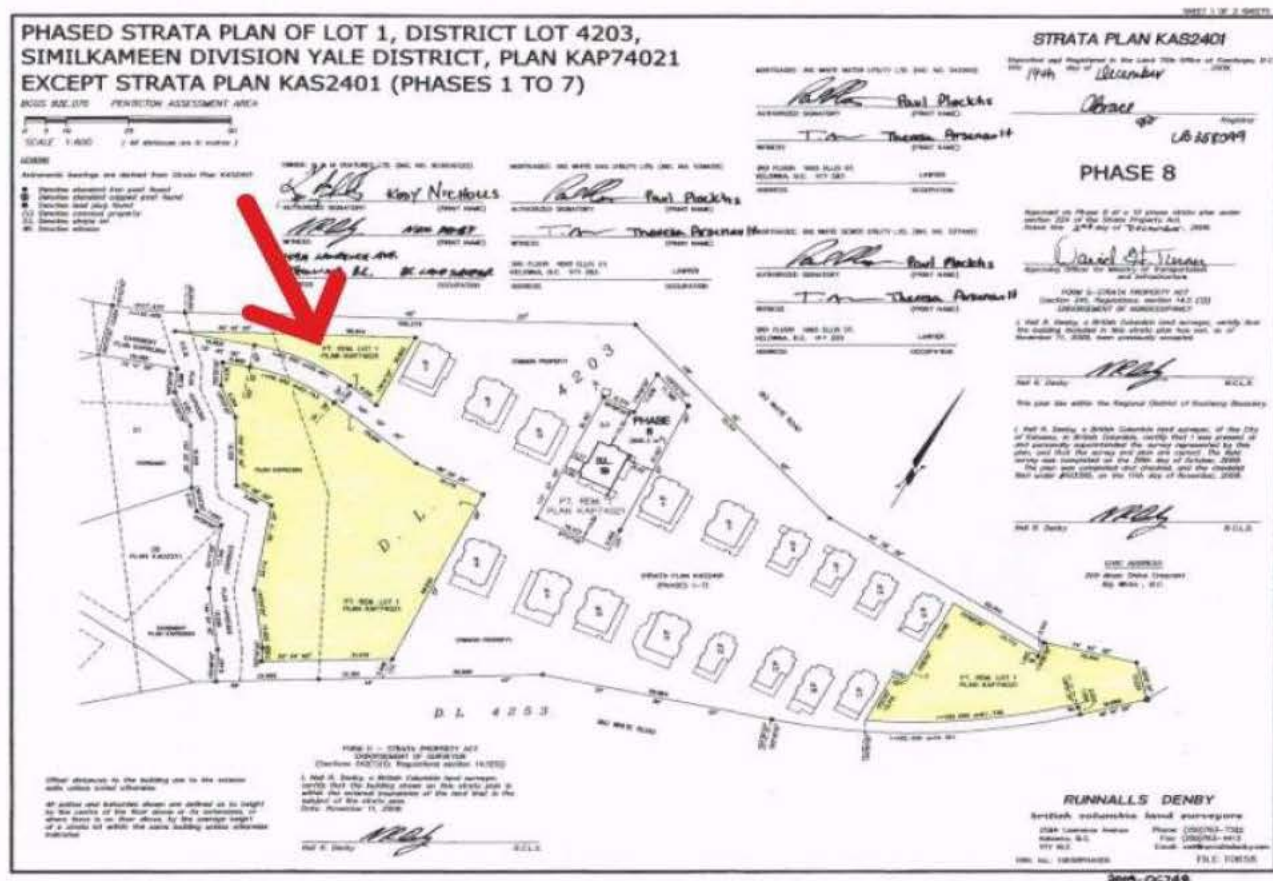
The development known as Bullet Creek is formally registered as Moonshine Crescent. The mapping based on the original design and from the original developer (Big White), is shown below. (See original FULL SIZE in DropBox link above). All previous materials have been left from previous presentation for context.

<https://www.dropbox.com/scl/fo/oghfq913askgqzl07ex52/h?rlkey=9j9v0ojabccy4fhut1bw3iaax&dl=0>

This UPDATED survey, complete with real time overlays, show where the original road should have constructed for the development roadway access in 1999 and was originally assigned lots according to the previous survey then registered with BC Land Titles. Somewhere in that process, the roadway was not verified during or following road construction of the Bullet Creek access. It was also NOW VERIFIED that services were not located correctly and mapped properly on past mapping information.

ROADWAY: The existing roadway was built as is on the Phase 9 Lot 1 parcel South/West corner significantly encroaching on the privately owned Lot of David McFarlane. This was resurveyed in 2021, 2022, and 2023 by Vector Geomatics showing this error and the actual placement of the road access as it should have been. Moreover, ALL primary services were also located incorrectly according to the original site map and again, further confirmed by Big White Utilities Operations management James Kay which cross over well into the construction envelope of Lot 1 as the boundaries exist. Please see letter of support.

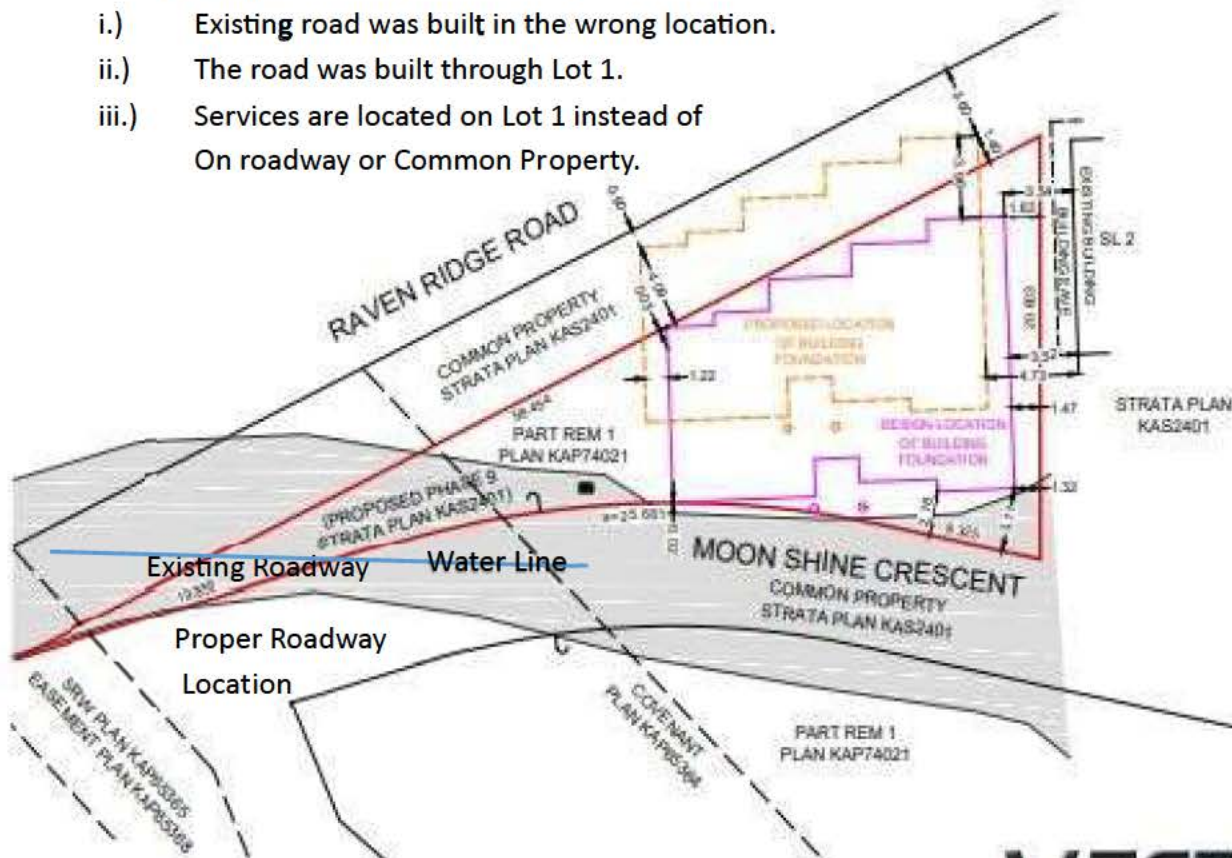
Original Site Survey (1999): In the original site survey (BELOW), the initial roadway entry was to have been build according to the original site plan map.



2. Updated and Correct 2021/2022 Site Surveys (VERIFIED NOV./DEC. 2023) – Big White Utilities / Fortis / Telus

As a part of Wiker Developments normal construction practice, initial site surveys are checked and the rechecked to ensure accuracy for specific home location from excavation to footing and foundation construction. Upon a secondary site survey prior conducted by Vector Geomatics, it was revealed that the original site pin located right in the middle of the roadway and that the roadway had been built over top of it. From topographical survey the following was noted:

- i.) Existing road was built in the wrong location.
- ii.) The road was built through Lot 1.
- iii.) Services are located on Lot 1 instead of On roadway or Common Property.



VECTOR
GEOMATICS LAND SURVEYING LTD.
170-1855 Hinchey Rd.
Kelowna, B.C. V1Y 4N7
Ph: (250) 868-0172
www.vectorgeomatics.com

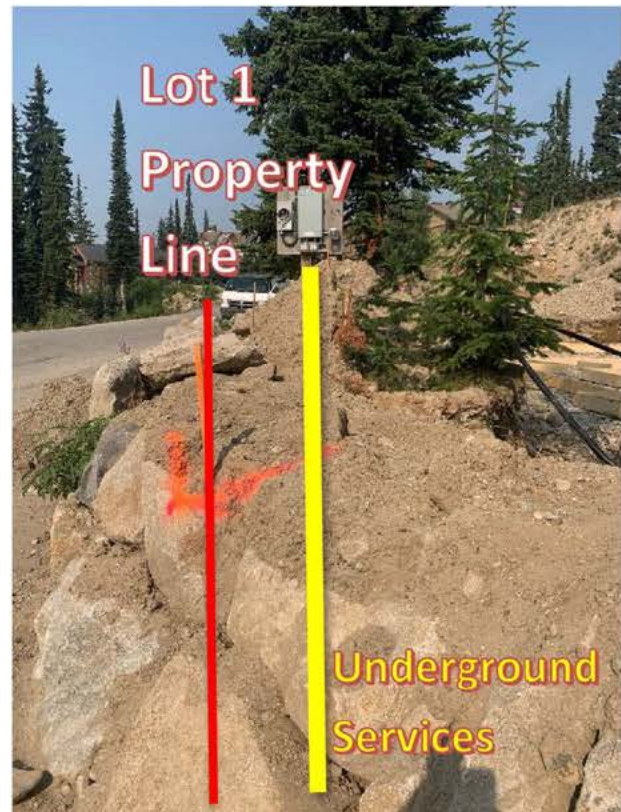
File: 2101231R1 Date: 2021-07-23
Drafted by: MM Checked by: CMD

After extensive review and legal advice, the existing roadway way was confirmed to have been built incorrectly encroaching nearly 14 feet onto Lot 1. In addition, site services run underground through Lot 1 were located incorrectly and would have to be relocated from there location by the original developer. See VECTOR SITE SPLAN SURVEY. Such a legal burden and expense would have fallen to Big White, Strata, homeowners, past

contractors, and potential others. Notwithstanding, correction of the roadway placement to its registered location would further cause additional disruption to existing utilities (Fortis, Gas, Telus Water, Etc.) for up to several weeks for all residence and have potential implication for surround vegetation and existing routed stream under the entry of Moonshine. All of these items do not follow the original easement or setbacks within common property. They are located well inside the legal Lot 1 property line and/or affected by this original construction error. (Please see pics below).



**Image of roadway with 0882453BC,LTD. Property to the RIGHT. Roadway Crosses*



**Image of Services over property line under rock wall.*

UPDATED: The best example of this need for as much room as possible for servicing the existing services came by way of the "sink hole / blocked culvert erosion" that exposed the primary water main running down the entry located 15.9 feet (4.84 m) below the roadway and not located in its original mapped location. The safe site servicing excavation hole needed to be nearly 35 feet wide (10.67 m) based on road heights and adjacent downslope on the opposite side of the roadway. See Below Images.



Entry to Bullet Creek: Water Main Exposed



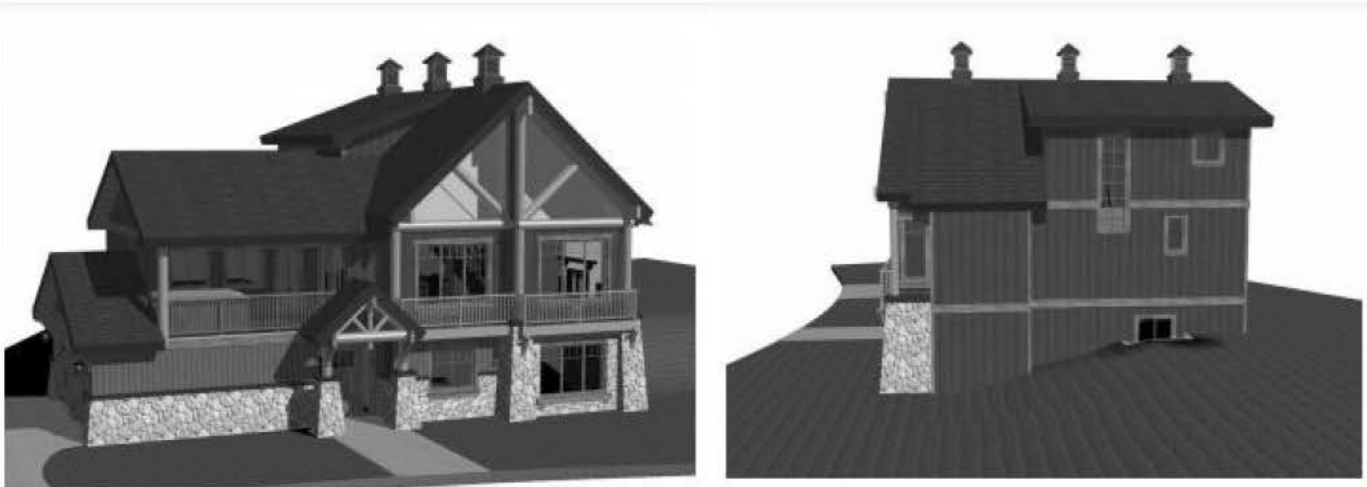
Water Main on top of culvert 15.9 feet.

NOTE: Required to excavate was over 35 feet in addition to increasing depth of pipe toward all of Bullet Creek water servicing.



TOP VIEW: Drone pic showing sink hole prior to any works repairs of Big White Utilities Location. See UPDATED GPS Map verified correct by BWU – Gas/Water. (See Additional Map).

FRONT/SIDE/REAR Views of the Proposed Home



- a) **Roadway:** The incorrect place of the original roadway causes issue for the Strata and the Owner of Lot 1. This roadway is on his property in technical terms by nearly 14 feet. The roadway could have been moved to its proper location; however, it was believed that no one wanted this for obvious reasons with respect to costs, liabilities, disruption, etc. following discussions with owners, Big White and Strata and RDKB, etc. Thus, prior to any concrete pouring the “land trade” was proposed, voted on and approved legally to create below as the new Lot 1 property lines and give the roadway and utilities rights to Strata.
- b) **Services:** The underground services are located on and under current Lot 1. Officially, all mapping has been updated and verified directly on site. This has just recently been updated following onsite verification by all Utilities. NONE of the SRW were registered and will need to be in the future. If all parties cannot agree on the approval then several of these services would need to be moved in most circumstances causing disruption and liability over who’s mistake and whom would absorb costs associated in addition to cause safety and logistical risk for any future maintenance of utilities, emergency access and snow removal. Again, it was assumed no one desires any of these options for the same rational mentioned above. Please see ALL updated letters of support including:
- i) Telus - Representatives
 - ii) Fortis – Sara Lim
 - iii) Big White Utilities – James Jay, General Manger
 - iv) Big White Operations – (Email) – Darcy Arnold
 - v) Strata President – Billy Martin
 - vi) Lot 4 – Bullet Creek Owners

- vii) In addition to all previous supporting letters provided to RDBK.

4. The Potential Solution Undertaken Prior to any Formal Construction

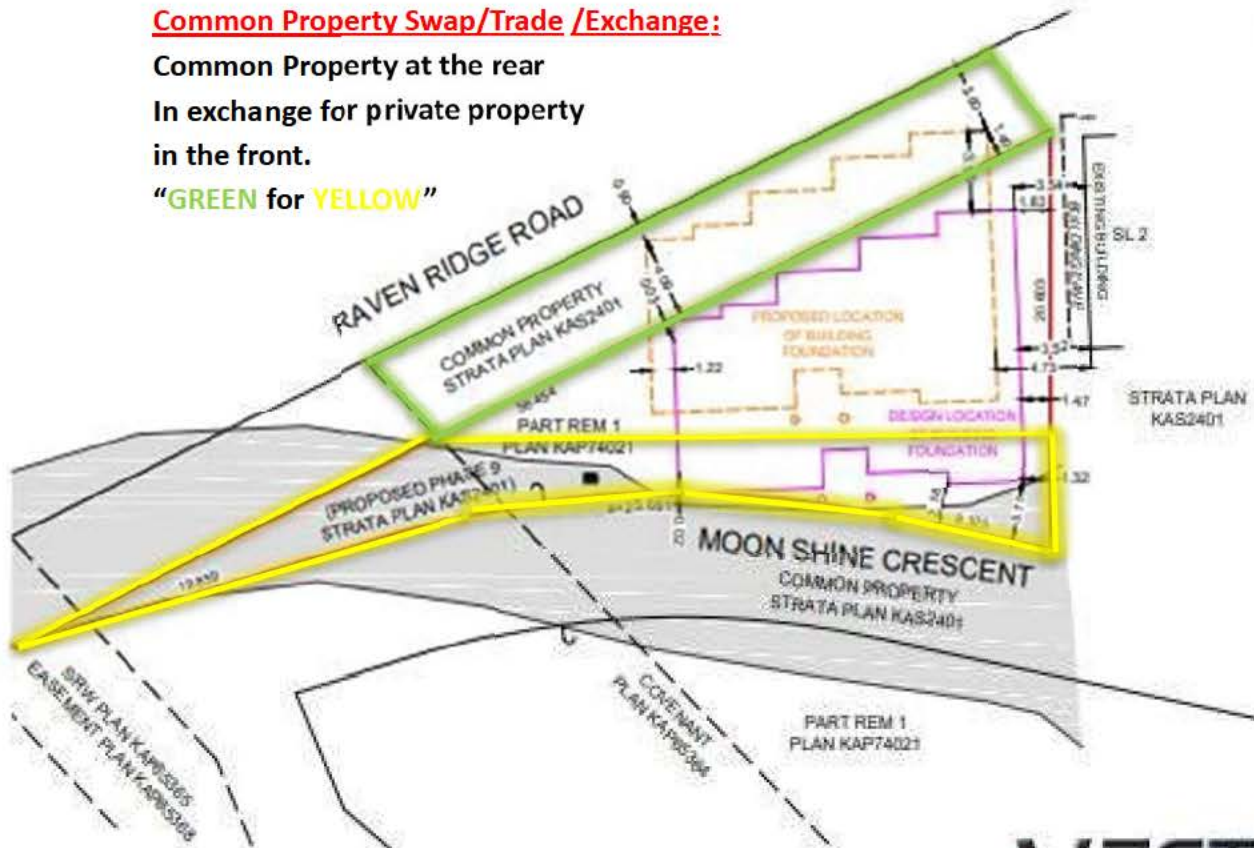
Having spoken to Mr. McFarlane, Strata president and several of it's members, and after year long discussions with Land Titles and a Strata Act legal consultant and Tayea Fitzpatrick (Lawyer), a simple solution existed, was agreed too and undertaken by Owner of Lot 1 and the collective membership. The required $\frac{3}{4}$ quorum vote was undertaken in February 2023 under the guidance of Associated Property Management, and the Building Permit was issued with the original Development Permit grandfathered, and building commenced. This DP was dated June 2002 and stated to be valid.

Common Property Swap/Trade /Exchange:

Common Property at the rear

In exchange for private property
in the front.

"GREEN for YELLOW"



VECTOR
GEOMETRICS LAND SURVEYING LTD.
170-1825 Kinross Rd.
Kelowna, B.C. V1Y 4N7
Ph: (250) 868-0172
www.vectorgeomatics.com

File: 2101231R1 Date: 2021-07-23
Drafted by: MM Checked by: CMD



Associated Property Management (2001) Ltd.

1-1441 St. Paul Street, Kelowna, BC V1Y 2E4
Ph: 236-420-5298 | Email: amanda.johnston@associatedpm.ca

May 19, 2023

To Whom It May Concern:

Re: KAS2401 Lot 1: ¾ Vote Resolution Approved at SGM Held February 16, 2023

I write to you on behalf of the Strata Council for KAS2401 Bullet Creek Cabins.

Enclosed with this letter is the ¾ vote resolution which owners approved to allow the transfer of common property to be subdivided by the Owner Developer of Lot 1.

Also, enclosed you will find the minutes of the Special General Meeting held on February 16, 2023 that include the ¾ vote resolution approved by owners to transfer the portion of common property to be subdivided by the Owner Developer of Lot 1.

Yours truly

Amanda Johnston
on behalf of Strata Council for KAS2401

Date OCTOBER 18, 2021 Permit Number 2021-0397BW

Regional District of Kootenay Boundary Building Permit

This permit must be kept posted in a conspicuous place on the job site in view of all and kept there until the work is completed.

Legal Description LOT 1, PLAN, KAP 74021, DL 4203
Street Address 200 MOONSHINE CRESCENT
Project Description CONSTRUCT SINGLE FAMILY DWELLING

In this manner with approved Building Permit, Mr. McFarlane (Owner of Lot 1) began to build the exact same structure previously approved by Strata and RDKB Building Inspection Department shifting it north 12.6 feet (Approx.) and west 4 feet to keep within required setbacks between the homes with the understanding that all legal "paperwork" including all formal registrations would be undertaken by the legal exchange of lands shown above.

DATE PERMIT ISSUED
October 18, 2021



PERMIT NUMBER
PRBD20210397BW

Regional District of Kootenay Boundary
BUILDING INSPECTION DEPARTMENT
 2140 Central Avenue, Grand Forks, B.C. V0H 1H0
INSPECTION CALL: (250) 442-2700

APPLICANT'S INFORMATION	
ANNALISA MCFARLANE & DAVID J MCFARLANE 14221 32A AVE, SURREY, BC V4P 3P4	
Address for permit is to be constructed at the address in permit number	
PERMIT TO: CONSTRUCT SINGLE FAMILY DWELLING	
LOT: 280 MOON SHINE CRES	ROLL NO: T1307809188
FOLIO: T1307809188, PID: 005745062, LOT 1, PLAN KAP74521, DISTRICT LOT 4203	
OWNER: 0082453 BC LTD 14221 32A AVE, SURREY, BC V4P 3P4	
CONTRACTOR: CONRAD WIKEN, RELOWNA, BC	
<small> Permit is valid only if the contractor is a registered professional member of the BC Building Association. Minimum setbacks: Front - 4.5 M, Rear Side 4 M, Easement Side 2 M, Rear 4 M. Section 733 does not apply to this permit. All parts of this permit are subject to the current B.C. Building & Plumbing Code and relevant District Order 17.1. All other rules and regulations apply. All other inspection requirements only. SUBJECT TO BUILDING HEIGHT SURVEY VERIFICATION BY B.C. LAND SURVEYOR. REQUIRE COMPLIANCE OF LOCATION FROM BC SURVEYOR. SUBJECT TO REQUIREMENTS OF DEVELOPMENT PERMIT 200-020. PLEASE CALL A MINIMUM OF TWO BUSINESS DAYS IN ADVANCE WHEN BOOKING AN INSPECTION. </small>	
<small> Includes: Building Inspection Prior to Start Inspection Building Final Inspection Inspection - Inspection Major Rough-in Inspection Plumbing Rough-in Inspection </small>	

AREA OF LIVING SPACE	3406 SQ FT	CONSTRUCTION VALUE	\$766,000.00
-----------------------------	------------	---------------------------	--------------

FEES	ORIGINAL AMOUNT	AMOUNT OWING
RDKB - Building Permit Fee	\$7,000.00	\$6,300.00
Plumbing Fees		\$200.00
Title Search Fee		\$11.00
TOTAL		\$6,511.00
DATE PAID		Nov 04, 2021

WAIVER OF INDEMNITY

In consideration of the granting of this permit, the undersigned, do release the Regional District of Kootenay Boundary and those acting on behalf of the Regional District of Kootenay Boundary from all claims and expenses which the undersigned may have or incur as a result of the issue of this permit or the enforcement or non-enforcement of the Regional District of Kootenay Boundary Bylaws or of the British Columbia Building Code. (i) indemnifies the Regional District of Kootenay Boundary from all such claims and expenses which may be made by any other person; and (ii) acknowledges that the Regional District of Kootenay Boundary owes no debt of care to the undersigned or anyone else in respect of these matters.

