



Electoral Area Services Committee

Thursday, April 11, 2019 - 4:30 pm

The Regional District of Kootenay
Boundary Board Room, RDKB Board Room,
2140 Central Ave., Grand Forks, BC

A G E N D A

1. CALL TO ORDER
2. ACCEPTANCE OF AGENDA (ADDITIONS/DELETIONS)

A) **April 11, 2019**

Recommendation: That the Electoral Area Services Committee meeting agenda be adopted as presented.

3. MINUTES

A) **March 14, 2019**

[Electoral Area Services Committee - 14 Mar 2019 - Minutes - Pdf](#)

Recommendation: That the Electoral Area Services Committee meeting minutes from March 14, 2019 be adopted as presented.

4. DELEGATIONS

A) **Wayne and Heather Underwood**

RE: ALC changes around Secondary Dwellings

[2019-03-12_Changes-to-ALR](#)

B) **Richard White**

RE: Ponderosa Estates Aquifer

5. UNFINISHED BUSINESS

A) **Electoral Area Directors**

RE: Support for each other

B) **M. Andison, CAO**
Re: Bylaw Enforcement Coordinator Position

A staff report from Mark Andison, Chief Administrative Officer, regarding the proposed hiring of a dedicated bylaw enforcement coordinator for the RDKB.

[Bylaw Enforcement Coordinator Position - Pdf](#)

Recommendation:

That the Electoral Area Services Committee review the staff report from Mark Andison, CAO regarding the proposed bylaw enforcement coordinator position and provide direction.

6. NEW BUSINESS

A) **John Frederick Mooney**
RE: OCP and Zoning Amendment

6380 Whiskey Jack Road, Big White

RDKB File: BW-4109s-07428.000

[2019-04-02 Bylaw Amendment-EAS](#)

Recommendation: That the application submitted by John Mooney, Mooney Supplies Inc., to amend the *Big White Official Community Plan, Bylaw No. 1125* and the *Big White Zoning Bylaw No. 1166* to change the designation of the subject property from High Density Residential to Village Core, to change the zoning of the subject property from Chalet Residential 1 (R1) to Village Core 6 (VC6), and to add Pension and Hostel as permitted uses of the VC6 Zone, be denied.

B) **Brent Harley, Agent for**
Big White Ski Resort
RE: OCP Amendment

RDKB File: BW-4216-Happy Valley Guest Services

[2019-04-11 Happy ValleyEAS](#)

Recommendation: That the application submitted by Brent Harley and Associates Inc. on behalf of Big White Real Estate Ltd. to amend the Big White Official Community Plan Bylaw No. 1125 to change the designation from Black Forest Future Growth Area to Day Lodge Commercial and to add the site to the Commercial and Multiple Family

and the Alpine Environmentally Sensitive Landscape Reclamation Development Permit Areas for the construction of a guest services building on District Lot 4216, Big White, Electoral Area 'E'/West Boundary, be supported, and further that staff be directed to draft an amendment bylaw for presentation to the Regional District of Kootenay Boundary Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed bylaw amendments.

C) **Iron Horse Developments Ltd.**
RE: Development Permit Amendment

Grizzly Ridge Trail, Big White
RDKB File: BW-4213-07913.242
[2019-04-02 DP-amendment EAS](#)

Recommendation: That the staff report regarding the Development Permit Amendment application submitted by Marvin Dean, Iron Horse Developments Ltd., to construct 8 – two family dwellings in the Commercial and Multi-Family Development Permit and the Alpine and Environmentally Sensitive Landscape Reclamation Development Permit areas on the parcel legally described as Lot A, Plan KAP83081, DL 4213, 4284, Big White, Electoral Area 'E' / West Boundary, be received.

D) **Ponderosa Estates Ltd.**
RE: Development Permit

Ponderosa Drive, Christina Lake
RDKB File: C-312-02632.275
[2019-04-11 Ponderosa-APC](#)

Recommendation: That the staff report regarding the Development Permit application submitted by Jason Taylor on behalf of Ponderosa Estates to construct a cannabis cultivation facility in the Ponderosa Industrial Development Permit Area on the parcel legally described as Lot 35 District Lots 312 & 348 SDYD Plan 29935 Except Plan 39263, Electoral Area 'C'/Christina Lake be received.

E) **Cecil and Joan Sheloff**
RE: MOTI Subdivision

400-13th Avenue, Genelle
RDKB File: B-2404-06300.500
[2019-02-27 ShelloffMOTI EAS](#)

Recommendation: That the staff report regarding the Ministry of

Transportation and Infrastructure referral for a proposed subdivision, for the parcels legally described as Lot 1, Block 5, Plan NEP2423 and Lot 9, Plan NEP2066 DL 2404, KD, Electoral Area 'B'/Lower Columbia-Old Glory, be received.

F) **Pa-Van Ranch Ltd.**

RE: MOTI Subdivision

12800 North Fork Road, Electoral Area 'D'/Rural Grand Forks

RDKB File: D-436s-02819.000

[2019-03-19 Pa-Van MOTI EAS](#)

Recommendation: That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed subdivision, for the parcels legally described as DL436s and DL 2019, SDYD, Electoral Area 'D'/Rural Grand Forks, be received.

G) **Grant in Aid Report**

[2019 Grant in Aid](#)

Recommendation: That the Grant in Aid report be received.

H) **Gas Tax Report**

[Gas Tax Agreement EA Committee](#)

Recommendation: That the Gas Tax report be received.

7. LATE (EMERGENT) ITEMS
8. DISCUSSION OF ITEMS FOR FUTURE AGENDAS
9. CLOSED (IN CAMERA) SESSION
10. ADJOURNMENT



Electoral Area Services Committee Minutes

Thursday, March 14, 2019 at 12:00 p.m.
RDKB Board Room, 843 Rossland Ave., Trail, BC

Directors Present:

Director Linda Worley, Chair
Director Ali Grieve
Director Grace McGregor
Director Vicki Gee, via teleconference

Directors Absent:

Director Roly Russell

Staff Present:

Donna Dean, Manager of Planning and Development
Ken Gobeil, Senior Planner
Maria Ciardullo, Recording Secretary

CALL TO ORDER

Chair Worley called the meeting to order at 12:00 p.m.

ACCEPTANCE OF AGENDA (ADDITIONS/DELETIONS)

March 14, 2019

The following item was added to the agenda: Item 7A Firesmart mailout
The following item was deferred to the next meeting: Item 6G Discussion on EA
Directors' support for each other.

Moved: Director McGregor

Seconded: Director Grieve

That the Electoral Area Services Committee meeting agenda be adopted as amended.

Carried.

MINUTES

February 14, 2019

Director Gee suggested that "with the correct Board fee" was an incorrect reference to her comment on the Grant in Aid report.

Moved: Director Grieve

Seconded: Director Gee

That the Electoral Area Services Committee meeting minutes from February 14, 2019 be adopted as amended.

Carried.

DELEGATIONS

No delegations were in attendance.

UNFINISHED BUSINESS

Liquor & Cannabis Referral Fees and Procedures
RDKB File: F-7

Moved: Director McGregor

Seconded: Director Grieve

That the proposed amendment to the Fees and Procedures Bylaw No. 1231 to include policy for referrals from the Liquor and Cannabis Regulation Branch be received and further, that staff be directed to draft an amendment bylaw for presentation to the RDKB Board of Directors.

Carried.

NEW BUSINESS

JGC Choi Investment Ltd.
RE: Development Variance Permit
502-12th Avenue, Genelle
RDKB File: B-2404-06291.000

Chair Worley stated that the Electoral Area 'B'\Lower Columbia-Old Glory APC supports the application. There was discussion about the number and size of signs allowed.

Moved: Director McGregor

Seconded: Director Grieve

That the Development Variance Permit application submitted by Permit Solutions Inc., on behalf of JGC Choi Investments Ltd., to allow for a variance in the number of permitted signs from two (2) signs per parcel to six (6) signs per parcel to construct two (2) new signs and replace four (4) signs on the property legally described as Lot 1, Block 4, Plan NEP2423, DL 2404, KD, Genelle, Electoral Area 'B'\Lower Columbia-Old Glory be presented to the Regional District of Kootenay Boundary Board of Directors for consideration, with a recommendation of support.

Carried.

Randy and Sandy Gniewotta

RE: Development Variance Permit

7815 McRae Road, Christina Lake

RDKB File: C-4037s-07285.070

Director McGregor stated that the Electoral Area 'C'\Christina Lake APC supports this application.

Moved: Director McGregor

Seconded: Director Gee

That the Development Variance Permit application submitted by Randy Gniewotta to allow for a variance of 2 m in height from 4.6 m to 6.6 m to construct an accessory building on the property legally described as Lot 1, Plan KAP51313, DL 4037s, SDYD, Electoral Area 'C'/ Christina Lake, be presented to the Regional District of Kootenay Boundary Board of Directors for consideration, with a recommendation of support.

Carried.

Randy and Jackie Gogowich

RE: Development Permit

1912 West Lake Drive, Christina Lake

RDKB File: C-1021s-04542.000

The placement of the septic system was discussed.

Moved: Director McGregor

Seconded: Director Grieve

That the staff report regarding the Development Permit application submitted by Weiland Construction on behalf of Randy and Jackie Gogowich to construct a single-family dwelling in the Environmentally Sensitive Waterfront Development Permit area on the parcel legally described as Lot 8, Plan KAP7442, DL 1021s, SDYD, Electoral Area 'C'/Christina Lake, be received.

Carried.

Carmi Creek Holdings Ltd.

RE: Ministry of Transportation and Infrastructure Subdivision

West of Hwy 33, south of Carmi

RDKB File: E-2358-05134.001

Director Gee advised that the Electoral Area 'E'\West Boundary APC does not support this application due to potential for erosion, location of septic systems, potential impacts on the Kettle River, potential for flooding, proximity to the KVR, and maintenance of access roads.

Moved: Director Grieve

Seconded: Director Gee

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed subdivision, for the parcels legally described as District Lot 2352, SDYD, and Block A, DL 2358, SDYD Electoral Area 'E'/West Boundary, be received.

Carried.

Sample Floodplain Covenant

For information only. This was a request that came about from the last Board of Director's meeting. The committee members stated that this is a very comprehensive example of a floodplain covenant.

Expenses breakdown for Directors

(Director Grieve-Discussion)

The Directors would like to see the breakdown\itemization of expenses. It was decided that Chair Worley will have a conversation with Mark Andison, Chief Administrative Officer, regarding this issue.

Discussion on EA Directors' support for each other.

(Chair Worley)

This item was deferred to the next Electoral Area Services meeting.

Grant in Aid Report

Moved: Director Grieve

Seconded: Director Gee

That the Grant in Aid report be received.

Carried.

Gas Tax Report

Moved: Director McGregor

Seconded: Director Grieve

That the Gas Tax Report be received.

Carried.

LATE (EMERGENT) ITEMS

Firesmart Mail Out

Director Grieve suggested that a 2 page flyer be mailed out with Firesmart information on one side and Emergency preparedness on the other side, showing contact numbers.

Moved: Director Grieve

Seconded: Director McGregor

That staff draft a two sided document with Firesmart information on one side and emergency preparedness on the other, for presentation at the April 2019 Electoral Area Services Committee meeting.

Carried.

DISCUSSION OF ITEMS FOR FUTURE AGENDAS

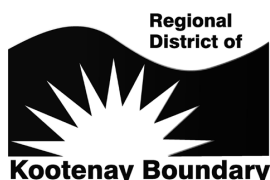
Electoral Area Directors Support for each other.

CLOSED (IN CAMERA) SESSION

A closed (in camera) session was not required.

ADJOURNMENT

There being no further business to discuss, Chair Worley adjourned the meeting at 12:52 p.m.



ELECTORAL AREA SERVICES COMMITTEE Staff Report

Re: Changes to the ALC Act and ALR Regulations

To: Chair Worley and members of the EAS Committee

Date: March 12, 2019

Report Prepared by: Ken Gobeil, Senior Planner

ISSUE INTRODUCTION

As of February 22, 2019, the Agricultural Land Commission (ALC) announced changes to the *Agricultural Land Commission Act* (ALC Act) and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (ALR Regulation). These changes will affect all lands in the ALR.

In addition to removing Zone 1 and Zone 2, three changes have been announced. These include changes to residences in the ALR, tourist accommodation, and soil, fill, or aggregate uses. The purpose of this report is to review these changes, and the implications for land-use bylaws.

Although the legislative changes took effect on February 22, 2019, official notification to the public and local governments through information bulletins were released between February 25- March 22, 2019.

RESIDENCES IN THE ALR

Maximum dwelling size

The maximum size for a residence in the ALR has been set to 500m² (approximately 5382ft²). Dwelling size in the ALR appears to be more of an issue in the lower mainland and the Okanagan valley; it is unlikely this restriction will affect residents.

Secondary Suites

The combined floor area of a house and secondary suite must be below 500m². Within the ALR, secondary suites are now only permitted if they are attached to and form part of the principal residence.

The ALC defines detached secondary suites as a second residence.

Additional Residences

Before February 22, 2019, a second dwelling was permitted on parcels under the following conditions:

- A modular home less than 9 metres in width was used for immediate family

- A residence was built on top of an existing single-story accessory building
- The property was larger than 50 hectares

As of February 22, 2019 only one residence will be permitted on a property within the ALR. This Regulation change has the biggest impact on RDKB land-use bylaws.

To date, the size of houses in the ALR has received the most media attention. The amount of residences and the other bulletin notifications (tourist accommodation and soil and fill uses) have not received the same degree of media attention.

ACCOMODATION FOR TOURISTS IN THE ALR

Concepts from the Act and Regulation from the Act and Regulation are unchanged. Amendments are mostly for clarification and will not have any drastic effect on land-use bylaws in the RDKB.

Agri-tourism

The use of land in the ALR for providing accommodation in relation to an agri-tourism activity is permitted if all of the following apply:

- 1) the accommodation is in relation to an "agri-tourism activity". Agri-tourism uses must be secondary to, incidental to and compatible with the agricultural production activities. Expressly under section 12 of the ALR Use Regulation, "agri-tourism activity" is an activity:
 - a) conducted on land in the ALR that is classified as a farm under the Assessment Act;
 - b) to which members of the public are ordinarily invited, whether or not a fee or other charge is payable;
 - c) in connection with which no permanent facilities are constructed or erected.; AND
 - d) that falls into one of the following categories:
 - i) an agricultural heritage exhibit displayed on the agricultural land;
 - ii) a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these;
 - iii) cart, sleigh and tractor rides on the agricultural land;
 - iv) subject to section 9 [horse facilities], activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos;
 - v) dog trials held on the agricultural land;
 - vi) harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;
 - vii) corn mazes prepared using corn produced on the agricultural land on which the activity is taking place;
- 2) the accommodation is located on land in the ALR that is classified as a farm under the Assessment Act;

- 3) the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel;
 - 4) the accommodation is limited to 10 sleeping units in total, including any bedrooms used for tourist accommodation;
- AND
- 5) accommodation is provided on a seasonal or short-term basis only: ALR Use Regulation, s. 33(2)(d).
 - "Tourist" is a person who travels for pleasure from place to place away from their permanent residence.
 - "Seasonal" is a use or activity that fluctuates according to one or more seasons (spring, summer, fall and winter) (but not all seasons) or available or taking place during one or more seasons (but not all seasons) or at a specific time of the year.
 - "Short-term" is the use by a tourist of accommodation for agri-tourism for a period of not more than 30 consecutive days.
 - "Sleeping unit" means "(a) a bedroom or other area used for sleeping located in a residence, cabin or other structure; (b) a vehicle, trailer, tent or other structure located on a campsite, field or other area

This has implications as the 'second residence' in the Act and Regulation were used for secondary suites in

Tourist Accommodation (B&B's)

Tourist accommodation on ALR land is permitted without application to the Commission in a principal residence that is 500 m² or less, and that is otherwise also in compliance with the ALR Use Regulation, if both of the following conditions are met:

- (1) the accommodation is limited to 4 bedrooms in total; AND
- (2) accommodation is provided on a short-term basis only.
 - "Bedroom" for the purpose of section 34 of the ALR Use Regulation means "a bedroom or other area used for sleeping in a residence"
 - "Tourist accommodation" is in the nature of bed and breakfast use, and may only occur in a principal residence.

SOIL, FILL AND AGGREGATE

The following is a summary of key fill placement, soil removal, and aggregate removal changes to the Act and Regulation:

- Farm use is no longer defined in any circumstance to include soil removal or fill placement.
- Non-farm use is no longer defined in any circumstance to include soil removal or fill placement.
- Only in very limited circumstances, which are expressly identified in the ALR Use Regulation, can fill placement or removal of soil or aggregate be

undertaken without interaction with the Agricultural Land Commission (ALC) via a *Notice of Intent* or a *Soil or Fill Use Application* as outlined in this bulletin.

- Prohibited fill has been defined.

IMPLICATIONS

All changes to the Act and Regulation are meant to supersede previous ALC bylaws, policies and information bulletins. Changes to Tourism Accommodations and Soil, Fill and Aggregate will have little effect on local governments. The residential changes will have biggest effect on land-use bylaws.

In the RDKB, the biggest effect on landowners, is the ability to have a detached secondary suite. Many landowners' retirement and family succession plans are affected.

Existing Uses

Any property that was legally approved to have a residential or tourist-accommodation use that no longer adheres to the ALC Act and ALR Regulation changes will be allowed to continue its use. However, replacement will not be possible. The ALC has stated there will be no "grandfathering exception".

Under the Regulation change, if a landowner is completing construction of an additional residence, it can only continue if:

- *all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND*
- *from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry;*

Local Government

Planning and Development

Any land-use bylaws in effect that contradict the changes to the ALC Act and ALR Regulation must be amended. In Electoral Areas 'A', 'B'/Lower Columbia-Old Glory and, 'C'/Christina Lake; second dwellings are permitted as a detached secondary suite.

The ALC Act and ALR Regulation only apply to land within the ALR. However, our zoning bylaws regulate secondary suites the same regardless if they are in the ALR.

We could consider adding a maximum dwelling size to land use bylaws.

The Planning and Development Department suggest that we consider adding a maximum dwelling size for lands in the ALR, and reviewing the definition of secondary suites in each land-use bylaw for clarity of staff, and no confusion or frustration from the public.

Building Inspection

Under these changes, the Building Inspection Department would be required to review all open building permits issued in the ALR and determine which permits need to be closed or revoked. The Building inspection Department would also need to ensure the non-compliant buildings are altered for an approved use, or removed.

Future Developments

Any applications submitted after February 22, 2019 property owners may apply to the ALC, for a 'Non-Adhering Residential Use' for any residential development that does not fit within the Act and Regulations. This is similar to an application for a non-farm use. The ALC cannot approve non-adhering residential uses unless they are intended for farming purposes only.

If the nature of the request is not farm related, the land owner may need to submit an application for exclusion from the ALR instead. This could require a zoning bylaw amendment.

ATTACHMENTS

ALC Information Bulletin 05 – Residences in the ALR

ALC Information Bulletin 06 – Accommodation for Tourists in the ALR

ALC Information Bulletin 07 – Soil and Fill uses in the ALR



INFORMATION BULLETIN 05

RESIDENCES IN THE ALR

Revised February 26, 2019

February 25, 2019

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1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the Agricultural Land Reserve Use Regulation (the **ALR Use Regulation**), in relation to residences in the agricultural land reserve (**ALR**). The ALCA and ALR Use Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Use Regulation. All other applicable laws, regulations and bylaws related to residential uses must also be complied with.

2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA has been amended and the ALR Use Regulation has been created. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there have been changes to the use of ALR land for residences. All references in this information bulletin to the ALCA and the ALR Use Regulation are as of February 22, 2019, unless otherwise stated.

The following is a summary of key residential changes to the ALCA and the ALR Use Regulation:

- Generally land in the ALR may have **no more than one residence** per parcel: ALCA, s. 20.1(1)(a), subject to certain grandfathering exceptions (see “Grandfathering Provisions” section). In addition, the Commission may approve an application for an additional residence if necessary for farm use, but the Commission is prohibited from approving an additional residence otherwise: ALCA, s. 25(1.1).
- New size, siting and use requirements apply to residential structures: ALCA, s. 20.1(1)(c).
- The **total floor area of a principal residence must be 500 m² or less** in order to comply with the ALCA, though a local government may impose a lower size cap under their bylaws: ALCA, ss. 20.1(1)(b), 46. The Commission has resolved on a definition of “total floor area” for the purpose of the ALCA and ALR Use Regulation, as set out in the “Glossary” section at the end of this bulletin.
- The ALCA and regulations had previously contained provisions facilitating the construction of additional dwellings for farm help, manufactured homes for immediate family members, accommodation above an existing farm building, or (in parts of the province) a second single family dwelling. These provisions are no longer found in the ALCA and the ALR Use Regulation, though the ALCA provides some grandfathering protection for pre-existing structures of these kinds and the Commission may approve an application for an additional residence if necessary for farm use.

- If a landowner wishes in the absence of certain grandfathering exceptions to have a principal residence having a total floor area that is more than 500 m², to have an additional residence, or to use a residential structure in a manner that contravenes the regulations, the landowner may submit an application to the Commission, through the local government, seeking Commission approval: ALCA, ss. 20.1(2), 25. The ALCA calls this type of application an “**application for a non-adhering residential use**”. More information about this type of application is provided later in this bulletin under the heading “Applications for Non-Adhering Residential Use”.

3. ROLE OF LOCAL GOVERNMENTS

A. Role as Approving Body

I. Principal Residence

In order to comply with the ALCA, an approving body such as a local government may not approve or permit construction or alteration of a principal residence on ALR land unless the principal residence has a total floor area of 500 m² or less and is sized, sited and used in accordance with the ALR Use Regulation, or is permitted by the Commission on application: ALCA, s. 18. See the Section 11 “Glossary”, found at the end of this bulletin, for the definition of “**total floor area**”.

II. Additional Residence

An approving body may not approve or permit construction or alteration of an additional residence on ALR land unless the residence is approved by the Commission on application or is permitted under the ALR Use Regulation: ALCA, s. 18.

B. Applications

An application to the Commission asking it to approve a non-adhering residential use, such as new construction of a principal residence with a total floor area of more than 500m² or an additional residence, may be submitted through the landowner’s local government. For more information on the process for making applications to the Commission, please see the Commission’s website, at www.alc.gov.bc.ca/alc/content/applications-and-decisions as well as Section 10 of this information bulletin entitled “Applications For Non-Adhering Residential Use”.

C. Consistency with Zoning and Other Bylaws

Any portion of a local government bylaw that purports to allow a use of land in the ALR that is not permitted under the ALCA or the ALR Use Regulation, or contemplates a use of land that would impair or impede the intent of the ALCA or the ALR Use Regulation, is inconsistent with the ALCA or the ALR Use Regulation and has no force or effect: ALCA, ss. 46(4), (5).

For example, **if a zoning bylaw provides for more residences on ALR land than do the ALCA and the ALR Use Regulation, its provision for extra residences is of no force or effect and cannot be relied on.**

Construction, alteration or use of any residences in contravention of the ALCA or the ALR Use Regulation may be subject to compliance and enforcement action even if the construction, alteration or use seems to be in compliance with a local government bylaw.

D. Local Government May Restrict

Local government bylaws can be more restrictive of residential use of the ALR than the ALCA: ALCA, s. 46(6). The ALR Use Regulation identifies certain designated farm uses and permitted non-farm uses that local governments must not prohibit, but places no limitation on local government powers to prohibit or otherwise restrict residential uses of ALR land. **As such, a local government may impose restrictions on sizing, siting and use of principal residences on ALR land additional to those found in the ALCA.** For example, a local government could enact a bylaw imposing a size limit smaller than 500 m² total floor area on principal residences on ALR land.

E. Areas Without Zoning Bylaws

Note that some areas of the province do not have zoning bylaws. The absence of local zoning bylaws does not relieve a landowner from complying with the restrictions in the ALCA and ALR Use Regulation.

4. NEW CONSTRUCTION OF A RESIDENCE ON ALR LAND THAT HAS NO EXISTING RESIDENCE

No application is required to the Commission in order to construct a residence with a total floor area of 500 m² or less on a parcel of ALR land which has **no existing residence** (a “**vacant parcel**”).

The Commission will consider the residence when built on a vacant parcel to be the “principal residence”.

If the proposed principal residence is more than 500m² or there is already another residence located on the ALR land, in order to construct the residence the landowner must apply to the Commission through the local government and obtain permission from the Commission: ALCA, s. 20.1(1).

“Construct” includes “to build a new structure” or “to place on land a new structure that is fully or partially pre-fabricated”: ALCA, s. 1(1).

5. GRANDFATHERING PROVISIONS

A. Completing a Residential Construction Initiated by February 22, 2019

If by February 22, 2019 a landowner had already initiated construction of a residence in the ALR, in certain circumstances the owner may be able to complete that work without application to the Commission. In other circumstances, the work will not be able to proceed unless the Commission first approves an **application for a non-adhering residential use** made by the owner: ALCA, ss. 20.1(2), 25. See Section 10 “Applications for Non-Adhering Residential Use” later in this bulletin.

I. Unfinished Principal Residence

Total Floor Area of 500 m² or less

If the landowner is completing construction of an unfinished principal residence which will on completion have a total floor area of **500 m² or less** and is otherwise also compliant with the ALCA and regulations, the owner may complete that construction without applying to the Commission for permission to do so.

Total Floor Area of more than 500 m²

If the landowner is completing construction of an unfinished principal residence which will, if completed as designed, have a total floor area of **more than 500 m²**, the landowner may continue if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins on or before November 5, 2019, AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to construct the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

II. Unfinished Additional Residence

If the landowner is completing construction of a residence that, **if completed as designed**, will be an additional residence, the landowner may do so if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to construct the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to construct the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date construction of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

B. Completing Residential Alterations Initiated by February 22, 2019

If an owner wants to complete alterations to a residence on ALR land that had been initiated prior to February 22, 2019, the owner may do so without application to the Commission only in limited circumstances.

To “alter” means “(a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1).

I. Completing Alterations to a Principal Residence

Total Floor Area of 500 m² or less

If the landowner is completing alterations to a principal residence that will not cause its total floor area to exceed **500 m²** and that will otherwise also be compliant with the ALCA and regulations, the landowner may complete those alterations without applying to the Commission for permission to do so.

Total Floor Area of more than 500 m²

Alterations that had already been commenced as of February 22, 2019 to a principal residence that, **if completed as designed**, will have a total floor area of more than 500 m², may be completed if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to alter the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins on or before November 5, 2019, AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw
 - if no authorizations to alter the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

II. Completing Alterations to an Additional Residence

Alterations that had already been commenced as of February 22, 2019 to a residence in the ALR that, **if completed as designed**, will be an additional residence, may be completed if:

- a) Where building permit authorization **is required** by local government bylaw
 - all required authorizations to alter the residence were granted before February 22, 2019 and construction of the foundation of the residence substantially begins before February 22, 2019, AND
 - from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry; OR
- b) Where building permit authorization **is NOT required** by local government bylaw

- if no authorizations to alter the residence are required, construction of the foundation of the residence had substantially begun before February 22, 2019; AND
- from the date alteration of the residence began until completion, the construction or alteration (i) is carried out in accordance with all applicable authorizations and enactments, and (ii) continues without interruption, other than work stoppages considered reasonable in the building industry.

C. New Alterations Initiated After February 22, 2019

Alterations that were not initiated by February 22, 2019 may also be undertaken in some circumstances on ALR land even without application to the Commission.

An owner who wishes to alter a residential structure that exists on ALR land on February 22, 2019 but that (a) is an additional structure; or (b) is a principal residence with a total floor area of more than 500 m²; or (c) is of a size or is sited in contravention of a regulation, may do so in some circumstances. The owner may alter the structure without applying to the Commission **only** if the alteration will lead to no further contravention of the ALCA or regulations: ALCA, s. 20.2.

The Commission expects that the alterations undertaken in the context of the above paragraph would eliminate, or at least reduce or not worsen, any pre-existing contravention of the ALCA or the regulations. It does not expect that alterations would increase the size of the residential structure or initiate a non-adhering residential use; any such alterations should be the subject of an application to the Commission.

An owner who wishes to alter a principal residence that will remain no larger than 500 m² and that will otherwise also remain in compliance with the ALCA and regulations may also do so without application to the Commission.

D. Manufactured Home on ALR Land

If on February 22, 2019, there was one manufactured home which was an additional residence, was constructed in accordance with all applicable enactments, and was used as a residence by a member of the immediate family of the owner of the land in the ALR, it may continue to be used as a residence in the ALR if on February 22, 2019 there was one manufactured home, up to 9 m in width, constructed in accordance with all applicable enactments and used as a residence by a member of the immediate family of the owner of the land in the ALR, it may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the residence is not altered after February 22, 2019 unless
 - permitted on application, OR

- the size of the manufactured home or the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

E. Single-Level Accommodation Constructed Above an Existing Building on the Farm

If on February 22, 2019 there was accommodation that had been constructed in accordance with all applicable enactments above an existing building on the farm and that had only a single level, it may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the residence is not altered after February 22, 2019 unless
 - permitted on application, OR
 - the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

F. Second Single Family Dwelling in Former Zone 2 (“Zone 2 Second SFD”)

Until February 22, 2019, land in the ALR was considered to be either in Zone 1 (the panel regions of the South Coast, Island and Okanagan panels) or Zone 2 (the panel regions of the Interior, North and Kootenay panels).

Prior to February 22, 2019, certain activities were permitted in Zone 2 that were not permitted in Zone 1. The term “**Zone 2 Second SFD**” is used in this bulletin to refer to a second single family dwelling in the area of the province that until February 22, 2019 was Zone 2, if the parcel was at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, was 4 000 m² or less.

If on February 22, 2019 there was a “**Zone 2 Second SFD**” on Zone 2 land in the ALR, constructed in accordance with all applicable enactments, the Zone 2 Second SFD may continue to be used as a residence in the ALR if:

- there is no other residence on the land other than the principal residence; AND
- the size and siting of the Zone 2 Extra Home is not altered after February 22, 2019 unless
 - permitted on application, OR
 - the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them, as applicable, is not increased by the alteration.

ALR Use Regulation, s. 32

There is no right to replace a residential structure which is permitted due to a grandfathering exception. An application to the Commission for its approval is required to replace such a structure. See the “Replacing a Residence” section for more information.

6. REPLACING A RESIDENCE

The term “construct” includes “to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1). In order to replace a structure, an owner must abide by the requirements in section 20.1 and, if applicable, section 20.2 of the ALCA.

A. Parcels on which there is only one residence

If an owner is replacing the only residence on a parcel in the ALR, the total floor area of the new residence must not be more than 500 m².

B. Parcels on which there is more than one residence

An application to the Commission, and Commission approval of that application, are required to replace residences which pre-date the ALR (that is, are older than December 21, 1972), residences approved by local government under the former section 18 of the ALCA and its predecessors, residences permitted without application to the Commission under previous versions of the ALCA and regulations, and residences constructed in contravention of local zoning bylaws or the ALCA or regulations.

Whether an application is required to replace a residence that the Commission itself had previously approved on application may depend on the terms of that approval.

7. USE OF RESIDENCE IN ALR

Use of a residence located in the ALR is limited. Generally it may be used only as a residence, subject to limited exceptions:

A. Secondary Suites

The use of land in the ALR for a secondary suite is permitted if there is one suite only, located in the principal residence: ALR Use Regulation, s. 31.

B. Limited Accommodation for Tourists

See the Commission's information bulletin called "Accommodation for Tourists" for more information. Strict conditions must be met for such use.

8. SOIL OR FILL FOR RESIDENTIAL CONSTRUCTION

Removing soil from or placing fill on ALR land is permitted for the construction or maintenance of a principal residence if the total area from which soil is removed or on which fill is placed is 1,000 m² or less. If the affected area is in a floodplain, an additional condition applies: the resulting elevation level must be consistent with applicable local government or first nation government requirements for flood protection: ALR Use Regulation, s. 35.

Removing soil from or placing fill on ALR land in connection with other residential uses (such as for the construction of an additional residence, alteration of a residence or where the area affected by a principal residence is greater than 1,000 m²) is not permitted. An owner of ALR land seeking to remove soil or place fill may submit a notice of intent along with payment of the required fee to the ALC's chief executive officer requesting approval: ALCA, s. 20.3. The landowner may also apply to the Commission for a soil or fill use under s. 25 of the ALCA.

The following types of fill are prohibited on ALR land (ALR Use Regulation, s. 36):

- construction or demolition waste (including masonry rubble, concrete, cement, rebar, drywall and wood waste);
- asphalt;
- glass;
- synthetic polymers;
- treated wood;
- unchipped lumber.

9. INFRASTRUCTURE NECESSARY FOR RESIDENTIAL USE

Subject to any limits and conditions set out in Part 4 of the ALR Use Regulation, the use of agricultural land to construct, maintain or operate the following is permitted:

- (a) a structure, other than a residential structure, that is necessary for a residential use permitted under Part 4. Examples include detached garages;
- (b) a driveway or utility necessary for a residential use permitted under this part: ALR Use Regulation, s. 30.

10. APPLICATIONS FOR NON-ADHERING RESIDENTIAL USE

An owner may apply to the Commission for permission under section 25 of the ALCA for a non-adhering residential use: ALCA, s. 20.1(2). A “**non-adhering residential use**” means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1).

For more information on making applications to the Commission, please see the Commission's website, at www.alc.gov.bc.ca/alc/content/applications-and-decisions.

Section 25(1) of the ALCA provides that on receiving a use application the Commission normally may:

- refuse permission for the use applied for,
- grant permission, with or without limits or conditions, for the use applied for, or
- grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.

With respect to an application for a non-adhering residential use, the Commission (a) must consider the prescribed criteria, if any, (b) must not grant permission for an additional residence unless the additional residence is necessary for a farm use; and (c) must reject the application if required by the regulations to do so: ALCA, s. 25(1.1).

Examples of considerations that the Commission may take into account in determining a use application are found here: www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers

11. GLOSSARY

The following key definitions are relevant to this information bulletin:

“additional residence” means “a residence on a parcel of agricultural land, other than the principal residence”: ALCA, s. 1(1)

“alter” means “the following: (a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1)

“as designed” means as stated or shown in (a) a design, proposal or other plan approved under or accepted in support of an authorization, or (b) a design or plan finalized, before the date this section comes into force, by an architect or engineer or, if none, the designer of the residence, if no authorizations are needed to construct or alter the residence: ALCA, s. 20.2

“authorization” means a permit or other authorization, issued under an enactment, to construct or alter a residence: ALCA, s. 20.2

“construct” means “the following: (a) to build a new structure; (b) to place on land a new structure that is fully or partially pre-fabricated; (c) to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1)

“farm use” means “an occupation or use of agricultural land for (i) farming land, plants, mushrooms, truffles or animals, (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*, or (iii) a purpose designated as a farm use by regulation”, but “farm use” does “not include a residential use or a soil or fill use”: ALCA, s. 1(1)

“fill” means “any material brought onto agricultural land other than materials exempted by regulation”: ALCA, s. 1(1)

“non-adhering residential use” means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1)

“non-farm use” means “a use of agricultural land other than a farm use, a residential use or a soil or fill use”: ALCA, s. 1(1)

“pre-existing residential structure” means “a residential structure that exists on agricultural land on the date this section comes into force [February 22, 2019], and (a) is an additional residence, (b) is a principal residence having a total floor area of more than 500 m², or (c) is of a size or is sited in contravention of a regulation”: ALCA, s. 20.2

“prescribed residential structure” is either a “structure” that, or a “vehicle” that, is “used, whether permanently or temporarily, to provide or in connection with providing accommodation as described in [Part 4 of the ALR Use Regulation]”: ALR Use Regulation, s. 29

“principal residence” means “the residence permitted under section 20.1(1)(a)”: ALCA, s. 1(1)

“residential structure” means “a structure used, during all or part of the year and whether fully or partially, as (a) a residence, (b) if prescribed, accommodation, or (c) if prescribed, in relation to a residence or accommodation”: ALCA, s. 1(1)

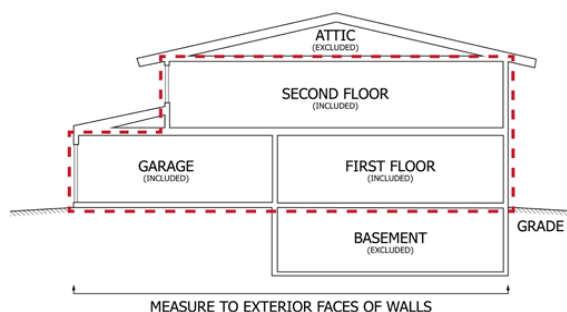
“residential use” means “a use of agricultural land for a residential structure” but “does not include a farm use or a soil or fill use”: ALCA, s. 1(1)

“soil or fill use” means “the removal of soil from, or the placement of fill on, agricultural land” but “does not include a farm use or a residential use”: ALCA, s. 1(1)

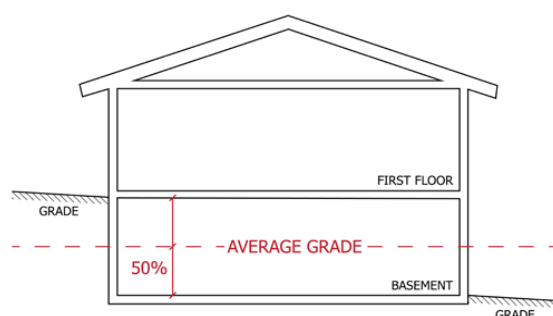
“total floor area” means, for purposes of the ALCA and ALR Use Regulation and pursuant to Commission Resolution No. 054N-2019, the total area of all floors measured to the outer surface of the exterior walls, including corridors, hallways, landings, foyers, staircases, stairwells, enclosed balconies, enclosed porches or verandas, attached garages and excluding:

- (a) unenclosed carports;
- (b) basements, with basement meaning that portion of any floor area having more than one-half its vertical height below the average finished grade at the perimeter of a building;
- (c) attics, with attic meaning the unfinished space between the roof and the ceiling of the top storey of a building or between a partial wall and a sloping roof.

Total Floor Area Illustration



Basement Illustration



“unfinished pre-existing residence” see the definition at s. 20.2 of the ALCA and in the body of the information bulletin above

“use or subdivision application” means “an application for permission made under any of the following: (a) section 20 (2) for a non-farm use; (b) section 20.1 (2) (a) for a non-adhering residential use; (c) section 20.3 (5) for a soil or fill use; (d) section 21 (2) for subdivision”: ALCA, s. 1(1)

“Zone 2 Second SFD” means a second single family dwelling in the area of the province that until February 22, 2019 was Zone 2, but only if the parcel was at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, was 4 000 m² or less



INFORMATION BULLETIN 06

ACCOMMODATION FOR TOURISTS IN THE ALR

February 25, 2019

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1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the Agricultural Land Reserve Use Regulation (the **ALR Use Regulation**), in relation to agri-tourism accommodation and tourist accommodation in the agricultural land reserve (**ALR**). The ALCA and ALR Use Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Use Regulation. All other applicable laws, regulations and bylaws related to accommodation for tourists must also be complied with.

2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA has been amended and the ALR Use Regulation has been created. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there have been changes to the use of ALR land for agri-tourism accommodation and tourist accommodation. All references in this information bulletin to the ALCA and the ALR Use Regulation are as of February 22, 2019, unless otherwise stated.

3. ROLE OF LOCAL GOVERNMENTS

A. Role as Approving Body

The approvals that an approving body such as a local government may give in respect of the construction or alteration of residential structures for tourism are limited: ALCA, s. 18.

Any portion of a local government bylaw that purports to allow a use of land in the ALR that is not permitted under the ALCA or the ALR Use Regulation, or contemplates a use of land that would impair or impede the intent of the ALCA or the ALR Use Regulation, is inconsistent with the ALCA or the ALR Use Regulation and has no force or effect: ALCA, ss. 46(4), (5).

For example, **if a zoning bylaw provides for more agri-tourism accommodation or tourist accommodation on ALR land than do the ALCA and the ALR Use Regulation, the zoning bylaw's provision for that extra accommodation is of no force or effect and cannot be relied on.**

B. Local Government May Restrict

Local government bylaws can be more restrictive of residential use of the ALR, including use of land in the ALR for prescribed accommodation, than the ALCA: ALCA, s. 46(6).

The ALR Use Regulation identifies certain designated farm uses and permitted non-farm uses that local governments must not prohibit, but places no limitation on local government powers to prohibit or otherwise restrict residential uses of ALR land.

A local government may decide that no agri-tourism accommodation or tourist accommodation should occur in its jurisdiction. The local government may expressly prohibit that use. Alternatively, the local government may simply not list those uses among uses that can occur in a particular zone, which accomplishes the same purpose. Where a zoning bylaw is in place, use of land for agri-tourism accommodation and tourist accommodation must be specifically permitted by the bylaw in order for that use to occur. Otherwise that use cannot occur even if the use would be compliant with the ALCA and ALR Use Regulation.

A local government also has the option of allowing agri-tourism accommodation or tourist accommodation, but allowing less than the ALCA and the ALR Use Regulation. For example, a local government bylaw may restrict the number of agri-tourism accommodation sleeping units to fewer than 10 and may specify the maximum number of persons who may be accommodated per sleeping unit.

Further, a local government may have additional requirements related to maximum floor area, parking, signage, setbacks, fire and emergency servicing, etc. Local governments that permit accommodation for tourists on ALR land may wish to develop monitoring methodology or require permits to ensure the occupation of the accommodation meets the requirements of their bylaws.

C. Areas Without Zoning Bylaws

Note that some areas of the province do not have zoning bylaws. The absence of local zoning bylaws does not relieve a landowner from complying with the restrictions in the ALCA and ALR Use Regulation.

D. Applications

An application to the Commission asking it to approve a non-adhering residential use, such as a use of a residential structure for accommodation that contravenes the regulations, may be submitted through the landowner's local government. For more information on the process for making applications to the Commission, please see the Commission's website, at www.alc.gov.bc.ca/alc/content/applications-and-decisions, as well as Section 6 of this information bulletin entitled "Applications For Non-Adhering Residential Use".

4. ACCOMMODATION FOR TOURISTS

The ALR is **not** intended to be the venue for hotels or motels. The types of accommodation permitted in the ALR are very limited and subject to new restrictions for placement of fill and removal of soil. See Section 5 of this information bulletin entitled "Soil or Fill Restrictions for Accommodation Construction".