OWNER'S SIGNATURE



Robert Silva PRD
Building Inspector

Ultimately, this exchange (THE SOLUTION) would provide ownership of the roadway back to the Strata, in addition to proper accesses and control over the underground utilities incorrectly installed years prior, require NO disruption of services or the associated expenses to Ownership, save existing vegetation and rock retaining at the front access and stay within all height restriction and building requirements and improve additional parking and snow removal for this lot.

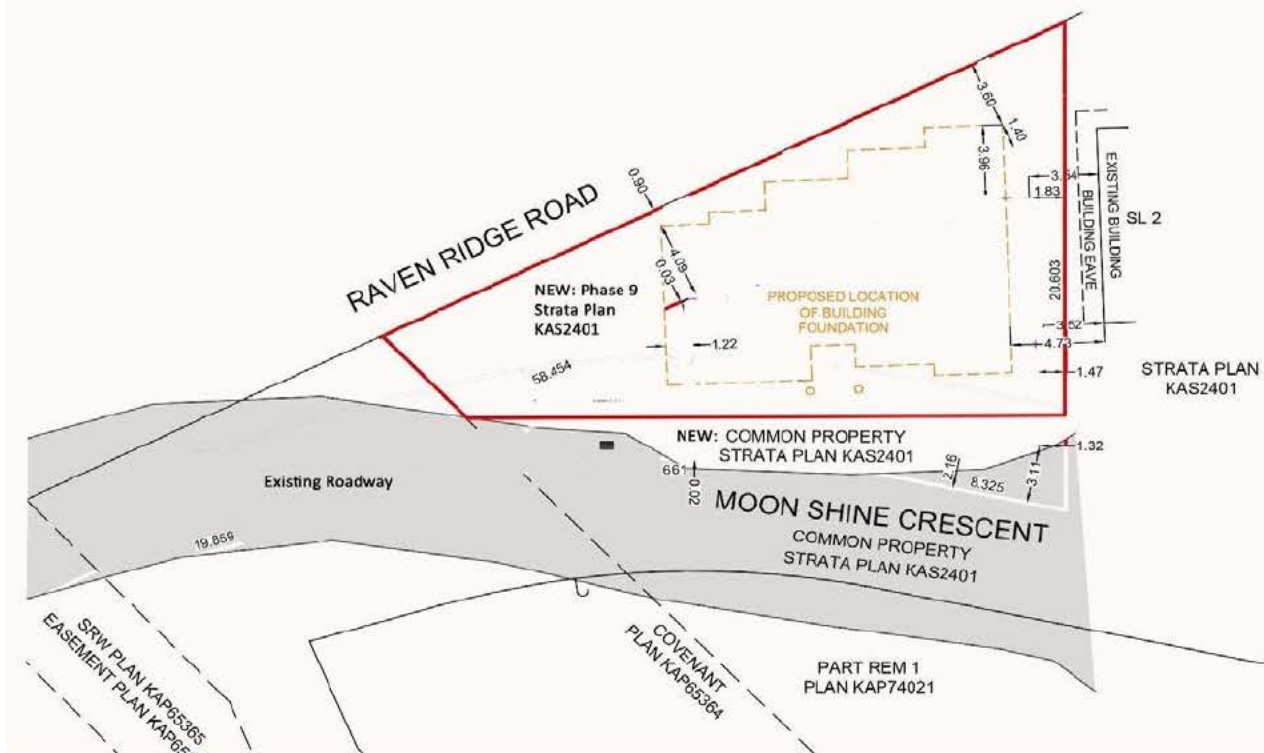
5. Additional Benefits Undertaken By NEW & Current Home Location Including Owner Efforts

- a) Keeping with RDKB focus of protection of native soil and vegetation (Pg. 13, BW OCP, Bylaw 1125)

Page 13 – Subsection 3.8

Natural Environment Objective To place high priority on the reclamation of the natural environment,

Updated Map With New Boundaries To Be Registered With Land Tiles



recognizing that it is an important factor in the continuing enjoyment and investment in the community.

POLICIES 1. *The Regional District shall promote the reclamation or landscaping of disturbed lands, and ensure that lands which are subject to the development permit process are landscaped and reclaimed wherever possible.*

2. *The Regional District may consider enacting a separate landscaping bylaw for the protection, restoration and enhancement of the natural environment.*

3. *The Regional District encourages drainage across land to be controlled in a manner which does not increase discharge off the land, or alter the drainage pattern in a manner which negatively impacts other land.*

4. *The Regional District encourages water conservation, energy conservation, and greenhouse gas reduction for lands subject to the development permit process.*

With the new buildings location, the existing vegetation of 5-7 tall fir trees remained, in addition to the existing rock wall. This wall also provides additional snow plow boundary for removal.

- b) No disruption to regular entry of all other homes. The required roadway move to correct its incorrect original placement would have forced a road closure for an extended time and caused potential issues for emergency access and snow removal. It further protects the stream located SW of the property currently causing issue today for access. (See Email – Darcy Arnold – VP of BW Operations).
- c) No disruption of services and they exist or cost to Big White Utilities, Hydro, and Telus. Please see all letters of support.
- d) The most cost effective solution for Strata and its membership with the least amount of disruption or hardship to any of the area residences.
- e) Mr. McFarlane has absorbed significant additional costs for Strata with respect to legal requirements.
- f) Additional modifications and excavation with installation of French drain between Lot 2 and Lot 1 to help with snow melting runoff from materials piled during removal. This was all at the expense of the Owner.
- g) Mr. McFarlane has even gone so far as to grant additional approval for a temporary newly constructed road entry at the opposite end of the roadway across his property to allow owners access and for emergency services due to the large sink hole that occurred from the upper stream.



(Please see all letters of support provided from Owners / Strata Members).

CLICK ON LINK BELOW:

<https://www.dropbox.com/scl/fo/oghfq913askgqzl07ex52/h?rlkey=9j9v0ojabccy4fhut1bw3iaax&dl=0>

6. The NEW Variance and Permit Requests

It is the understanding that for the STOP WORK ORDER to be removed, the following must occur to allow for continued construction per the June 21, 2023 email and letter.

200 Moon Shine Crescent   x



Sara Bradley <sbradley@rdkb.com>
to me, Brian ▾

Jun 21, 2023, 11:01AM   

Good morning Conrad,

Please find a scanned copy of the registered letter being sent to David McFarlane regarding siting of a single family dwelling under Building Permit 2021-0397BW. If you have any questions, please contact Brian Champlin.

Sincerely,



Sara Bradley | Building Department Receptionist
sbradley@rdkb.com | Fax: 250.368.3990 | T: 250.368.0222
Regional District of Kootenay Boundary
Toll-free: 1.800.355.7352
Main: 250.368.9148
rdkb.com

June 20, 2023

Folio: 71307909188
REGISTERED MAIL
RW 785 035 112 CA

David McFarlane
14221 - 32A Avenue
Surrey, BC V4P 3P4

**Re: Siting of Single Family Dwelling – 200 Moonshine Crescent, Big White, BC
Lot 1, Plan KAP74021, District Lot 4203, Except Plan DAS2401 (Phases 1 to 8)
Building Permit No. 2021-0397**

We issued a building permit for the subject property on October 18, 2021. The site plan submitted with the building permit application indicated that the dwelling was going to be located within the property lines and would meet the required setbacks.

A site plan prepared by Vector Geomatics Land Surveying Ltd, which we received on May 9, 2023, shows the proposed siting of the building foundation. As we have reason to believe the building is situated in accordance with that site plan, we issued a stop work order on May 11, 2023.

If the building location, as shown on the site plan, is different from the site plan we approved, we have the following concerns:

- The new location would be contrary to the approved building permit.
- The building would be partially located on the common property of Strata KAS2401, unregistered Plan (EPP122865).
- The placement of the dwelling would be in contravention of Zoning Bylaw No. 1166, which requires a minimum rear parcel set back of four (4) metres from Raven Ridge Road. The site plan suggests that the building foundation is located 0.75 metres from Raven Ridge Road in one location, which is significantly less than the four (4) metres required. This also suggests that the eaves of the building would be even closer to Raven Ridge Road right of way and potentially cross over the property line.
- Since Raven Ridge Road is owned by the Ministry of Transportation and Infrastructure, it must also meet their siting requirements, and would require the approval for any building within 4.5 metres of the road right of way.
- The design and siting of the proposed dwelling does not comply with Development Permit No. 202A-02D, issued in 2002.

In closing, once the above noted concerns are reconciled, we will lift our stop work order and allow construction to continue.

If you have questions, please contact me.

Respectfully,



Brian Champlin, RBO, CRBO
Manager of Building Inspection Services
bchamplin@rdkb.com

cc: Donna Dean, Manager of Planning and Development
Conrad Wiker

Prior to receiving this letter, and days following, steady communications began and continue between:

- a) MOT (Ministry of Transport): Leslie Goon and her Management group
- b) RDKB: Brain Champlin – Manager of Building Inspection Services
- c) Donna Dean – Manager of Planning and Development
- d) Jordan Hettinga – Big White Development and Lands
- e) Darcey Arnold – VP Mountain Operations
- f) James Kay – General Manger of Utilities at Big White
- g) Sharon Sheppard – Bullet Creek Strata President
- h) Associated Property Management
- i) Other on-site Owner(s).

This SUMMARY has been added to accompany the 3 requested variance and permit requests which include:

- 1. MOT: Structure Set Back Permit (Submitted – July 14,2023) - Online
- 2. RDKB: Variance request for side set back of Single-Family Residential Home currently under construction. Sent Direct to Joann Peachy and Submitted Online.
- 3. Renewal and submission of correct Site Certification with Building Department of RDKB following the potential approvals of the above and removal of existing SWO.

After reviewing the all the associate applications, numerous letters of support from residents and multiple utilities servicing reps, we request the variance request to be supported by the RDBK. As detailed in the application, the requested relief from the required side setbacks for this dwelling is from 4.0 m to 0.0 m for both the RDKB and, to follow from MOT with respect to Raven Ridge Road. Ultimately, allowing the acceptance of new dwelling location as it exists noting ALL ROOFLINES to be constructed within the required setback of 0.0 m (See Building Certification/Roofline mapping DRAWING A-3 for DVP).

7. Applications: Rational for Relief of Setbacks

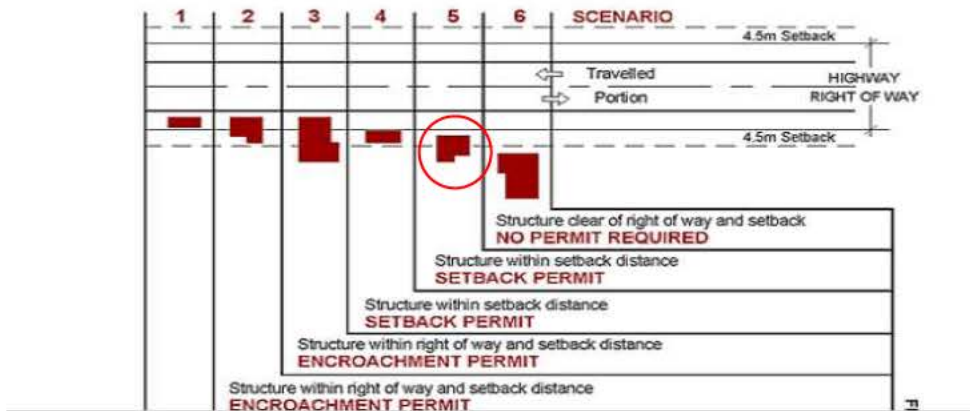
With all requested and required applications in process for MOT, RDKB (Building and Developments Services), the reasons for consideration for approval are as follows:

3.1.4 Buildings and Structures Permits

If you have or plan to build a structure within 4.5 metres of the right-of-way, you will need a permit for setback or encroachment. Please note, however, that the Ministry discourages new structures built within these margins.

Provide the following information on the application form:

- the size and type of structure
- the reason you require relief from encroachment and setback limitations.
- the proposed distance of the structure from the property line and the name of the highway fronting the property



- a) **SAFETY**: No safety is compromised given the currently location in the under-construction home. The required setback under the Bylaw is 4.0 m; however, sits at 0.0 m. The existing foundation sits 16.95 m (55.6 feet) from the actual curb. This distance, along with the angle of approach for a vehicle poses very low level risk for any vehicle hitting the homes in the even of accidental high speed approach or roll over.



The comparable dwelling beside is nearly parallel to the existing build in question.



Lot 2: Home and Roofline – Distance from Raven Ridge Road: 59.4 Feet (18.1 m) for the comparable home beside.

- b) **RISK:** There is very low risk to the public or homeowner based on the distance from the actual road way when compared to the distance of the current building. Winter months require the area along Raven Ridge to be used for snow storage which is the highest use season. Having one season of foundation and first floor framing in place, no snow posed a risk for snow storage and removal from the primary roadway and there were no past concerns.



Current Build Location
200 Moonshine Cres.

Snow Storage: 8'-10'
Embankment

Raven Ridge Road Curb

Nov. 2023 Image: No Slope Sluffing or movement. Valley Geo Tech Inspected Oct. 2023. Last year's largest snow fall in several years was true test of snow and land movements. NO ISSUE!



c) FUTURE ROADWAY EXPANSION: The 55.6 foot distance between the home and the current longstanding structural rock retaining will allow for a significant future expansion of the road way if ever required – could be doubled without risk or significant retaining. Even the side pull out along the road exceeds all other comparable roadway requirements at Big White. This distance exceeds the required safe distance and is comparable to the home next door which is nearly in line with this dwelling. There are NO OTHER double lane roadways accessing residential at Big White, meaning expansion highly unlikely.

* Structural Rock Wall between Raven and Home

* Future Expansion – Flat structural fill

Pre-existing Rock Retaining Wall



Approx. 11.25 feet (3.35 m)



SITE PLAN OF PART OF LOT 1 DISTRICT LOT 4203
SIMILKAMEEN DIVISION YALE DISTRICT
PLAN KAP74021 EXCEPT STRATA PLAN KAS2401
(PHASES 1 TO 8) AND LOT A DISTRICT LOT 4203 SIMILKAMEEN
DIVISION YALE DISTRICT UNREGISTERED PLAN EPP122865
PID: 025-743-082

CLIENT: WIND DEVELOPMENTS INC.
CIVIC ADDRESS: 200 MOON SHINE CRESCENT, BIG WHITE, BC

HORIZONTAL COORDINATE SYSTEM: UTM 11 NAD83(CRS)
VERTICAL DATUM: CVD09 (DERIVED FROM OBSERVATIONS
PROCESSED USING THE CRS-PPP ONLINE PROCESSING
PROVIDED BY NATURAL RESOURCES CANADA)

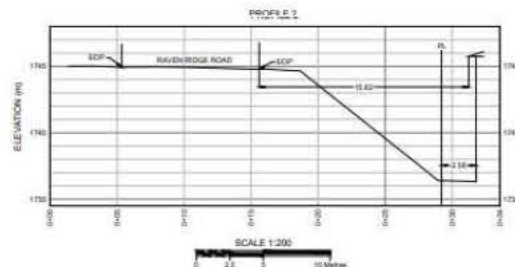
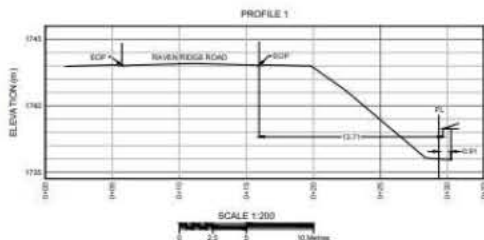
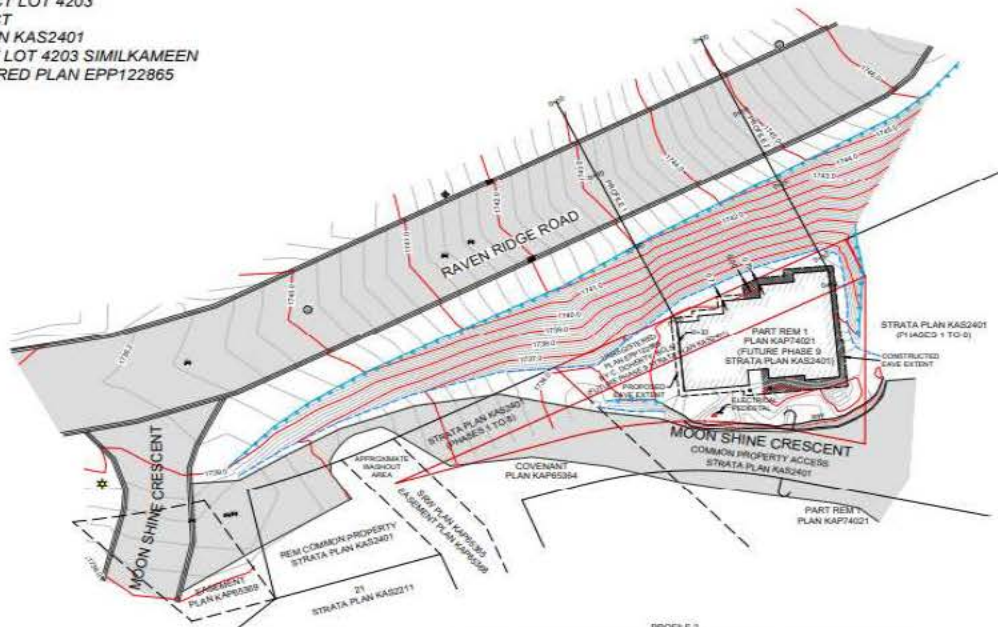
FIELD SURVEY COMPLETED: JULY 5, 2023

REFER TO THE CURRENT STATE OF TITLE FOR CHARGES,
LIENS, AND INTERESTS AFFECTING THIS LAND.

SCALE 1:500

LEGEND

- Easement Property
- Map Colour (1:500)
- Minor Contour (5.0m)
- Top Slope
- Bottom Slope
- Catch Basin
- Fire Hydrant
- Lateral Sewer
- Sanitary Main
- Gas Valve
- Water Valve
- Edge of Pavement
- Property Line
- Retaining Wall
- Constructed Cave Extent



THIS PLAN WAS PREPARED FOR DESIGN PURPOSES AND IS FOR THE EXCLUSIVE USE
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8. Request for Approval and Compliance:

To comply with all requests from RDKB and following due process, it is requested:

- a) A variance be granted for the construction of Lot 1 as was proposed in the above with the understanding of a land exchange with the relief of the setback from 4 m to 0.0 m as the building exists at it fundamentally alleviates hardships of current owners from past developmental and construction errors as described. Refer to online application provided to RDKB July 14, 2023 (In Detail Below).
- b) A Structural Setback Permit be reviewed, approved and issued by MOT for this dwelling as it meets all required guidelines for safety, risk mitigation, once again alleviates hardships of current owners from past developmental and construction errors. Refer to MOT online application submission July 14, 2023.
- c) A request in the consideration and recognition for all the efforts, actions, and commitments the owner (D. McFarlane) has made with respect to financial, environmental, and development of Bullet Creek while undertaking the construction of his single family residence an attempts made to reduce hardships of all existing home owners within the bare land strata development of Bullet Creek and finish construction of his home that is consistent with other dwellings.
- d) Full and final removal of STOP WORK ORDER with issuance of a newly registered permit.
- e) ALL required approvals for continued construction.

At this time, it is the hope that all approving and governing bodies will see positive reasoning to accept and approve ALL the above requests as this approval:

- 1. RESOLVES HARDSHIP faced by the Strata and current owner(s) as a result of past road construction and surveying errors by not adding additional expense and disruption to their homes several services would require movement and the roadway to be moved to the original registered location. Considering the additional hardship they have faced with the sink hole/roadway washout facing Moonshine owners financially and with respect to access, further supports efforts to alleviate any other additional future burdens.
- 2. IMPROVES DEVELOPMENT by allowing current roadway and services to remain in place without significant disruption and cost to Owner(s), Strata and Big White Utilities. The overall development remains intact keep existing roadway access, vegetation and disturbs no other surroundings. Failure to do so may force the owner to request roadway and services be move to their correct location in addition to supporting OCP guidelines for environmental sensitive areas.

3. NO NEGATIVE IMPACTS by allowing the single-family residence to be build in its current form and uses the previously existing site originally disturbed for the build in 2001, despite being in the incorrect location. (Please see the extensive letters of support attached). In other words, “nearly everything stays the same.”

Ultimately, the set back adjustment and approval is minor in efforts and logic when compared to the hardships all owners of Moonshine would have to endure to relocate roadway and services, has no negative impacts, and finally, enhances the overall development by correcting old wrongs in the development of Big White; a precedent that should guide future decisions as it is in the best interest of the community as a whole. It is the hope that the above information will **provide all governing organizations and concerned parties with the required details and information to an APPROVED stage for all “asks” of this matter allowing construction to continue.** If you need further details or information, please do not hesitate to contact myself. Thank you for your consideration.

Respectfully Re-submitted,

Conrad Wiker

Name of Builder/Project Manager: Wiker Developments, Inc.

Signature of Project Manager: *Conrad Wiker*

Date: Dec. 6, 2023

Conrad Wiker

Wiker Developments, Inc.

conradwiker@gmail.com

PH: 250-878-9090

To Whom It May Concern:

Re: Letter of Support in favour of Setback Variance at 200 Moonshine Cres. (PID: 025-743-082)

With respect to the above noted property, our understanding is that the developer has applied for a setback variance for the proposed dwelling to accommodate existing underground utilities. I am writing today to confirm FortisBC's support of the variance application.

The underground facilities do not currently benefit from a registered Statutory Right of Way ("SRW"). In the absence of an SRW, a minimum of 1.5 metres on either side of the conduit must be clear and free of permanent structures to allow safe and ready access for FortisBC to operate, maintain, and repair the facilities. Given the location and likelihood for extreme weather conditions, it is recommended to allow for a greater clearance of 3 metres on either side to ensure public and employee safety.

We respectfully ask that the above-noted variance application be given consideration as the facilities serve 20+ customers who would be severely impacted should this underground conduit be compromised.

Best Regards,



Sara Lim
Land Agent
Property Services, FortisBC Inc.
Office: 250.980.4021
Mobile: 250.212.8314
Sara.lim@fortisbc.com

5315 Big White Road
Kelowna, BC V1P 1P3
www.bigwhiteutilities.com
utilities@bigwhite.com
250.491.6167



November 8, 2023

Sent Via Email

Mr. David McFarlane

Via Email: [REDACTED]

Attention: David McFarlane

Dear Sirs/Mesdames:

**Re: Protection of Existing Utilities
200 Moon Shine Crescent (Lot 1)
Bullet Creek**

Big White Utilities submits this recommendation regarding your requested variance at 200 Moon Shine Crescent. We have reviewed the Staff Report dated October 25th, 2023, and our Operations Manager, Gord Rowland, attended the site a couple of weeks ago to review this with your Builder, Conrad Wiker, to locate the existing utilities under our purview. As discussed, Big White Utilities owns and operates the water, gas, and wastewater utilities at Big White.

The context of this development is relevant. It appears that the strata road, Moon Shine Crescent, encroaches into your Lot 1. This appears to have been in order to provide additional distance from the creek and its banks. Consequently, the underground utilities, deep and shallow, are closer to the property line than they typically would be. Further, the recent culvert failure and road wash-out highlights the need to protect this critical infrastructure fronting your lot. It is our preference that any construction on your lot be located so as not to impact or risk impact to our adjacent water, gas, and wastewater mains.

Moreover, as a utility provider, we strongly recommend that Fortis and Telus be approached for comment as we understand they have mandatory minimum distances from mains to excavation that must be maintained. These are the key mains within your lot impacting your build.

Our recommendation is that any work on Lot 1 be situated so as not to impact the adjacent utilities. Please let us know if you anticipate any impact or conflict so that we may work with you to mitigate.

Sincerely,

James Kay

James Kay
General Manager
Big White Water Utility Ltd.

cc: Gord Rowland, Conrad Wiker

November 12, 2023

TO WHOM IT MAY CONCERN

We are the owners of Bullet Creek cabin #4 at Big White and are writing this letter in support of David McFarlane's efforts to complete his partially built cabin on lot 1 of our subdivision.

We have heard opinions opposing Dave's development, and unfortunately some of the opinions appear to be based on inaccurate information. Therefore, we provide the following summary of key points concerning the development.

- Dave has a permit to build the cabin he is building.
- When he started his build, it became apparent that the drawings showing the location of the subdivision's access road are inconsistent with recent surveys. It seems the road, and buried utilities, encroach on Dave's land.
- To remedy the situation Dave proposed to do a "land swap" with strata in order to avoid moving the road and utilities. The "land swap" would allow the back of Dave's cabin to be built on strata land and Dave would in return allow the existing access road and buried utilities to remain in place.
- While there seemed to be general agreement that a land swap made the most sense, the concept obviously entailed legal considerations. As a result, the strata council elected to obtain legal advice on the proposed land swap. The lawyer advised against a land swap and recommended the developer (Dave) submit a new or revised subdivision plan.
- It is our understanding that the revised subdivision requires 100% of the owners as well as all lenders to sign-off on the new subdivision plan. This process seems to have taken another year and we are hearing that all but one or two parties have signed-off.

We spend a lot of time at our cabin and just want to see Dave's partially built cabin finished. We are confident that Dave's cabin will fit in nicely with existing cabins, and having a new cabin at the entrance to our subdivision will make all Bullet Creek cabins more desirable.

Lastly, we'd be remiss if we didn't mention the fact that Dave demonstrated his neighborly spirit this past summer when the strata's access road was destroyed by a sink hole caused by the mountain's poor drainage and unusually high water flows this past spring. All 18 cabins were inaccessible as a result, and fire trucks would not have been able to respond to a fire in our subdivision. Dave also owns the property at the other end of our subdivision and graciously allowed strata to build an emergency access road to our cabins through Dave's property. Dave

is a great neighbor, and we respectfully ask that you consider doing what you can to allow him to finish his cabin.

SINCERELY,

A handwritten signature in black ink, appearing to read "Peter Matter", written over a horizontal dashed line.

PETER MATTER

A handwritten signature in black ink, appearing to read "Anita Boyd", written over a horizontal dashed line.

ANITA BOYD

Dear RDKB and Public at Large,

My name is Billy Martin and I am the Strata President for KAS 938. I understand that another Strata President had submitted a letter of non-support for the Variance request submitted by David McFarlane and his agent Conrad Wiker for 200 Moonshine Crescent located at Big White. Having read the public information and more specifically being a full-time resident of the mountain for over a decade, and 4 term Strata President myself, my detailing of the site with regular weekly and almost daily observations all year round could be a more accurate and unbiased perspective on the construction of this home and variance request.

Building Location:

I was made aware via the builder of the incorrect road location based on site mapping and Vector Surveying services prior to the construction of the project as I met with the builder on site. I also was made aware of the correct steps Mr. McFarlane took with respect to the $\frac{3}{4}$ Quorum approved vote for a land exchange of common property prior to construction of footings and foundation. Having been on site several times and having been informed that the existing on-site services of electrical and tv/internet services do run directly on the property and directly under the rock wall and on Mr. McFarlane's property. These services should have been located a minimum of 3 m away from the home as required by most statutory right of ways (SRW) and 5 m for WCB ground works safety guidelines. I must applaud Mr. McFarlane for attempting to correct the mistakes of previous development as the setback placement of this building greatly reduces the hardships, financial burden, liabilities, safety access that moving a road and services would have required should the home have been required to be placed in the original location. Claiming that the APPROVAL of the variance is "setting a bad precedent" is nothing further from the truth as I would argue – as a full time resident – I wish more individuals would take the best practice steps like McFarlane has to correct the mistakes of the past construction practices of any development. **The precedent of Mr. McFarlane's willingness to be collaborative, cooperative, and not place any burden on Strata or its collective owners**, should be the norm and in doing so, all development and the community of Big White would be better for the long term. Of note, Mr. McFarlane, as I am also aware, even made assurances the build was geared to save the existing trees and retaining wall to maintain the surrounding environment with little change to the overall development entry. Just another compliment to his concern for additional owners and the Alpine Environmentally Sensitive Reclamation nature of Big White and its terrain.

Direct Site Observations for Last 2.5 Years:

As a concerned community member, again, I regularly stopped by the site at all stages of construction from excavation to its current state. Further, having reviewed some of the concerns presented by other concerned community members from APC meeting, and another Big White Strata council, I must **strongly disagree** with their concerns and opposition of these members with respect to slope stability, run-off, snow storage/retention and removal. With last year being the largest snow fall year in a significant while, there were no issues with snow piling or road clearing. The snow was piled as it always has and no sluffing or danger to the building existed. The pile was only a little larger than previous years. In spring of 2023, the building was as it should be with no damage and no pooling of water as I observed. As I was invited in to see the foundation in early spring by the builder, nothing was observed to have penetrated the foundation or pool behind the building and saw no movement of the earth behind the building. As always at Big White, when snow melts there will be some puddles, but nothing of significance was observed inside the building or near residence directly beside. The large sink hole at the entry was the only large water issue observed requiring a near 10m x 10m excavation hole to repair correctly. The home placement is in line with all the other homes, does not obstruct any views being within height restrictions, and fits in the natural location of the lot that was originally developed wrong. The survey shown by the builder showed the road was built nearly 4 meters encroaching on to the private property owned by David McFarlane. It fits with the character and style of the other homes.

Supportive Summary:

As mentioned above, I must insist on overwhelming support from a full-time community member and a Strata representative perspective that **this project variance request should be accepted and approved by all governmental bodies**. Not only does it fix old mistakes without any burden or hardship to the owners, but it sets an example for all future builds that the best interests of the community and common sense should be the norm for all applications and builds. Mr. McFarlane's attitude, efforts and actions should be the norm for future construction at Big White and not frowned upon or denied. Please approve this variance request and keep the building where it is.

Billy Martin:  BILLY MARTIN
Big White Community Member
Strata President –
Date: _____

Bullet creek cabins

Darcy Arnold <DArnold@bigwhite.com>

Thu, Nov 16, 2023 at 11:08 AM

To: [REDACTED]

Dear Conrad,

In response to your request for a letter of support to allow the current building under construction to remain where it is, I will say that from a snow removal and road maintenance perspective, it makes good sense to leave the building where it is. To move the building into the current roadway will create complications with snow removal and access for current residents.

If there are any questions, feel free to call me. 250 491-6235

Sincerely,

Darcy Arnold

VP Operations – Big White Ski Resort Ltd.

Darcy Arnold

Vice President of Mountain Operations

Big White Ski Resort Ltd.

Direct Line: (250) 491-6235

Fax: (250) 491-6188

Email: DArnold@bigwhite.comWebsite: www.bigwhite.com

LIFT TICKETS SAVE up to \$69/day
BLACK FRIDAY SALE NOV 23-27

December 6, 2023

Dear Sir/Madam,

Civic Address: 200 MOON SHINE CRESCENT, BIG WHITE
PID: KAS2041

This letter is written in support of a variance request at 200 Moonshine Crescent owned by 0882453 BC. LTD.

TELUS has recently been made aware of an issue concerning the lot at 200 Moonshine Crescent owned by 0882453 BC. LTD and the actual location of the Fibre Distribution Hub (FDH) providing service to the surrounding area. Due to the incorrect road alignment, the FDH was placed on the lot instead of the public right of way. Rather than move the FDH cabinet and related conduit at great expense, the owner of the lot has agreed to grant TELUS a 3 metre SRW through this property provided that they themselves are granted a variance to build their house according to the requested setback.

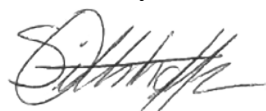
The attached mapping overlay included shows the FDH is located 1.62 m on the property from the actual property line. The error that occurred from the pedestal placement stems from the original, and still current, roadway entrance to the subdivision that was constructed as indicated on the map below and over a private parcel of land zoned for a residential home. The TELUS conduit and cables that service all of Moonshine, were also recently discovered to be in property as well in its installation as surveyed as labelled below.

It is with the rationale above, that TELUS supports the approval of a variance by the RDKB to allow for the setback requested to be granted. It is our understanding that if the variance is not granted the owner will require that TELUS move our plant from the lot at a significant cost while if the variance is granted an SRW will be granted to TELUS to allow our cables and cabinet to remain.

Reviewed by Tera Smith, Engineering Technologist.

If you have any questions or concerns, please contact the undersigned.

Yours truly,



Sean Dittenhoffer
Manager, Lands Solutions

October 23, 2023

The Regional District of Kootenay Boundary
202 - 843 Rossland Avenue
Trail, BC
V1R 4S8

Re: Proposed Development Variance Permit No. 790-23V, 200 Moonshine Cres.

Dear RDKB Planning Department,

We are writing this letter to express our concerns about the proposed development variance permit, No. 790-23V, for 200 Moonshine Cres. at Big White Ski Resort.

As owners of Bullet Creek cabin 2, we are not in support of the proposed variance for the rear lot line setback to be varied from 4.0 metres to 0.0 metres.

Our concerns include:

1. Safety Concerns

- a. The stability of the slope below Raven Ridge Road may be compromised due to the excavation of the foundations for the single-family dwelling. It appears the toe of the slope has been removed which could result in severe erosion or sloughing and potentially total slope failure resulting in the loss of Raven Ridge and any utilities below the road. There already has been a major slope failure in the area resulting in the only access to Moonshine Crescent being closed and requiring an alternate access to be built. Has a geotechnical engineer inspected the slope at its current state? If the variance is approved, will a retaining wall designed by a professional geotechnical engineer be constructed at the owner's expense?



Figure 1 Slope Below Raven Ridge Road



Figure 2 Slope Below Raven Ridge Road, Toe of slope has been excavated



Figure 3 Slope Below Raven Ridge Road, foundation excavation

- b. There is extremely high potential for large clumps of snow and ice from the bank above to hit/strike the dwelling, vehicles or even people when snowplows/loaders are clearing Raven Ridge Road above. If there are any strikes by snow clumps/boulders, this could result in legal action or insurance claims from the owners of the property or possibly the strata. The snowplow/loaders operators cannot prevent all snow clumps from falling over the edge due to the large amount of snowfall at Big White.



Figure 4 Looking down from Raven Ridge, showing examples of large snow/ice balls which came over the embankment during snow clearing

2. Future Developments and Due Diligence

- a. There is concern that if this variance is granted, allowing the setback to be reduced from 4.0m to 0.0m based on Big White Zoning Bylaw No. 1166, 2001, what prevents future developments from not following the bylaws? What is the point of having development bylaws if they are not followed? There was obviously a disregard for setback distance at this dwelling since construction commenced around two years ago and framing is almost complete with numerous windows installed.
- b. A problem with proposed cabin location with respect to strata lot lines was identified before the foundation was even poured, and yet construction has proceeded to this point. It seems that the plan was to build as much of the residential dwelling before a stop work order was issued/ordered allowing the owner to beg for forgiveness, apply for a variance and leave as constructed. We ask that the board follow through with their goal to evaluate this issue as if this unit had not already been built, as should have been the proper process.



Figure 5 Current State of Construction



Figure 6 Current State of Construction



Figure 7 Current State of Construction

3. Interior Setback Distance

- a. Based on information from Big White Zoning Bylaw No. 1166, 2001, Section 404.6c), the setback distance for an interior side lot line should be 4m, same as rear lot line. Based on rough measurements on site, the distance from the edge of the foundation (roof line and cantilevered portions in the side of the dwelling reduce these distances) of 200 Moonshine Cres to the approximate lot line of #2-200 Moonshine Cres is approximately 2.60m at the front and 2.70m at the rear. Therefore, it appears the 4m setback bylaw has not been followed for an interior site lot line as well. Please be aware that these measurements are approximate since the lot line is not clearing laid out, they were taken using existing stakes in the ground, and a proper survey should be completed.

6. Setbacks

No building or structure or part thereof except a fence shall be located within:

- a) 4.5 m of a front lot line *adjacent to a road;
- *b) 0 (zero) m of a front lot line adjacent to an access route developed under Bare-Land Strata Regulations;
- c) 4 m of a rear and interior side lot line;
- d) 3 m of an exterior side lot line;

Figure 8 Big White Bylaw 1166, Setbacks for Medium Density Residential 4, Zone R4

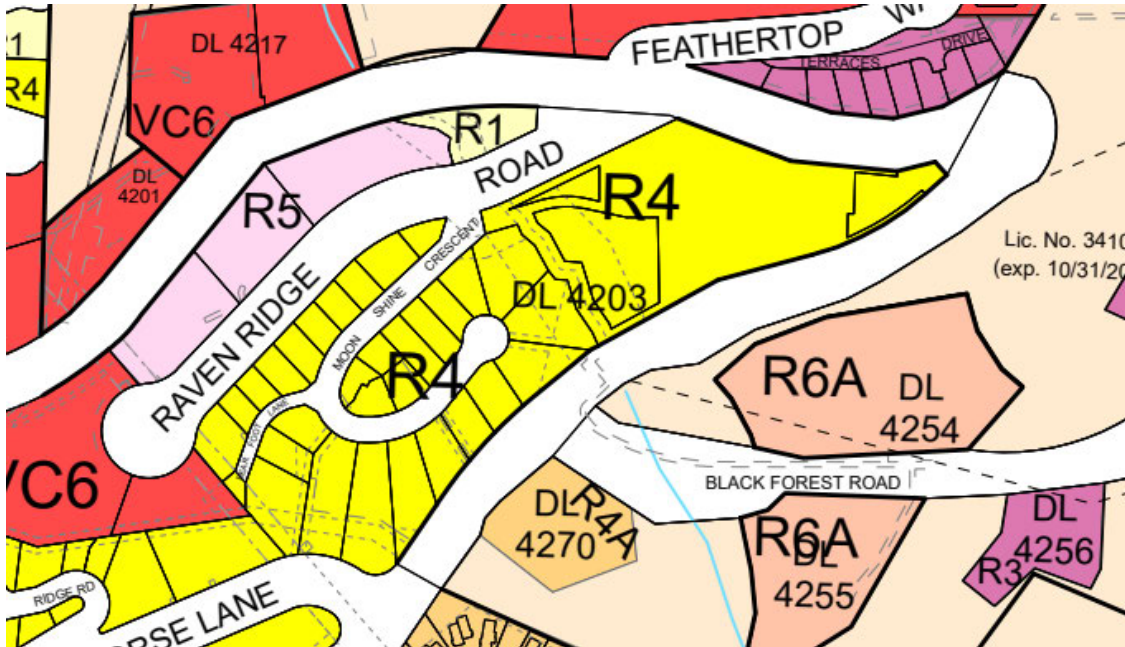


Figure 9 Big White Zoning Map



Figure 10 Distance between properties, showing cantilevered portions and roof line



Figure 11 Distance from edge of foundation to lot line, Front



Figure 12 Distance from edge of foundation to lot line, Front



Figure 13 Distance from edge of foundation to lot line, Rear



Figure 14 Distance from edge of foundation to lot line, Rear

4. Water Management

- a. The drainage swale at the toe of the slope below Raven Ridge Road has been removed during the excavation of the foundations and has not been reinstated. Water is currently flowing down the slope and existing swale behind #2-200 Moonshine Cres. with no place to drain. What is the owner's/contractor's plan to manage the water to prevent any flooding or erosion?

- b. The developer stated a French drain had been placed under this dwelling in order to deal with surface water, and claimed that it would also improve drainage for Unit/Strata lot 2 but clearly there are ongoing concerns.
- c. Given the proposed lack of setback from Raven Ridge Rd, has there been consideration for the subsequent drainage of the increased accumulation of snow and ice which would now be collecting between Raven Ridge Rd and this dwelling? As stated above, the volume of snow and ice cleared over the slope of this road during the winter season is significant, and it would now all be collecting against the side of this cabin.



Figure 15 Existing drainage swale behind #2-200 Moonshine Cres. at toe of slope below Raven Ridge Road

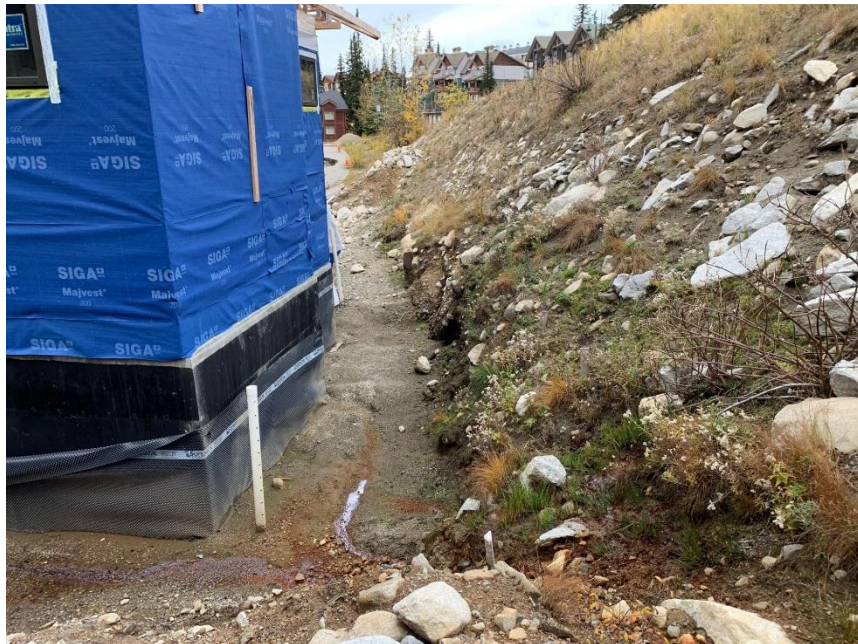


Figure 16 Water flowing from drainage swale and slope

5. Impact to neighbours

- a. The Advisory Planning Commission's notes state: *"Because the setback area is adjacent to a road versus a neighbor there were no concerns about negative impacts to the neighboring property."* We disagree with this statement. We own the next door neighbouring property (Bullet Creek unit 2 / strata lot 2), and can inform on some of the direct and indirect impacts to our property.
- b. Impacts to our property and to our strata have included to date:
 - i. The relocation of this dwelling has impacted sightlines out several windows on the west side of our property.
 - ii. The unit's roofline currently sits significantly higher than ours and all of the remaining units on that side of the road, which does not appear to conform in design.
 - iii. Our strata has spent significant time and incurred significant legal costs in trying to rectify this situation that the Owner/Developer put themselves in by building first and asking for forgiveness later.
- c. Potential future impacts to our property and to our strata could include:
 - i. Concerns regarding falling snow from the dwelling's east roofline posing a risk to our property given the proximity between units.
 - ii. Any drainage issues which have not been properly addressed, as outlined above, would pose future risk to our cabin directly.
 - iii. We are concerned about increased costs our Strata could now be faced with for ongoing maintenance of the north/west walls of this unit after sustaining such impacts from cleared snow/ice loads year after year, as described above. This would have been less in the intended cabin location.

6. Overall cabin size

- a. Although not the direct issue at hand in this variance request, the size of this cabin is substantially larger than what was apparently intended by the original developer. It will now be the largest in our strata, and the sole unit with a covered garage.

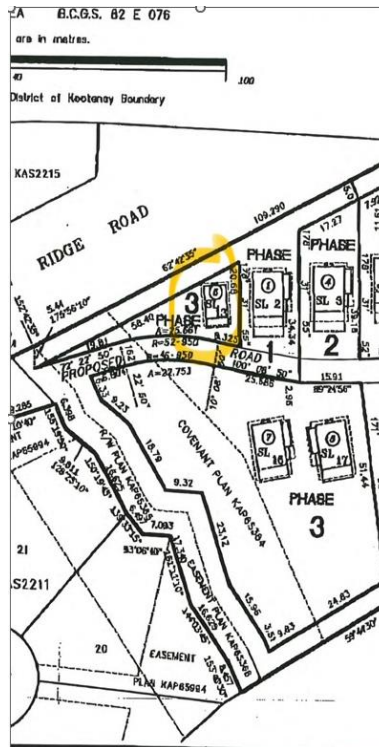


Figure 17 Zoomed in screenshot of strata lot map including proposed future cabins; a much smaller footprint had been envisioned for this lot.

- a. A smaller cabin size could have fit within the lot without incurring all of these issues.
- b. Does the cabin conform to the R4 Zoning Parcel Coverage Bylaw of 50%?

7. Parcel Coverage

The maximum parcel coverage in the R4 Zone shall be 50%. Notwithstanding the foregoing, portions of underground parking areas which are not directly under the footprint of a building and which are entirely below the finished grade of the parcel and thereby fully concealed, shall be deemed to be exempt from these parcel coverage standards.

Figure 17 Big White Bylaw 1166, Parcel Coverage for Medium Density Residential 4, Zone R4

7. Builder communications

- a. We ask that documents submitted by Wiker Developments be independently verified, in order to avoid undue bias. A 26-page document has been submitted to the board making their case for this variance to be supported, but this dwelling never should have been able to be constructed to this point without having been properly approved. A lack of respect for due process has clearly been demonstrated.
- b. The provided letters of support from some other owners in our strata predate the official notice of this variance request and are in favour of completion of this project regardless of its poor planning and potential consequences. This should not supersede the Developer being required to build in compliance with the bylaws and setbacks, nor the RDKB being able to uphold its requirements.

In summary, based on the information above, we believe that the Regional District of Kootenay Boundary should reject this variance and not allow the dwelling to be completed as constructed.

Best regards,


Brooke Cairns and Jason Roesch
Owners of Bullet Creek Unit #2 / Strata Lot #2

[REDACTED]

From: [Dave & Julie Marks](#)
To: [Planning Department](#)
Subject: Re: Objection to the Proposed Development Variance Permit No. 790-23V - RDKB - 200 Moonshine Crescent
Date: October 24, 2023 11:23:32 AM
Attachments: [image.png](#)
[IMG_5872.JPG](#)
[IMG_5878.JPG](#)

In addition to the letter that I wrote that was in objection to the Variance Development Proposal for 200 Moonshine Crescent, here are some updated photos taken this weekend which shows that the build is essentially completed so granting the variance seems a bit retro-active now. The pictures show how close the structure is to Raven Ridge Road which might be problematic for the home when snow is cleared.

I have come to understand that Moonshine Crescent was not built correctly which could have caused issues when constructing this home.

On Mon, Oct 16, 2023 at 8:50 PM Dave & Julie Marks <> wrote:

David and Julie Marks
641 Drummond Court
Kelowna, B.C.
V1W-4N8

October 16th, 2023

Planning Department
Regional District of the Kootenay Boundary
Re: Notice of Development Variance Permit No. 790-23V – 200 Moonshine Crescent, Big White, B.C.

I am writing on behalf of my wife and I to object to the proposed variance for 200 Moonshine Crescent located at the Big White Mountain resort in British Columbia. We are property owners of Unit 1 – 205 Raven Ridge Road at Snowy Creek Lodge which is just across the street from 200 Moonshine Crescent on Raven Ridge Road. I am the current Strata President of our building consisting of 14 property owners.

I am not sure if the Planning and Development Department of the RDKB are even aware of the massive culvert failure and road collapse right in front of this home currently being built that to date has not been repaired. I contacted the Area Director for the region Sharen Gibbs, AIM Roads and Big White Resort and all were notified when this occurred in May 2023. Ms. Gibbs indicated that she would forward these concerns to Operations and Management within the Regional District at that time.

image.png

The notice we received by mail today on Monday October 16th, indicated that the property at 200 Moonshine Crescent is applying to vary the setback from the rear lot line from 4.0 meters to 0.0 meters, allowing for a setback of 0.0 meters from the property line. No setback? This is ridiculous and moreover poor planning by the property owners and developers. When constructing a home or undertaking additions, due diligence should be taken to consider where property lines are and build within the required setbacks, end of story and developers should not be applying for a variance after the home has essentially been built and nearing completion. I have also been informed that this property has within the last 6 months been issued a stop work order for building improperly and in not according to the property lines.

It is inappropriate for a building or even the eaves of the home to be located so close to a public road that provides the only access to so many other properties in the area. Allowing for no setback at all just increases the chance that snow could be shed near vehicles or pedestrians walking by or could have other more severe consequences in what has already become a pretty sensitive area due to the earlier snowmelt and increased water runoff causing unprecedented damage earlier this year.

As the Board meeting is in Trail which is 3 ½ hours away from Big White Resort, it is not practical for us or many others for that matter to attend the meeting in person which has been scheduled just 9 days from now on October 25, 2023, at 1:00 pm in the afternoon.

We hope the board unanimously rejects this Proposed Development Variance Permit No. 790-23V for 200 Moonshine Crescent in Big White, B.C. as it is a prime example of poor planning, and a lack of consideration for neighbouring properties in the area or safety of the public overall.

Respectfully submitted,

Dave Marks

President, KAS2290 Strata Council

Snowy Creek Lodge, Big White

[REDACTED]

[REDACTED]

RDKB

October 20, 2023

Re: Proposed Development Variance Permit No. 790-23V

Property Location : 200 Moonshine Crescent , Lot 1.

This will serve as my opposition to this Variance Permit.

I am opposed for the following reasons.

1- This comment from the Owner of Lot 1 to me by email on April 24, 2023.

“ Back in 2021 our builder during the final layout for the cabin uncovered a discrepancy with the Land Survey where our common road was cited in the wrong location.

To remedy the situation, we moved the cabin back further into the vacant site and continued with construction. “

From day one of construction the Builder & Owner of Lot 1 knew there was a problem. Their remedy was to just do what they wanted. No regard for their neighbours or the building authorities.