A. Agri-Tourism Accommodation

The use of land in the ALR for providing accommodation in relation to an agri-tourism activity is permitted under section 33 of the ALR Use Regulation, without needing to bring an application to the Commission for that use, if **all** of the following apply:

- (1) the accommodation is in relation to an **“agri-tourism activity”**. Agri-tourism uses must be secondary to, incidental to and compatible with the agricultural production activities. Expressly under section 12 of the ALR Use Regulation, **“agri-tourism activity”** is an activity:
 - (a) conducted on land in the ALR that is classified as a farm under the *Assessment Act*;
 - (b) to which members of the public are ordinarily invited, whether or not a fee or other charge is payable;
 - (c) in connection with which no permanent facilities are constructed or erected. See ALC Policy L-04 for further discussion; AND
 - (d) that falls into one of the following categories:
 - (a) an agricultural heritage exhibit displayed on the agricultural land;
 - (b) a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these;
 - (c) cart, sleigh and tractor rides on the agricultural land;
 - (d) subject to section 9 [*horse facilities*], activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos;
 - (e) dog trials held on the agricultural land;
 - (f) harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;
 - (g) corn mazes prepared using corn produced on the agricultural land on which the activity is taking place;

- (2) the accommodation is located on land in the ALR that is classified as a farm under the *Assessment Act*: ALR Use Regulation, s. 33(2)(a);
- (3) the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel: ALR Use Regulation, s. 33(2)(b);
- (4) the accommodation is limited to 10 sleeping units in total, including any bedrooms used for tourist accommodation under section 34 of the ALR Use Regulation: ALR Use Regulation, s. 33(2)(c). **"Sleeping unit"** means "(a) a bedroom or other area used for sleeping located in a residence, cabin or other structure; (b) a vehicle, trailer, tent or other structure located on a campsite, field or other area": ALR Use Regulation, s. 33(1); AND
- (5) accommodation is provided on a seasonal or short-term basis only: ALR Use Regulation, s. 33(2)(d). **"Seasonal"** is a use or activity that fluctuates according to one or more seasons (spring, summer, fall and winter) (but not all seasons) or available or taking place during one or more seasons (but not all seasons) or at a specific time of the year. **"Short-term"** is the use by a tourist of accommodation for agri-tourism for a period of not more than 30 consecutive days.

Note that:

- **"Tourist"** is a person who travels for pleasure from place to place away from their permanent residence.

An owner of ALR land who wishes to construct or alter agri-tourism accommodation on ALR land must also comply with the requirements set out in section 20.1(1)(a) or (b) of the ALCA except as provided under section 32 of the ALR Use Regulation.

B. Tourist Accommodation (B&B's)

The use of land in the ALR for providing tourist accommodation is permitted under section 34 of the ALR Use Regulation, without needing to bring an application to the Commission for that use, subject to certain restrictions.

Note that:

- **"Tourist accommodation"** is in the nature of bed and breakfast use.
- **"Tourist accommodation"** may **only** occur in a principal residence.
- **"Tourist"** is a person who travels for pleasure from place to place away from their permanent residence.

I. Tourist Accommodation in Compliant Principal Residence

Tourist accommodation on ALR land is permitted without application to the Commission in a principal residence that is 500 m² or less, and that is otherwise also in compliance with the ALR Use Regulation, if both of the following conditions are met:

- (a) the accommodation is limited to 4 bedrooms in total; AND
- (b) accommodation is provided on a short-term basis only.

“Bedroom” for the purpose of section 34 of the ALR Use Regulation means “a bedroom or other area used for sleeping in a residence”: ALR Use Regulation, s. 34(1).

“Short-term basis” means the use by a tourist of a bed and breakfast accommodation for a period of not more than 30 consecutive days.

II. Tourist Accommodation in a Grandfathered Principal Residence

Tourist accommodation on ALR land is permitted without application to the Commission in a principal residence that has a total floor area of more than 500 m² or that is otherwise of a size or is sited in contravention of a regulation if all of the following conditions are met:

- on February 22, 2019, the number of bedrooms complied with section 3(1)(d) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, as it read immediately before February 22, 2019 (that is, “bed and breakfast use of not more than 4 bedrooms for short term tourist accommodation or such other number of bedrooms as specified in a local government bylaw, or treaty first nation government law, applicable to the area in which the parcel is located”);
- the number of bedrooms is not changed after February 22, 2019 unless (i) permitted under section 25 or 45 of the ALCA, or (ii) the number of bedrooms is not increased by the change; AND
- accommodation is provided on a short-term basis only.

An owner of ALR land who wishes to construct or alter tourist accommodation use in a principal residence on ALR land must also comply with the requirements set out in section 20.1(1)(a) or (b) of the ALCA except as provided under section 32 of the ALR Use Regulation.

5. SOIL OR FILL RESTRICTIONS FOR ACCOMMODATION CONSTRUCTION

Removing soil from or placing fill on ALR land is permitted for the construction or maintenance of a principal residence if the total area from which soil is removed or on which fill is placed is 1,000 m² or less. If the affected area is in a floodplain, an additional condition applies: the resulting elevation level must be consistent with applicable local

government or first nation government requirements for flood protection: ALR Use Regulation, s. 35.

Removing soil from or placing fill on ALR land in connection with other residential uses (such as the construction of residential structures for agri-tourism accommodation or where the area affected by a principal residence is greater than 1,000 m²) is not permitted. An owner of ALR land seeking to remove soil or place fill may submit a notice of intent along with payment of the required fee to the ALC's chief executive officer requesting approval: ALCA, s. 20.3. The landowner may also apply to the commission for a soil or fill use under s. 25 of the ALCA.

The following types of fill are prohibited on ALR land (ALR Use Regulation, s. 36):

- construction or demolition waste (including masonry rubble, concrete, cement, rebar, drywall and wood waste);
- asphalt;
- glass;
- synthetic polymers;
- treated wood;
- unchipped lumber.

6. APPLICATIONS FOR NON-ADHERING RESIDENTIAL USE

An owner may apply to the Commission for approval under section 25 of the ALCA for a non-adhering residential use: ALCA, s. 20.1(2). A **“non-adhering residential use”** means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1). For example, use of more than four bedrooms in a principal residence for short-term tourist accommodation would be a non-adhering residential use requiring an application (subject to the potential exception for Tourist Accommodation in a Grandfathered Principal Residence discussed above).

For more information on making applications to the Commission, please see the Commission's website, at www.alc.gov.bc.ca/alc/content/applications-and-decisions.

Section 25(1) of the ALCA provides that on receiving a use application the Commission may:

- refuse permission for the use applied for,
- grant permission, with or without limits or conditions, for the use applied for, or
- grant permission for an alternative use or subdivision, with or without limits or conditions, as applicable.

With respect to an application for a non-adhering residential use, the Commission (a) must consider the prescribed criteria, if any, (b) must not grant permission for an additional residence unless the additional residence is necessary for a farm use; and (c) must reject the application if required by the regulations to do so: ALCA, s. 25(1.1).

Examples of considerations that the Commission may take into account in determining an application are found here: <https://www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers>

7. GLOSSARY

The following key definitions are relevant to this information bulletin:

“agri-tourism activity” means “an activity referred to in section 12” of the ALR Use Regulation: ALR Use Regulation, s. 1

“additional residence” means “a residence on a parcel of agricultural land, other than the principal residence”: ALCA, s. 1(1)

“alter” means “the following: (a) to alter the exterior of a structure so as to increase its size; (b) to move or alter the exterior walls or edges of a structure so as to change its siting”: ALCA, s. 1(1)

“authorization” means a permit or other authorization, issued under an enactment, to construct or alter a residence: ALCA, s. 20.2

“bedroom” means “a bedroom or other area used for sleeping in a residence”: ALR Use Regulation, s. 34(1)

“construct” means “the following: (a) to build a new structure; (b) to place on land a new structure that is fully or partially pre-fabricated; (c) to replace a structure, 75% or more of which has been substantially damaged or destroyed”: ALCA, s. 1(1)

“farm use” means “an occupation or use of agricultural land for (i) farming land, plants, mushrooms, truffles or animals, (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*, or (iii) a purpose designated as a farm use by regulation”, but “farm use” does “not include a residential use or a soil or fill use”: ALCA, s. 1(1)

“fill” means “any material brought onto agricultural land other than materials exempted by regulation”: ALCA, s. 1(1)

“non-adhering residential use” means “any of the following: (a) an additional residence; (b) a principal residence having a total floor area that is more than 500 m²; (c) a use of a residential structure that contravenes the regulations”: ALCA, s. 1(1)

“non-farm use” means “a use of agricultural land other than a farm use, a residential use or a soil or fill use”: ALCA, s. 1(1)

“pre-existing residential structure” means “a residential structure that exists on agricultural land on the date this section comes into force [February 22, 2019], and (a) is an additional residence, (b) is a principal residence having a total floor area of more than 500 m², or (c) is of a size or is sited in contravention of a regulation”: ALCA, s. 20.2

“prescribed residential structure” is either a “structure” that, or a “vehicle” that, is “used, whether permanently or temporarily, to provide or in connection with providing accommodation as described in [Part 4 of the ALR Use Regulation]”: ALR Use Regulation, s. 29

“principal residence” means “the residence permitted under section 20.1(1)(a)”: ALCA, s. 1(1)

“residential structure” means “a structure used, during all or part of the year and whether fully or partially, as (a) a residence, (b) if prescribed, accommodation, or (c) if prescribed, in relation to a residence or accommodation”: ALCA, s. 1(1)

“residential use” means “a use of agricultural land for a residential structure” but “does not include a farm use or a soil or fill use”: ALCA, s. 1(1)

“seasonal” means a use or activity that fluctuates according to one or more seasons (spring, summer, fall and winter) (but not all seasons) or available or taking place during one or more seasons (but not all seasons) or at a specific time of the year

“short-term basis” means the use by a tourist of accommodation for a period of not more than 30 consecutive days

“sleeping unit” means “(a) a bedroom or other area used for sleeping located in a residence, cabin or other structure; (b) a vehicle, trailer, tent or other structure located on a campsite, field or other area”: ALR Use Regulation, s. 33(1)

“soil or fill use” means “the removal of soil from, or the placement of fill on, agricultural land” but “does not include a farm use or a residential use”: ALCA, s. 1(1)

“tourist” is a person who travels for pleasure from place to place away from their permanent residence

“use or subdivision application” means “an application for permission made under any of the following: (a) section 20 (2) for a non-farm use; (b) section 20.1 (2) (a) for a non-adhering residential use; (c) section 20.3 (5) for a soil or fill use; (d) section 21 (2) for subdivision”: ALCA, s. 1(1)



INFORMATION BULLETIN 07

SOIL OR FILL USES IN THE ALR

March 22, 2019

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1. SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**), the Agricultural Land Reserve General Regulation (the **ALR General Regulation**) and the Agricultural Land Reserve Use Regulation (the **ALR Use Regulation**), in relation to fill placement or soil or aggregate removal in the agricultural land reserve (**ALR**). The ALCA, the ALR General Regulation and the ALR Use Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA, the ALR General Regulation and the ALR Use Regulation. All other applicable provincial and federal laws and regulations, as well as applicable local government bylaws, must also be complied with.

2. RECENT CHANGES TO STATUTE AND REGULATIONS

Effective February 22, 2019, the ALCA has been amended and the ALR Use Regulation has been created. Though many concepts contained in the ALCA and its regulations are unchanged from the past, there have been significant changes in relation to fill placement, soil removal, and aggregate removal. All references in this information bulletin to the ALCA and its regulations are as of February 22, 2019, unless otherwise stated.

The following is a summary of key fill placement, soil removal, and aggregate removal changes to the ALCA and ALR Use Regulation:

- Farm use is no longer defined in any circumstance to include soil removal or fill placement.
- Non-farm use is no longer defined in any circumstance to include soil removal or fill placement.
- Only in very limited circumstances, which are expressly identified in the ALR Use Regulation, can fill placement or removal of soil or aggregate be undertaken without interaction with the Agricultural Land Commission (ALC) via a *Notice of Intent* or a *Soil or Fill Use Application* as outlined in this bulletin.
- Prohibited fill has been defined.

The changes to the ALCA and the regulations mean that previous ALC bylaws, policies and information bulletins in relation to fill placement, soil removal and aggregate removal are superseded.

Anyone who intends to place fill on land in the ALR or to remove soil or aggregate from land in the ALR must comply with the ALCA and its regulations.

3. PLACEMENT OF FILL OR REMOVAL OF SOIL IN THE ALR

A. Fill Placement or Soil Removal That May Occur Without Authorization

See Section 4 of this bulletin for information on Aggregate Removal.

The following fill placement or soil removal activities are permitted uses and are considered “**Exempted Activities**” or an “**Exempted Activity**” and do not require authorization from the ALC:

- constructing or maintaining a structure for farm use OR for a principal residence **if** both of the following conditions are met:
 - (i) the total area from which soil is removed, or on which fill is placed, is 1,000 m² or less; AND
 - (ii) if the area from which the soil is removed, or on which the fill is placed, is in a floodplain, the resulting elevation level is consistent with the minimum elevation level established under all applicable local government enactments and first nation government laws, if any, respecting flood protection in the floodplain;

See the Section 9 “Glossary”, found at the end of this bulletin, for the definition of “**structure for farm use**” and “**principal residence**”.

- constructing or maintaining berms for producing cranberries, if any fill placed on the area is (i) no higher than 2 m above the natural grade, and (ii) no wider than 10 m at the base;
- constructing or maintaining flood protection dikes, drainage, irrigation and livestock watering works for farm use, if the total annual volume of soil removed or fill placed is 320 m³/16 ha or less;
- maintaining an existing farm road, if the total annual volume of soil removed or fill placed is 50 m³ or less;
- using clean sand as a top-dress for berry production, if the total annual volume of soil removed or fill placed is 100 m³/ha or less;
- applying soil amendments, if incorporated into the soil to a depth of 30 cm or less. “Soil amendment” means compost, fertilizer, manure, mulch and soil conditioners;
- conducting soil research and testing, if the soil removed or fill placed is limited to the amount necessary for the research or testing.

For any of the above purposes, fill must not include any of the following, which are defined as **Prohibited Fill** in the ALR Use Regulation:

- (a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste;
- (b) asphalt;
- (c) glass;

- (d) synthetic polymers (e.g., plastic drainage pipe);
- (e) treated wood;
- (f) unchipped lumber.

B. Fill Placement or Soil Removal That Requires Authorization

Other than those fill placement and soil removal activities described as Exempted Activities, a person must not place fill on, or remove soil from, land in the ALR without successfully completing one of the following processes:

- **Notice of Intent** – A landowner who wishes to place fill or remove soil in the ALR must submit a *Notice of Intent* to the CEO of the Commission in accordance with the process set out in this bulletin in Section 5.
- **Soil or Fill Use Application** - A landowner is always at liberty to make an application for fill placement or soil removal to be decided by the Commission under s. 25 of the ALCA. If the Commission approves the *Soil or Fill Use Application*, the landowner may proceed with the approved use on the terms of that approval.

If a landowner is unsure as to which type of authorization they should seek, they should contact the Commission staff for guidance at ALC.Soil@gov.bc.ca.

A person who places fill or removes soil from land in the ALR without successfully having completed one of these processes, may be subject to a penalty or order to remediate the land or remove the unauthorized fill.

4. REMOVAL OF AGGREGATE

C. Aggregate Removal That May Occur Without Authorization

If a person engages in aggregate removal within the following parameters, a *Notice of Intent* is not required and the removal will not breach the ALCA (ALR Use Regulation, s. 26) (a "**Section 26 Aggregate Removal**") if:

- the total volume of aggregate removed from any single parcel is less than 500 m³; and,
- regardless of the volume of aggregate removed, the disturbed area is rehabilitated in accordance with good agricultural practice as soon as reasonably practicable after (i) aggregate removal is complete, if the aggregate is removed as part of a single continuous operation, or (ii) each stage of aggregate removal is complete, if subparagraph (i) does not apply; and,
- the cultivable surface layer of soil is salvaged, stored on the parcel and available for rehabilitation in accordance with the bullet point above.

D. Aggregate Removal That Requires Authorization

A person must not remove aggregate from land in the ALR, with the exception of activities related to Section 26 Aggregate Removal, without successfully completing either a *Notice of Intent* or *Soil or Fill Use Application*, as described in this bulletin.

A person who removes aggregate from land in the ALR without successfully having completed one of these processes, may be subject to a penalty or order to remediate the land or remove the unauthorized fill.

5. PROCESS TO REQUEST AUTHORIZATION

If a landowner is unsure as to which type of authorization they should seek, they should contact ALC staff for guidance at ALC.Soil@gov.bc.ca.

A. Notice of Intent Process

If a landowner intends to place fill or remove soil or aggregate for reasons other than an Exempted Activity, the landowner must submit the *Notice of Intent* prior to initiating an activity. The *Notice of Intent* is submitted through the ALC Application Portal along with the prescribed \$150 fee: ALCA s. 20.3(1)(c), ALCA General Regulation, s. 33.1(6). This is the required manner of submission under s. 20.3(1)(c) of the ALCA. Please see www.alc.gov.bc.ca/alc/content/applications-and-decisions on the ALC website for more information.

The purpose of a *Notice of Intent* is to seek authorization prior to lawful placement of fill or removal of soil or aggregate, and not as a mechanism to seek retroactive approval.

I. Receipt of a Complete Notice of Intent

The CEO and employees of the Commission to whom authority is delegated under s. 20.3(6) of the ALCA (together referred to as the CEO as applicable in this bulletin) have certain powers and functions once both the *Notice of Intent* and fee have been received. The CEO will acknowledge the *Notice of Intent* when it has been received in the required form and manner and the fee has been paid. The *Notice of Intent* is not considered to be complete unless it is submitted to the CEO in the required form and manner and the fee has been paid.

The 60 calendar day period for reviewing the *Notice of Intent* does not start running until the *Notice of Intent* has been acknowledged as complete.

II. Additional Information Request from CEO

Upon review of a complete Notice of Intent, the CEO may request additional information from the landowner who submitted the *Notice of Intent*: ALCA s. 20.3(2)(a). The CEO has 60 days from when the *Notice of Intent* (in the form and manner) is found to be complete to request additional information.

Once all of the additional information requested by the CEO is provided, the CEO has 60 days either to:

- approve the placement of fill or the removal of soil or aggregate (either as set out in the *Notice of Intent* or subject to limits and conditions) (the “**CEO Approval**”) or
- issue a written order that the person stop or not engage in placing fill or removing soil or aggregate (the “**CEO Refusal**”): ALCA s. 20.3(2), (4).

The 60 day period for issuing either the CEO Approval or the CEO Refusal does not start running until the CEO has received all of the additional information requested.

If the CEO does not issue either a CEO Approval or a CEO Refusal within the 60 day period from receipt of all the additional information requested, fill placement or removal of soil or aggregate as described in the *Notice of Intent* will not contravene the ALCA or the regulations except if Prohibited Fill is placed on the property.

III. CEO does not request additional information

If the CEO does not request additional information from the person who submitted the *Notice of Intent*, the CEO must within 60 days from receipt of the *Notice of Intent* (in the required form and manner) and fee, either:

- approve the fill placement or soil or aggregate removal activity (either as set out in the notice or subject to limits and conditions)(**CEO Approval**), or
- issue a written order that the person stop or not engage in placing fill or removing soil or aggregate (**CEO Refusal**): ALCA s. 20.3(2), (4).

IV. Compliance with CEO Approval

A landowner who receives a CEO Approval may place fill or remove soil or aggregate in accordance with the terms of that approval. The CEO Approval will indicate terms and conditions of the fill placement or soil or aggregate removal activity.

V. CEO Refusal

If the landowner who receives a CEO Refusal still wishes to place fill or remove soil or aggregate, he or she must submit and have an approved *Soil or Fill Use Application* to the Commission.

B. Soil or Fill Use Application Process

A *Soil or Fill Use Application* is a form of “use application” to be decided by the Commission under s. 25 of the ALCA. A *Soil or Fill Use Application* may be made in any of the following circumstances:

- if a landowner in the ALR wishes to seek Commission approval via a use application rather than going through the *Notice of Intent* process;
- if a landowner in the ALR commences but changes their mind before completion of the *Notice of Intent* process and wishes to seek Commission approval via a use application;
- if at the conclusion of the *Notice of Intent* process, the CEO has issued a CEO Approval and the landowner is not satisfied with the terms and conditions of that approval and wishes to have different terms and conditions; or
- if at the conclusion of the *Notice of Intent* process, the CEO has issued a CEO Refusal.

If a *Notice of Intent* and associated fee have already been submitted, the *Soil or Fill Use Application* fee is \$1,350; otherwise the fee is \$1,500: ALR General Regulation, s. 33(1.1).

The *Soil or Fill Use Application* must be submitted through the ALC Application Portal. Please see www.alc.gov.bc.ca/alc/content/applications-and-decisions on the ALC website for more information. This is the required manner of submission under s. 20.3(5) of the ALCA.

On receiving a *Soil or Fill Use Application*:

- the Commission must reject the application if the fill to be placed includes any form of **Prohibited Fill**; or,
- the Commission must do one of the following:
 - (a) refuse permission for the fill placement or removal of soil or aggregate;
 - (b) grant permission, with or without terms or conditions, for the use applied for, or
 - (c) grant permission for an alternative use, with or without terms or conditions, as applicable: ALCA, s. 25(1)(b).

C. Soil or Fill Use Application Considerations

For examples of general considerations that the Commission may take into account in determining a use application, please see www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers.