2- I have a 30 year background in residential construction & residential land development. Having built over 50 new homes in subdivisions where the placement of foundations on a residential building lot was done within a 1/4 inch tolerance of setbacks. Not one foundation encroached on any setbacks. This is not an overly difficult task if the proper preparation is done in advance of starting construction. Placing a foundation should not be difficult for any kind of a quality builder. In this case the Builder & Owner of Lot 1 knew that they were placing the foundation 4 meters off the Owners lot & onto land that is owned by the Strata of Bullet Creek Cabins, KAS 2401. Without any consultation with the Strata, the Builder & Owner of Lot 1 simply were not happy with the problems that came with Lot 1 & just put the foundation where they wanted to. The Builder & Owner of Lot 1 submitted a plot plan to RDBK that was incorrect & inaccurate in order to get a building permit back in 2021.

3- The Building Permit.

The Building Permit was issued after construction had started. Construction began in June of 2021. The Builder asked the Strata for a Land Swap on July 30, 2021. Attachment # 1 is a photo of Lot 1 on July 31, 2021. The excavation has been completed including excavating more than 4 meters onto Strata land. The footing forms are in place on July 31, 2021. Footing inspections are to be done with forms in place but before any concrete is poured. By October 23, 2021 the concrete footings had been poured. Was there a footing inspection before the concrete was poured?

The Building Permit was paid for on November 4, 2021. Building permits are only valid after the Permit has been paid for.

The Building Permit has conditions to it. One of the conditions is for the Builder or Owner to provide to the building inspector a "Certificate of Location by a BC Land Surveyor". Has this been done yet?

Framing started & continued until a stop work order was placed on the site by RDKB. The Building Inspector should have stopped work right from the start.

This is the classic case of asking for forgiveness instead of getting permission. I hope RDKB will stand up to the Builder & Owner of Lot 1 & force the proper actions to be taken. The Owner of Lot 1 has put everyone involved in a very awkward position. It has caused grief between other owners in the Bullet Creek Strata. It has wasted time & money, spent on Lawyers for both the Owner of Lot 1 & the Strata. It has wasted time & efforts with RDKB staff, including the time & effort wasted on this Variance.

4- Insurance & Liability.

Have the actions of the Builder & Owner of Lot 1 put the other 17 Owners of Strata KAS2401 at risk?

How do you get construction insurance for a building that is not on land that you own?

5- Ravens Ridge Road.

Ravens Ridge Road is owned by the Ministry of Transportation. The excavation for this build is very clearly dug into the side of the hill that holds Ravens Ridge Road.

What kind of approval would have been required to do this legally?

Does the Ministry of Transportation have any concerns about this damage to their road?

Who will be responsible for future damages caused by this excavation?

The new building on Lot 1 protrudes into the set back clearances on Ravens Ridge Road. This brings other issues with the new building's proximity to Ravens Ridge Road & the steep hillside that comes down from Ravens Ridge Road to the north side of the Strata property where the new building now sits. Big White gets around 28 feet of snowfall every winter. When Ravens Ridge road gets plowed, which it does get plowed after every time it snows, the snow from the road gets pushed down the steep hillside to the new building on Lot 1. Have extra design & structural requirements been taken to ensure that the new building on Lot 1 will be able to hold back that kind of snow load without any damage. KAS 2401 Strata is responsible for the repair & maintenance of the exterior of all the cabins at Bullet Creek. This will eventually include the new building on Lot 1. This has the potential to be an ongoing problem for KAS2401. If the cabin was 4 meters away from the bottom of the steep hillside this problem would be much less, if not a problem at all. Please consider the ongoing maintenance costs to the Strata, of this new proposed building location.

6- Design.

How did this plan get approved? The largest cabin, on the smallest lot. This cabin will have parking for 6 cars, a 4 car driveway & a 2 car garage. There are no other driveways on Bullet Creek. There are no other garages on Bullet Creek. ALL the other cabins on Bullet Creek have 2 parking spots on the street. How will this blend in with the other 18 cabins? The owner of Lot 1 has told the other strata owners that this will enhance the value of Bullet Creek Cabins. I feel that this will not enhance our values. Please consider what this build will do to the values of the other 18 cabins at Bullet Creek.

In the Development Letter of Intent / Information, from June 23, 2021. Attachment # 2

This letter states the following :

“1. Historical Background

The proposed single family residence was originally proposed and approved by RDKB with respect to its design and corresponding Development Permit back in 2009. It has been confirmed by the RDKB that the DP has been accepted and approved based on 2009 application. The home design was also approved, but the expectation by the RDKB building department is that all new building codes are followed in its construction.”

I find it hard to believe that the building being built now is the plan that was approved in 2009. I have asked to see the Development Permit from 2009 before. I would like to see it now.

7- Neighbour.

Imagine how you would feel if this was going on right next door to you.

Please consider this.

8- Due Diligence.

The Owner of Lot 1 has owned this lot & other lots on Bullet Creek for many years prior to 2021.

Plenty of time to do research.

9- BC Land Surveyor.

I contacted & paid, at my own expense, a local BC Land Surveyor, to get a 3rd person,

Professional opinion of this issue.

Comments from the Surveyor.

“ The burden of proof is on the Builder to confirm the building is constructed to meet municipal requirements in order to proceed with further stages of construction. It must be proven to be in accordance with municipal bylaws to move to the framing stage.

A Building Location Certificate would clearly show the position of the construction relative to the registered property boundaries.

If the building has been constructed in the ' proposed location ' it is being constructed over a registered property boundary and is being partly constructed on land that is not owned by the Owner of Lot 1. “

10- RDBK.

The RDBK Building Department is at fault here, as well as the Builder & the Owner of Lot 1.

Placing a building on land that a person does not own should not go unnoticed for almost 2 years. This problem should now be dealt with in a timely manner, with the authority that RDBK has. The location of this building not being on its own lot was very obvious from the very start of construction, June 2021. See Attachment # 1. A Stop Work Order was placed on this property on May 10, 2023, almost 2 years after the start of construction. What took so long for any form of enforcement to take place? Now we all have a huge mess. RDBK staff should feel the need to expedite this issue & come to a resolution to this problem.

Then take the appropriate action. Enforce the By-laws that apply with the authority that RDBK has.

It is in everyone's best interest to put this all behind us. You have a problem, Deal with it.

In closing:

“ To remedy the situation, we moved the cabin back further into the vacant site and continued with construction. “

Sincerely
Larry Clark
Cabin # 14, 200 Moonshine Crescent,
Big White , BC.

Attachment # 1 Photo of Lot 1, July 31, 2021.

Attachment # 2 Development Letter of Intent / Information. June 23, 2021. Please read this attachment.

Attachment # 1. Lot 1, July 31, 2021.

Please note how far the excavation is dug into the hill on the left side of this photo. Ravens Ridge Road is at the top of this grade. The excavation is clearly dug into the side of Ravens Ridge Road, which is land owned by the Ministry of Transportation.



August 1, 2023

Regional District of East Kootenay
Development Services
Planning & Development

VIA Email

Dear East Kootenay Planning & Development Folks,

I wish to share my most sincere notice of support for David McFarlane's development application and variance request for his new home, #1-200 Moonshine Crescent, Big White, BC.

David has endured, at least in my opinion and observation, a very long, drawn-out, and likely frustrating and expensive journey in his attempts to build what is no doubt a beautiful home on our crescent. Frankly I am not sure of all the hurdles he has had to overcome but as a nearby neighbour (across the road), he has my full support to bring his construction project to an expedited completion. At present, a half-finished building is an eyesore to what is a beautiful, neighbourhood.

In summary, I totally support David's plans and requests. I hope he can continue with his project without further delay.

Should you have any questions, please reach out to me on my cell at [REDACTED].

With thanks,



Doug Airey
#19-200 Moonshine Cres.
Big White, BC
V1P 1P3

August 2, 2023

Attention: JoAnn Peachey
Current Planning Supervisor
Regional District of Kootenay Boundary

RE: Letter of Support for Construction of Lot 1-200 Moonshine Crescent, Big White, British Columbia


I would like to have my support recorded around the construction of the new cabin on Lot 1 of the Bullet Creek Cabins at 200 Moonshine Crescent.

David and his wife AnnaLisa are long time residents within the neighbourhood and have been navigating the challenges of the new construction due to the improper placement of the original road into our neighbourhood.

They have faced significant delays and costs due to navigating the requirement to register an amendment to the original subdivision plan. Their actions correct the mistake and have the proper citing of the cabin registered at the Land Title Office transferring the road & utilities back onto the common property in exchange of the common property at the back of the cabin to the McFarlane's title .

We understand that there is a process yet to be undertaken by the McFarlane's and we hope this letter of support helps them reach a conclusion and have their cabin completed in a timely fashion.

Your truly,

A handwritten signature in black ink, appearing to read "M. L. Hanson", with a long horizontal stroke extending to the right.

Mat Hanson
Cabin #6

Dear Regional District

I am the owner of Bullet Creek Cabin 18, strata KAS2401. I am writing to support the ongoing build of the house on lot 1 of our strata. The owner builder Mr. McFarlane is keen to complete the house envelope before the start of the snowfall. In my opinion, it is in the best interest of all the cabin owners of our strata to see this house completed in a timely manner. I would be happy to answer any questions that you might have.

Sincerely,

Nick Kuzak
Cabin 18



Electoral Area E/ West Boundary-Big White Advisory Planning Commission (APC) Staff Report

RE:	Liquor and Cannabis Regulation Branch Referral – Globe Café and Tapas Bar		
Date:	January 2, 2024	File #:	2023-106 BW-4109S-07444.450
To:	Members of the Electoral Area E/ West Boundary - Big White APC		
From:	Geoffrey Genge, Planner		

Issue Introduction

We have received a referral from the Liquor and Cannabis Regulation Branch (LCRB) to provide comment on a Patron Participation Entertainment Endorsement application for the Globe Café and Tapas Bar at Big White (see *Attachments*).

Property Information	
Owner(s):	Globe Café and Tapas Bar (Ross Derrick)
Agent:	N/A
Location:	5375 Big White Road
Electoral Area:	Electoral Area E/ West Boundary
Legal Description(s):	Strata Lot 171, Plan KAS855, District Lot 4109S, SDYD
Area:	0.77ha (1.9ac)
Current Use(s):	Restaurant and Bar
Land Use Bylaws	
OCP No. 1250:	Village Core
DP Area:	Commercial and Multiple Family/Alpine Environmentally Sensitive
Zoning No. 1300:	Village Core 6 (VC6)
Other	
ALR:	Outside ALR
Waterfront/Floodplain:	N/A
Water Service Area:	Big White Utilities
Sewer Service Area:	Big White Utilities
Planning Agreement Areas:	N/A

History / Background Information

The subject property is located in Big White, in the Village Core, approximately 150m northwest of the Village Centre Mall. It is designated as Village Core in Big White Official Community Plan Bylaw No. 1125 and is zoned Village Core 6 (VC6) in Big White Zoning Bylaw No. 1166, 2001. A multi unit residential, commercial and services complex is located on the parcel, of which one strata unit is used by the Globe Café and Tapas Bar. This strata unit is located on the southern portion of the parcel approximately 20m west of the Big White Ski Resort Kids Centre. The Globe Café and Tapas Bar has operated at Big White over the last 16 years (See *Attachment #2-Subject Property Map*).

To the north lies a multi-unit residential parcel (Ptarmigan Inn). To the south (Big White Admin) and east (The Woods Restaurant and Bar) lies buildings used for commercial and service use. To the west lies Big White Road and further, a multi unit residential, commercial and services complex (Trappers' Crossing) (See *Attachment #1-Site Location Map*).

The property was the subject of a similar LCRB referral to change their food primary licence from patron non-participation entertainment endorsement to a patron participation endorsement in November 2016. The APC supported the referral noting the lack of noise complaints from the establishment and the overall benefit these services can provide to the community. The APC also noted that they wanted the applicant to communicate with the Strata.

The Globe Café and Tapas Bar received a Temporary Expanded Service Area in summer 2020 for an outdoor patio as a part of the LCRB's COVID-19 expedited permit process. This Expanded Service Area ended on October 31, 2020.

Proposal

This LCRB referral is requesting comments on the application to modify their food primary licence to allow for patron participation events in the restaurant area of the Globe Café and Tapas Bar.

The modification in the liquor licence would allow for public participation in events such as a paint nights, crib nights, as well as viewing live music and comedy events within existing liquor service hours (9:00am-1:00am, seven (7) days a week).

Implications

The above noted property is zoned Village Core 6 (VC6) in the RDKB Big White Zoning bylaw. Eating and drinking establishments are permitted in the VC6 zone.

Some typical considerations for food or liquor primary licences include location, person capacity and hours of liquor service. This application would not change the use of the parcel but would allow for Patron Participation Entertainment in the food primary area of the Globe Café and Tapas Bar.

Public Notification Considerations

The local government can either opt out of providing comments or provide comments on a Liquor Primary licence referral.

If providing comments or recommendations, the local government must gather the views of residents in accordance with provisions of the *Liquor Control and Licensing Act*. The options for this are:

- i. receiving written comments in response to a public notice of the application,
- ii. conducting a public hearing in respect of the application,
- iii. holding a referendum, or
- iv. any other similar method determined by the local government.

The RDKB's *Fees and Procedures Bylaw No. 1231* does not include application procedures for LCRB applications and does not specify public consultation requirements for liquor primary or food primary licence referrals. As such, the Board of Directors will need to determine an acceptable level of consultation.

The Board of Directors reviewed a recent LCRB referral on November 29, 2023 for a Change of Hours of Liquor Service (Outside Service Hours) application from the Cascade Par 3 Golf Course. The subject parcel's proximity to affected neighbours determined the increased written notice distance. Due to it being winter and out of season for golfing, the E-Blast was determined to be a more effective method of communication than a sign in front of the parcel. The Board determined the following was an acceptable level of consultation:

- neighbours within 200m received written notice inviting any comments in writing to be sent to the RDKB; and
- a notice would be put in one issue of the Christina Lake E-Blast.

Although for cannabis, not liquor, another similar example of consultation for an LCRB referral is the Cahoots Cannabis retail store in Rock Creek. The Board determined the following was an acceptable level of consultation, which is the same level of consultation as a Development Variance Permit:

- neighbours within 60m received written notice inviting any comments in writing to be sent to the RDKB; and
- a notification sign was placed at the store location.

The APC is invited to comment on the application to amend the licence itself, as well as on the method of consultation.

Any comments generated from residents, the community, and the APC will be provided to the Board for their consideration. Should the Board wish to provide comment to the LCRB, a response must:

- be in writing;
- show that the local government has considered the location;
- include the views of the local government on the general impact on the community if the application is approved;
- include the views of residents and a description of how they were gathered; and
- include the local government's recommendation as to whether the application should be approved or rejected and provide reasons upon which the recommendation is based.

Attachments

- 1-Site Location Map
- 2-Subject Property Map
- 3-Current Food Primary Licence #129215

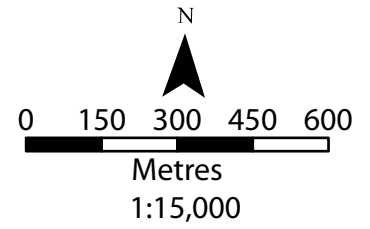


Regional District of
Kootenay Boundary

Map Date: 2023-12-11

Site Location Map

Strata Lot 171,
Plan KAS855, DL 4109s,
SDYD



Subject Property:
5375 Big White Road

Big White

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202-843 Rossland Ave, Trail BC V1R 4S8 | T: 250.368.9148 | T/F: 1.800.355.7352 | rdkb.com

Document Path: P:\PD\3200 Properties Titled\07 Area E (Big White)\BW-4109s-07444.450 Globe\2023-106 LCRB Referral\Mapping\SubjectPropertyMaps_BW-4109s-07444.450.aprx

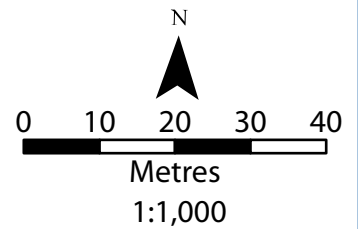


Regional District of
Kootenay Boundary

Map Date: 2023-12-11

Subject Property Map

Strata Lot 171,
Plan KAS855, DL 4109s,
SDYD



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Liquor and Cannabis Regulation Branch
Food Primary #129215
Expires on December 31, 2024

Establishment Name: **Globe Cafe & Tapas Bar (129215)**
Licence Name: **Globe Cafe & Tapas Bar (129215)**
Location Address: 5375 Big White Rd
BIG WHITE, B.C., V1X4K5
Issued to: ANCHOR HOSPITALITY GROUP INC.

TERMS AND CONDITIONS

HOURS OF SALE

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Start	09:00	09:00	09:00	09:00	09:00	09:00	09:00
End	01:00	01:00	01:00	01:00	01:00	01:00	01:00

CAPACITY

Patio1	57	Person01	116
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Catering Endorsement Approved

- Patio extension permitted as outlined in red on the official plan.
- Patron participation entertainment other than games permitted within the premises.
- The terms and conditions to which this licence is subject include the terms and conditions contained in the licensee Terms and Conditions Handbook, which is available on the Liquor and Cannabis Regulation Branch website. The Terms and Conditions Handbook is amended from time to time.
- For the sale and consumption of all types of liquor in establishments with a primary focus on the service of food.
- Liquor may only be sold, served and consumed within the service areas outlined on the official plan, unless otherwise endorsed or approved by the LCRB

YOUR CURRENT VALID LICENCE MUST BE
PROMINENTLY DISPLAYED AT ALL TIMES.
TAMPERING, ALTERING OR DEFACING THIS
LICENCE IN ANY MANNER MAY RESULT IN THE
LICENCE BEING CANCELLED.

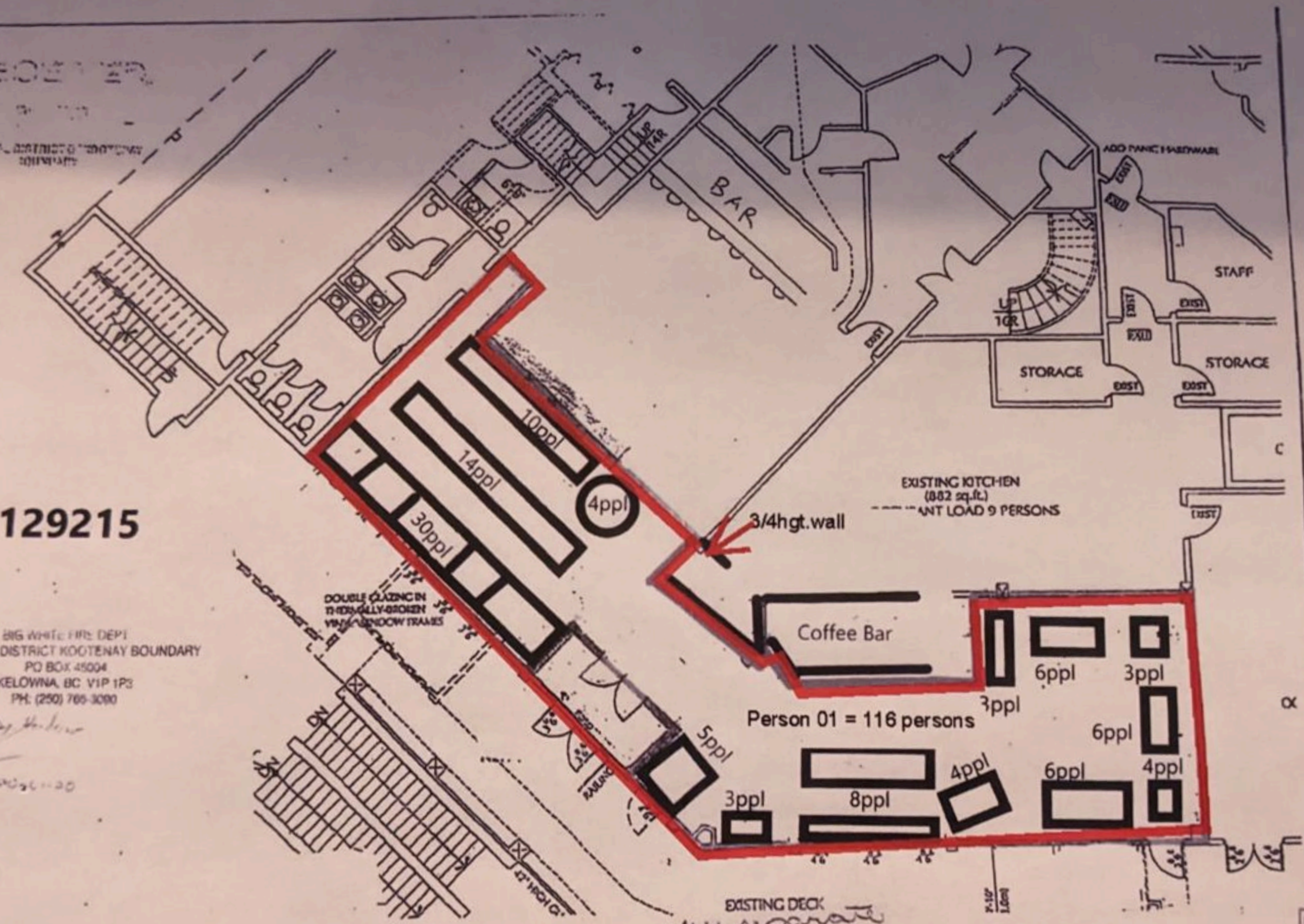
Licence issued by the General Manager under the
authority of the Liquor Control and Licensing Act.

Licence Printed: December 11, 2023

FP 129215

BIG WHITE FIRE DEPT
REGIONAL DISTRICT KOOTENAY BOUNDARY
PO BOX 45004
KELOWNA, BC V1P 1P3
PH: (250) 766-3090

Handwritten notes:
11/2/20
11/2/20
11/2/20



**LIQUOR AND CANNABIS REGULATION BRANCH
APPROVAL IN PRINCIPLE**

Subject to the terms and/or conditions specified in the approval in principle letter(s) dated: April 28, 2020

Job: # 802838-62 Person Capacity:
Authority: Person 01 = 116 persons
 Patio 1 = 57 persons

LCRB OFFICIAL PLAN

**MUST BE KEPT WITH LIQUOR LICENCE AND
AVAILABLE FOR INSPECTION AT ALL TIMES**

Date Issued: June 3, 2020
LP Licence # 129215

General Manager

LIQUOR CONTROL & LICENSING
RECEIVED
FEB 10 2023
VICTORIA, BC



Electoral Area E/ West Boundary-Big White Advisory Planning Commission (APC) Staff Report

RE:	Special Event Permit Request for Local Significance – AltiTunes		
Date:	January 2, 2024	File #:	2023-111 BW-4220-10293.275
To:	Members of the Electoral Area E/ West Boundary - Big White APC		
From:	Geoffrey Genge, Planner		

Issue Introduction

The organizers of 'AltiTunes', a returning special event scheduled for April 5th and 6th, 2024 at Big White Ski Resort, have requested a designation of "municipal [local] significance" from the Regional District of Kootenay Boundary (RDKB). The designation is for their Special Event Permit application to the Liquor and Cannabis Regulation Branch (LCRB).

Property Information	
Owner(s):	Untitled Provincial Crown land (Lease No. 338494 and 337977)
Agent:	Mitch Carefoot (Thick as Thieves Entertainment)
Location:	Happy Valley Day Lodge
Electoral Area:	Electoral Area E/ West Boundary - Big White
Legal Description(s):	Portions of District Lot 4220 and 4216, SDYD
Area:	1.35 ha (3.34 ac)
Current Use(s):	Happy Valley Day Lodge and adjacent Parking Lot
Land Use Bylaws	
OCP No. 1125:	Day Lodge Commercial / Black Forest Future Growth Area
DP Area:	N/A
Zoning No. 1166:	Recreational Resource 1 (REC1)
Other	
ALR:	Outside ALR
Waterfront/Floodplain:	Not mapped
Water Service Area:	Big White Utilities
Sewer Service Area:	Big White Utilities
Planning Agreement Areas:	N/A

History / Background Information

Thick As Thieves Entertainment Inc. are the organizers of the 'AltiTunes' event. This will be the third consecutive year that this event is being proposed at Big White.

The applicants most recently applied in November of 2022 for a designation of municipal significance and the Board approved the request in January of 2023. The event was held on March 30th and April 1st, 2023.

Special Event Permits are issued by the LCRB and do not require a referral to local government for comment. All aspects of an event related to safety and security are managed through the Special Event Permit.

An applicant for a Special Event Permit can request an endorsement from a local government to designate an event as "municipally significant". The LCRB has a *Special Event Liquor Policy Manual* that outlines the characteristics for a municipally significant event. It states that:

"Municipally significant events are of unique importance to a specific municipality. For example, a municipally significant event may have historical value to the particular region or provide benefit to the community at large. While support and approval from the municipality is required, the applicant must also apply for a SEP through the LCRB."

Designating an event as "municipally significant" exempts the organizers from the mandatory condition of having to donate any profits made from alcoholic beverage sales that exceeds the cost recovery price of an alcoholic beverage.

The purpose of this report is to provide information about AltiTunes to help the APC provide feedback on this referral to designate "municipal significance".