Among the considerations that the Commission is likely to take into account on a *Soil or Fill Use Application* for soil or fill use are the following:

- Will the fill placement or soil removal aid the farm/farming activity?
- Will the fill placement or soil removal reduce the agricultural capability of the land, degrade soils, or limit the range of crops that can be grown on the subject property compared to the current crop suitability of the land?
- Is fill placement or soil removal the only means available to address implementation of standard agricultural best practices?
- Will the fill placement or soil removal aid in the rehabilitation of agricultural lands severely impacted by past fill activities or other activities that have degraded agricultural land, whether permitted or not permitted?
- Will the fill placement foul, obstruct, or impede the flow of any waterway?
- If fill is required for drainage improvements, will the proposed fill height exceed more than 0.5 metres above the maximum height of the water table (as confirmed by a Qualified Registered Professional) which is equivalent to a Class 1 excess water limitation?

- Will the final finished grade of the subject property complement adjacent landforms and provide for a smooth transition between the land contours and drainage channels on adjacent lands and the reclaimed area?
- How long are fill placement activities expected to last? Generally, the Commission will not consider fill placement activities that would extend beyond two years.

If the Commission approves a *Soil or Fill Use Application*, the fill placement or soil or aggregate removal activity may proceed only in accordance with that approval.

A person who places fill or removes soil or aggregate from land in the ALR without successfully having completed a *Notice of Intent* or a *Soil or Fill Use Application* may be subject to a penalty or order to remediate the land or remove the unauthorized fill.

A *Notice of Intent* may NOT be made for a *Soil or Fill Use Application* that was refused by the Commission.

6. ROLE OF LOCAL GOVERNMENT

The role of local government will depend on the whether the landowner has submitted a *Notice of Intent* or a *Soil or Fill Use Application*.

E. Notice of Intent

Local governments are notified when a *Notice of Intent* is submitted; however they do not have a role in processing or evaluating a *Notice of Intent*, unless the CEO requests their input. Local governments are also copied on decisions once the CEO has rendered them.

The local government must NOT approve or permit fill placement or soil or aggregate removal activities unless:

- the fill placement or soil removal is an **Exempted Activity**; or,
- there is a CEO Approval for the fill placement or removal of soil or aggregate.

F. Soil or Fill Use Application

An application to the Commission asking it to approve a soil or fill use may be submitted through the local government.

Local governments that receive a *Soil or Fill Use Application* under section 34 (4) of the ALCA must:

- (a) review the application, and
- (b) forward to the Commission the application together with the comments and recommendations of the local government or the first nation government in respect of the application

The local government must NOT approve or permit fill placement or removal of soil or aggregate until such time that the Commission has approved the *Soil or Fill Use Application* for the subject property.

For more information on the process for making applications to the Commission, please see the Commission's website at www.alc.gov.bc.ca/alc/content/applications-and-decisions.

G. Consistency with Zoning and Other Bylaws

Any portion of a local government bylaw that intends to allow a use of land in the ALR that is not permitted under the ALCA or the ALR Use Regulation, or contemplates a use of land that would impair or impede the intent of the ALCA or the ALR Use Regulation, is inconsistent with the ALCA or the ALR Use Regulation and has no force or effect: ALCA, ss. 46(4), (5).

The placement of fill or removal of soil or aggregate in contravention of the ALCA or the ALR Use Regulation may be subject to compliance and enforcement action even if the use seems to comply with a local government bylaw.

7. LAND DEVELOPMENT WORKS

Farm use of land in the ALR includes "a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*": ALCA, s. 1. The definition of "farm operation" in the *Farm Practices Act* includes "clearing, draining, irrigating or cultivating land" if "involved in carrying on a farm business". A subset of this category of work is known as "land development works", which includes all of the following:

- (a) levelling and berming agricultural land;
- (b) constructing reservoirs;
- (c) constructing works ancillary to clearing, draining, irrigating, levelling or berming agricultural land and to constructing reservoirs.

Some of these land development works may require fill placement or removal of soil; however, **this does not mean that these activities can occur without authorization of the Commission.** Authorization in the form of a *Notice of Intent* or *Soil or Fill Use Application* **must be obtained** (other than for **Exempted Activities**) before the fill placement or soil or aggregate removal activity associated with land development works is undertaken.

8. RESIDENTIAL CONSTRUCTION

Fill placement or removal of soil or aggregate is permitted for the construction or maintenance of a principal residence if:

- the total area from which soil or aggregate is removed or on which fill is placed is 1,000 m² or less, AND

- the total floor area of the principal residence is 500 m² or less, or the residence has been authorized by a *Non-Adhering Residential Use Application*. See Information Bulletin 05: Residences in the ALR for more information on residential uses.

If the affected area is in a floodplain, an additional condition applies: the resulting elevation level must be consistent with applicable local government or first nation government requirements for flood protection: ALR Use Regulation, s. 35.

Removing soil or aggregate from, or placing fill on, ALR land in connection with other residential uses (such as for the construction of an additional residence, alteration of a residence or where the area affected by a principal residence is greater than 1,000 m²) is not permitted. A landowner seeking to remove soil or aggregate or place fill that exceeds the 1000 m² condition may submit a *Notice of Intent* along with payment of the required fee. The landowner may also apply to the Commission through a *Soil or Fill Use Application* under s. 25 of the ALCA.

Prohibited Fill is not permitted for the construction or maintenance of any residential uses.

9. COMPLIANCE AND ENFORCEMENT

The Commission receives many complaints regarding fill, soil and aggregate-related activities on ALR land. Compliance and enforcement officials of the Commission have a wide range of compliance and enforcement mechanisms available under ss. 49-57 of the ALCA. This includes mechanisms to ensure that the ALCA, regulations and orders are complied with, that land can be rehabilitated where non-compliance occurs, and that violations can be penalized administratively or through the courts.

The purpose of a *Notice of Intent* is to seek authorization prior to lawful placement of fill or removal of soil and aggregate, and not as a mechanism to seek retroactive approval.

10. GLOSSARY

The following key definitions are relevant to this information bulletin:

“aggregate” means sand, gravel, crushed stone, quarry rock and similar materials used in the construction and maintenance of civil and structural projects

“ALCA” means the *Agricultural Land Commission Act*

“ALR” means the Agricultural Land Reserve

“ALR General Regulation” means the Agricultural Land Reserve General Regulation

“ALR Use Regulation” means the Agricultural Land Reserve Use Regulation

“berming” means the construction of dykes;

“CEO” means the Chief Executive Officer of the Commission and, as applicable, such employees to whom powers and duties are delegated under s. 20.3(6) of the ALCA

“clearing” means tree and stump removal undertaken to prepare land for cultivation

“Farm Practices Act” means the *Farm Practices Protection (Right to Farm) Act*

“structure for farm use” means structures used in a farm operation for the growing, producing, raising, or keeping of farm animals or plants, including mushrooms and aquaculture facilities, and the primary products of those plants and animals

“farm use” (a) means an occupation or use of agricultural land for (i) farming land, plants, mushrooms, truffles or animals, (ii) a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act* or (iii) a purpose designated as a farm use by regulation, and (b) does not include a residential use or a soil or fill use: ALCA, s. 1

“fill” means “any material brought onto agricultural land other than materials exempted by regulation”: ALCA, s. 1

“flood protection requirements” means the elevation level as established by local government bylaws for flood protection within a defined floodplain

“levelling” means reshaping the soil surface within a field or parcel of land to eliminate high and low areas and resulting in a uniform field level (that is, cutting high spots and filling in low spots);

“non-farm use” means “a use of agricultural land other than a farm use, a residential use or a soil or fill use”: ALCA, s. 1

“Notice of Intent” means a notice of intent submitted to the CEO under s. 20.3(1)(c)(ii) of the ALCA, in the form and manner that the CEO requires

“placement” of fill, or **“fill placement”**, means to deposit, place, store, or stockpile directly or indirectly, fill on any land in the ALR, where that fill did not previously exist

“principal residence” means the residence permitted under section 20.1(1)(a) of the ALCA

“Prohibited Fill” means (a) construction or demolition waste, including masonry rubble, concrete, cement, rebar, drywall and wood waste; (b) asphalt; (c) glass; (d) synthetic polymers; (e) treated wood; (f) unchipped lumber: ALR Use Regulation, s. 36.

“Qualified Registered Professional” means a person registered with a professional association including the Association of Professional Engineers and Geoscientists of BC, the Corporation of the Province of British Columbia Land Surveyors, British Columbia Institute of Agrologists or another person who is qualified because of knowledge, training and experience to organize, supervise and perform the relevant services

“remove” or **“removal”** means the act of removing soil or aggregate from any land in the ALR, where it existed or stood, which place or location shall include a stockpile or other storage facility

“reservoir” means a water impoundment that is used for agricultural water supply.

“soil” includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act*: ALCA, s. 1

“soil amendment” means compost, fertilizer, manure, mulch and soil conditioners: ALR Use Regulation, s. 1

“soil conditioner” means organic or inorganic matter that has beneficial effects on the biological, chemical, or physical properties of soil

“soil or fill use” means (a) the removal of soil from, or the placement of fill on, agricultural land, and (b) does not include a farm use or a residential use: ALCA, s. 1

“Soil or Fill Use Application” means an application for permission made for a soil or fill

“stockpile” means a man-made accumulation of soil, fill, or organic materials held in reserve for future use, distribution or removal.

“use application” means an application for permission made under any of the following: (a) s. 20(2) of the ALCA for a non-farm use; (b) s. 20.1(2)(a) for a non-adhering residential use; (c) section 20.3 (5) for a soil or fill use: ALCA, s. 1

“wood residue” as defined by the Code of Practice for Agricultural Environmental Management means wood or a wood product that (a) is chipped or ground, (b) originates from (i) wood processing, (ii) the clearing of land, if the majority of the greenery is removed and no soil is present, or (iii) trimming or pruning activities, (c) has not been treated or coated with chemicals, including preservatives, glues, paints, varnishes, oils or finishing materials, (d) does not contain a foreign substance harmful to humans, animals, or plants when combusted, (e) has not been exposed to salt water, and (f) has not been used for or recovered from construction or demolition activities

“wood waste” includes wood residue, hog fuel, mill ends, bark, and sawdust, but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends, or log yard waste

**STAFF REPORT**

Date: 05 Apr 2019
To: Chair Worley and Electoral Area
Services Committee Members
From: Mark Andison, Chief Administrative
Officer
Re: Bylaw Enforcement Coordinator
Position

File Bylaw Enforcement

Issue Introduction

A staff report from Mark Andison, Chief Administrative Officer, regarding the proposed hiring of a dedicated bylaw enforcement coordinator for the RDKB.

History/Background Factors

At its February meeting, the Electoral Area Services Committee discussed the proposal to establish a bylaw enforcement coordinator position in the context of reviewing the draft 2019 budget and five-year financial plan for the Electoral Area Administration Service. The following is an excerpt of the minutes from that meeting.

Electoral Area Administration (002) Financial Plan

There was discussion about the proposed creation of the bylaw enforcement coordinator position. It was agreed upon by the committee members that a 24 month (2 year) term position be created.

Moved: Director Russell

Seconded: Director Gee

*That the Regional District of Kootenay Boundary Board of Directors approve the Electoral Area Administration (002) 2019-2023 Five Year Financial Plan including minor changes for adjustments to year-end totals. **FURTHER** that the Plan be included in the overall RDKB 2019-2023 Five Year Financial Plan. Carried.*

Based upon the discussions from that meeting, funding to cover six months of wages and benefits have been included in the 2019 Electoral Area Administration Service budget. Other costs associated with the position and the implementation of

the Bylaw Notice and Adjudication System have not been included in the 2019 budget because the new bylaw enforcement coordinator will be spending his/her initial months establishing the new system, incurring limited ancillary costs. Once in place, it is anticipated that there will be additional costs to be included in next year's budget, including the costs of hiring an adjudicator to adjudicate disputed bylaw notices, legal review of compliance agreements (when it is deemed necessary to solicit legal advice), potential purchase bylaw enforcement software module (CityView), and some of the overhead costs of the new service (publishing information pamphlets, printing notice and adjudication documents, etc.). Also, at this point, funding has not been allocated for a dedicated bylaw enforcement vehicle, anticipating that the employee may utilize a fleet vehicle. Depending upon the frequency of bylaw enforcement inspection work required, there may be a need in the future to allocate funds for a vehicle or for a portion of a vehicle.

Implications

Based upon the discussion from the February meeting, there are some outstanding issues and questions about the position that the EAS Committee expressed an interest in discussing before the RDKB commits to hiring a new bylaw enforcement employee. For example, the location of the position was raised for consideration in February (Trail or Grand Forks). While there is some flexibility on this, there are advantages to having the position located in Trail (more direct supervision, access to property files, access to other staff that may be involved in the screening process, access to fleet vehicles, etc.).

The attached Bylaw Dispute Adjudication Toolkit, produced jointly by the Provincial government and the Local Government Management Association, is provided to allow the Committee an opportunity to better understand the bylaw notice and adjudication process that the new employee would be charged with establishing and administering. As the Committee will note, the process is relatively complex and will require the services of a dedicated employee to develop and administer. Once the system is established and operating, the Regional District will need a committed staff resource to continue to manage the system. The establishment of a temporary, two-year term position to manage the system would leave the RDKB without that dedicated staff resource in two years time. It will be important, at this stage, to consider the the long-term implications of the proposed new system and associated staffing requirements.

This staff report is intended to form the basis of discussion at the Electoral Area Services Committee meeting about the proposed bylaw enforcement coordinator position. Staff intends to delay advertising the new position until the Committee has had sufficient opportunity to discuss the implications of the new position and feels comfortable with a course of action on this issue.

Advancement of Strategic Planning Goals

Consideration of the long-term implications of hiring a dedicated bylaw enforcement coordinator advances the Board's strategic objective of being responsible and proactive in funding our services.

Background Information Provided

Bylaw Dispute Adjudication Toolkit

Alternatives

1. That the Electoral Area Services Committee review the staff report from Mark Andison, CAO regarding the proposed bylaw enforcement coordinator position and provide direction.
2. That the Electoral Area Services Committee receive the staff report from Mark Andison, CAO regarding the proposed bylaw enforcement coordinator position.

Recommendation(s)

That the Electoral Area Services Committee review the staff report from Mark Andison, CAO regarding the proposed bylaw enforcement coordinator position and provide direction.



Local Government

TOOLKIT:

Bylaw Dispute Adjudication System

LOCAL GOVERNMENT TOOLKIT: BYLAW DISPUTE ADJUDICATION SYSTEM

Acknowledgements

This *Local Government Bylaw Dispute Adjudication System Toolkit* is the result of collaboration between the participating communities of the North Shore Adjudication Model Pilot Project (District of West Vancouver, District of North Vancouver, and City of North Vancouver), the Local Government Advisory Services Branch of the Ministry of Community Services, the Local Government Management Association of British Columbia (LGMA), and the Court Services Branch of the Ministry of Attorney General.

Court Services Branch would like to recognize Barbara Hamilton, Bylaw Supervisor for the City of North Vancouver, for her assistance in providing the “sample” documents that are included in this toolkit. Thanks also to CivicInfo BC for hosting this Toolkit, and other Bylaw Dispute Adjudication System resources, on its website (www.civicinfo.bc.ca).

Disclaimer

The purpose of this Toolkit is to assist local governments that are implementing the *Local Government Bylaw Notice Enforcement Act*, which allows for locally-based administration and adjudication of bylaw violation disputes. It is intended to be an “evergreen” document, and may be updated periodically, as appropriate.

This Toolkit includes information on how the adjudication model differs from other existing methods of municipal bylaw ticketing and administration. It also includes background information, policies and processes, forms and communication materials that were used as part of the North Shore Adjudication Model pilot project. These materials should be considered guiding documents **only** and should be modified, as appropriate, to fit the requirements of each local government.

This Toolkit is not a legal document and should not be considered as a substitute for the governing legislation and regulations. If in doubt on any information provided in this toolkit, users are encouraged to seek a legal opinion to ensure conformity with the legislation.

Victoria, September 2005

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1. INTRODUCTION

In October 2003, the Province of British Columbia enacted legislation providing an alternative approach for processing and resolving minor bylaw infractions, the *Local Government Bylaw Notice Enforcement Act*.

Bylaw infractions are a common occurrence in any local government that enacts regulatory bylaws. Prior to the *Local Government Bylaw Notice Enforcement Act* (the Act), there were three main strategies used by local governments to deal with a problem:

1. seek voluntary compliance;
2. issue a traffic “offence notice” for parking infractions seeking voluntary payment of a prescribed fine; or
3. initiate formal court proceedings by issuing a Municipal Ticket Information (MTI) or swearing an Information and issuing a Summons.

Initiating formal court proceedings can be costly, and some local governments choose to avoid these enforcement costs by abandoning enforcement if voluntary compliance is not forthcoming.

Over the past fifteen years, there have been various calls for bylaw reform with respect to enforcement and prosecution. Calls for reform have come from the Union of British Columbia Municipalities (UBCM), the Hughes Commission on Access to Justice and the Chief Judges’ Task Group on Sitting Justices of the Peace. In response to these calls, the Province enacted the *Local Government Bylaw Notice Enforcement Act*.

New Adjudication Model

The goal of the new adjudication model is to create simple, fair, and cost-effective systems for dealing with minor bylaw infractions. To meet this goal, the adjudication model:

- eliminates the requirement for personal service;
- establishes a dedicated forum for resolving local bylaw enforcement disputes;
- uses a dispute resolution-based approach to obtaining independently adjudicated decisions;
- avoids the unnecessary attendance of witnesses;
- avoids the need to hire legal counsel; and
- promotes the timely resolution of bylaw enforcement disputes.

Legislation

Under the Act, local governments may establish a local government bylaw dispute adjudication system, more simply known as an adjudication system, which replaces the Provincial Court as the venue for resolving disputes of minor municipal bylaw breaches.

The Act, and the authority it provides to establish an adjudication system, applies to both municipalities and regional districts by regulation. In order to proceed, these local governments may make a request to the Ministry of Attorney General to have a regulation enacted, in order to make the Act applicable to them.

1. INTRODUCTION

The legislation is designed to enable the creation of simple, cost-effective administrative systems for enforcing minor bylaw infractions, ranging from parking tickets to dog licensing and minor zoning infractions.

The two main features of an adjudication system are a simple “front-end” ticket process for initiating enforcement, and a locally managed “back-end” venue for a non-judicial adjudicator to hear ticket disputes.

Pilot Project Results

Beginning in May 2004, the adjudication model was piloted in three North Shore municipalities (City of North Vancouver, the District of North Vancouver and the District of West Vancouver). These municipalities maintained independent ticketing processes to enforce their individual regulatory bylaws, but shared administrative processes around the adjudication of disputes.

An evaluation of the first eight months of the pilot showed reductions in **the time from ticket issuance to ticket disposition** and the rate of disputed tickets and an improvement in fine payments.

The impact of the reduced dispute rate and ability to attend hearings in writing significantly reduced the time bylaw enforcement officers spent attending court. Further potential to reduce the costs associated with personal service of enforcement documents was also demonstrated.

As a result of this successful pilot, the Attorney General is now expanding the authority for use of the adjudication system to interested local governments across the province.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

Under the new model, formal bylaw enforcement action begins with the completion of a Bylaw Notice by a local government bylaw enforcement officer.

The Bylaw Notice informs the recipient of:

1. the alleged bylaw contravention that is being made;
2. the penalty for the contravention; and
3. how to pay the fine or dispute the allegation.

The Bylaw Notice may be delivered in a variety of fashions, including leaving it on a car or mailing it, to the person responsible for the contravention. Unless the Bylaw Notice is delivered in person, it is presumed to have been received, and allowances are made in the event that the person claims not to have received it.

If a Bylaw Notice is mailed, the municipality or regional district may presume that it was received on the 7th day after mailing. If a Bylaw Notice is left on a vehicle or at a residence, business or worksite, the local government may presume that it was received that day. Allowances are made in the event that the intended recipient later claims that the Bylaw Notice was not actually received.

Serving the Bylaw Notice

Once the Bylaw Notice is received, or presumed received, it becomes legally effective and the recipient has a fixed period of time in which to take action on it. The precise duration of this period is set in the local government bylaw, but must be at least 14 days after receipt of the Bylaw Notice.

Within that period, the person named on the Notice, or the registered owner of the car if it was left on a vehicle, must either pay the fine amount noted on the Notice or notify the local government that he or she wishes to dispute the allegation.

In the event the person does neither, the amount of the Notice, plus an additional late payment penalty, if one has been established in the local government bylaw, will be due and owing to the local government.

Screening Officer

In order to reduce the number of disputed Notices forwarded to adjudication, a local government has the option of establishing a screening officer to review disputed Notices.

The screening officer has the authority to cancel a Bylaw Notice if he or she believes that the allegation did not occur, or that the required information is missing from the Notice. The local government may also permit the screening officer to cancel a Bylaw Notice in other circumstances set out by the local government.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

A screening officer may conduct the review based on discussion or correspondence with the disputant, and will typically explain the process and potential consequences of dispute adjudication.

Compliance Agreements

For infractions where compliance is a goal, the local government may also authorize a screening officer to enter into a compliance agreement with a person who has received a Bylaw Notice. A compliance agreement will include acknowledgement of the contravention of the bylaw and will typically set out remedies or conditions on future behaviour to be performed within a designated period of time, and reduce or waive the fine at the conclusion of that period.