Proposal

The event organizers are seeking the RDKB Board of Directors approval for designating the Altitunes event as locally significant for the purposes of submitting their Special Event Permit application to the LCRB.

The LCRB has set cost recovery for alcoholic beverages at \$5.00 for this event. The organizers are seeking the locally significant designation to increase the maximum drink price from \$5.00 to \$7.00 for beer, wine and canned vodka drinks and \$9.00 for canned tequila drinks.

Implications

Although Big White is not an incorporated municipality, the LCRB still requires a designation of municipal significance from the local government in order to raise alcoholic drink prices above the cost recovery rate. The organizers have noted in previous applications that raising drink prices has a number of benefits, including:

- *increased feasibility for running the event and hosting it annually;*
- *more opportunities for local producers who have higher overhead production costs to sell their products; and,*
- *increased drink prices can be a preventative measure to deter patrons from overconsumption.*

Big White Noise Bylaw No. 1431 Sections 1 and 3(a) mention that the following noise is objectionable:

1. No person shall make or cause, or permit to be made or caused, in or on a highway or elsewhere on property within the Big White Ski Area, any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of a person in the vicinity.

3 (a) Operate or play any musical instrument, radio, stereophonic equipment or other device for the production or amplification of sound, or permit such devices to be operated or played, in the Area in such a manner as to disturb the quiet, peace rest, enjoyment, comfort, or convenience of the neighbourhood or of a person in the vicinity.

However Section 4(a) specifies that objectionable noise and sounds include “*any amplified music or speech between the hours of 11:00pm and 7:00 am*”. Due to the AltiTunes event being proposed for the hours of 3:00pm-11:00pm on April 5th and 2:00pm-11:00pm on April 6th, this event can be considered in compliance with Big White Noise Bylaw No. 1431.

Economic Impacts

The organizers have provided details, based on their experience hosting Altitunes 2022, to rationalise why the event may be considered significant for Big White:

“Based on AltiTunes 2022 numbers, >95% of the guests attending will be coming from outside the Kootenay Boundary area. These 4,000+ guests will be required to stay up at the hill in a hotel, eat, drink and buy from local businesses at Big White during a statistically slower time of year”.

Safety and Security

The organizers have noted the following safety and security measures:

- *Front Gate Security: 8-10 security staff will be at the main entrance with festival staff who have ticket scanners and manual counters. All security staff will have walkie-talkies;*
- *Bag checks will be mandatory as well as a ticket printout or proof of purchase on phone which will be scanned to ensure validity;*
- *There will be 55 staff working on both the Friday and Saturday;*
- *All alcohol service providers will possess valid Serving It Right certification;*
- *Patrons can have a maximum of two drinks in hand at a time;*
- *All patrons require 2 pieces of ID as required by BC provincial law which will be checked at the front gates. If a ticket holder comes to the festival without proper identification, they will not be permitted access to the grounds;*
- *Staff will not serve patrons who are overly / visibly intoxicated. Staff will refuse the patron, and if needed will involve bar management and the Alcohol Area Security team to ensure the intoxicated patron is removed from the event;*
- *After the final act, the emcee will announce the festival is ending and all patrons will be encouraged to find their way to the exits which will be the main entrance;*
- *Emergency exits will not be used;*
- *Patrons will be reminded by emcee that taxis will be on site to transport people home; and*
- *Patrons will not be allowed to leave site with alcohol.*

The APC provided comments of support for the 2021 and 2022 Special Event Permit referral applications. Staff would encourage the APC to provide comments on these past events. These comments could include what went well, what could be improved and any issues that arose during the event.

Attachments

- 1-Site Location Map
- 2-Subject Property Map
- 3-Applicant's Site Plan and Event Safety Plan

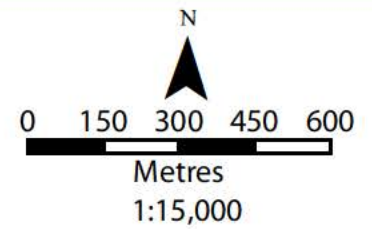


Regional District of
Kootenay Boundary

Map Date: 2023-12-11

Site Location Map

Portion of
DL 4216 and DL 4220,
SDYD



Subject Property:
Portions of DL 4216 and DL 4220

Big White



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Document Path: P:\PD\3200 Properties Titled\07 Area E (Big White)\BW 4220 10293.275 Happy Valley Lodge\2023 12 LCRB Application\Mapping\SubjectPropertyMaps BW 4220 10293.275.aprx

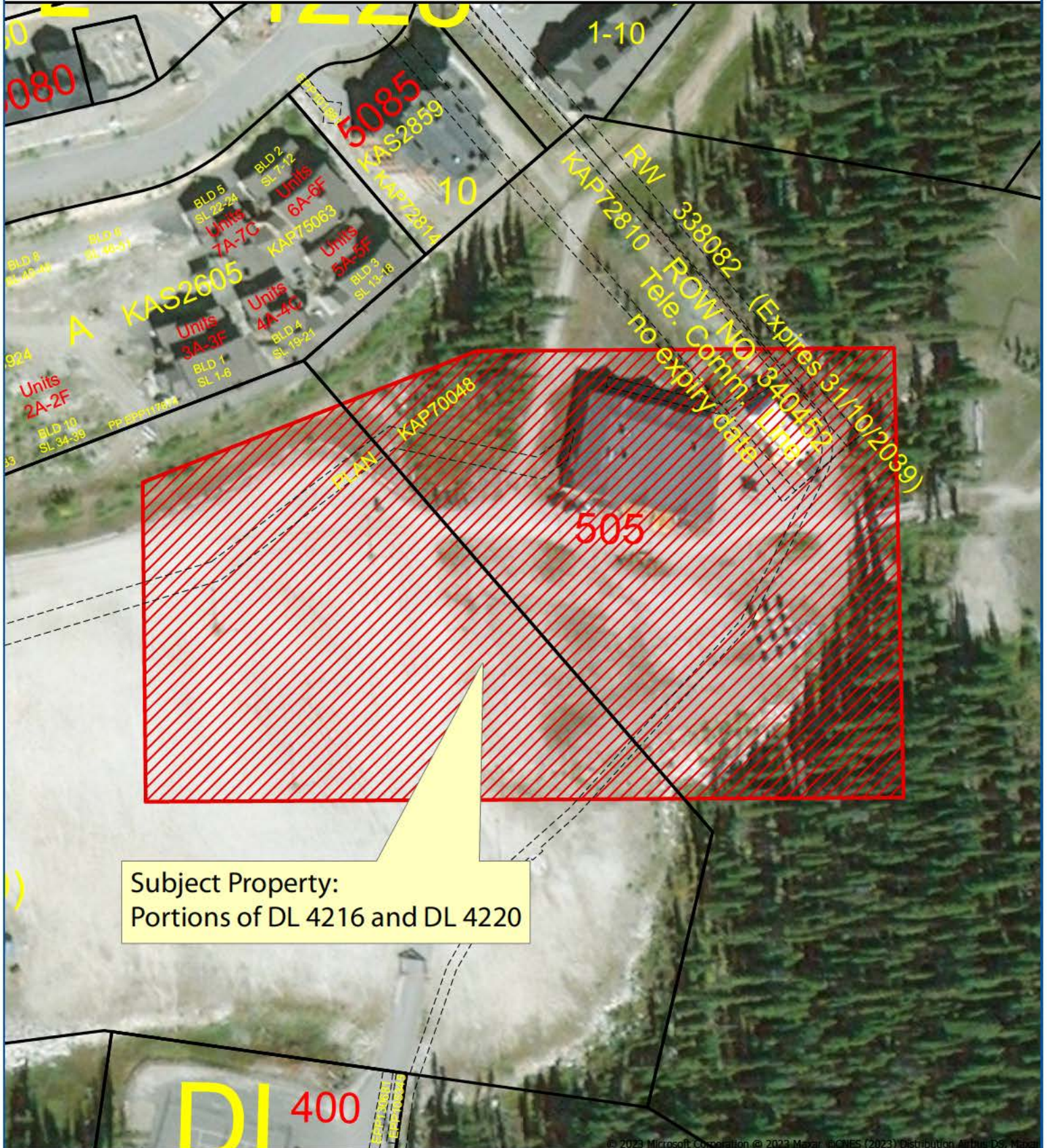
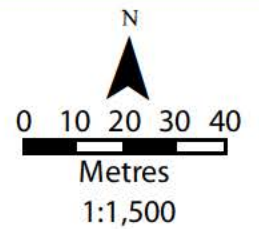


Regional District of
Kootenay Boundary

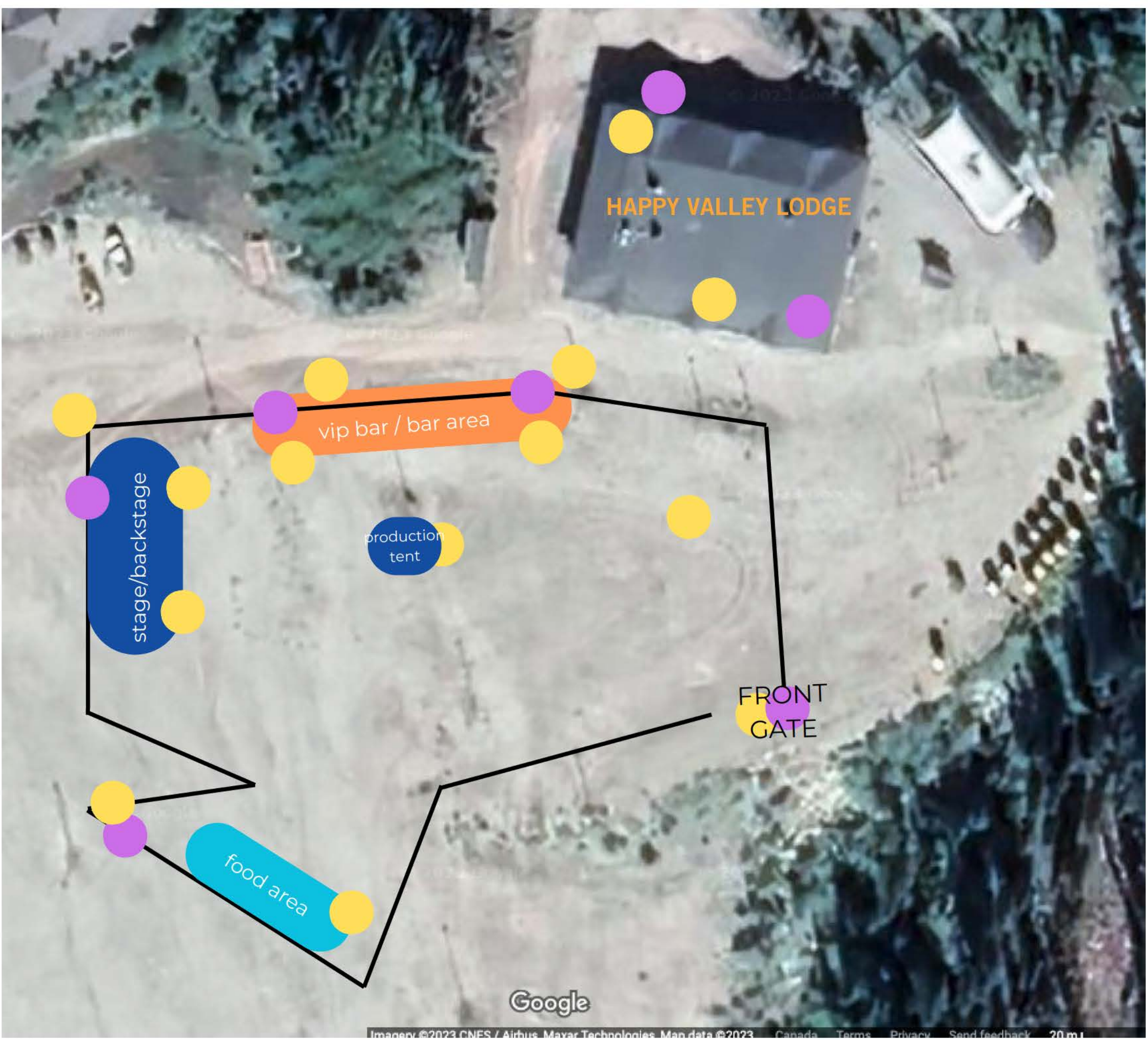
Map Date: 2023-12-11

Subject Property Map

Portion of
DL 4216 and DL 4220,
SDYD



Subject Property:
Portions of DL 4216 and DL 4220



HAPPY VALLEY LODGE

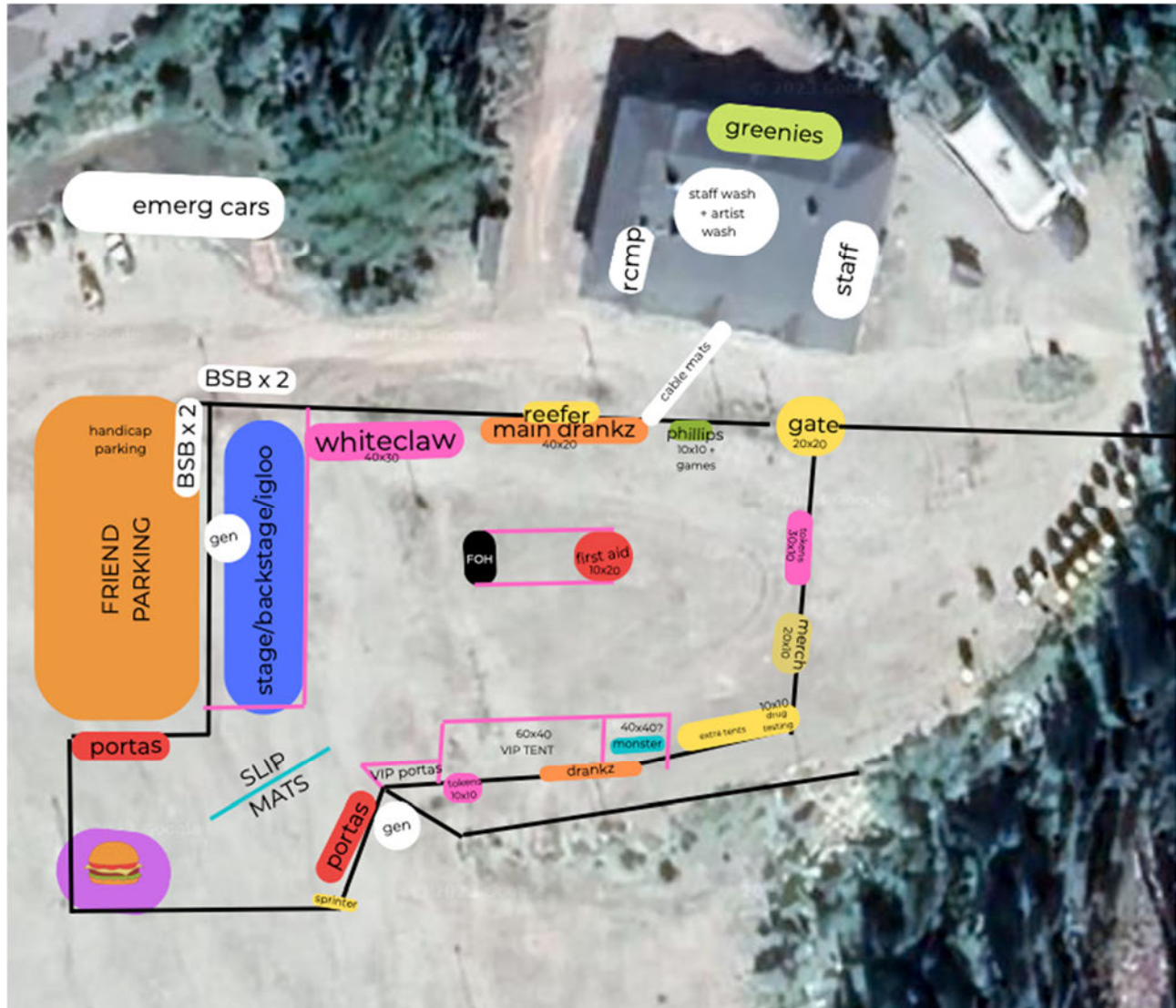
- 1.Greenrooms upstairs (steakhouse + washrooms + cafeteria)
- 2.Private VIP Washrooms Downstairs (skating area)
- 3.Warm Up Zone Downstairs
- 4.Staffing Area Downstairs (cafeteria)
- 5.Security Area Downstairs (cafeteria)

EMERGENCY EXITS

- 1.Main Gate
- 2.Behind Reefer Truck
- 3.Behind VIP
- 4.Backstage/Parking Lot Area
- 5.Food Truck Area

SECURITY

SCHEDULE B
SITE MAP



ALTITUNES 2024 Event Safety Plan

Date of Event: April 5-6, 2024

Location: Happy Valley at Big White Ski Resort

Hours:

Friday 3pm - 11pm,

Saturday 2pm - 11pm

Age: 19+

Event Production Team: Thick as Thieves Entertainment (TATE)

Capacity: 5,500

Company hired for security:

Securiguard

Number of Staff:

Friday: 55

Saturday: 55

RCMP:

6-8. Quantities to be determined by RCMP.

Entry Protocol

Entrance will be available only through one main entrance. Patrons will undergo bag check, pat down, ID check and entry check before being granted entry

Process will be as follows:

- There will be a box office at the main entrance well visible with signage; VIP, re entry and General Admission lines denoted with signs
- Ticket scanners will be at the entrance
- Front Gate Security: 8-10 security staff will be at the main entrance with festival staff who have ticket scanners and manual counters. All security staff will have walkie-talkies;
- Entry point will include 'Rules & Regulations' (x 2) attendees will have time to read while they are in the line;
- At the front of the crowd control, ALL guests (including VIP, Vendors & Media) will be required to present 2 pieces of valid ID as this is a 19+ event, no exceptions;
- Guests who have had a successful ID check will proceed towards bag

checks/pat downs and then ticket scan.

- Bag checks will be mandatory as well as a ticket printout or proof of purchase on phone which will be scanned to ensure validity;
- Once ID has been cleared and ticket has been successfully scanned, they will be granted entry to the festival ;
- There are no children or dogs allowed on site for any reason (with the exception of registered service animals), including infants, toddlers and puppies. This information is provided online before purchasing tickets as well printed on the physical tickets;
- Security will monitor exits to stop anyone from leaving site with alcohol;
- Signage regarding the right to remove intoxicated persons as well as anyone displaying signs of known gang affiliation (tattoos, clothing, etc) will be present at all entrances;
- Signage denotes TATE 's right to refuse service/ deny entry: eject unruly patrons

Security Personnel

Responsible for monitoring condition and safety of all guests, protecting the perimeter, monitoring vendors for any over-service, overall guest experience as well as tactful removal of any patrons showing signs of over-intoxication to the nearest exit and assuring no re-entry by removal of wristband.

See attached map for security layout.

EVENT SITE:

- 1 Supervisor – Main Access
- 1 Supervisor – admin/dispatch
- 1 Supervisor – stage/backstage
- 1 Site Manager
- 2 VIP Area
- 2 Stage Sides
- 4 stage Front of stage
- 2 front of house (sound)
- 4 Alcohol Service Area
- 10 Rovers
- 10 Main Access Search/Break Relief
- 4 entrance washroom/emerg exit areas
- 2 emergency exit areas
- 6-8 x Roaming RCMP will be on site for the duration of the event

*Subject to change based on feedback from Securiguard.

OVERNIGHT:

- Security staff watching event site

Responsible Service - Event Liquor Control

- Alcohol service locations, and staff members will be managed by Kerry James and Mikaela Guemos.
- All alcohol service providers will possess valid Serving It Right certification;
- Patrons can have a maximum of two drinks in hand at a time;
- All patrons require 2 pieces of ID as required by BC provincial law which will be checked at the front gates. If a ticket holder comes to the festival without proper identification, they will not be permitted access to the grounds;
- Staff will not serve patrons who are overly / visibly intoxicated. Staff will refuse the patron, and if needed will involve bar management and the Alcohol Area Security team to ensure the intoxicated patron is removed from the event; ·
- Any security matters will be escalated to Melissa Sbrega & Kerry James (alcohol related).

Load Out

Patrons

- After the final act, the emcee will announce the festival is ending and all patrons will be encouraged to find their way to the exits which will be the main entrance. Emergency exits will not be used;
- Patrons will be reminded by emcee that taxis will be on site to transport people home;
- Patrons will not be allowed to leave site with alcohol

Vendors & Service Providers

- Once patrons have left, vendors will safely remove themselves from any power supply and will load out as per the loading schedule provided. Most service providers will be leaving **APRIL 7** (tent rentals, fencing, portable washrooms, etc).

Emergency Plan

This plan will be used as a 'living document' to set out the following:

- The potential emergencies that may arise
 - The written procedures developed in response to the potential emergencies
 - The staff members responsible for particular actions in an emergency situation
 - The ongoing education and training is proposed as part of the overall strategy.

Emergency Exits

The main entrance & VIP entrance on North site will be used as an emergency exits (2), plus another on the North East by portables (1), & South east onto ring road (1) for total of 4.

Signs will be posted for Emergency Exits.

MUSTER STATION:

In the event of an evacuation, muster station is located at the west part of the Happy Valley parking lot Team leads will use their sign in/sign out sheets to account for their team members.

Event Description

A detailed description of the building

- Takes place at Happy Valley at Big White Ski Resort
- The site will have 6 foot fencing all around the venue.
- There are no permanent venues
- Dressing rooms and offices will Big Steel Boxes, or inside Happy Valley Lodge;

Description of activities taking place at the event/venue:

Guests will be playing games, listening to music, eating from food trucks and consuming alcoholic beverages.

Demographic of attendees: Predominantly 30-60+ year olds. Event is 19+.

Liquor Service:

Friday: 3:00pm until 9:30pm. Service of beer, wine, cider and alcoholic beverages.

Saturday: 2:00pm until 9:30PM. Service of beer, wine, cider and alcoholic beverages.

Scope: This plan applies to ALTITUNES relating to the following Emergency Event Scenarios including:

- Medical emergency
- Fire or Explosion
- Hazardous Material Spill/Gas Leak
- Bomb Threat
- Intruder/s
- Suspicious Items
- Electrical Failure
- Person Entrapment

Response Actions

The above-mentioned emergencies may require one or more of the following responses:

- Evacuation of the area/building
- Containment of the threat (i.e. chemical spill, gas leak)
- First Aid Treatment and/or Medical Emergency Response
- Emergency Services Response

Training Requirements

- All personnel working in any of the areas identified in this plan shall be trained in the following emergency management information:
- The general information contained within this document
- The Key personnel, their contact information as well as their roles and responsibilities
- Emergency Exit locations and paths
- Muster point locations
- Fire fighting equipment locations
- Any written procedures applicable to the building/venue regarding emergency management

Exercise Drills – will consist of a walk through by the event organizer who will ensure that all staff attending the event are aware of the evacuation procedure requirements.

There will be 10+ THICK AS THIEVES ENTERTAINMENT INC. management staff with headsets to communicate clearly throughout the event. The security team will have their own headsets to communicate as well.

Emergency Planning Committee

The Emergency Planning Committee consists of the following personnel

- Melissa Sbrega - Chief Health, Safety & Security Warden
- Kelsey Andersen - Site Director
- Kerry James - Liquor Liaison
- Amanda Clark - Site Manager
- Kurt Jory - owner
- Mitch Carefoot - owner
- Securiguard Security Site Manager
- Medical Team Lead (St. Johns ambulance)
- BCHES Team (operating/working ambulance)

This Committee will review the Emergency Plan, evaluate the response to emergency situations and revise the plan as required.

Chief Health & Safety Warden

Name: Melissa Sbrega

- Evaluate the need for evacuation as required
- Initiate evacuation if required
- Announce situation over speaker system if required
- Contact Emergency Services – i.e. 9-1-1 if required
- Account for all staff and patrons/customers in liaison with area wardens and Emergency Services
- Evaluate, in conjunction with Emergency Services, if building /area is safe prior to re-entry
- Document the emergency situation inclusive of actions taken and outcomes

Area Wardens

Name: Kelsey Andersen - Full Site

Name: Alex Flansburg - Front gate

Name: Kerry James - Bars + Hospitality

- Receive directions from the Chief Warden
- Ensure that all personnel have been alerted
- Clear all areas as required

First Aiders

- Collect First Aid kit and proceed to assembly area
- Administer first aid as required

Evacuation

The Chief Warden and Site Manager will take the following into consideration when determining if and when to evacuate:

- The severity of the incident
- The likelihood of escalation
- The incident becoming uncontrollable beyond the resources available

Generic process of evaluation is shown below:

- Reason for evacuation realized
- Appropriate staff assess situation
- Notification given to staff and patrons to evacuate to assembly points
- Staff to render assistance as required under direction of Event Organizer/Chief Warden
- Emergency Services notified of the emergency – call 9-1-1
- Staff to ensure venue is vacated including public areas, toilets etc. - Await Emergency Services assessment.

Evacuation Incidents

The following emergency procedures shall be carried out in response to the specific emergency situations:

- Fire and Explosion
- Medical Emergency
- Hazardous Materials Spill/Leak
- Bomb Threat
- Threatening Intruder/s

Evacuation Incidents

Should someone discover smoke or fire, Medical Emergency, Hazardous Materials, Bomb Threat, Threatening Intruder:

- Assess the situation and potential for evacuation
- Remove anyone in the immediate vicinity if it is safe to do so
- If trained – attempt to extinguish the fire with appropriate fire extinguisher
- Turn off gas and electricity supply if able
- Notify the Chief Warden
- Chief Warden to assess the situation and commence evacuation if deemed necessary
- Chief Warden Notify RCMP on site
- Call 9-1-1 (Emergency Services)
- Notify all patrons to leave the venue calmly and proceed to assembly points - Identify injured persons (if present)
- Staff to ensure that all patrons are moved to assembly points
- Await arrival of Emergency Services and await further instruction
- Only re-enter the area/building when advised by Emergency Services or the Chief Warden that it is safe to do so.

Location of Fire Extinguishers

- Stage, front entrance, bars, all food vendors

Medical Emergency

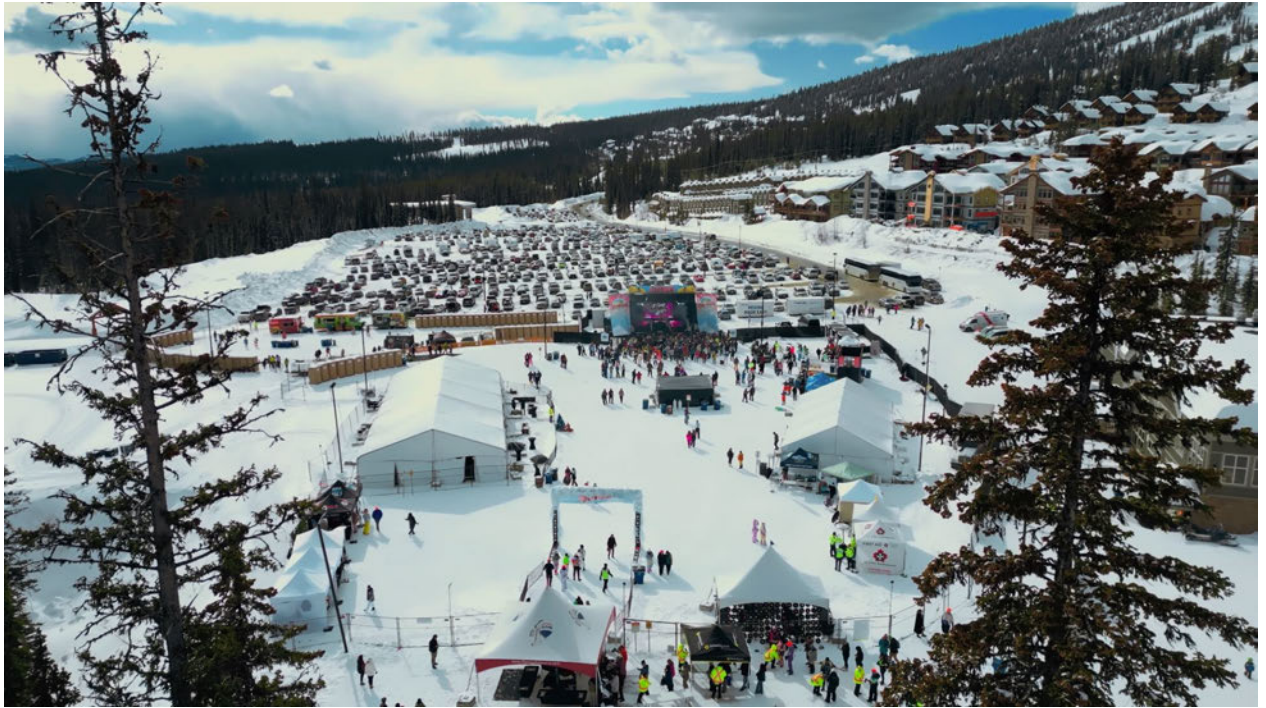
Medical staff onsite will include St. Johns Ambulance and BC Ambulance. Last year, all of our medical team consisted of registered nurses.

Location of Medical Tent: The tent will be located near the main entrance.

Should a medical emergency occur:

- The first staff member on the scene should assess the situation and if they do not have first aid training immediately notify the Event Organizer and or First Aid trained personnel.
- Call Emergency Services – 9-1-1 and request an ambulance if required - Administer First Aid as trained
- Organize for a staff member to meet the ambulance outside the venue and take them to the medical emergency
- Remain with the injured person until the Emergency Services personnel arrive - Assist Emergency Services personnel as required

- Complete an Incident Report form as soon as possible after the event.





Electoral Area E/ West Boundary-Big White Advisory Planning Commission (APC) Staff Report

RE:	Crown Grant Application Referral – Big White Ski Resort		
Date:	January 2, 2024	File #:	2023-114 BW-2713
To:	Members of the Electoral Area E/ West Boundary - Big White APC		
From:	JoAnn Peachey, Current Planning Supervisor		

Issue Introduction

We received a referral from Ministry of Tourism, Arts, Culture and Sport for a new Crown grant in Electoral Area E/ West Boundary, within the Big White Controlled Recreation Area for Big White Ski Resort (*see Attachments*).

Property Information	
Owner(s):	Provincial Crown
Agent:	N/A
Location:	No Address (South of Big White Road)
Electoral Area:	Electoral Area E/ West Boundary
Legal Description(s):	Part of District Lot 2713, SDYD
Area:	83.96ha (207.46ac)
Current Use(s):	Vacant / Tree Farm
Land Use Bylaws	
OCP No. 1125:	Lower Snow Pines Future Growth Area / Recreational Resource
DP Area:	N/A
Zoning No. 1166:	Recreational Resource 1 (REC1)
Other	
ALR:	Outside ALR
Waterfront/Floodplain:	Mapped Streams
Water Service Area:	Big White Utilities
Sewer Service Area:	Big White Utilities
Planning Agreement Areas:	N/A

History / Background Information

The subject property is located south of Big White Road and southwest of the Ridge Day Lodge in the southern portion of Big White's Controlled Recreation Area in Electoral Area E/ West Boundary. It is designated as

Lower Snow Pines Future Growth Area and Recreational Resource in Big White Official Community Plan Bylaw No. 1125 and is zoned Recreational Resource 1 (REC1) in Big White Zoning Bylaw No. 1166, 2001. The study area includes three mapped streams. The area is currently vacant; however, there is a Tree Farm licence for approximately 63ha of the 84ha area and the other 21ha is Provincial forest (*See Attachment #2-Subject Property Map*).

To enable the Ridge Base Neighbourhood plan, an amendment to Big White's OCP, including a secondary plan for this area, would be required, along with rezoning. As part of the amendment process for the OCP, inclusion of the property into a development permit area for landscape reclamation would be considered.

Proposal

This referral is a new Crown grant application for Big White Ski Report to acquire approximately 84ha of land for development of the Ridge Base Neighbourhood (*See Attachment #3-Crown Grant Referral Package*).

The application proposes to reallocate the bed units planned for Westridge (south of the Gem Lake Express chair lift) to the Ridge Base Neighbourhood, a different development area from what is proposed in the 1999 Master Plan.

The proposal includes a preliminary identification of potential roads, parking lot, ski trail and emergency access/egress trails. The development description includes 271 single family residential units and has identified opportunities for a gas station, firehall, community hall, and additional staff accommodation.

Implications

As part of a future growth area, this area is subject to secondary planning where further information will be provided. The secondary plan will likely require assessments to ensure adequate servicing (including environmental services, water, sewer and other utilities), emergency and secondary access, connectivity with the community (trails), and protection of the natural environment, among other things.

This referral package is conceptual in nature and the Province is requesting preliminary comments on information provided.

Attachments

- 1-Site Location Map
- 2-Subject Property Map
- 3-Crown Grant Referral Package

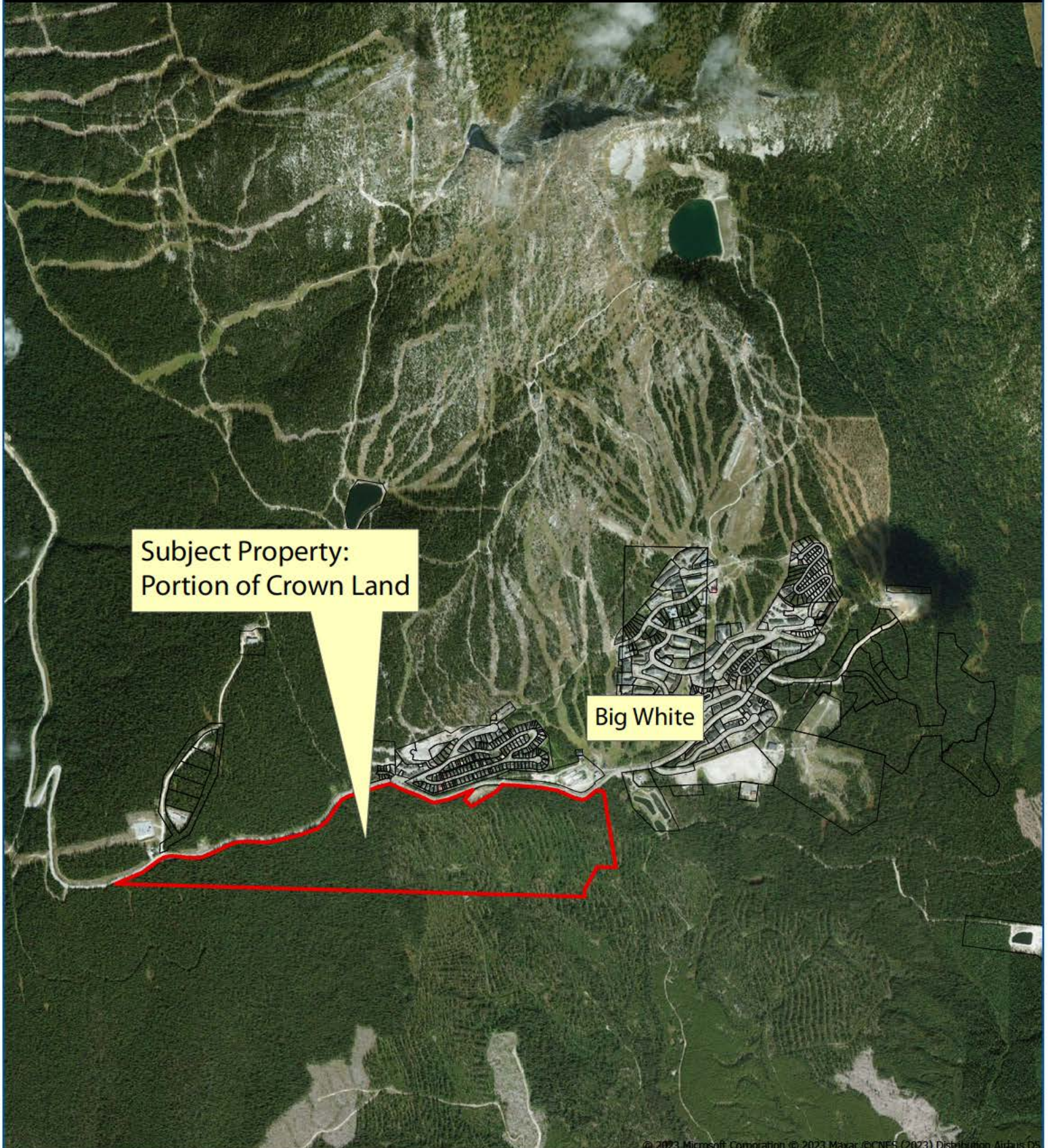
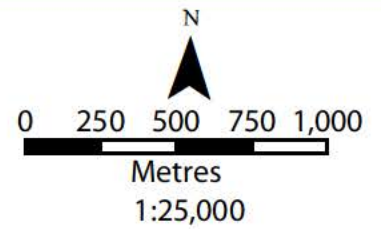


Regional District of
Kootenay Boundary

Map Date: 2023-12-15

Site Location Map

Portion of Crown Land,
SDYD



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Document Path: P:\PD\3200 Properties Titled\07 Area E (Big White)\BW 2713 Ridge Base\2023 14 CrownGrant\Mapping\SubjectProperty\Maps BW 2713.aprx



December 8, 2023

File: 3411544

Donna Dean
Manager of Planning and Development
Kootenay-Boundary Regional District
Via Email: ddean@rdkb.com

Re: New Crown Grant Application at Big White Ski Resort

The Mountain Resorts Branch of the Ministry of Tourism, Arts, Culture and Sport has received a new Crown grant application for development of an area referred to as the Ridge Base Neighbourhood at Big White Ski Resort (Big White). The application area, located below Big White Road and extending south to the boundary of the Big White Controlled Recreation Area is described as: **That part of District Lot 2713, lying adjacent to District Lot 4250, both of Similkameen Division Yale District and containing 83.96 hectares, more or less.**

The area is proposed to be developed with 271 single-family residences, comprising 1,626 bed units. The final development configuration will be refined through the Regional District of Kootenay Boundary's (RDKB) Secondary Planning process and detailed design and engineering to account for riparian setbacks, road right of ways, parklands, environmentally sensitive areas, and topography.

General Considerations

The application area is entirely within the existing Big White Controlled Recreation Area and the resort is currently operating under an approved Master Plan (1999) and Master Development Agreement with the Province. The Crown grant application is consistent with the Master Plan in terms of the number of proposed bed units and, if approved, would bring the total number of built/committed bed units to 13,761 of the 13,800 bed units approved in Big White's existing Master Development Agreement. However, the location of the proposed development area is different from what was proposed in the 1999 Master Plan, reallocating the bed units originally planned for an area identified as Westridge in the northwest portion of the Controlled Recreation area (south of the Gem Lake Express chair lift) to an area closer to the current base area developments.

The benefits of moving the neighbourhood closer to the existing Big White Village include a condensed development footprint, reduced servicing costs, and the promotion of active transportation by residents and guests, limiting the need for personal vehicle use. Other potential benefits identified by Big White and incorporated into this proposal include:

- The opportunity for a gas station and associated services;

- The opportunity for a space to host community events, such as a Community Hall;
- The opportunity to create access for development of the Ridge Base Community Firehall on District Lot 4250 (private parcel in the name of the Regional District of Kootenay Boundary);
- Expanded staff housing; and,
- Access to land outside the application area (proposed future site of the extended Ridge Chair) that will serve to provide additional parking capacity.

Should this application be approved, the sale of Crown Land will include the value of the timber. The application area is forested but overlaps with an area that has undergone fuel treatment administered by Mountain Resorts Branch's Wildfire Risk Reduction program, which involved thinning of the forest stand and the removal of ladder fuels. There are no overlaps with legal or non-legal Old Growth Management Areas. Approximately 63 ha of this application area overlaps with Tree Farm Licence 8 and MRB is engaging with Interfor and agencies within the Ministry of Forests to resolve this conflict. The remaining area, approximately 21 ha, will require removal from the Provincial Forest.

Four unnamed streams that are part of the Trapping Creek drainage have been identified within the application area that will not be included in the Crown grant (the watercourses will be surveyed out and remain with the Crown). Big White has committed to engaging a Qualified Professional to complete Assessment Reports and establish appropriate Streamside Protection and Enhancement Areas prior to development. Additionally, Big White will follow the recommendations in a 2020 Environmental Review prepared for Big White by Cascade Environmental Resource Group (link provided below).

A timeline for development of the proposed Ridge Base Neighbourhood has not yet been determined as the project would not be initiated until after residential development currently underway within the Black Forest neighbourhood is complete.

RDKB Considerations

The proposed Ridge Base Neighbourhood lands are currently zoned Recreation Resource 1 (REC1). The required zoning will be determined through the Secondary Planning process, but Big White foresees requesting that most of the land be amended to Chalet Residential 3 (R3) with appropriate zoning for other specific uses, such as a community hall and gas station, to be identified in collaboration with the RDKB.

Big White anticipates that Commercial & Multi-Family (DP1) and Alpine Environmentally Sensitive Landscape Reclamation (DP2) Development Permits will be required from the RDKB in advance of construction.

Big White Utilities Ltd. has confirmed that the utility has sufficient water, gas, and wastewater treatment capacity to service the proposed Ridge Base development.

Ministry of Transportation and Infrastructure (MoTI) Considerations

Access to the proposed parcel will be from Big White Road, with multiple ingress and egress options to be confirmed through detailed design. Also requiring confirmation will be the location of a skier bridge across Big White Road to provide ski to/ski from access between the neighbourhood and the mountain. Once the development details are known the developer will apply for subdivision, which will require consent from Mountain Resorts Branch; consent will be granted so long as the subdivision application is consistent with the application.

Resources

1. Crown grant application package (including maps, attached)
2. Geomark: <https://apps.gov.bc.ca/pub/geomark/geomarks/gm-B894C7FF71CC4401BCC10456A10CD0BE>
3. Approved Big White Master Plan (1999):
<https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/resort-development/proposed-approved-resort-master-plans/list-of-approved-plans/big-white>
4. Environmental Review: Draft Master Plan for Expansion Area – 2020, Big White Ski: [appendix 201019 env review for expansion.pdf \(gov.bc.ca\)](#)
5. Draft Big White Master Plan for expansion (2020): [Big White Project Review - Province of British Columbia \(gov.bc.ca\)](#)

Request for Comments

The Mountain Resorts Branch is requesting that you review the Crown grant application and provide us with your comments by **January 22, 2024**. If this timeline poses a challenge, please let me know as soon as you can.

We look forward to working with you in review of this Crown grant application. If you have questions or require more information please contact me at 250-312-6659, Amber.McAfee@gov.bc.ca, or Tori Meeks, Senior Manager, Major Projects at 250-312-7415, Tori.Meeks@gov.bc.ca.

Sincerely,

A handwritten signature in blue ink that reads "Amber McAfee". The signature is written in a cursive, flowing style.

Amber McAfee, Licenced Senior Project Specialist
Mountain Resorts Branch

Enc. Crown Grant Application: Ridge Base Neighbourhood at Big White



Ridge Base Neighbourhood at Big White
CROWN GRANT APPLICATION
October 26, 2023



1 OVERVIEW OF PROPOSED DEVELOPMENT

As part of its continuing effort to create a vibrant community that offers a diverse residential offering in balance with the capacity of its on-mountain recreation amenities, Big White Ski Resort (Big White) wishes to purchase an unsurveyed parcel southwest of the Ridge Day Lodge to establish the Ridge Base Neighbourhood¹ (Figure 1 & Figure 2 – Appendix).

The proposed parcel lies within the Resort's Controlled Recreation Area (CRA), south of Big White Road, just southwest of the existing Ridge Day Lodge. The parcel has multiple access options to Big White Road and significant ski-to/ski-from residential opportunities. This land is within the Lower Snow Pines Future Growth Area identified in the 2001 Big White Official Community Plan (Figure 3 – Appendix). The development concept diverges from the approved 1999 Master Plan concept to realize a more compact, village-centered design that can be easily integrated with existing recreation attractions, village amenities, and the multipurpose trail network (see Sec. 1.3). It is also consistent with the 2020 Master Plan, which was submitted in November 2020 and is currently undergoing Provincial review, and preserves the opportunities presented in the 2020 Master Plan that lay beyond the approved CRA boundary.

1.1 The Vision for the Ridge Base Neighbourhood

The Ridge Base Neighbourhood will add to the diverse mix of accommodation options at Big White, offering a more rural, wilderness-focused experience that prioritizes intimacy, avoids distractions of busy Village areas, and offers easy access to the surrounding natural landscape through the multipurpose trail network. The intent is for the Ridge Base Neighbourhood to be a walk from village services and amenities, but to feel a world away.

The neighbourhood would be an extension of the existing development at Big White, specifically the Ridge Day Lodge and Snowpines Neighbourhood, maintaining Big White's centralized and compact layout. However, it will feature forested buffers and preserve a series of riparian areas that will create a spatial separation from the rest of Big White and Big White Village, enhancing the unique nature and ambience of the Ridge Base Neighbourhood.

¹ Big White acknowledges the need for this parcel to be surveyed to complete the Crown grant process.

1.2 The Ridge Base Neighbourhood - Opportunities

The proposed development of the Ridge Base Neighbourhood has been planned to capitalize on opportunities unique to Big White and address ongoing challenges, ultimately ensuring that the proposed development furthers Big White's reputation as a high-quality, destination mountain resort. Through the development of the Ridge Base Neighbourhood Big White will realize several opportunities:

1. Meet the Growing Demand for Resort Accommodation

In recent years, Big White has experienced an unprecedented increase in overnight stays. On weekends and holidays in the winter, accommodation at Big White is effectively at 100% occupancy. The Resort cannot host more guests despite the overwhelming interest and demand. Further, as noted below, demand is being driven by the growing popularity and capacity of on-mountain recreation attractions that Big White has invested in.

2. Create a Balance with On-Mountain Recreation Attractions

Over the years, Big White has made significant capital investments in its on-mountain recreation attractions, creating considerable guest capacity on its lifts and trails. This increased on-mountain capacity has not been fully matched by the capacity of overnight accommodation at the Resort, resulting in an imbalance that negatively impacts guests and the Resort. To correct this imbalance, and following the 'Perform and Reward' approach of the All Season Resort Policy and Guidelines, Big White's capital investment in on-mountain capacity has earned them the opportunity to draw down on the bed units approved under its current 1999 Master Plan. Guided by the Resort's current Balanced Resort Capacity and the objective to address the deficit in overnight accommodation, Big White is applying to use the remainder of the approved 13,800 Bed Units included in the 1999 Big White Ski Resort Master Plan.

3. Ski-to/Ski-from Residences

Big White is known for its high-quality ski-to/ski-from residential accommodations. From the guest's perspective, the ability to have accommodation on the slopes, with skiing and biking out their backdoor, and without the need to drive to buy dinner or start their day, creates a unique recreation experience which stands apart from both their day-to-day lives and experiences at other resorts. With the Ridge Base Neighbourhood Big White will continue to develop ski-to/ski-from resort residential accommodation that creates this unique and sought-after experience.

4. A Gas Station at Big White

The 2021 Big White Community Issues Assessment identified a gas station as a community amenity that would create a significant benefit for guests and residents. First identified in the 2020 Big White Master Plan, the Ridge Base Neighbourhood has been planned and designed to include a gas station and related services. Recognizing this potential benefit and in alignment with the 2020 Master Plan, there is an opportunity to delineate and preserve a commercial development parcel for a gas station and related services in the Ridge Base Neighbourhood.

5. The Ridge Base Community Firehall

Through a 2008 planning process for the Snow Pines Future Growth Area, Big White, in collaboration with the Regional District of Kootenay Boundary, set aside land for a Ridge Base Community Firehall (DL 4250). The process to establish the firehall stalled soon after the land was purchased, but through the planning and development of the Ridge Base Neighbourhood, there is an opportunity to create the needed road access and complete the development of the Ridge Base Community Firehall as originally envisioned.

6. A Community Hall

Community space was identified as a priority by Big White residents in the 2021 Community Issues Assessment. A Community Hall could be developed on lease land and integrated into the Ridge Base Neighbourhood. This space could be used for community events, host administrative space of community organizations, support community recreation and education programming, and generally serve as a meeting place for Big White residents.

7. Additional Staff Accommodation

As it grows, Big White continues to prioritize staff accommodation and building upon recent approvals for staff accommodation in the Black Forest Neighbourhood, will pursue the development of additional staff accommodation on lease lands in the Ridge Base Neighbourhood. The intent is to locate staff accommodation in proximity to the existing Ridge Day Lodge to facilitate easy access to the mountain and Village core.

8. Temporary Overflow Parking Lot

On peak days during the winter, existing day-use parking lots at Big White can reach capacity and ultimately diminish the experience of guests and residents alike. As envisioned, the site of the extended Ridge Chair proposed in the 2020 Master Plan would be used as a temporary overflow parking lot that would alleviate parking pressure on peak days, offering approximately 400 new parking stalls, as well as support ski-to/ski-from opportunities for future residents of the Ridge Base Neighbourhood. The temporary overflow parking lot would be serviced by a shuttle connecting guests to the Ridge Day Lodge, Big White Village, and Happy Valley. Subject to changes that may be realized through the 2020 Master Plan review process, the intent is for the parking lot to eventually be upgraded and expanded as part of the proposed Ridge Chair extension and Ridge Base development.

9. Ridge Base Skiway with Skier Bridge Across Big White Road

As planned, a new beginner ski trail would branch off the Serwa's ski trail within the Ridge/Snow Ghost Chairs ski pod, extending west before descending and connecting to the Monashee development on the north side of Big White Road. This new ski trail would then cross over Big White Road by way of a new skier bridge and travel through the proposed parcel to the site of the future Ridge Base, as delineated in 2020 Big White Master Plan. It will also lead to a temporary overflow parking lot. This new access would benefit residents in the Monashee development and Ridge Base Neighbourhood, improve skier circulation and skier access, and limit the need for personal vehicle use.