Disputes

If the screening officer determines that cancellation or a compliance agreement is not possible and the person still wishes to dispute the allegation, the disputant must confirm this and indicate whether he or she plans to appear at the adjudication hearing in person, in writing or by telephone. A disputant may also choose to appear by other electronic means, such as video conferencing, although the local government may require the disputant to cover any extraordinary costs associated with appearing in a less conventional manner.

The screening officer or a clerk will then schedule a day and time for the adjudication, notify the disputant of these details, and request the presence of an adjudicator. The person named in the Bylaw Notice may choose to pay the applicable fine at any time, although payment after the deadline may result in a higher fine amount.

Adjudication of the Dispute

At the adjudication hearing, an adjudicator will hear from both the disputant and the local government and decide whether he or she is satisfied that the contravention occurred as alleged. When considering a matter, the adjudicator can review documents submitted by either party, or hear from the parties or witnesses over the telephone. All adjudications are open to the public.

The appointment, training and management of the adjudicator roster occur at arms-length from the local government. Adjudicators are appointed by the Deputy Attorney General.

Disposition of the Infraction

The function of the adjudicator is strictly to confirm or cancel the Bylaw Notice. The adjudicator has no discretion to reduce or waive the fine amount. The adjudicator also has no jurisdiction to deal with challenges to the bylaw or claims of infringements of rights under the Charter of Rights and Freedoms. The adjudicator must proceed on the basis that the bylaw is legally valid.

2. OVERVIEW OF THE BYLAW DISPUTE ADJUDICATION MODEL

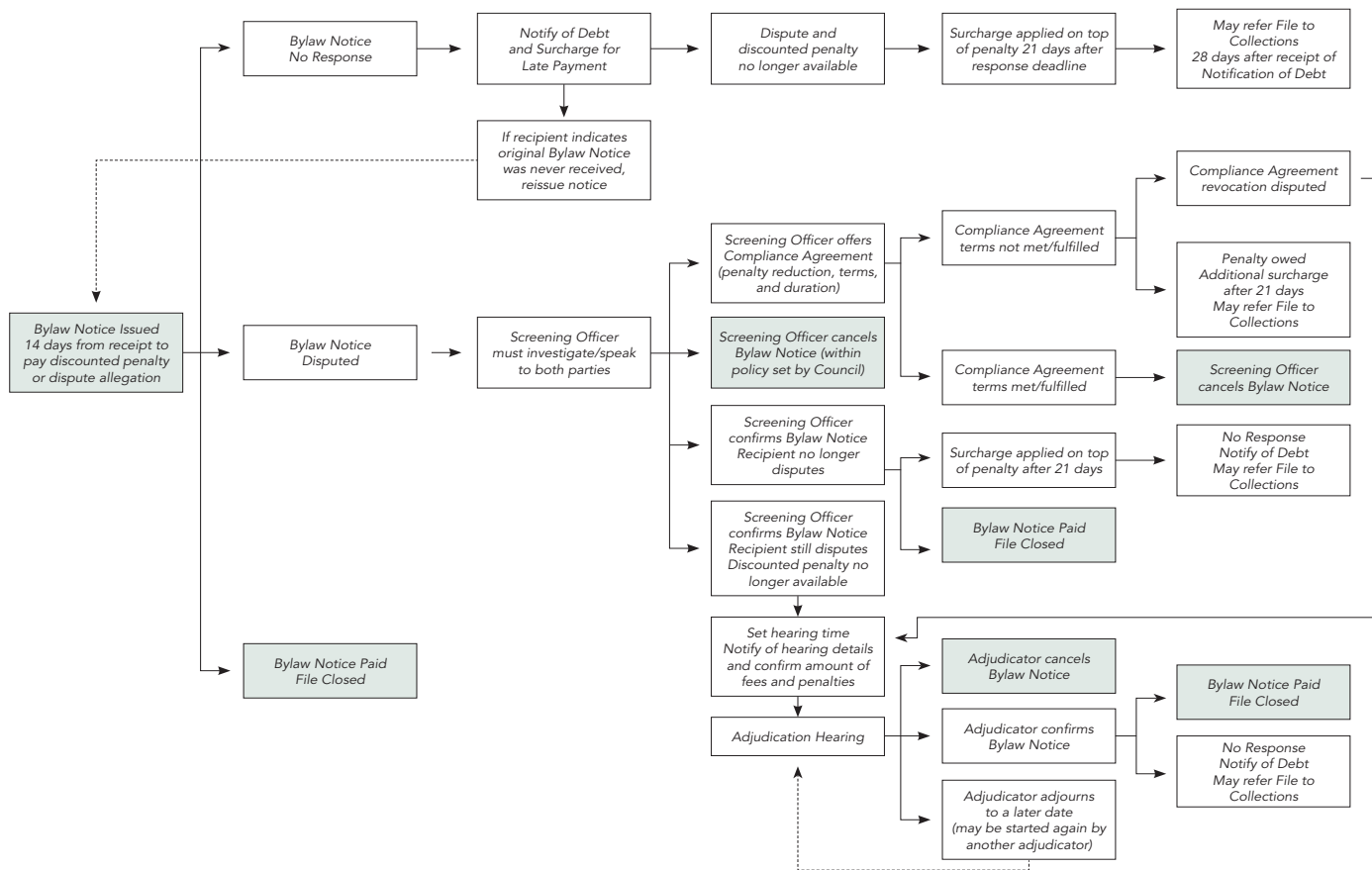
If the Bylaw Notice is confirmed, the fine amount noted on the face of the Bylaw Notice is payable to the local government. In addition, a locally established fee to recover a portion of the cost of the dispute may be imposed. This fee may not exceed \$25.

Appeals

The decision of the adjudicator is final and the Act does not allow for appeals. If a failed disputant or the local government feel that the adjudicator exceeded his or her authority, or made an error at law, the person or local government may seek relief in the Supreme Court of British Columbia under the *Judicial Review Procedure Act*.

A challenge to the validity of the local government bylaw or a claim that enforcement of the bylaw infringed on the Charter rights of the disputant must be initiated as a separate matter in the Supreme Court of BC.

2.1. Flowchart: Bylaw Notice Enforcement and Adjudication Process



LOCAL GOVERNMENT TOOLKIT: 9 BYLAW DISPUTE ADJUDICATION SYSTEM

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Legal Authority	<i>Local Government Bylaw Notice Enforcement Act</i>	<i>Community Charter or Vancouver Charter</i>	<i>Community Charter or Vancouver Charter, Offence Act</i>
Demand notice used	No.	Typically used where personal service is not immediately feasible.	Possible, but unlikely, to be used until Summons can be obtained.
Legal initiation	Bylaw Notice (BN) certified by enforcement officer.	Municipal Ticket Information (MTI) sworn by enforcement officer.	Court-issued Summons based on sworn "Form 2" Information.
Service requirements	Reasonable delivery.	Personal service.	Personal service.
Notice requirements	BN must contain prescribed information, may include additional information as determined by local government.	MTI must be complete and in the prescribed form.	Summons must be complete and in the prescribed form.
Conviction?	No – contravention of bylaw, but not an offence.	Yes – conviction of a bylaw offence.	Yes – conviction of a bylaw offence.
Single occurrence penalties	Ticket fine amount as in the bylaw; bylaw limit \$500.	Ticket fine amount as in the bylaw; bylaw limit set at \$1000 by regulation.	Court may impose all or part of the applicable fine amount. Fine amount may be a range set in the bylaw, or if no amount is set, up to \$2,000 and 6 months imprisonment; bylaw limit for municipalities other than Vancouver is \$10,000 unless otherwise provided in authorizing statute (e.g. <i>Environmental Management Act</i> limit of \$200,000).
Variation of penalties	Adjudicator cannot modify the ticket fine amount.	The justice must consider the means and ability of the defendant to pay the fine. If the justice believes that the defendant is unable to pay the full amount of the fine, the justice may impose a fine in a lesser amount that the justice considers appropriate.	The justice must consider the means and ability of the defendant to pay the fine. If the justice believes that the defendant is unable to pay the full amount of the fine, the justice may impose a fine in a lesser amount that the justice considers appropriate.

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Continuing penalties	None – require separate BN.	Yes – Effective January 1, 2004 penalties for continuing offences (not exceeding the amount prescribed by regulation) can be established for each day that the offence continues.	Yes – Penalties for continuing offences (ranging from the minimum fine to a maximum of \$ 10,000) can be established for each day that the offence continues.
Early payment discounts?	Yes – bylaw may provide for a discount for payment on or before the last day of the period to pay or dispute, and a surcharge for payment of the penalty within a specified period following the deadline to pay or dispute.	Yes – different penalty amounts permitted before and after 30 days from ticket issuance if ticket is not disputed.	No.
Mandatory Court attendance?	No – payment or dispute in administrative adjudication.	No – payment or dispute in Provincial Court.	Yes – Summons has been issued and appearance in Provincial Court required.
Period to dispute or pay	As set in local government bylaw, but no less than 14 days.	Period to pay or dispute is 14 days.	No option to pay or dispute, appearance on date in Summons.
Dispute the allegation?	Yes – the allegation may be disputed by providing a notice of dispute to the local government in accordance with instructions on the BN.	Yes – the allegation may be disputed by providing notice of dispute to local government by mail or in person at the address set out on the MTI; must include address for the person disputing the allegation and sufficient information to identify the ticket and the alleged contravention being disputed.	No notice required; appearance occurs on date in Summons.
Dispute screening	Formal screening; designated “Screening Officer” may: cancel the BN in accordance with local government policy; confirm the BN; or enter into a compliance agreement with BN recipient.	No clear authority for formal dispute screening, although it is known that some local governments abandon MTI proceedings by failing to forward the file to the Court Registry, or withdrawing the file from the Court Registry.	No.

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Administration of the notice of dispute	Local government initiates and retains file. Local government schedules hearing and notifies disputant, enforcement officer and adjudicator organization.	Local government initiates and retains file. Local government transfers a copy of the file to local Court Registry. Court Registry schedules hearing and notifies disputant, enforcement officer, and local government.	Court Registry initiates and retains file. Court Registry schedules hearing and notifies disputant, enforcement officer and local government.
Hearing location	As determined by local government.	Courthouse	Courthouse
Adjudicator selection	Adjudicator selection for scheduled time managed by independent adjudicator organization in accordance with regulations.	Selection of presiding justice managed by the Office of the Chief Judge (Provincial Court)	Selection of presiding justice managed by the Office of the Chief Judge (Provincial Court)
Decision-maker	All BN matters determined by an independent adjudicator	All traffic matters determined by Judicial Justice of the Peace in Provincial Court, unless otherwise ordered by a Provincial Court Judge. All non-traffic matters determined by a Provincial Court Judge. Exception: in Vancouver and those locations that participated in the Prince George/Kelowna municipal bylaw pilot project, all matters determined by a Judicial Justice of the Peace, unless otherwise ordered by a Provincial Court Judge.	All traffic matters determined by Judicial Justice of the Peace in Provincial Court, unless otherwise ordered by a Provincial Court Judge. All non-traffic matters determined by a Provincial Court Judge. Exception: in Vancouver and those locations that participated in the Prince George/Kelowna municipal bylaw pilot project, all matters determined by a Judicial Justice of the Peace, unless otherwise ordered by a Provincial Court Judge.
Burden of proof	On a balance of probabilities (civil scale)	Beyond a reasonable doubt (criminal scale)	Beyond a reasonable doubt (criminal scale)

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Hearing procedures	<p>Hearings must be open to the public.</p> <p>An adjudicator may adjourn a hearing, and adopt procedures that are conducive to justly and expeditiously resolving a dispute.</p> <p>Before making a determination in a dispute, an adjudicator must provide the parties to the dispute with an opportunity to be heard.</p> <p>A party may be heard, at the election of the party, in person or by an agent, in writing, including by facsimile transmission or electronic mail, or by video conference, audio conference, telephone or other electronic means, if available.</p>	<p>Rules of Court apply.</p> <p>A justice may adopt procedures that are conducive to justly and expeditiously determining the matter.</p> <p>The prosecutor or defendant may examine and cross examine witnesses personally or by counsel or agent.</p> <p>A witness must be examined on oath or affirmation.</p> <p>The justice has full power and authority to administer to a witness the usual oath or affirmation.</p> <p>A justice may in his or her discretion, before or during a trial, adjourn the trial.</p>	<p>Rules of Court apply.</p> <p>The prosecutor or defendant may examine and cross examine witnesses personally or by counsel or agent.</p> <p>A witness must be examined on oath or affirmation.</p> <p>The justice has full power and authority to administer to a witness the usual oath or affirmation.</p> <p>A justice may in his or her discretion, before or during a trial, adjourn the trial.</p>
Rules of evidence	<p>An adjudicator may accept any evidence the adjudicator considers to be credible, trustworthy and relevant to the dispute, including the evidence of any person.</p> <p>An adjudicator may accept evidence in any manner the adjudicator considers appropriate including, without limitation, orally, in writing, or electronically.</p> <p>The technical and legal rules of evidence do not apply, except the rules relating to privileged communications.</p>	<p>A justice may admit as evidence any oral or written testimony or any record or item that the justice considers is relevant to an issue in the trial and is credible and trustworthy.</p> <p>A justice may not admit anything that is privileged under the laws of evidence.</p>	<p>A justice may admit as evidence any oral or written testimony or any record or item that the justice considers is relevant to an issue in the trial and is credible and trustworthy.</p> <p>A justice may not admit anything that is privileged under the laws of evidence.</p>

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Hearing outcome	The adjudicator must, after considering the matter, (a) order that the penalty set out in the BN is immediately due and payable, or (b) order that the BN is cancelled.	The justice must, after considering the matter, (a) convict the defendant, (b) make an order against the defendant, or (c) dismiss the MTI.	The justice must, after considering the matter, (a) convict the defendant, (b) make an order against the defendant, or (c) dismiss the Information.
Avenue of appeal	Decisions of adjudicators may not be appealed; however, if a disputant or local government feels an adjudicator went beyond his/her authority, they may make an application to the Supreme Court for judicial review.	A conviction, acquittal or sentence as a result of a court hearing or an order of a justice may be appealed to the Supreme Court.	A conviction, acquittal or sentence as a result of a court hearing or an order of a justice may be appealed to the Supreme Court.
Failure to respond	If a person fails to respond to a BN within the prescribed time limits, they are deemed to have plead guilty. The fine becomes due and payable immediately.	If a person fails to respond after 14 days, the municipality may file an <i>Affidavit of No Response</i> with the registry and a Justice can convict, or quash the ticket.	Deemed to have plead guilty; fine is due and payable immediately.
Failure to appear at requested hearing	If a person who has requested or required dispute adjudication fails to appear, the adjudicator must order that the penalty set out in the BN is immediately due and payable to the local government indicated on the BN. If the local government subsequently files a certificate of amounts owing with the Provincial Court, the person may make application to the court within 30 days to have the certificate cancelled and a new adjudication date set by the local government.	If a person fails to attend at a court hearing to dispute an MTI, he or she may be found guilty for failure to attend the hearing. If the offender comes before a Court Services justice of the peace within 30 days of the missed hearing date, he or she may file an <i>Affidavit in Support of an Application to Strike Out a Conviction</i> under section 272(4) of the <i>Community Charter</i> or section 482.1(13) of the <i>Vancouver Charter</i> .	If a person fails to attend at a court hearing he or she may be deemed convicted for failure to attend the hearing. The alleged offender must follow certain procedures to bring the dispute hearing back before the court. If a person comes before a justice within 30 days of the missed hearing date, he or she may file an <i>Affidavit Under Section 15(10) of the Offence Act</i> . If a person comes before a justice more than 30 days after the missed hearing date, he or she may file an <i>Affidavit Under Section 16(2) of the Offence Act</i> .

LOCAL GOVERNMENT TOOLKIT: 14 BYLAW DISPUTE ADJUDICATION SYSTEM

2.2. Comparative Chart: Enforcement Processes for Local Government Bylaw Infractions

	BYLAW NOTICE (BN)	MUNICIPAL TICKET INFORMATION (MTI)	OFFENCE ACT PROSECUTION
Costs	A local government may require payment of a fee of not more than \$25 payable by a person who is unsuccessful in dispute adjudication. The purpose of the fee is to recover the costs of the adjudication system. The fee is payable for failed disputes arising from a BN or a compliance agreement.	None may be imposed	<p>Court may impose costs of prosecution.</p> <p>The justice may, in his or her discretion, award and order costs the justice considers reasonable to the local government by the defendant, if the justice convicts or makes an order against the defendant, or costs payable to the defendant by the local government if the justice dismisses an Information.</p> <p>An order of costs must be set out in the conviction, order, or order of dismissal.</p> <p>Costs awarded and ordered to be paid by a person under this section are deemed to be all or part, as the case may be, of a fine imposed against the person.</p>
Suspended or reduced penalty possible?	Before hearing – screening officer, if authorized, may enter into a voluntary compliance agreement with the disputant. Under a compliance agreement, the person must accept liability for the contravention, and may pay a reduced penalty (as set by bylaw) in exchange for observing the terms and conditions the screening officer considers necessary or advisable.	At hearing – justice may suspend the passing of sentence and may specify, as a condition, that the defendant must make restitution and reparation to any person aggrieved or injured for the actual loss or damage caused by the commission of the offence. The duration of the suspension may not exceed 6 months.	At hearing – justice may suspend the passing of sentence and may specify, as a condition, that the defendant must make restitution and reparation to any person aggrieved or injured for the actual loss or damage caused by the commission of the offence. The duration of the suspension may not exceed 6 months.
Collection of amounts owing	The court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.	The court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.	The court may, by order, authorize all or part of the penalty and costs to be levied by distress and sale of the offender's goods and chattels.

LOCAL GOVERNMENT TOOLKIT: 15 BYLAW DISPUTE ADJUDICATION SYSTEM

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

Successful implementation of a bylaw adjudication system requires some forethought and collaboration. For the North Shore pilot project, planning began approximately six months before the system took effect, and required collaboration not only among the three municipalities, but also amongst staff from the corporate services, bylaw enforcement, information technology and finance departments of each of the three participating municipalities.

When establishing a bylaw adjudication system, here are some questions to consider:

WHAT

- **What bylaws and specific provisions will be dealt with by Bylaw Notice?**

This is an important question to consider, as the adjudication system is best suited to contraventions that are simple to confirm, as the adjudicator's authority is limited to *determining whether the contravention occurred as alleged*.

A hearing before an adjudicator is less formal than a hearing before a Judge or Judicial Justice of the Peace, and an adjudicator is not in a position to impose any conditions of future behaviour when confirming a Bylaw Notice.

- **What penalties will apply for different categories of contraventions?**
- **Will early-payment discounts and/or late-payment surcharges apply?**
- **Will dispute fees apply?**

The maximum penalty under the system is \$500, within which the legislation permits considerable flexibility to establish early and late payment penalties. Prior to January 1, 2004, when the need for the Chief Judge of the Provincial Court to approve Municipal Ticket Information (MTI) penalties was eliminated in the *Community Charter*, most ticket fines were set at less than \$300.

Bylaw infractions heard in court have the potential to result in more significant penalties, as the maximum penalty for an MTI is \$1000. The Bylaw Notice system is designed to work best where a smaller fine would be a sufficient deterrent to future violations, although it can be used as part of an escalating enforcement scheme with persistent bylaw violators.

In the District of West Vancouver, virtually all contraventions of the Street and Traffic Bylaw may be enforced with a Bylaw Notice. The District has "dovetailed" the schedules of its Bylaw Notice and MTI ticketing bylaws to provide escalating penalties for two of the more serious infractions. By policy, the District issues a Bylaw Notice in the first instance of a violation, and may issue a MTI, with double the penalty, for a subsequent violation.

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

- **What information is to appear on the face of the Bylaw Notice?**

Beyond the basic information required by the legislation, local governments have considerable flexibility to customize the ticket face, allowing tickets to be designed to suit local enforcement and information management practices.

For example, printed ticket books may be easier to use if all the possible contraventions are listed; this is unnecessary for hand-held electronic ticket printers that may provide a menu of programmed contraventions.

- **What types of contraventions, if any, may be resolved through a compliance agreement?**
- **Under what conditions, and will there be penalty relief? For how long?**

Compliance agreements are only possible if a screening officer has been authorized to enter into the agreement on behalf of the local government. Compliance agreements are best suited to situations of ongoing contravention, rather than a series of incidents of contravention where a reduced penalty is likely to result in sustained correction of the contravention.

WHEN

- **When will the period to pay or dispute the Bylaw Notice end?**

The North Shore municipalities chose to establish the minimum allowable 14-day period for payment or dispute of a ticket, which is consistent with the period to do so under the Municipal Ticket Information system.

In contrast, the equivalent period for paying or disputing a Provincial Violation Ticket is 30 days, if served on a person, or 45 days (from the date of issue) if mailed to the registered owner of a motor vehicle.

WHO

- **Who may issue a Bylaw Notice, and how?**

In the context of the Act, a bylaw enforcement officer means an individual who has been designated by class of employment to enforce one or more bylaws. The same classes of individuals who may be authorized to issue MTIs may be authorized to issue Bylaw Notices.

When implementing the MTI, some local governments elected to specify different classes of enforcement officers for different bylaws, which is consistent with the provincial approach to Violation

3. IMPLEMENTING A BYLAW NOTICE ENFORCEMENT AND ADJUDICATION SYSTEM

Ticket issuance. Other jurisdictions have authorized some or all of the individuals in these classes to issue MTIs.