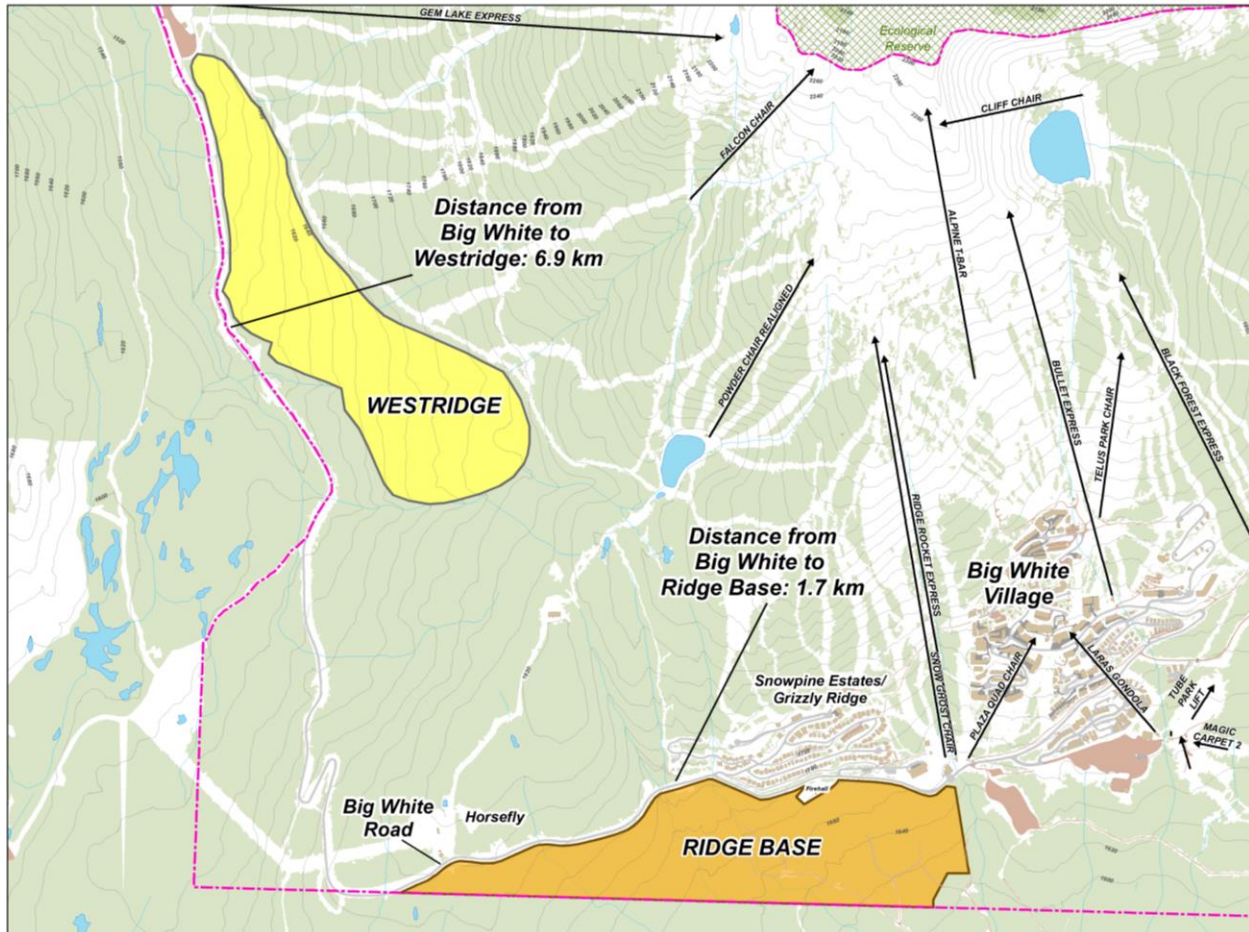
The proposed Ridge Base Neighbourhood will also leverage and realize benefits from existing developments. These include:

- Direct skier and pedestrian connections to existing four-season on-mountain recreation and the guest and resident services of Big White Village via the Snow Ghost/Ridge Rocket Chairs and Plaza Chair.
- Ski to/ski from accommodation which will limit guest and resident reliance on personal vehicle use at Big White.
- Integration with the Big White multipurpose trail network, further limiting reliance on personal vehicle use and providing an accessible public outdoor recreation amenity suitable for a range of activities through all four seasons (e.g., cross-country skiing, dog walking, mountain biking, hiking, trail running, snowshoeing, fat biking)
- The potential for multiple access points along Big White Road, optimizing vehicle circulation.

1.3 Reallocating Development Lands to Support Compact Design

Through this Crown grant, Big White is seeking to reallocate the lands within the Westridge (Area “h”) Base Area Development Zone (93 ha) identified in the approved 1999 Big White Master Plan to the Ridge Base Neighbourhood lands (84 ha), an area that was not considered for residential development at that time (see the map on the following page). As detailed in the 1999 Master Plan, the intent of the Westridge Area was “to establish ski-to/ski-from residential development in association with the Westridge ski area expansion”, but only after “the buildout of the Village area real estate” (pg. IV-18).

In the years since the approval of the 1999 Master Plan, Big White has grown and evolved, following the guidance of the Master Plan but reflecting the ever-shifting realities of the market, recreation, and its business priorities. As a result, the Westridge Area has taken on a lower priority for residential development due to its distance from the core, significantly higher development costs resulting from this distance, reliance on personal vehicle use to access the Village, an unwanted dispersed community character and feel, and its potential to detract from the desired intimate village ambiance at Big White.



The Ridge Base Neighbourhood is significantly closer to Big White Village, its services, and its amenities, and more easily integrated into the multi-purpose trail network as compared to the Westridge area, which is approximately 7 km from the Village.

Instead, Big White's focus has been concentrated on the lands adjacent and in proximity to Big White Village in keeping with their stated intent to build out the Village area with ski-to/ski-from residential development. The proposed Ridge Base Neighbourhood continues this approach and pattern of development, building on Big White's objectives:

- To create a pedestrian-oriented community that encourages guests and residents to avoid personal vehicle use.
- To support and foster a vibrant Resort business community in Big White Village (e.g., grocery stores, restaurants, retail)
- To maintain ski to/ski from residential development as a key differentiator from other ski resorts in BC.
- To build upon an increasingly popular summer season recreation offering based out of Big White Village and the Bullet Express chairlift.

The reallocation of the Westridge Area lands to the proposed Ridge Base Neighbourhood represents a natural progression and the logical next step in Big White's base area development.

1.4 Community Planning and Local Bylaws

1.4.1 Community Issues and Opportunities

Through its operations and ongoing development, Big White continues to support the community vision of a “year-round community with a diverse array of services, amenities, and businesses” (Big White Community Issues Assessment (CIA), pg. 22). The recently approved Phase 1 of the Black Forest Neighbourhood includes over 600 beds for employees, a need identified in both the RDKB Housing Needs Report (pg. 72) and CIA (pg. 31). Phase 3 of the Black Forest Neighbourhood creates a neighbourhood for year-round living and embedded an accessible, community-focused multipurpose trail network into future development, both of which are priorities for community members (CIA, pg. 22; CIA, pg. 29).

The Ridge Base Neighbourhood builds on and complements these projects:

- It incorporates the opportunity for a gas station and associated services that would address a current community need and “significantly benefit visitors and year-round residents” (CIA, pg. 30).
- It creates an opportunity to construct a Community Hall and provide community space for events, a high priority for Big White’s residents (CIA, pg. 28).
- It supports the expanded operations of the Big White Fire Department, voted as the most important municipal service by residents (CIA Appendix A, pg. 57), with fee simple lands for a new Ridge Base Community Firehall (DL 4250).
- It builds on Big White’s commitment to expanded staff housing, addressing concerns raised in the RDKB Housing Needs Report (pg. 72) and CIA (pg. 31).
- It provides additional parking capacity, noted by many residents as an ongoing challenge at Big White (CIA Appendix A, pg. 133 – 134).

Collectively, the various projects undertaken by Big White work to meet the needs of guests and residents, and the Ridge Base Neighbourhood is the next significant step in this effort.

1.4.2 Local Bylaws

The proposed Ridge Base Neighbourhood falls within the Snow Pines Future Growth Area. Following the Big White Official Community Plan (OCP) of the Regional District of Kootenay Boundary, the proposed development concept will require a Secondary Plan, an amendment to the OCP, and Zoning amendments. Big White will ensure the Ridge Base Neighbourhood Secondary Plan addresses all the requirements detailed in Section 3.3 of the Big White OCP. To this, the development of the Ridge Base Neighbourhood Secondary Plan and neighbourhood concept will be guided by the requirements of the OCP and the following objectives:

- Cost-effective development that respects ski terrain and topography;
- Additional residential development that supports the established Village Centre commercial area;

- Allow for various residential alternatives;
- Coordinate land development and servicing needs with the existing infrastructure and residential expansion;
- Promote and preserve the area's environmental values;
- Support community resilience and address the likely impacts of climate change; and
- Support active transportation, including ski trails, cycling, and walking paths, and alternatives to personal vehicle use, wherever feasible;

The Ridge Base Neighbourhood lands are currently zoned Recreation Resource (REC1) (Figure 4 – Appendix), and though a final determination will be made through the planning process for the Secondary Plan, Big White anticipates requesting that most of the land be amended to Chalet Residential 3 (R3) in line with the desired single-family experience. The specific uses noted above, such as staff accommodation, a gas station, and a community hall, will be zoned appropriately in collaboration with the RDKB through the Secondary Plan planning process.

It is anticipated that the Secondary Plan would require the proposed parcel to obtain Commercial & Multi-Family (DP1) / Alpine Environmentally Sensitive Landscape Reclamation (DP2) Development Permits from the RDKB prior to construction.

2 SUBJECT LANDS AND ACCESS

The subject lands are located within the southern portion of the Big White CRA, just southwest of the Ridge Day Lodge, on gently sloping terrain between Big White Road and the CRA boundary. Access to the proposed parcel will be from Big White Road, with multiple ingress and egress options.

The proposed Ridge Base Neighbourhood does not overlap with any existing Provincial tenures but does overlap with approximately 63 ha of Tree Farm License # 8 held by Interfor. Big White has a strong working relationship with Interfor developed through collaboration on previous Resort and forestry projects and the creation of the 2020 Big White Master Plan that is currently under review. Big White is confident that Interfor's interests can be satisfactorily addressed through the planning process and accepts that the resolution of Interfor's interests will be a condition of a Crown grant offer.

The Neighbourhood also overlaps with an area that was treated through the Wildfire Risk Reduction program administered by the Mountain Resorts Branch. Through this program, the forest stands within the Ridge Base Neighbourhood immediately south of Big White Road were substantially thinned to reduce tree density and minimize understory tree and vegetation cover, and potential forest fire fuel (e.g., slash, dead trees) was removed.

3 DEVELOPMENT DESCRIPTION AND CONCEPT

The preliminary development concept includes a single parcel for resort accommodation located within the existing CRA (Figure 5 – Appendix). As envisioned the development would include 271 single-family homes and amount to 1,627 bed units. In the east, the parcel would be transected by a dedicated ski trail leading from the mountain above the Monashee development, across Big White Road by way of a skier bridge to provide ski-to/ski-from access. A final alignment for this trail through the parcel will be determined through detailed planning in coordination with the developer, but the intent is for this trail to ultimately lead to the planned Ridge Base and extended Ridge Rocket Chairlift anticipated in the new 2020 Master Plan. In the short term, a portion of the future Ridge Base area would be developed as a temporary overflow parking lot with shuttle service to the existing Ridge Day Lodge (Ridge Rocket/Snow Ghost Chairs), Big White Village, and the Happy Valley. Guests and residents of the Ridge Base Neighbourhood could ski down to start their day, eliminating the need to use a car or take up existing day-use parking spaces. This would also address a need for additional peak day parking capacity at Big White, a benefit to day-use guests. The temporary parking lot would be developed on Crown lands through a License of Occupation, per the direction of the All Season Resort Policy, with road access through the proposed parcel.

The pedestrian-oriented focus of the Ridge Base Neighbourhood is further supported by the Big White multipurpose trail network. The parcel would be integrated into the trail network which acts to connect guests to Big White Village and key points around the Resort, and as a recreation amenity ideal for walking, trail running, dog walking, and cycling in the summer, and cross-country skiing, fat biking, and snowshoeing in the winter.

The proposed development concept is summarized in Table 1. Of note, the extent and area of the proposed parcel are preliminary and will be refined through the planning process to account for riparian zones, road right of ways, parklands, environmentally sensitive areas, and topography unconducive to residential development. The final boundaries will be established by a surveyor and approved by the Surveyor General.

Table 1: Ridge Base Neighbourhood – Proposed Development Summary

Area (Ha)	Zoning	Unit Type	No. of Units	No. of Bed Units
83.94	Chalet Residential (R3)*	Single-Family	271	1,626

*Site-specific zoning for uses such as staff accommodation, a gas station, and a community hall, will be determined in collaboration with the RDKB through the Secondary Plan planning process once the parcel layout has been finalized.

At present, Big White has 8,591 built bed units and 3,544 committed bed units for a total of 12,135 bed units. This leaves 1,665 bed units to be developed from the 13,800 bed units included in the approved 1999 Big White Master Plan.

With the development of the proposed Ridge Base Neighbourhood and the requested 1,626

bed units, built bed units would remain at 8,591 and committed bed units would increase to 5,170 for a total of 13,761 bed units, leaving 39 bed units remaining under the 1999 Big White Master Plan.

4 SERVICING

A letter of support from Big White Utilities Ltd. for the Ridge Base Crown grant is included in the Appendix. It details the current and future capacity of water, gas, and wastewater treatment at Big White, including detailed plans of the water and wastewater treatment systems, and confirms that Big White Utilities Ltd. has the capacity to service the proposed Ridge Base development.

5 PHASED IMPLEMENTATION AND TIMELINE

The proposed development of the Ridge Base Neighbourhood would be phased and take place gradually over the moderate term, following the development of the Black Forest Neighbourhood. The development would effectively extend out from the Ridge Day Lodge, progressing from east to west through the proposed parcel. The pace and timing of development would be based on market conditions and trends, Big White's priorities, and there being a business case to proceed.

6 ENVIRONMENTAL CONTEXT

In 2020 Cascade Environmental Resource Group Ltd. (CERG) undertook an environmental review of Big White Ski Resort, including the proposed Ridge Base Neighbourhood. The review found the following site characteristics:

- The subject lands are part of the Engelmann Spruce-Subalpine Fir (ESSF) Biogeoclimatic Zone
- The vegetation is dominated by Western larch (Lw) and Mountain hemlock (Hm), with others, such as Lodgepole pine (Pl) and Trembling aspen (At) also found throughout the area.
- Forests are comprised of Mature and Old Growth stands.
- The proposed Ridge Base Neighbourhood does not overlap with any legal or non-legal OGMA.
- There are 4 unnamed streams that cross through the proposed parcel and are part of the Trapping Creek Drainage. Most of the tributaries of Trapping Creek within the CRA are ephemeral in nature, and fish species are limited to lower elevations of the watershed, outside the CRA.
 - Big White will adhere to the Riparian Areas Regulation (RAR) and engage a Qualified Environmental Professional to complete Assessment Reports for streams that may be impacted to establish the appropriate Streamside Protection Enhancement Areas, prior to development.

- The lands partially overlap with an approved Wildlife Habitat Area (WHA) for Grizzly bear, but the proposed development does not conflict with the General Wildlife Measures of the WHA.
- The lands overlap with potential habitat for American badger (Species at Risk). Following the recommendations of CERG (2020), Big White will conduct the necessary field surveys to confirm that they do not occupy the proposed lands prior to construction.
- The Ridge Rocket Chair and proposed Ridge Rocket Extension, along the eastern parcel boundary, are within a wildlife corridor. The corridor is respected and preserved by the Ridge Base Neighbourhood development.
- The bedrock in the area consists of granodiorite and quartz diorite dome that provides good foundations for structures.
- The soil in the area is a combination of Cninnemousen and Snookwa classifications that are moderately well-drained to well-drained, conducive to development.

In Fall 2023, Ecoscape Environmental Consultants Ltd. was engaged to confirm the presence and alignments of the watercourses within the proposed Neighbourhood and establish the appropriate riparian buffers. This data was integrated into the design of the Neighbourhood and the streams and riparian areas were preserved.

Finally, a review of the Provincial Environmental Remediation Sites database and the Federal Contaminated Sites Inventory confirms that the lands within the Ridge Base Neighbourhood do not contain any known hazardous sites.

In all cases, Big White will follow the recommendations in Section 4 of the CERG environmental assessment (2020) that relate to managing and mitigating impacts on the natural landscape.

7 CONCLUSION

The proposed Ridge Base Neighbourhood delivers a series of significant improvements and benefits to Big White Ski Resort, its residents, and its guests. Through the development of a gas station, community hall, firehall, expanded parking, employee housing, and ski-to/ski-from accommodation supported by a multipurpose trail network, the Ridge Base Neighbourhood will support a year-round community, contribute to the growing diversity of community services and amenities at Big White, and advance Big White's efforts to provide a high-quality mountain destination resort experience.

8.2 FIGURES

Figure 1. Ridge Base Neighbourhood Context Map.....	Page 20
Figure 2. Ridge Base Neighbourhood Existing Conditions.....	Page 21
Figure 3. Existing RDKB Big White OCP Land Use Designations.....	Page 22
Figure 4. Existing RDKB Zoning Bylaw.....	Page 23
Figure 5. Ridge Base Neighbourhood Concept.....	Page 24



Big White Ski Resort
2023

Legend

- Ridge Base
- Neighbourhood Parcels
- Existing Big White CRA
- Existing Ski Lifts
- Committed Lifts
- Streams
- Lakes
- Existing Vegetation

Prepared for:



5315 Big White Road
Kelowna, BC
Canada V1P 1P3
Tel: (250) 765-3101 Fax: (250) 491-6122
email: bigwhite@bigwhite.com

Planning by:



4-1005 Alpha Lake Road,
Whistler, B.C.
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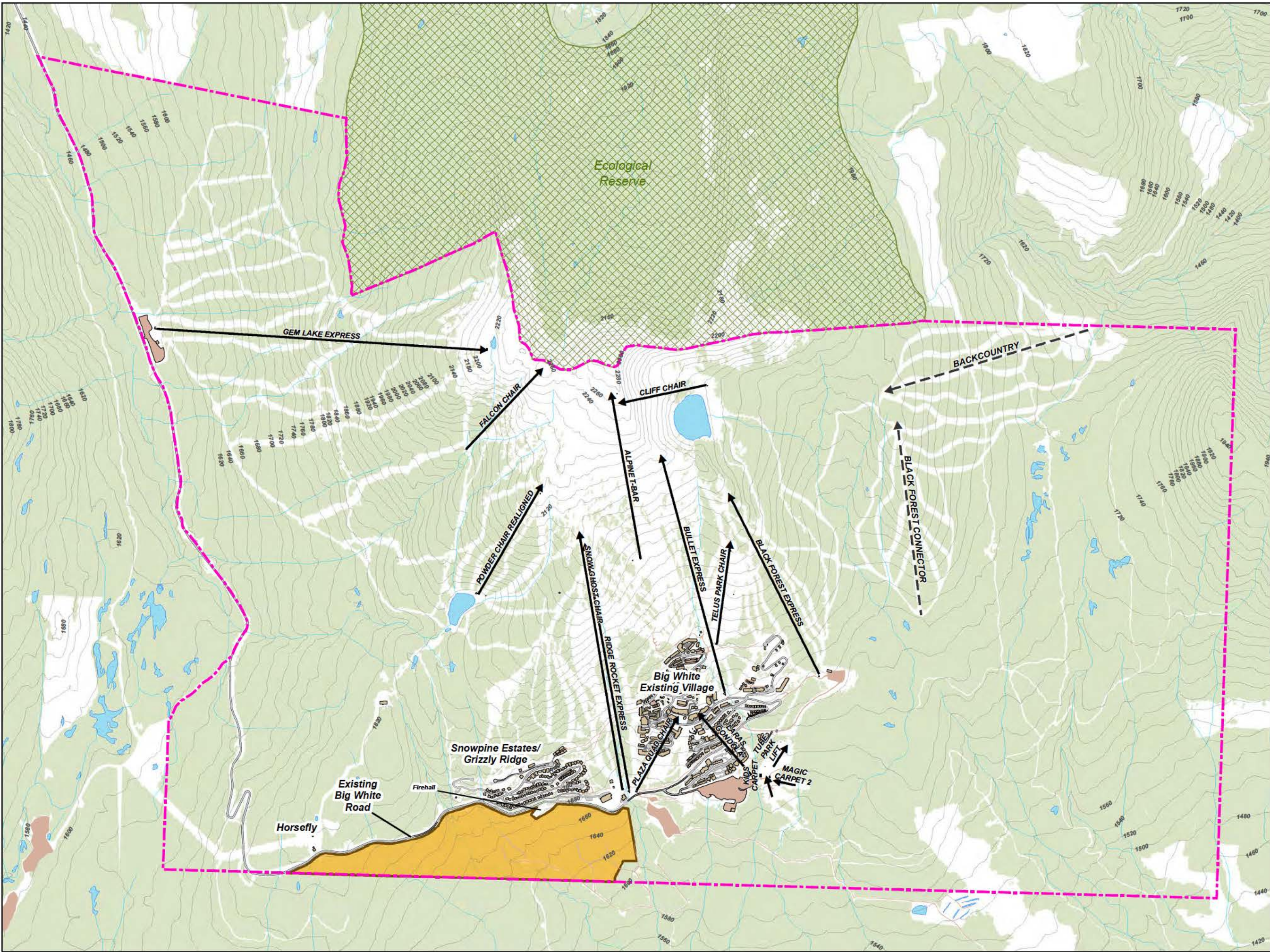
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Ridge Base
Neighbourhood
Context

Figure 1





Big White Ski Resort
2023

Legend

- Ridge Base Neighbourhood Study Area
- Existing CRA
- BC Parcel Fabric
- Existing & Committed Ski Lifts
- Roads & Parking Areas
- Gravel Surface
- Ecoscape Study - Mapped Streams
- Lakes
- Existing Vegetation

Prepared for:



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Kelowna, BC
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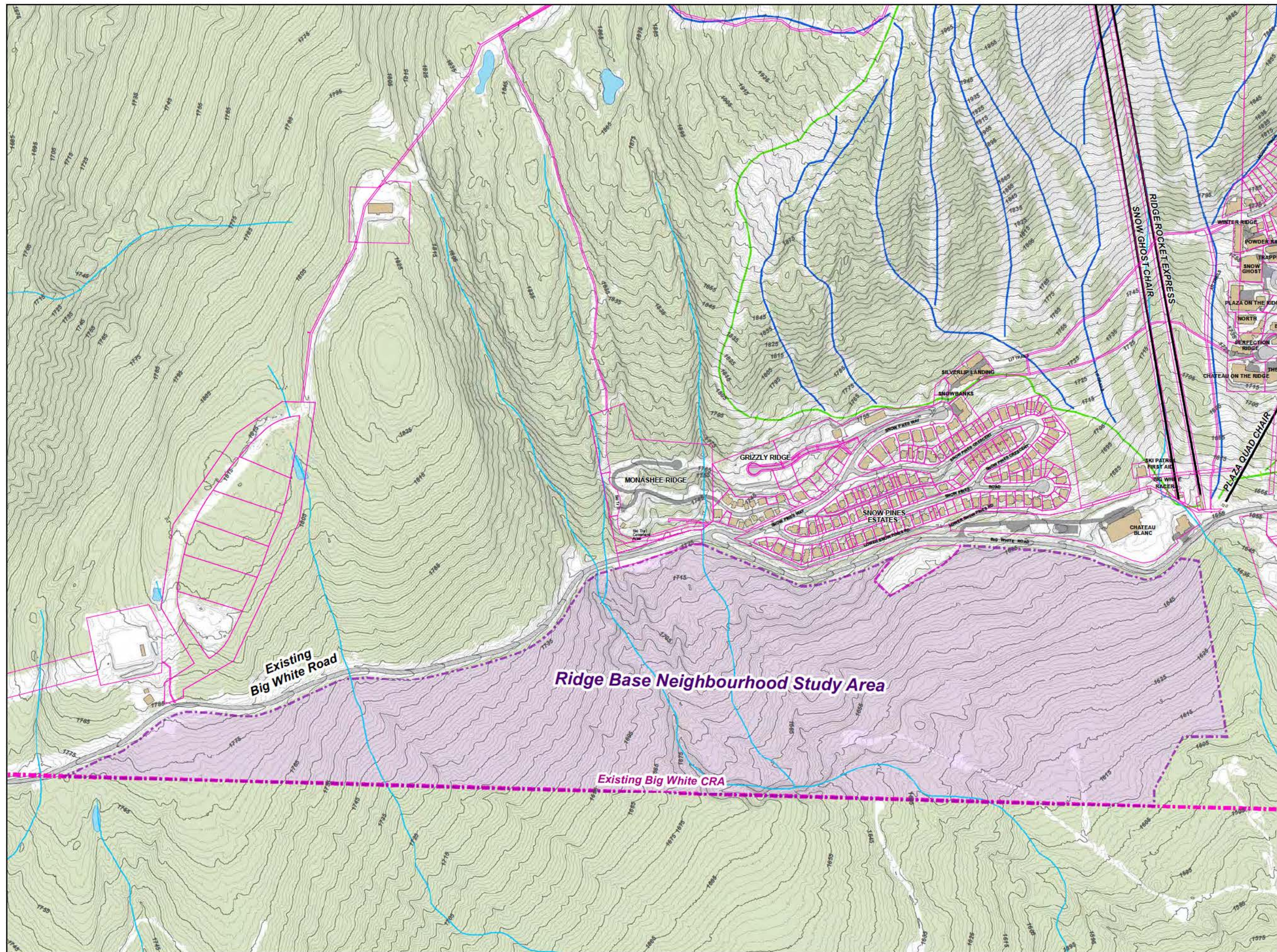
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Ridge Base
Neighbourhood
Existing Conditions