- **Will screening officers be used?**
- **Who can be a screening officer?**
- **Under what circumstances can screening officers be authorized to cancel a Bylaw Notice?**

The creation of a screening officer role is an optional element of the system under the legislation, but is highly recommended.

A screening officer does not need to be a bylaw enforcement officer, but should have some familiarity with the bylaws to be enforced and be available to respond to Bylaw Notice recipients in a timely fashion. This might include bylaw or licensing clerks who are available during office hours, senior bylaw enforcement staff or department heads.

The screening officer cancellation policy protects the local government from accusations of preferential or unfair treatment, while still permitting the flexibility to cancel a Bylaw Notice where this is deemed reasonable. The three North Shore municipalities have adopted slightly different screening policies (as outlined in Appendix A of this Toolkit).

WHERE

- **Where will disputes be held? Where should formal correspondence regarding the adjudication of disputes be sent?**

The only stipulation with respect to the location for conducting adjudications is that hearings must be open to the public or be accessible by telephone. The address for correspondence regarding disputes may be the adjudication location or the office where staff responsible for scheduling disputes are located.

HOW

- **How will the new system be explained to the public and internal staff?**

The North Shore municipalities made internal and external communication a priority when establishing the adjudication system. A communication plan for system implementation, identifying the information needs of all potential stakeholders, was created. A news release and backgrounder were prepared for release to the media. See Section 7 for samples of these documents.

3.1. "GETTING STARTED" – A Checklist for Local Governments

Initial Preparations

- ☐ Determine if Bylaw Notice enforcement makes sense for the types of regulatory matters dealt with by your municipality or regional district.
- ☐ Determine if the dispute adjudication system will apply to more than one local government. If so, determine which local government will be responsible for the day to day administration of the shared process and where the adjudication hearings will be held.
- ☐ Provide a Staff Report to the Council or Board recommending implementation of Bylaw Dispute Adjudication System.
- ☐ Forward a copy of a Council or Board resolution indicating the intent to establish a Bylaw Dispute Adjudication System to Court Services Branch, Ministry of Attorney General.
- ☐ Confirm the the Bylaw Notice Enforcement Regulation (B.C. Reg. 175 (2004) has been or will be amended to apply the *Local Government Bylaw Notice Enforcement Act* to your local government.
- ☐ Negotiate an agreement between participating local governments, and enact necessary bylaws to enter into the agreement, if required.

Implementation (Policies and Procedures)

- ☐ Determine key system features, such as the time to pay or dispute, matters to be enforced by Bylaw Notice, use of screening officers, fine and fee amounts, etc.
- ☐ Prepare bylaw to adopt Bylaw Dispute Adjudication System.
- ☐ Prepare Screening Officer Policy, if required.
- ☐ Prepare Registry Operations Policy, if required, (refer to Appendix B).
- ☐ Prepare a communications plan (refer to Sample Communications Plan).
- ☐ Train enforcement officers, screening officers, registry and finance staff.
- ☐ Prepare implementation and operational budgets.
- ☐ Consult with Court Services Branch re: process for scheduling adjudicators.

3.1. "GETTING STARTED" – A Checklist for Local Governments

Implementation (Forms and Systems)

- ☐ Assess enforcement and collections software, make modifications as required.
- ☐ Prepare Bylaw Notice forms.
- ☐ Prepare notification letters (refer to sample mail-delivery letter and re-issue letter).
- ☐ Prepare Screening Officer forms.

3.2. Bylaws and Bylaw Notices

Section 2 of the *Local Government Bylaw Notice Enforcement Act* ("the Act") provides that a local government may deal with contraventions of its bylaws via Bylaw Notice.

If a local government wants to implement a bylaw dispute adjudication system, it must adopt an authorizing bylaw that:

- designates the bylaw contraventions that may be dealt with by Bylaw Notice;
- establishes the amount of the penalty for contravention of the specified local government bylaws;
- establishes the period for paying or disputing a Bylaw Notice;
- establishes the role of screening officer and their duties and authorities, including the ability to enter into compliance agreements; and
- designates bylaw enforcement officers.

While the Act permits two or more local governments to enter into arrangements for the joint provision of a bylaw dispute adjudication system, each participating local government must individually adopt an authorizing bylaw, as outlined above.

Local governments undertaking a bylaw dispute adjudication system will need to ensure that the Bylaw Notices (tickets) issued include all required information, as set out in section 4(4) of Act.

A Bylaw Notice must contain the following information:

- the particulars of the alleged contravention of the bylaw in sufficient detail that the alleged will be able to identify the bylaw and the contravention alleged;
- the amount of the penalty, the amount of a discount for early payment of the penalty, the amount of a surcharge for late payment and the consequences for failing to respond to the Bylaw Notice;
- acceptable methods of paying the penalty;
- how to dispute the allegation of the notice; and
- any other information required under the regulations.

Although the Act requires that the above information be included on a Bylaw Notice, local governments may organize or supplement this information as they see fit.

3.2. Bylaws and Bylaw Notices

Delivery of Notices

Under section 7 of the Act, a Bylaw Notice may be delivered in person, left at the site of the contravention (e.g. placed on windshield of car or left with a person at a construction site) or mailed.

The recipient of a Bylaw Notice has a limited time period in which to pay the penalty or indicate that he or she wishes to dispute the allegation. In the case of all three North Shore municipalities, this period was set at 14 days from actual or presumed receipt of the Bylaw Notice.

If the Bylaw Notice recipient disputes the allegation, he or she must first discuss the allegation and basis for the dispute with a screening officer before proceeding to a hearing before an adjudicator.

If the Bylaw Notice Recipient Does Not Respond

If the recipient takes no action – neither paying the penalty nor disputing the allegation – within the time period the local government must notify the person that the penalty set out in the Bylaw Notice is now due and advise of how and where payment can be made. This may be done in a letter accompanied by a copy of the original Bylaw Notice.

In the case of the North Shore municipalities, the recipient of a Bylaw Notice has 14 days after receiving the original Bylaw Notice to pay the fine or dispute the allegation, after which the local government issues a letter outlining what has occurred and the consequences of late payment.

Once the period to dispute the allegation has ended, early discounts no longer apply and the full penalty is due. In addition, section 6 of the Act permits a local government to assess a surcharge on top of the penalty for the contravention, if payment is not made promptly.

If, within 21 days of receiving notification that penalty is immediately due, the person named in the Bylaw Notice informs the local government that he or she did not receive the original Bylaw Notice, then the local government must re-issue the original Bylaw Notice. In this case, the period to pay or dispute the allegation begins again, with opportunities to pay the discounted amount or dispute the allegation in the notice.

3.3. Bylaw Notice and Enforcement Letter – Samples

Front of Bylaw Notice is used for street and traffic offences

CITY OF NORTH VANCOUVER PROVINCE OF BRITISH COLUMBIA
BY-LAW NOTICE
 THE ISSUING OFFICER SAYS YOU ARE IN BREACH OF
 THE CITY OF NORTH VANCOUVER STREET AND TRAFFIC BY-LAW 6284
 AS AMENDED, AS FOLLOWS. TICKET NO. **NV000001**
 DATE _____

LOCATION _____ TIME _____
 DECAL YR/MO/ _____ LIC. NO. _____ COLOR _____
 MAKE _____ TYPE _____ PROV. _____
 NAME _____ D.O.B. _____
 ADDRESS _____

GROUP 1801 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$20.00**
☐ OVER PARKED PARKING 501.15 ☐ JAYWALKING 91.09 ☐ EXPIRED METER 1304
☐ PARKED LONGER THAN 72 HOURS 505 ☐ NO VALID PARKING TICKET 1304
☐ OTHER OFFENCES IN THIS GROUP

GROUP 1802 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$25.00**
PARKED: ☐ AGAINST YELLOW CURB 501.18 ☐ WITHIN 6M OF STOP SIGN 501.7
☐ FACING TRAFFIC FLOW MORE THAN 30CM FROM CURB 503 ☐ CONTRARY TO SIGN 501.14 ☐ ON CROSSWALK 501.5
☐ WITHIN 5M OF RRE HYDRANT 501.4 ☐ ON SIDEWALK ☐ OUTSIDE STALLS 505.3
☐ WITHIN 3M OF LANE 501.3 ☐ BOULEVARD 501.1 ☐ IN BUS ZONE / STOP 500
☐ WITHIN 3M OF DRIVEWAY 501.2 ☐ IN LANE 501.8
☐ WITHIN 6M OF CROSSWALK / INTERSECTION 501.9
☐ OTHER OFFENCES IN THIS GROUP

GROUP 1803 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$30.00**
☐ FAILING TO DISPLAY VALID MINERAL DECAL 800.2 ☐ STUDDED TIRES 800.1 ☐ TIRES NOT IN GOOD ORDER 802.2
☐ OVERLOADING WEIGHT RESIDENTIAL STREET (1800 TO 2000 HRS) 500
☐ OTHER OFFENCES IN THIS GROUP

GROUP 1804 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$100.00**
☐ VEHICLE WEIGHT, LOADS, DIMENSIONS 500 ☐ SECUREMENT OF VEHICLE LOADS 503

GROUP 1805 OFFENCES **DISCOUNTED PENALTY WITHIN 14 DAYS \$75.00**
☐ FAILURE TO REMOVE SIGN 514 ☐ FAILING TO DISPLAY VALID LICENCE PLATE 500.1
☐ OBSTRUCTION TO TRAFFIC 515 ☐ DISABLED ZONE 500.9
☐ VEHICLE HORN/SIGNAL 515 ☐ SKATEBOARDING 408
☐ NO HELMET 408.8
☐ OTHER OFFENCES IN THIS GROUP

ISSUING OFFICER _____
 YOU MAY REMIT PAYMENT OF THE INDICATED PENALTY EITHER IN PERSON - 141 W. 14TH ST., OR BY MAIL - 147 E. 14TH ST., NORTH VANCOUVER, V7L 2N4, OR BY PHONE 604.990.4225, OR ONLINE www.cnv.org/parkingticket WITHIN 14 DAYS OF THE ABOVE DATE. THE ATTACHMENT CONSTITUTES AN INTEGRAL PART OF THE TICKET AND SHOWS PENALTY, LATE PENALTY AND DISPUTE INSTRUCTIONS.

TICKET NO. **NV000001**

OFFICE NOTICE

Front of "flysheet" that accompanies the Bylaw Notice

INSTRUCTIONS
 DETACH THIS SHEET BEFORE MAKING PAYMENT

PENALTIES

PENALTIES LISTED BELOW MAY ONLY BE ACCEPTED IN THE MANNER NOTED:

	DISCOUNTED PENALTY WITHIN 14 DAYS	PENALTY AFTER 14 DAYS	LATE PENALTY AFTER 34 DAYS
GROUP 1801 OFFENCES	\$20.00	\$30.00	\$45.00
GROUP 1802 OFFENCES	\$25.00	\$35.00	\$50.00
GROUP 1803 OFFENCES	\$30.00	\$40.00	\$55.00
GROUP 1804 OFFENCES	\$100.00	\$150.00	\$200.00
GROUP 1805 OFFENCES	\$75.00	\$85.00	\$100.00

PAYMENT OPTIONS

CASH, CHEQUE, MONEY ORDER, DEBIT OR CREDIT CARD
 IN PERSON - 141 W. 14TH ST., NORTH VANCOUVER
 BY MAIL - 147 E. 14TH ST., NORTH VANCOUVER V7L 2N4
 BY PHONE - 604.990.4225
 ONLINE - www.cnv.org/parkingticket

MAILING INSTRUCTIONS

BYLAW VIOLATION MUST ACCOMPANY CHEQUE.
DO NOT MAIL CASH. MAKE CHEQUE OR MONEY ORDER PAYABLE TO "CITY OF NORTH VANCOUVER".

FAILURE TO PAY OR DISPUTE WITHIN 14 DAYS WILL RESULT IN THE CORRESPONDING PENALTY BECOMING DUE AND PAYABLE.
 A CHARGE WILL BE ADDED FOR DISHONOURD CHEQUES.
 DISHONOURD CHEQUES INVALIDATE ANY RECEIPT.
 UNPAID FINES MAY BE REFERRED TO OUR COLLECTION AGENT.

RECEIPTS MAILED ONLY ON REQUEST.

IF YOU WISH TO DISPUTE THE ALLEGED CONTRAVENTION PLEASE SEE REVERSE SIDE FOR INSTRUCTIONS.

3.3. Bylaw Notice and Enforcement Letter – Samples

Back of “flysheet” that accompanies the Bylaw Notice

ENQUIRIES MAY BE DIRECTED TO THE BYLAW OFFICE, 147 EAST 14TH STREET BETWEEN 0830 AND 1630 HOURS, MONDAY TO FRIDAY, 604.904.7378. parking@cnv.org

ADJUDICATION REQUEST

IF YOU WISH TO DISPUTE, COMPLETE THE FOLLOWING FORM AND RETURN IT WITHIN 14 DAYS TO THE CITY OF NORTH VANCOUVER. A SCREENING OFFICER WILL TELEPHONE TO ASSIST YOU.

PLEASE PRINT

BYLAW NOTICE NO. _____

DATE OF ISSUE _____

LICENCE PLATE NO. _____

REGISTERED OWNER OF THE VEHICLE:

NAME _____

ADDRESS _____

CITY _____

POSTAL CODE _____


DAYTIME PHONE NUMBER _____

SIGNATURE

A \$25 FEE IS ADDED TO THE PENALTY IF AN ADJUDICATOR FINDS THAT THE CONTRAVENTION DID OCCUR.

PAYMENT OPTIONS:

IN PERSON - 141 W. 14th ST., NORTH VANCOUVER
BY MAIL - 147 E. 14th ST., NORTH VANCOUVER V7L 2N4
BY PHONE - 604.990.4225
ONLINE - www.cnv.org/parkingticket



The Corporation of **THE CITY OF NORTH VANCOUVER**

BYLAW ENFORCEMENT

March 9, 2004

Ms. Jane Doe
1231 Any Street
Burnaby, BC
V3N 1Y6

Dear Ms. Doe:

Re: Parking Violation Ticket FP88997788

On March 5, 2004 BC licence #ABC1234 was observed in violation of the City of North Vancouver Street and Traffic Bylaw #6234. As a result, the enclosed violation ticket number FP88997788 was issued.

Enquiries with the Insurance Corporation of BC indicate that you are the last registered owner of the vehicle.

Yours truly,

City of North Vancouver Parking Enforcement

/ck

Enclosure

147 East 14th Street • North Vancouver BC V7L 2N4 • Phone (604) 904-7378 • Fax (604) 983-7448 • Website: www.cnv.org • E-mail: bhamilton@cnv.org

4. OVERVIEW OF SCREENING OFFICER ROLE

The position of screening officer, described in section 10 of the Act, is optional – but is recommended based on the experience of the North Shore pilot. If a local government elects to implement this position, the screening officer must review each disputed allegation before it can be referred to an adjudicator.

To ensure consistency and assist with the screening process, local governments may wish to develop a screening officer policy in order to provide guidelines for screening officers during the Bylaw Notice screening process.

The screening officer, after reviewing a Bylaw Notice, may:

1. cancel the notice, if
 - a) the contravention did not occur as alleged;
 - b) the bylaw notice does not meet the requirements set out in the Act; or,
 - c) the grounds for cancellation authorized by the local government are satisfied;
2. confirm the bylaw notice and refer it to an adjudicator unless the request for dispute adjudication is withdrawn; or
3. enter into a compliance agreement with the person, if this is authorized in the bylaw.

Screening officers act as “gatekeepers” to the adjudication system by reviewing all disputed Bylaw Notices prior to going to adjudication. This review, between the screening officer and disputant, creates a number of efficiencies for the system.

The screening process results in a number of disputed Bylaw Notices avoiding adjudication, resulting in cost and time savings. In addition, the process is often educational as screening officers explain the bylaw in question, allowing citizens to better understand bylaws and, in some cases, realize the error(s) they committed. This causes some citizens to withdraw their notice to dispute following their discussion with a screening officer.

Statistics from the North Shore Evaluation Report demonstrate the effectiveness and efficiencies that result, in large part, from the screening process. Following the 14-day period to pay or dispute the Bylaw Notice, only 1.8% of recipients triggered a formal review of the case by a screening officer during the pilot project. This figure does not reflect cases where screening officers merely explained the bylaw or the dispute process.

Although one jurisdiction reported that as many as 20% of individuals whose Bylaw Notices were confirmed by the Screening Officer claimed they would dispute the matter before an adjudicator, only 9% of screening officer reviews led to adjudications. In all, 0.2% of the tickets issued during the evaluated period resulted in adjudication hearings, and in 85% of these cases the Bylaw Notice was confirmed by the adjudicator.

Appendix A in this Toolkit contains copies of screening policies for the three North Shore municipalities.

4.1. Screening Officer Checklist – Sample: City of North Vancouver

Screening officers are required to provide disputants with as much information as they can, answer all questions openly, and take detailed notes of the conversation including date and time. The following are screening guidelines:

1. Identify your name and position as a Screening Officer with CNV.
2. State your authority to make a determination based upon authority granted by CNV.
3. Discuss the notice, listen carefully to the Disputant's information, and record this information.
4. Advise the Disputant that he/she may pay the fine before the early discount deadline and receive that discount. However, once the notice goes forward to Adjudication, the early discount is lost and an adjudication fee is added to the full penalty. At the Adjudication, if the notice is quashed, no fees or penalties need to be paid.
5. Determine how the Disputant wishes to proceed with the hearing (in person, by phone, or in writing).
6. Provide the address of the Adjudication Hearing room (141 W. 14th Avenue, North Vancouver) and advise of any necessary contact information such as fax number, email address and mailing address if the Disputant needs these to send documents.
7. Advise the Disputant that if the Adjudicator upholds the notice, it is due and payable immediately. Also, advise the Disputant that the fine increase 21 days after adjudication and then proceeds to collection.
8. Explain that once a date and time are set for adjudication, the additional adjudication fee must be paid even if the Disputant decides not to go ahead with the Adjudication.
9. Verify you have the correct address and daytime phone number of the Disputant.
10. Explain that the Dispute Coordinator will call to set up a hearing date and time along with instructions about phone, fax, or written submission to the Hearing. The Dispute Coordinator will also send written confirmation of the hearing. State clearly that the Disputant cannot discuss the notice with the Dispute Coordinator.
11. Ask if the Disputant has any more questions or needs any more information.
12. Ask if the Disputant wishes to say anything else at all and note the response.
13. Make a decision to cancel or uphold the notice; explain this to Disputant and make notes.
14. If cancelling, do so immediately; if upholding, continue to the Dispute Coordinator.

4.1. Screening Officer Checklist – Sample: City of North Vancouver


Following the conversation with the Disputant:

1. Notify the Dispute Coordinator to request Adjudication Hearing.
2. In the file, note the date and time the Dispute Coordinator was notified.
3. Prepare reports needed for Adjudication

4.2. Screening Officer Submission for Adjudication – Sample

The adjudicator is provided with a record of the screening officer's review of the disputed allegation. This may include evidence collected that supports the allegation.

A sample of the written submission use by the City of North Vancouver is shown on the right.

	The Corporation of THE CITY OF NORTH VANCOUVER BYLAW ENFORCEMENT
SCREENING OFFICER SUBMISSION FOR ADJUDICATION	
TICKET INFORMATION:	
Ticket Number: Date of Issue: Location: Section:	Violation: Time of Issue: Officer: Fine Amount:
SCREENING OFFICER EVIDENCE:	
<div style="border: 1px solid black; height: 150px;"></div>	
<div style="text-align: right;">_____ Screening Officer Signature</div>	
PAYMENT INFORMATION:	
Total fine due and payable immediately if ticket upheld:	
Violation Amount: Adjudication fee: Total owing:	<div style="text-align: right;">\$ \$ \$</div>
<small>147 East 14th Street • North Vancouver BC V7L 2N4 • Phone (604) 904-7378 • Fax (604) 983-7448 • Website: www.cnv.org • E-mail: bhamilton@cnv.org</small>	

5. OVERVIEW OF ADJUDICATION PROCESS

Upon receipt of confirmation that the recipient of a Bylaw Notice wishes to proceed to adjudication on the disputed allegation, the local government typically selects a date and time for the hearing in consultation with the person.

Disputants have the right to be heard, and this right may be exercised in one of the following manners:

- in person, or by an agent;
- in writing; or
- by video conference, audio conference, telephone or other electronic means, if available.

The local government then contacts the organization responsible for managing the pool of adjudicators with the date, time, nature of the Bylaw Notice and the name of the recipient.

The adjudicator is selected on a rotational basis, although the rotation may be varied if the next adjudicator on the list is unavailable on the chosen day, or is unable to hear the matter due to a personal connection to the recipient of the Bylaw Notice.

All dispute adjudications are open to the public and each dispute typically requires twenty minutes or less. The adjudicator's decision is made on a balance of probabilities, as in civil claim proceedings, and may be based on any evidence that the adjudicator considers relevant and credible.

The adjudicator may accept evidence in writing, orally (in person or by telephone) or other electronic means from the disputant, the enforcement officer or any other witness to the alleged bylaw contravention.

The decision before the adjudicator is **strictly** whether a violation of a local government bylaw occurred, or did not occur. The process is not designed, nor intended, to deal with challenges to the fairness of the bylaw, validity or other legal questions. Adjudicators may only confirm the Bylaw Notice or cancel it outright. Fine reduction is not an option under the legislation.