Figure 2



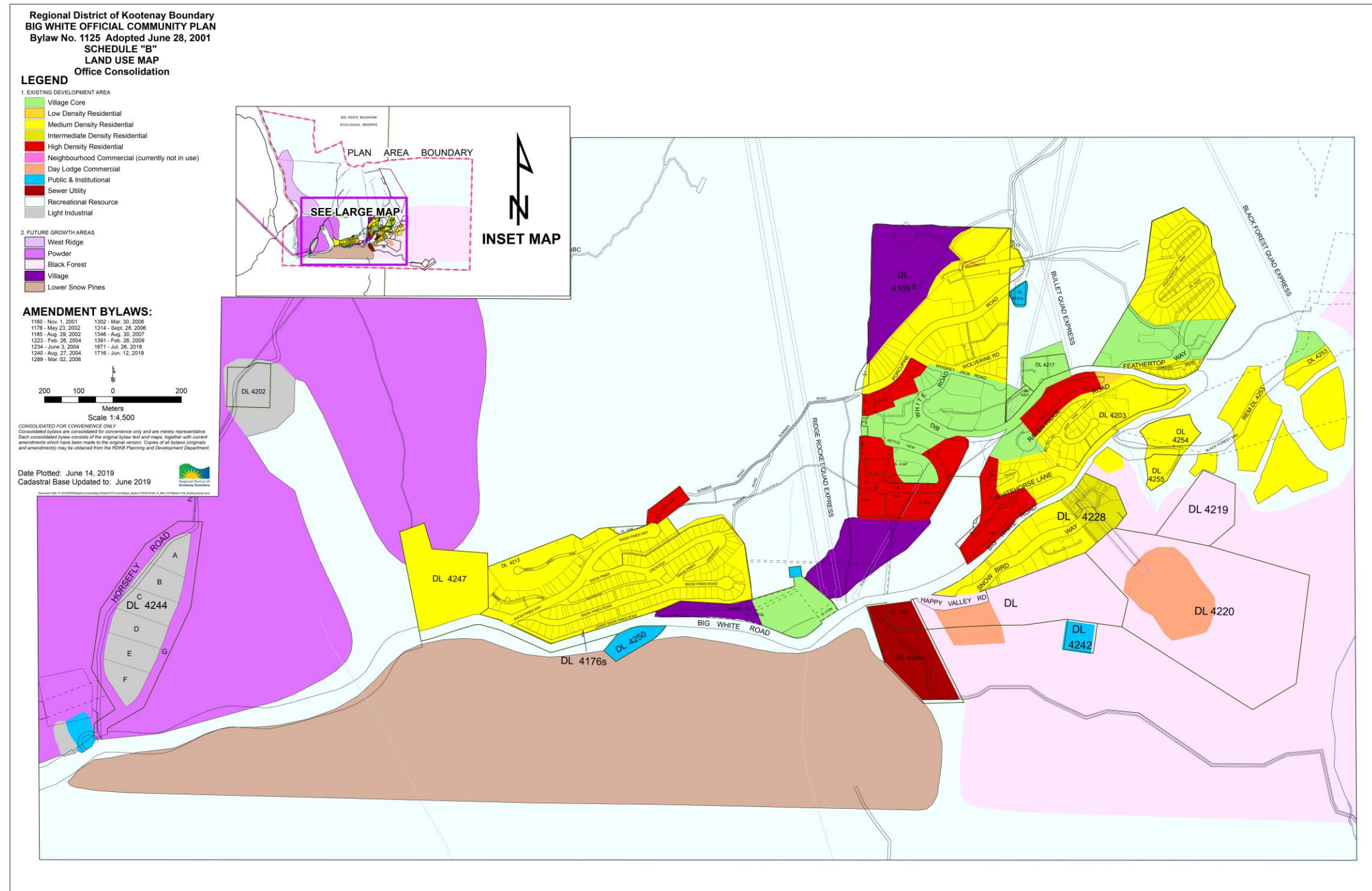


Figure 3. Regional District of Kootenay Boundary – Existing OCP Land Use Designations

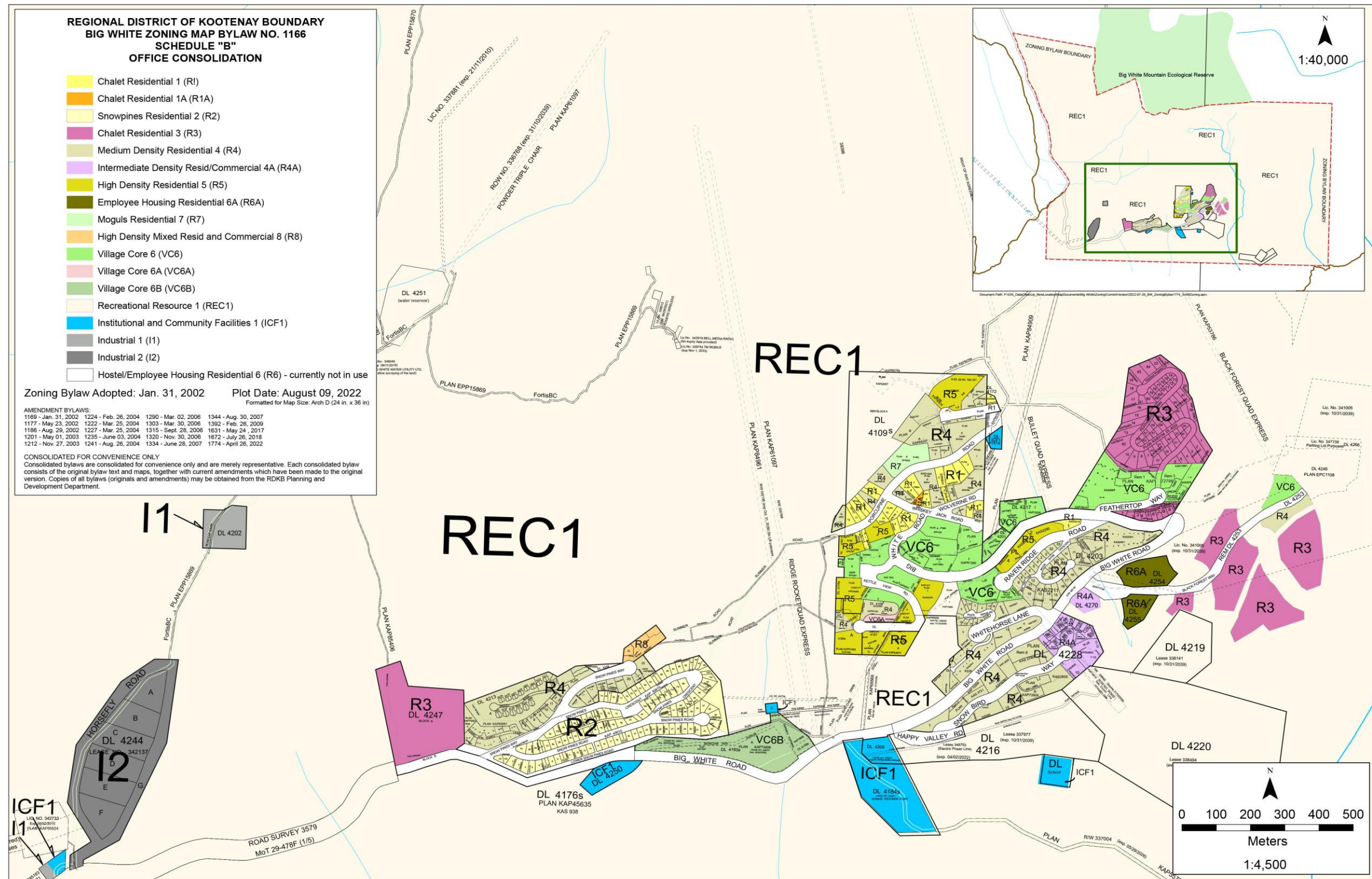


Figure 4. Regional District of Kootenay Boundary – Existing Zoning Bylaw



Big White Ski Resort
2023

Legend

- Existing CRA
- Existing & Committed Ski Lifts
- Potential Emergency Access/Egress Trails
- Potential Ski Trail ROW
- Potential Roads ROWs
- Ecoscape Study - Streams with Setbacks
- Ridge Base Neighbourhood
- Temporary Overflow Parking - Gravel Lot
- BC Parcel Fabric
- Lakes
- Streams
- Existing Vegetation
- Existing Ski Trails
 - Beginner
 - Intermediate
 - Advanced

Prepared for:



5315 Big White Road
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Tel: (250) 765-3101 Fax: (250) 491-6122
email: bigwhite@bigwhite.com

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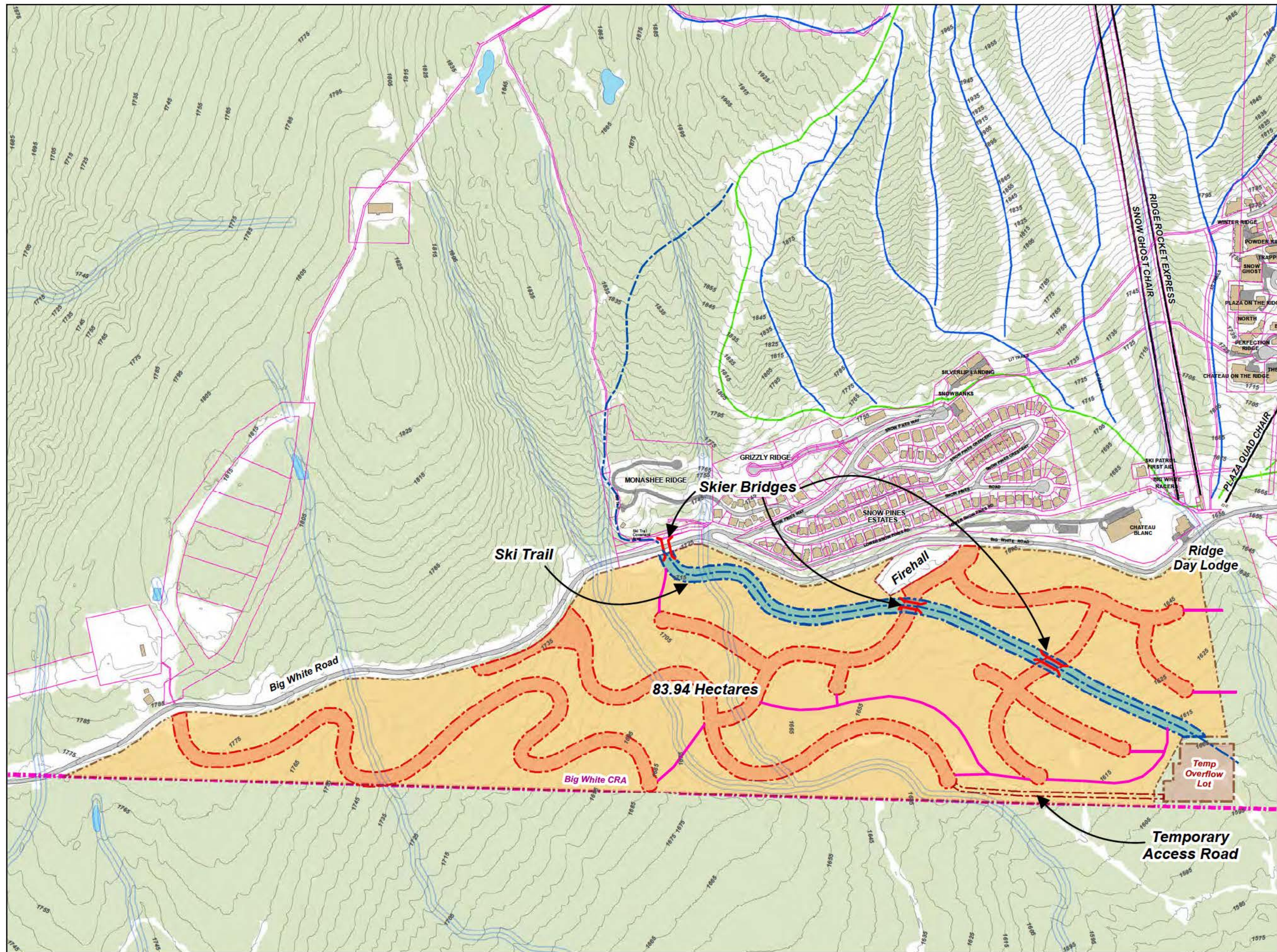
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Ridge Base
Neighbourhood
Preliminary Site Plan
Figure 5





2024 PLANNING AND DEVELOPMENT DEPARTMENT APPLICATION PROCESS AND MEETING SCHEDULE

Revised December 12, 2023

MEETING DATES

2024 APC Mail-Out Date Area B, E, D	2024 APC Mail-Out Date Area A, C, BW	2024 APC Meeting Dates Area B & E (Mon) Area D (Tues)	2024 APC Meeting Dates Area A, C & BW (Tues)	2024 EAS Meetings 10:00 am	2024 Board Meetings 1 p.m.
Thurs., Dec. 14/2023	Thurs., Dec. 14/2023	Tues Jan. 2	Tues Jan. 2	Thurs., Jan. 11	Wed., Jan. 10 (Teams) Wed., Jan. 24 (GF)
Thurs., Jan. 18	Thurs., Jan. 25	Mon/Tues Jan. 29/30	Tues., Feb. 6	Thurs., Feb. 15	Wed., Feb. 7 (budget) Wed., Feb. 14 (Teams) Wed., Feb. 28 (T) Thurs., Feb. 29 (budget)
Thurs., Feb. 15	Thurs., Feb. 22	Mon/Tues Feb. 26/27	Tues. Mar. 5	Thurs., Mar. 14	Wed., March 6 (Big White) Wed., March 27 (Teams)
Thurs., Mar. 14	Thurs., Mar. 21	Mon/Tues Mar. 25/26	Tues., Apr. 2	Thurs., Apr. 18	Wed., April 10 (Teams) Wed., April 24 (T)
Thurs., Apr. 18	Thurs., Apr. 25	Mon/Tues Apr. 29/30	Tues. May 7	Thurs., May 16	Wed., May 8 (Teams) Wed., May 29 (GF)
Thurs. May 16	Thurs., May 23	Mon/Tues May 27/28	Tues., June 4	Thurs., June 13	Wed., June 12 (Teams) Wed., June 26 (T)
Thurs., June 13	Thurs., June 20	Mon/Tues June 24/25	Tues., July 2	Thurs., July 18	Wed., July 10 (Teams) Wed., July 31 (GF)
Thurs., July 18	Thurs., July 25	Mon/Tues July 29/30	Tues. Aug. 6	<i>July and August EAS meetings may be cancelled at discretion of Chair</i>	Wed., Aug. 14 (Teams) Wed., Aug. 28 (T)
Thurs., Aug. 15	Thurs., Aug. 22	Mon/Tues Aug 26/27	Tues., Sept. 3	Thurs., Aug. 15	Wed. Sept. 11 (Teams) Wed., Sept.25 (GF)
Thurs., Sept. 19	Thurs., Sept. 26	Mon/Tues Sept 30/Oct 1	Tues., Oct. 8	Thurs., Sept. 12	Wed., Oct. 9 (Teams) Wed., Oct. 30 (T)
Thurs., Oct. 17	Thurs., Oct. 24	Mon/Tues Oct. 28/29	Tues., Nov. 5	Thurs., Oct. 17	Wed., Nov. 13(Teams) Wed., Nov. 27 (GF)
NO SCHEDULED MAILOUT	NO SCHEDULED MAILOUT	DEC. APC MEETING OPTIONAL	DEC. APC MEETING OPTIONAL	NO EAS MTG. DECEMBER	Wed., Dec.11 (TR)(4pm)
Jan/25 Mail-out: Thurs. Dec. 19	Jan/25 Mail-out: Thurs., Dec. 19	Start of January 2025 Schedule			

GUIDE FOR ADVISORY PLANNING COMMISSION (APC) MEMBERS



843 Rossland Avenue, Trail BC V1R4S8 • 250.368.9148 • 1.800.355.7352 • plandept@rdkb.com

This guide has been prepared to provide information to Regional District of Kootenay Boundary (RDKB) Advisory Planning Commission (APC) members on their role in planning matters considered by the RDKB.

What is an APC?

An APC is a group of individuals that are appointed by the RDKB Board of Directors. Members are chosen to represent a variety of community interests. Appointments are made in January of each year and last for one year. Many APC members are appointed several years in a row. APC members may not be employees of the RDKB or a member of the Board of Directors and are volunteers.

The RDKB has six APCs:

- Electoral Area A,
- Electoral Area B/Lower Columbia-Old Glory,
- Electoral Area C/Christina Lake,
- Electoral Area D/Rural Grand Forks,
- Electoral Area E West Boundary, and
- Big White, which is part of Electoral Area E/West Boundary.

The number of members on each APC can range from 3 to 14.

Each APC must elect a Chair and a Secretary at their first meeting of the year. APCs may also choose to elect a Vice-Chair to help ensure continuity in the absence of the Chair. The creation of APC's and appointment of members is done according to Section 461 of the *Local Government Act* and the Regional District's Bylaw No. 1535.

Role of the APC

APCs are a valuable component of the application and referral process of the Planning and Development Department. The APC's role is to review applications and referrals received by the RDKB Planning and Development Department; and to provide recommendations prior to staff forwarding those items to RDKB Board members or delegated staff for decisions.

The Director for the Electoral Area attends meetings in a resource capacity and to hear comments and discussion related to referrals and applications first hand.

APCs provide practical local information that is useful to planning staff and the Board of Directors for Regional District applications and to other agencies such as the Province or others who refer items to us.

Meeting Procedures

Meetings of the APC are open to the public and therefore must be held in locations that are accessible to all. Applicants and referral agencies are welcome to attend meetings to answer any questions members may have with regard to their applications or referrals. Voting on matters considered by APC members must be open, therefore 'secret' ballots are not permitted.

The majority of APC members must be present for quorum; that is in order for a meeting to be considered valid. Recommendations that go to a vote must be supported by the majority of members present at a meeting. Only minutes from meetings with quorum will be forwarded to the Board of Directors for consideration. Meeting notes from non-quorum meetings may be included in staff reports.

Role of the Chair

In addition to being a member of the APC, the Chair is tasked with conducting meetings in a fair and effective manner. The Chair should also continue to be an active participant during meetings. The following are some guidelines that may assist in carrying out the duties of a Chair:

1. Commits to the position and recognizes the time it takes.
2. Knows and has interest in the RDKB and understands the process we follow in planning and land use management decision making.
3. Exhibits leadership and develops collaborations in an open and fair manner.
4. Ensures that discussions at meetings focus on the issue at hand and the facts.
5. Seeks out and identifies members who do not actively participate in meetings to balance the views of more assertive members.
6. Adheres to strict ethical standards. As the Chair of a public group, ethical standards must be followed so that discrimination and harassment do not occur.

Role of the Secretary

The secretary is responsible for recording the minutes at each APC meeting and submitting minutes to the Planning and Development Department. A ‘minutes’ template is available to assist in recording minutes. The recording secretary should also continue to be an active participant during meetings. The content requirements of APC minutes are generally as follows:

1. Date, time and location of the meeting;
2. Members of the APC, both present and absent;
3. Other persons present for the duration of the meeting (e.g. Electoral Area Director, RDKB staff);
4. Delegations who have made representation to the APC;
5. Recommendations clearly stating support, conditional support, or non-support for an application or referral, with stated reasons.

Conflict of Interest and Bias

A conflict of interest may exist where an APC member is an interested party to an application to which the APC will make a recommendation; or the APC member has a direct or indirect pecuniary interest in the outcome of the APC’s deliberations. However, there are no rules in the *Local Government Act* regarding conflict of interest for APCs.

It is therefore up to individual members to decide if they should recuse themselves from a discussion regarding an application or referral. This would likely be appropriate where the member has a pecuniary interest in an item on the agenda.

There is, however, no rule that the members of an APC must have an “open mind” in matters that come before them, as for example there is with respect to members of the Board of Directors at a public hearing. This is because APC members are merely advisory and do not make final decisions. In fact APC members are sometimes chosen based on their particular interests in the community. This is why it is beneficial to have a wide variety of interests represented on an APC.

Types of Applications and Referrals

After review by the relevant APC, applications and referrals follow the process outlined below:

	Type of Application or Referral	Process	
Applications to the Regional District	Official Community Plan (OCP) and Zoning Bylaw amendments	To Electoral Area Services (EAS) Committee for recommendation.	To Board for consideration. Bylaw readings and may require a public hearing.
	Development Variance Permits, Temporary Use Permits and Floodplain Exemptions	To EAS Committee for recommendation.	To Board for consideration.
	Development Permits	Approved by staff member with delegated authority (by bylaw).	
Referrals from External Agencies	<ul style="list-style-type: none"> • Subdivisions involving parkland dedication • Agricultural Land Reserve (subdivision in the ALR, non-adhering residential use, and non-farm use) • Mining proposals • Crown land disposition or tenure • Forest cutting permits • Recreation use • LCRB Liquor Primary or Cannabis Retail 	To Board for consideration.	

Meeting Schedule

APCs meet monthly, with the exception of December, provided there are applications or referrals to consider. Generally meetings are scheduled during the first week or last week of the month in the evening.

Staff reports are forwarded to APC members at least one week prior to the meeting date to give members an opportunity to review the reports.

Meetings will be cancelled if there is no business to discuss at the discretion of the Chair.

Participation by Members of the Public

While members of the public are entitled to attend APC meetings, the meetings are not intended to be public hearing forums. Opportunities for public input to the RDKB Board of Directors may be provided elsewhere in the application review process. From time to time, issues at APC meetings may attract public interest

and members of the public may attend and want to speak at APC meetings. The decision to allow or not allow a member of the public to speak rests with the APC Chair. Regardless of the Chair's decision, the public should always be advised that the APC is an advisory body and does not make decisions.

APC Member Contact Information

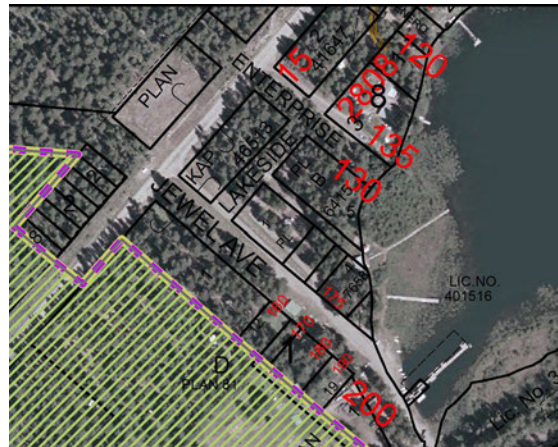
The Planning and Development Department's Senior Secretary maintains a current list of APC members and their contact information. It is important that the contact information is up to date to help ensure members receive their agenda packages and can be notified of any changes to meetings. Please forward any changes to plandept@rdkb.com.

Also please let staff know if you think your agenda package is missing any items. Each mail-out package includes an agenda, which lists the items that should be attached.

Interactive Mapping

The RDKB has an interactive mapping site that can be launched from the RDKB website: <https://rdkb.com/Plan-Build/Planning/Maps>

By logging in as a guest, members of the public can zoom to areas or individual parcels to obtain details regarding zoning, floodplain areas, street addresses, Agricultural Land Reserve (ALR) boundaries and air photo layers among other things.



Planning and Development Department Staff Members

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Maria Ciardullo – plandept@rdkb.com	Senior Secretary
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Mauro Chiocchetti – mchiocchetti@rdkb.com	Bylaw Enforcement Officer
Tina Lockhart – tlockhart@rdkb.com	Bylaw Enforcement Officer