The legislation does not permit the local government or the disputant, as the parties to the dispute, to appeal the decision of the adjudicator. Either party may, however, seek relief in the Supreme Court under the *Judicial Review Procedures* if they believe that the adjudicator exceeded his or her authority, or made an error at law.

5.1. Adjudicator

Under section 15 of the *Local Government Bylaw Notice Enforcement Act*, it is the responsibility of the Deputy Attorney General to appoint adjudicators to determine the disputes.

Adjudicators must meet prescribed qualifications and must not be an employee of, or hold an elected office in, a local government. These criteria provide the basis for an objective adjudication system separate from the local government.

One or more rosters of adjudicators must be established for the purpose of selecting adjudicators to hear disputes in respect of Bylaw Notices. Rosters may be established for the province generally, or for one or more local governments.

Qualifications, responsibilities and requirements for rosters, remuneration and expenses are established in the Bylaw Notice Enforcement Regulation (B.C. Reg. 175/2004). The selection process for adjudicators, as well as instructions to adjudicators when hearing disputes, is also prescribed by regulation in order to maintain consistency, neutrality and fairness.

Qualification and coordination of adjudicators is handled by the Court Services Branch of the Ministry of Attorney General.

5.2. Notice of Adjudication – Sample

Once the screening officer has confirmed that the recipient of a Bylaw Notice wishes to proceed to adjudication, the local government must schedule an adjudication hearing and ensure that all parties are notified.

In the case of the North Shore pilot, because the registry serves three local governments, the process for giving notice to the local government that issued the Bylaw Notice is slightly more formal.

On the right is a sample of the Notice of Adjudication issued by the North Shore Bylaw Dispute Registry.

NORTH SHORE BYLAW ADJUDICATOR		NOTICE OF ADJUDICATION <small>Form 01 2001</small>	
141 14 TH ST. WEST NORTH VANCOUVER, BC V7M 1H9		Phone #: 604 904 7378 Fax #: 604 983 7448	
TO: TESTER, COREY, A 3 ANY STREET ANYTOWN, BC POS COD		OFFENCE NO: FP1111111 OFFENCE DATE: 22 May 2002 OFFICER 111 ENFORCEMENT AGENCY: City Of North Vancouver BC LICENCE TEST03	
As the registered owner of this BC Licence plate you have been Charged with the following offence:			
On the: 22 day of MAY, 2002 at: 11:11 AM at or near: 3 BROWN STREET			
the driver did stop stand or park the vehicle Within 1m Of Driveway contrary to City of North Vancouver Bylaw #6234 Section 501.33			
Set Fine \$50	Adjudication Fee \$25	Total : \$75.00	
Take notice that on the: 08 day of JULY, 2002 at 09:00 AM your adjudication will be held at:			
ADJUDICATION ROOM 141 14 TH St. West North Vancouver, BC V7M 1H9			
This will confirm that you have requested dispute adjudication in respect to the Bylaw Notice #FP1111111 Your adjudication will be held on the date and time and location noted above. You are required to attend at that time. If you do not appear, the adjudicator may order that the penalty in the bylaw notice and the adjudication fee are immediately due and payable, by you, to the City of North Vancouver.			
Issued at North Vancouver, British Columbia this 27 day of JUNE, 2002			
For General Inquiries about the Violation Notice, please contact 604 904 7378			
City of North Vancouver Bylaw Office 147 14 TH ST. EAST, North Vancouver, BC V7L 2N4			
Office Use Only			
I certify that a copy of this Notice was:			
<input type="checkbox"/> Sent by mail to registered owner	<input type="checkbox"/>	<input type="checkbox"/> Given to adjudicator or Agent	<input type="checkbox"/>
<input type="checkbox"/> Given personally to registered owner	<input type="checkbox"/>	<input type="checkbox"/> Sent by mail to adjudicator	
Adjudication Coordinator	Date		
I certify that I have given notice to the (Agency – City of North Vancouver) of the registered owner's intention to challenge the officer's evidence.			
Adjudication Coordinator	Date		

5.3. Adjudicator File Notes – Sample

LOCAL GOVERNMENT BYLAW DISPUTE ADJUDICATION SYSTEM

Adjudicator's File Note

Re: Corporation of the City of North Vancouver
Notice # NV1234567 (not actual file #)

Notice Issued May 31, 2004
Alleged Infraction of Bylaw 6234, Section 820.1

The evidence of the Bylaw Enforcement Officer was that a valid decal was not displayed. The disputant said that he could not recall if the decal was on the plate. He noted that there was valid insurance on the vehicle. I advised him that the issue was not whether there was valid insurance, but whether the decal was displayed.

I upheld the Notice as I found it more likely than not based on the evidence before me that the current year decal was not displayed. Disputant did not think that the City of North Vancouver should be concerned about decals. Explained to Disputant the wording of the bylaw and that if he believed the bylaw was improperly enacted he would have to pursue the issue through the Supreme Court of B.C.

Signed by Adjudicator.

5.4. Notice of Adjudication Outcome – Sample

September 9, 2004

Mr. John Doe
22-1104 Any Street
Vancouver, BC
V6E 1C9

Re: Bylaw Notice NV1234567

The Bylaw Adjudicator has notified the City of North Vancouver that at a hearing on September 9, 2004 the above noted bylaw notice was upheld. The total penalty and fee now outstanding on this notice is \$60.00.

On September 30, 2004 a further surcharge of \$15.00 will be added if this amount remains unpaid.

You may remit payment to the City of North Vancouver

IN PERSON 141 West 14th Street, North Vancouver, BC
By Mail 147 East 14th Street, North Vancouver, BC V7L 2N4
By Phone 604.990.4225
Internet <http://www.cnv.org/parkingticket>

All unpaid penalties and fees may be referred to our collection agent. Inquiries may be made to the City of North Vancouver Bylaw office by telephone at 604.904.7378 or by email at parking@cnv.org.

Yours truly,

City of North Vancouver

/ck

6. OVERVIEW – BUDGET AND COST INFORMATION

The actual cost of a local government bylaw dispute adjudication system will vary depending on the volume of bylaw infraction activity, screening and registry operations policies, the cost-recovery fees imposed on confirmed Bylaw Notices, and opportunities to achieve efficiencies through inter-local partnerships.

Information technology costs may also vary widely, depending on whether a manual or electronic system is used, and may affect the start-up and ongoing operations differently.

In the case of the North Shore communities, the Districts of West and North Vancouver and the City of North Vancouver entered into an Inter-Municipal Agreement to create a single administrative structure for handling cases referred for adjudication by the screening officers in the separate municipalities.

This agreement set out the cost-sharing arrangement for each of the municipalities, based on the use of services of adjudicators.

In addition to the one time capital (computer software) start-up costs of setting up a bylaw dispute adjudication system, it is estimated that annual administration costs for the North Shore municipalities will be under \$20,000. These costs will be shared equally.

It should be noted however, that costs may vary for other local governments.

6.1. Pilot Costing Model – Adjudicator Services: North Shore

ADJUDICATOR COSTS	DAILY COSTS	PER DISPUTE ¹
Attended - Full Day	\$350.00	\$19.44
Attended - Half Day	\$175.00	\$19.44
Telephone Dispute		\$16.66
Written Dispute		\$12.50
ADMINISTRATIVE COSTS	DAILY COSTS	
Attended - Full	\$262.50	\$14.58
Attended - Half	\$131.25	\$14.58
Telephone Disputes		\$12.50
Written Disputes		\$12.50
TRAINING & START UP COSTS	DAILY COSTS	PER DISPUTE ²
Training (per student, 5 students)	\$1,750.00	\$5.83
Start Up-Systems	\$1,000.00	\$3.33
Start Up –Other	\$500.00	\$1.67
SUMMARY OF TOTAL COSTS PER DISPUTE		PER DISPUTE
Full Day		\$44.86
Half Day		\$44.86
Telephone Dispute		\$39.99
Written Dispute		\$35.83

Source: Court Services Branch, Ministry of Attorney General

¹ Based on an average of 20 minutes scheduled per dispute.

² Based on 300 disputes.

6.2. Summary of North Shore Pilot Project Bylaw Registry Costs

Estimated Ongoing Costs for a Bylaw Notice Enforcement System

(Based on 30,000 Bylaw Notices issued annually)

ITEM	COST	NOTES
Pre-Hearing: Ticket Screening	\$13,770	Dispute rate 1.8%; 45 minutes per screening; Average hourly cost \$34 (salary and benefits)
Pre-Hearing: Dispute Scheduling	\$680	20 minutes per adjudication scheduled; Average hourly cost \$34 (salary and benefits)
Adjudicator	\$1,498	\$374.50 per hearing day; 4 hearing days per year
Administrative Costs	\$1,165	\$291.31 per hearing day; City of North Vancouver not certain if costs will continue
Administrative Costs (Hearing days only)	\$400	\$100 per hearing day for record keeping and cheque issuance
Security Officer	\$256	\$16 per hour for 4 hours each hearing day (4 per year)
Council Chamber Cost	\$1,600	\$400 per hearing day
Annual Estimated Administration Costs	\$19,369	

Source: Evaluation Report – North Shore Bylaw Notice Adjudication Registry

7. INFORMATION TECHNOLOGY OVERVIEW

Local governments should plan conservatively when anticipating the length of time needed to develop the information technology that may be required to implement a bylaw dispute adjudication system. This may be particularly true if the local government uses an outside software provider.

The local government should take into account that it will likely be necessary to upgrade the ticket processing system business rules, database, screens and reports. Hardware upgrades and operating systems/database upgrades will also need to be reviewed. Ticket stock changes – both handheld and written – will need to be considered.

Local governments should consider whether it would be efficient or necessary to integrate any current ticketing system with the new local government bylaw dispute adjudication system. Alternatively, run two systems concurrently until all tickets are dealt with under the old system. Costs of integrating the two systems will likely be a deciding factor in how the local government proceeds.

If a new system or an upgrade is considered, the following information from the authorizing bylaw will need to be known in order to configure the IT systems.

Specifically:

- the time period to pay or dispute the Bylaw Notice;
- whether screening officers will be used;
- whether early-payment discounts, late-payment surcharges and/or dispute fees will apply; and
- who may issue a Bylaw Notice and how.

The North Shore participants in the pilot project worked with different companies to provide bylaw enforcement software. The Districts of North Vancouver and West Vancouver contracted with Tempest Development Corporation. The City of North Vancouver's software is provided by ETEC, marketed by Parksmart. Both companies developed software to accommodate the requirements of the bylaw dispute adjudication system.

Any local government considering implementing a bylaw dispute adjudication system should ensure that a prospective budget is prepared for software upgrade requirements. Depending if the software system is in-house or contracted, the financial impact may be significant.

7.1. Information Technology Impacts – Case Study: City of North Vancouver

As a result of the decision to implement a bylaw dispute adjudication system in partnership with the other North Shore municipalities, the City needed to review the impact on its existing IT systems and business processes.

After a review, three options were identified:

1. accommodate changes within the existing system;
2. upgrade IT systems and businesses processes; or
3. search for another solution.

The City chose the second option and implemented changes to its IT system and business processes. The City opted to use a packaged solution for the issuance and management of parking tickets. This software system was developed by Enforcement Technology (ETEC) of California and is distributed in Canada by Parksmart.

Implementation of the new software necessitated a number of business rule changes:

Changes to the ticket process

Tickets have a fixed fine amount and customers get a discount for early payment; late payment penalties still apply. This required changes to the ticket capture and printing process. The City retained the same fee structure, including a first and second late fee.

The ticket printout indicates the price including the 'first late' fee, but also an early payment price that excludes the 'first late' fee. The ticket record gets stored with the discounted price, allowing the use of the first and second late fee processes as before. This minimized the amount of change to the fee logic.

Court venue replaced by adjudication hearing

The arena to handle ticket disputes moved from a court to an adjudication process. A screening officer role was created to screen all disputed tickets prior to adjudication hearings.

This required the system to record screening officer notes and the outcome of the screening officer review. If the disputant wished to pursue adjudication, they could request a dispute hearing. To operationalize this component, the City purchased the "court module" that was available with the software package.

The City hosts adjudication sessions on behalf of the three North Shore jurisdictions, adding the task of co-ordination and the requirement of the "court module".

7.1. Information Technology Impacts – Case Study: City of North Vancouver

Miscellaneous Changes

Other necessary but minor changes were also needed, including:

- changes to reports to handle the new logic flows;
- changes to the selection process for sending tickets to collections to handle the new business rules (i.e. not sending tickets that are pending adjudication to collections);
- changes to business rules regarding "resetting" the ticket start date when a customer claims they did not receive the original ticket.

The City of North Vancouver found that one advantage of implementing new software is that it allowed for old tickets to proceed through the old system.

This transition period avoids the process of converting older tickets into the new system, minimizing additional changes to the new software. Conversely, it does require ticket administration in two different systems during the transition period. These "pros" and "cons" need to be weighed and assessed by each individual municipality.

8. COMMUNICATIONS PLAN AND MATERIALS

8.1. Communications Plan – Sample

Bylaw Notice Dispute Adjudication System

Targeted Communications Plan for
North Vancouver District, North Vancouver City
and District of West Vancouver

Revised: February 29, 2004

Communications Goal

To bring awareness to the newly formed Bylaw Dispute Adjudication System (BDAS).

Introduction

On May 3, 2004, the North Shore municipalities will introduce a new Bylaw Dispute Adjudication System. The BDAS will allow local municipalities to deal with bylaw disputes (i.e. parking tickets) at the local level, rather than through the Provincial Court system.

In addition to communications already initiated by the Provincial Government, the three North Shore Municipalities (District of North Vancouver, City of North Vancouver and District of West Vancouver) will carry out a targeted communications campaign, aimed at North Shore residents, as well as other Lower Mainland citizens who may be affected by the BDAS.

Targeted Audience

Residents of the three North Shore Municipalities, as well as other Lower Mainland citizens who may be affected by the BDAS.

Communications Strategies

1. Media Release with Backgrounder/Fact Sheet:

A tri-municipal media release and backgrounder/fact sheet will be prepared and distributed to all Lower Mainland media (newspaper, television, radio).
Target date for distribution: April 6, 2004.

2. Web Sites:

The media release/backgrounder will also be prominently posted on the three municipal web sites.
Target date for posting: April 6, 2004.

3. Advertising Notices:

All three municipalities have regular advertising space booked in the two local newspapers. We will utilize this space to communicate the new system throughout the months of April and May. In order to reach the widest possible audience, the notices will be consistent and will carry the three municipal identifiers and contact information.
Advertising schedule is as follows:

• District of North Vancouver

District Dialogue News Page – Outlook Newspaper.

- o Notices to run: **April 15***, 29
May 13

• City of North Vancouver

City Views News Page – North Shore News

- o Notices to run: **April 25***
May 2

• District of West Vancouver

Tidings News Page – North Shore News

- o Notices to run: **April 18***
May 30

Note (*): The notices running on April 15, 18 and 25 will introduce the new BDAS, and will be more comprehensive than the follow-up notices.

4. On-Hold Recordings

The District of North Vancouver has an On-hold Messaging System, where callers to the District hear recorded messages while on hold. This system will be utilized throughout April and May (and continued on a periodic basis) to communicate the new Bylaw Dispute Adjudication System.

Conclusion

The commitment of this Communications Plan is to support the DBAS through effective and efficient communications to ensure that the widest possible audience is reached.

8.2. Information Sheet and Backgrounder – Sample



District of North Vancouver * City of North Vancouver * District of West Vancouver

infosheet

April 16, 2004

North Shore's new Bylaw Enforcement System

Effective May 3, the three North Shore Municipalities (District of North Vancouver, City of North Vancouver and District of West Vancouver) will become the first in B.C. to implement a new *Bylaw Enforcement System*. The new system will allow these municipalities to deal with bylaw disputes, such as parking tickets, at the local level rather than through the Provincial Court system.

Previously, anyone wishing to dispute a parking ticket had to appear in a B.C. Provincial Court, an expensive and time-consuming process for the disputant, the Province and Municipalities. In 2003, 43,000 tickets were issued across the North Shore, approximately 1,000 of which were disputed.

Under the new system, a provincially appointed adjudicator, centrally located at North Vancouver City Hall (141 W. 14th Street), will hear all disputes. The system will work as follows:

- If the ticket is paid within 14 days, a discount will apply. After a fixed number of days, a surcharge is added (Note: fine, discount and surcharge amounts vary in each North Shore municipality).
- Those electing to dispute their parking ticket may do so by first contacting the municipality in which the ticket was issued (by phone, fax, e-mail or in person) within 14 days of issuance.
- The disputant will be contacted by a Screening Officer who will review the case and, if appropriate, cancel the ticket. If this officer does not cancel the ticket, it will be forwarded to the adjudicator, or paid, whichever the client chooses.
- If proceeding to adjudication, the disputant will apply in writing for an adjudicator to hear the case. A date will be scheduled, and the

adjudication will be conducted at North Vancouver City Hall. It should be noted that the disputant would not be required to personally appear at the adjudication. Representation may alternatively be made in writing, or over the phone. If the ticket is upheld, the full ticket charge, surcharge and a \$25 adjudication fee (to offset the cost of the process) may be applicable and payable.

If the Bylaw Enforcement System is successful, it will be implemented in other B.C. municipalities and may soon encompass other bylaw contraventions.

For more information on the new Bylaw Enforcement System, contact:

- City of North Vancouver: Bruce Hawkshaw – 604-990-4234
- District of North Vancouver: Dennis Back – 604-990-2205
- District of West Vancouver: Rick Beauchamp – 604-925-7003

Attachment: Bylaw Enforcement System Backgrounder.

8.2. Information Sheet and Backgrounder – Sample

Bylaw Enforcement System Backgrounder

The City of North Vancouver, District of North Vancouver and District of West Vancouver are introducing a new Bylaw Enforcement System, which will allow the three municipalities to deal with bylaw disputes such as parking tickets at the local level, rather than through the Provincial Court system.

When:
Effective May 3, 2004.

What:
B.C. drivers on the North Shore will have the opportunity to dispute their parking violations out of court as private adjudicators will hear all disputes. The adjudicators are appointed by the Provincial Attorney General's Office and funded by municipalities.

Why:
The system is set out in the Provincial Government's new Local Government Bylaw Notice Enforcement Act. It is intended to resolve disputes in a simple, cost-effective manner. The new Bylaw Enforcement System will improve efficiency in the areas of paying and collecting fines as well as deliver a streamlined process to the public. The system will also see efficiencies by:

- Reducing the costly, time-consuming process associated with disputing parking tickets through the court system;
- Reducing the high cost of locating and serving defendants;
- Reducing the need for witnesses to attend minor disputes;
- Reducing the costs associated with using a Provincial Court judge to hear a parking ticket dispute in court;
- Reducing the need to employ lawyers or enforcement officers to take minor cases to court;
- Reducing the time bylaw officers spend in court, allowing them to concentrate on serving the public in other capacities.

How the new system works:

- The new system is intended to streamline the court procedures associated with hearing bylaw ticket disputes and assigning the appropriate fine. Adjudicators will determine whether a bylaw infraction did or did not occur. If a contravention has occurred, a full penalty will be applied as well as an adjudication fee of \$25 to offset the cost of the process. If no bylaw violation has occurred, no fine will be applied.
- Those wishing to dispute their parking ticket may do so by first contacting the municipality in which the ticket was issued within 14 days of issuance. At that point, the adjudication is a three step process:

1. The individual disputing their ticket (disputant) will have the opportunity to speak with a Screening Officer. The Screening Officer will review the ticket and cancel it if appropriate. If this officer does not cancel the ticket, it will be forwarded to the adjudicator, or paid, whichever the client chooses.
2. If going forward to adjudication, the disputant will advise the Screening Officer which method of service they prefer - mail, fax, phone, email or in person. At that time, the adjudication office will notify the disputant of what to do, what date and time. The municipalities will always present their case in writing to the adjudicator.
3. The disputant applies in writing for an adjudicator to hear the case. A date for adjudication will be provided, and will be conducted at North Vancouver City Hall. Options include providing a representation in writing, by phone or in person. The adjudication fee is collected only if the ticket is upheld.

Benefits:

- Municipalities have more power over bylaw fine collection;
- Provincial Court time is minimized;
- Disputes will be resolved locally with a minimum of process, benefiting both the community and person disputing the parking infraction;
- Those who are challenging tickets no longer wait all day for court hearing;
- Those who are challenging tickets do not have to leave work or home in order to have a hearing.

Background:

In 2003, Bylaw Officers issued an estimated 43,000 tickets across the North Shore, approximately 1,000 of which were disputed, requiring Bylaw Officers to appear in court.

Formal court proceedings are very costly. A typical prosecution can cost as much as \$3,000 for a matter resulting in a \$50 fine. Minor bylaw cases also tend to be given the lowest priority, which results in prolonged delay, adjournments and added costs.

Summary:

By implementing a system comprised of dedicated arbitrators and mediators, the City of North Vancouver, District of North Vancouver and District of West Vancouver as well as the Province of British Columbia ensures that all minor bylaw matters are resolved through a streamlined process. This not only saves further taxpayer dollars, but also allows provincial and municipal time and resources to be used more efficiently and effectively. As well, those challenging tickets will receive enhanced, quicker service through a streamlined and efficient system.

APPENDICES

A. Screening Policies

- District of West Vancouver
- District of North Vancouver
- City of North Vancouver

B. North Shore Bylaw Dispute Registry
– Operations Policy

C. Project Stakeholders – Contact Information

APPENDIX A – DISTRICT OF WEST VANCOUVER – SCREENING POLICY

District of West Vancouver CORPORATE POLICY

Administration Division
Policy #02-10-211
CIS File: 0282-02-10-211
Page 1 of 3

Screening Officer Bylaw Notice Policy

1.0 Purpose

WHEREAS the District of West Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice;

AND WHEREAS the District of West Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and

AND WHEREAS the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the District pursuant to section 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*; and

WHEREAS the District of West Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances;

NOW THEREFORE the District of West Vancouver resolves to authorize the Screening Officer to cancel Bylaw Notices in the described circumstances set out in this policy.

2.0 Policy

2.1 The Screening Officer is authorized to cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:

- (a) Identity cannot be proven, for example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.

Document #: 161177

DISTRICT OF WEST VANCOUVER Corporate Policy

Policy #02-10-211 Screening Officer Bylaw Notice Policy Page 2 of 3

- (b) An exception specified in the Bylaw or a related enactment is made out;
 - (i) Handicap vehicle in time zone or pay lot.
- (c) There is a poor likelihood of success at adjudication for the District, for example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly;
 - (iv) The Bylaw provision is unenforceable or poorly worded.
- (d) The contravention was necessary for the preservation of health and safety, for example:
 - (i) The contravention was the result of a medical emergency.
- (e) The Notice is one of a number of Notices arising out of the same incident, in which case the Screening Officer may cancel all but the most appropriate Notice.
- (f) It is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (ii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed;
 - (iii) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.

APPENDIX A – DISTRICT OF WEST VANCOUVER – SCREENING POLICY

DISTRICT OF WEST VANCOUVER Corporate Policy

Policy #02-10-211

Screening Officer Bylaw Notice Policy

Page 3 of 3

- (g) The person exercised due diligence in their efforts to comply with the Bylaw, for example:
- (i) As a result of mechanical problems the person could not comply with the Bylaw; or
 - (ii) The sign indicating the Bylaw requirement was not visible.

Approval Date Council April 5, 2004-04-13 Item 5.5	Approved by: David Stuart, Municipal Manager
Amendment Date:	Approved by:
Amendment Date:	Approved by:

APPENDIX A – DISTRICT OF NORTH VANCOUVER – SCREENING POLICY



The Corporation of the District of North Vancouver

CORPORATE POLICY MANUAL

Section:	Legislative & Regulatory Affairs	9
Sub-Section:	Bylaw Enforcement – General	4000
Title:	SCREENING OFFICER BYLAW NOTICE	2

POLICY

The District of North Vancouver authorizes the Screening Officer to cancel Bylaw Notices in the described circumstances.

The Screening Officer is authorized to cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and a compliance agreement is not appropriate or available:

- (a) Identity cannot be proven. For example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.
- (b) An exception specified in the Bylaw or a related enactment is made out;
- (c) There is a poor likelihood of success at adjudication for the District. For example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly; or
 - (iv) The Bylaw provision is unenforceable or poorly worded.
- (d) The contravention was necessary for the preservation of health and safety. For example:
 - (i) The contravention was the result of a medical emergency.
- (e) It is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit; or
 - (ii) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.
- (f) The person exercised due diligence in their efforts to comply with the Bylaw. For example:
 - (i) As a result of mechanical problems the person could not comply with the Bylaw.

REASON FOR POLICY

Whereas

- the District of North Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice; and
- the District of North Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and
- the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the District pursuant to s. 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*.

the District of North Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances.

AUTHORITY TO ACT

Delegated to Staff.

Approval Date:	April 5, 2004	Approved by:	Regular Council
1. Amendment Date:		Approved by:	
2. Amendment Date:		Approved by:	
3. Amendment Date:		Approved by:	

APPENDIX A – CITY OF NORTH VANCOUVER – SCREENING POLICY

SCREENING OFFICER BYLAW NOTICE POLICY

WHEREAS the City of North Vancouver has passed a Bylaw designating certain Bylaw contraventions that may be dealt with by Bylaw Notice; and

WHEREAS the City of North Vancouver has established a position of Screening Officer who must review all disputed Bylaw Notices before dispute adjudication in respect of the Bylaw Notice may be scheduled; and

WHEREAS the Screening Officer has the power to cancel a Bylaw Notice on a ground of cancellation authorized by the City pursuant to s. 10(2)(a)(iii) of the *Local Government Bylaw Notice Enforcement Act*; and

WHEREAS the City of North Vancouver finds it expedient to provide for grounds of cancellation of a Bylaw Notice in certain circumstances,

NOW THEREFORE the City of North Vancouver resolves to authorize the Screening Officer to cancel Bylaw Notices in the described circumstances.

1. The Screening Officer is authorized to cancel and may cancel a Bylaw Notice where he or she is satisfied that one or more of the following reasons exist and the person is not willing to enter a compliance agreement or a compliance agreement is not available for the offence:
 - (a) Identity cannot be proven. For example:
 - (i) The Bylaw Notice was issued to the wrong person; or
 - (ii) The vehicle involved in the contravention had been stolen.
 - (b) An exception specified in the Bylaw or a related enactment is made out;
 - (c) There is a poor likelihood of success at adjudication for the City. For example:
 - (i) The evidence is inadequate to show a contravention;
 - (ii) The Officer relied on incorrect information in issuing the Notice;
 - (iii) The Notice was not completed properly;
 - (d) The contravention was necessary for the preservation of health and safety. For example:
 - (i) The contravention was the result of a medical emergency.

2

- (e) The Notice may be cancelled if it is not in the public interest to proceed to adjudication for one of the following reasons:
 - (i) The person who received the Notice was permitted or entitled to take the action, but the issuing officer was not aware of this entitlement or permit;
 - (ii) The person receiving the Notice does not live in the vicinity, or the vehicle is not registered in the vicinity, and the screening officer is satisfied the person is a tourist or visitor to the City and the person is not a repeat offender.
 - (iii) The person receiving the Notice was undergoing a personal tragedy at the time of the contravention such that it is not in the public interest to proceed;
 - (iv) The Bylaw has changed since the Notice was issued, and now authorizes the contravention.
 - (v) The offence occurred as a result of a mechanical problem and the person could not reasonably comply with the bylaw.

Encouragement to Purchase Skateboard Helmets - File: 3030-01

PURSUANT to the report of the City Clerk dated July 15, 2004, entitled "Encouragement to Purchase Skateboard Helmets":

THAT City of North Vancouver Screening Officers be authorized to cancel tickets issued under section 408.8 of the "Street and Traffic Bylaw, 1991, No. 6234, which is:

"No person shall propel, coast ride or in any other way use roller skates or a skateboard on any street, including the roadway, lane and sidewalk, public open space, plaza, other City properties or skateboard park unless that person is properly wearing a helmet on his or her head, except if that person is a person for whom the wearing of a helmet would interfere with an essential religious practice";

ON THE PROVISIO THAT a proof of purchase of a helmet is provided within 14 days of the issuance of the ticket.

CARRIED UNANIMOUSLY

APPENDIX B – NORTH SHORE BYLAW DISPUTE REGISTRY – OPERATIONS POLICY

North Shore Bylaw Dispute Adjudication Registry

Operations Policy

Purpose

The North Shore Bylaw Dispute Adjudication Registry (hereafter called the *Adjudication Registry*) provides a transparent and impartial process whereby disputants may challenge a Bylaw Notice issued by CNV, the District of North Vancouver, or the Municipality of West Vancouver. The Adjudication Registry is managed by the CNV in accordance with City Bylaw No. 7600.

Parties Involved

The process of disputing a notice involves five parties:

1. The Bylaw Officer (the CNV employee authorized to issue the notice)
2. The Disputant (the party disputing the notice).
3. The Screening Officer (the CNV employee designated under Bylaw No. 7600 to act as the Screening Officer).
4. The Dispute Coordinator (the CNV employee who coordinates the activities of the Adjudication Registry).
5. The Adjudicator (the independent adjudicator with authority to determine if the notice is dismissed or upheld).

Dispute Process

When a notice is disputed, the Disputant enters into a two step adjudication process:

Adjudication Step 1: Screening Officer

The disputant contacts the Screening Officer; this communication may be by phone, in person, or in writing. The Screening Officer acts as follows:

1. Reviews the notice with the Disputant (see Appendix C: *Screening Checklist*) and undertakes the appropriate investigation including communication with the Bylaw Officer issuing the notice to determine the validity of the notice. Data is entered into the AutoPROCESS system. The Screening Officer has the authority to either uphold or dismiss the notice in accordance with the cancellation policy set by Mayor and Council (See Appendix D: *Screening Officer Bylaw Notice Policy*).
2. If the notice is dismissed, the Screening Officer cancels the notice and no further action is required by the Disputant.
3. If the Screening Officer upholds the notice, three options are available:
 - i. The Disputant may pay the discounted fine.
 - ii. The Disputant may go forward with adjudication.
 - iii. Where permitted, the Disputant may enter into a compliance agreement in accordance with CNV Bylaw No. 7600.

For all options, the Disputant is advised of applicable fines, fees, and surcharges.

4. If the Disputant chooses to go forward with adjudication, the Screening Officer prepares a file for the Dispute Coordinator that includes two copies of each of the following documents:

- i. A report prepared by the Screening Officer based upon communication with the Disputant and quote the bylaw section.
- ii. A report prepared by the Bylaw Officer issuing the notice including rationale for issuing the notice.

Adjudication Step 2: Dispute Adjudication

The Dispute Coordinator receives the file from a CNV Screening Officer or other Municipal Screening Officer participating in the Adjudication Registry. Adjudication cannot proceed until the notice has been screened by a Screening Officer; the Dispute Coordinator only receives files from a Screening Officer, not from the Disputant. The Dispute Coordinator:

1. Confirms that the file is complete and requests additional information if necessary.
2. Liaises with the Adjudicator to set dates for the Adjudication Registry and then enters these dates into the calendar of the autoPROCESS ticket system.
3. Informs the Disputant of the available dates and agrees on the date and time.
4. Prepares a Notice of Adjudication to be sent to the Disputant and to the municipality concerned which confirms the date and time of the Adjudication Hearing along with the Disputant's preferred method of participation: in person, by phone, or through submission of documentation prior to the date of adjudication.
5. Coordinates with CNV departments, as necessary, to prepare for the Adjudication Registry. This includes preparing an agenda for the scheduled date of the Adjudication Registry. The agenda includes time, notice number, name of Disputant, method of participation by Disputant, and municipal authority issuing the notice.

The following CNV departments must be notified of the forthcoming adjudication dates:

- i. Finance-Cashier and Accounting (notices issued by other municipalities may be paid at the CNV only on the day of the Adjudication Registry).
- ii. Building Services (to set up the room for the Adjudication Registry).
- iii. Information Technology (to set up computers for the Adjudication Registry).
- iv. Security.
- v. Bylaw Supervisor.
- vi. The municipal authority issuing the notice, if other than the CNV.
- vii. Bylaw Manager.
- viii. Adjudication room (booking).
- ix. City Hall Receptionist
- x. City Clerk
- xi. Director Corporate Services

APPENDIX B – NORTH SHORE BYLAW DISPUTE REGISTRY – OPERATIONS POLICY

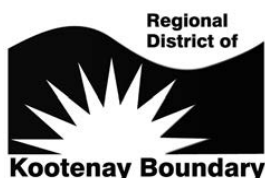
6. Maintains an updated file and has this file available, as requested, for the Adjudicator. This file, which must be obtained from the municipality involved, includes the following documents:
 - i. The report prepared by the Screening Officer.
 - ii. The report prepared by the Bylaw Officer.
 - iii. Any additional information detailing the rationale for not dismissing the notice.
 - iv. A copy of the Notice of Adjudication.
 - v. A copy of the Bylaw Notice.
 - vi. A printed quote of the bylaw section under which the notice was issued.
7. Following the Adjudication Hearing, returns the file to the CNV or other Municipal Authority with outcome of the Hearing noted.
8. If a CNV notice is dismissed at the Adjudication Registry, no further action is required.
9. If a CNV notice is upheld at the Adjudication Registry, the CNV prepares a letter to the Disputant which states the bylaw notice number, confirms the adjudication decision, states the total fine and fees outstanding along with the date on which a surcharge will be applied along with the amount of the surcharge, provides alternative methods of payment, and states that the notice will be referred to a collection agent if left unpaid.

APPENDIX C – Project Stakeholders – Contact Information

Project Stakeholders Contact Information

(Last Updated: September 2005)

INDIVIDUAL	ORGANIZATION	CONTACT INFORMATION
Wayne Willows <i>A/ Director</i>	Court Services Branch, Ministry of Attorney General	(250) 356-1529 Wayne.Willows@gov.bc.ca
Kate Kimberley <i>Senior Policy and Planning Analyst</i>	Court Services Branch, Ministry of Attorney General	(250) 356-6680 Kate.Kimberley@gov.bc.ca
Marijke Edmondson <i>Manager, Local Government Liaison</i>	Local Government Advisory Services Branch, Ministry of Community Services	(250) 387-4032 Marijke.Edmondson@gov.bc.ca
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Electoral Area Services (EAS) Committee Staff Report

RE:	OCP & Zoning Bylaw Amendment Application - Mooney		
Date:	April 11, 2019	File #:	BW-4109s-07428.000
To:	Chair Worley and members of the EAS Committee		
From:	Liz Moore, Planner		

Issue Introduction

We have received an application to amend the Official Community Plan and Zoning Bylaw for proposed retail space and hostel in Big White (see Attachments).

Property Information	
Owner(s):	John Frederick Mooney
Location:	6380 Whiskey Jack Rd.
Electoral Area:	Electoral Area 'E'/West Boundary
Legal Description(s):	Strata Lot A, Plan KAS106, DL 4109s, SDYD
Area:	0.088 hectares
Current Use(s):	Multi-unit dwelling
Land Use Bylaws	
OCP Bylaw No. 1125	High Density Residential
DP Area	Alpine Environmentally Sensitive Landscape Reclamation (DP2)/ Commercial & Multiple Family (DP1)
Zoning Bylaw No. 1166	Chalet Residential 1 (R1)
Other	
Waterfront / Floodplain	NA
ALR	NA

History / Background Information

The subject property is located near the village core, surrounded by residential properties (see Zoning Map). The house on the property is 40 years old. The dwelling has 10 bedrooms rented to between 15 and 20 of the applicants' employees (see photo below).

The Chalet Residential Zone (R1) does not speak to employee housing as a permitted use. However, the R1 Zone states that not more than two (2) bedrooms or sleeping units per parcel may be used for the purposes of Lodgers. Hostels and Pensions are not permitted uses for this zone.

The Big White Zoning Bylaw states that a Boarder or Lodger means a person who for hire occupies a sleeping room, with or without individual toilet facilities, in a dwelling unit occupied by a family to which that person may or may not be closely related by blood or marriage.



Figure 1 Streetview of 6380 Whiskey Jack Road

Objectives of residential areas in the Big White OCP are:

- *To encourage the safe and quiet use and enjoyment of residential properties.*
- *To designate area of land to meet estimated residential needs for at least the next 5 years.*
- *To encourage various residential alternatives and affordable housing for employees.*

Some of the relevant policies included in the OCP for residential areas include:

- *The Village Core will be the focal point for Big White, so high density in the area is desirable. The implementing zoning bylaw should allow residential Floor Area Ratios around 2 in the Village Core.*
- *High density uses are appropriate in close proximity to the Village Core. The implementing zoning bylaw should offer Floor Area Ratios in the vicinity of 1.7 for High Density uses.*
- *The Regional District encourages affordable rental housing such as hostels and employee housing outside the village core by way of rezoning.*

Proposal

The applicant proposes to change the zoning of the subject property from Chalet Residential 1 (R1) to Village Core 6 (VC6). The applicant also proposes to amend the properties designation from High Density Residential to Village Core in accordance with

the zoning amendment from R1 to VC6. They propose to do this for expansion of retail space at Big White and allow for the potential development of a hotel.

The applicant also proposes the addition of Pension and Hostel to the permitted uses of the VC6 Zone. They suggest that through opening a hostel, this will help alleviate current housing and overcrowding issues.

The applicants state this amendment will provide much needed retail and housing opportunities and is also part of an attempt to bring their property into compliance with RDKB bylaws, by allowing a larger number of lodgers either through establishing a hostel or a pension.

Implications

The proposed OCP and Zoning amendment would not be in line with the following OCP residential policy:

- *The Regional District encourages affordable rental housing such as hostels and employee housing outside the village core by way of rezoning.*

This policy is not prescriptive and is not a required condition to be included in the zoning.

Planning staff discussed with the applicant other zoning options that have pensions and/or hostels as permitted uses already, including the Medium Density Residential 4 Zone, which permits multiple family dwellings and pensions. However, the applicant affirmed their interest in having retail space and re-zoning property to VC6.

The table on the following page provides a comparison between what is currently permitted on the subject property and what the applicants are requesting. Implications of the proposed changes are also noted.

Permitted under current zoning (Chalet Residential 1)	Requested zoning (Village Core 6)	Implications
<u>Permitted Principal Uses:</u> <ul style="list-style-type: none"> • Single family dwelling; • Two family dwelling; • Bed and Breakfast and/or Boarding use (<i>subject to Section 311 of this Bylaw</i>); • Home occupations; • Accessory buildings and structures 	<u>Permitted Principal Uses:</u> <ul style="list-style-type: none"> • Accessory uses, buildings and structures; • Art Gallery; • Business, administrative and professional office; • Day-care facilities; • Eating and drinking establishment; • Financial institution; • Health salon and fitness centre; • Multiple family dwelling; • Neighbourhood pub; • Personal services establishment; • Recreational and entertainment facilities; • Retail store; • Ski rental facility; • Ski school sales; • Sports shop; • Ticket sales; • Conference facilities; • Meeting rooms 	<u>Permitted Principal Uses:</u> <p>The change in zones is from residential to commercial, allowing a change from housing to retail space and higher housing density.</p> <p>The applicant is also proposing to add Pensions and Hostels to the Principle Permitted Uses for Village Core 6.</p> <p>This allows the possibility for these types of lodgings across all properties the VC6 Zone.</p>

Permitted under current zoning (Chalet Residential 1)	Requested zoning (Village Core 6)	Implications
<u>Parcel Area for new parcels created by subdivision:</u> <ul style="list-style-type: none"> • 425 m² for a single family dwelling; • 550 m² for a two family dwelling or two single family dwellings; • 120 m² for a common lot access. 	<u>Parcel Area for new parcels created by subdivision:</u> <ul style="list-style-type: none"> • The minimum required parcel area in the VC6 Zone is 1,000 m². 	<u>Parcel Area for new parcels created by subdivision:</u> <ul style="list-style-type: none"> • The current parcel size is 880 m² <p>The parcel is smaller than the minimum required size for VC6.</p> <p>This means there will be no possibility for future subdivision of the subject property.</p>

Permitted under current zoning (Chalet Residential 1)	Requested zoning (Village Core 6)	Implications
<u>Bed and Breakfast/Boarders and Lodgers</u> Notwithstanding the provisions of Section 311 of this Bylaw, for parcels subdivided pursuant to Section 402.9, not more than two (2) bedrooms or sleeping units per parcel may be used for the purposes of Bed and Breakfast or Boarders and Lodgers.	<u>Bed and Breakfast/Boarders and Lodgers</u> N/A	<u>Bed and Breakfast/Boarders and Lodgers</u> The applicant is requesting that this be added to the in VC6 zoning with pensions and hostels as permitted uses.
<u>Floor Area Ratio</u> N/A	<u>Floor Area Ratio</u> Not in excess of 2.0	<u>Floor Area Ratio (FAR)</u> The FAR for the Chalet Residential is not regulated. In other residential zones the FAR is between 0.8 and 1.7. An FAR of 2.0 will allow an increase in gross floor area on the parcel.
<u>Height</u> Maximum height allowed for buildings is: <ul style="list-style-type: none"> • 9 m for principal buildings • 6 m for accessory buildings and structures 	<u>Height</u> Maximum height of buildings is restricted to 20 m.	<u>Height</u> The maximum height allowance would increase with this amendment, permitting an increase of 11 m for building height for future development on this property

Permitted under current zoning (Chalet Residential 1)	Requested zoning (Village Core 6)	Implications
<u>Density</u> <ul style="list-style-type: none"> Maximum one residential building containing two single family dwelling or two single family dwellings per parcel. 	<u>Density</u> <ul style="list-style-type: none"> N/A 	<u>Density</u> <p>Density is not directly defined for the VC6 zone. However, multi-family dwellings are a permitted use in the VC6 Zone. This in combination with an FAR of 2.0, will allow an increase in density.</p>
<u>Setbacks</u> <ul style="list-style-type: none"> Front yard: 4.5 m Exterior side yard: 3.0 m Interior side yard: 2.0 m Rear yard: 4.0 m 	<u>Setbacks</u> <ul style="list-style-type: none"> Front yard: 4.5m Exterior side yard: 4.0m Interior side yard: 5.0m Rear yard: 4.0m 	<u>Setbacks</u> <ul style="list-style-type: none"> Setback requirements for exterior and interior lot lines will increase with this amendment. The size of the lot may make it challenging for future development. The lot is approximately 20 m wide at the road, between two interior lots lines. To meet setback requirements would mean a 10 m width for building (unless a development variance permit was applied for and approved).

Permitted under current zoning (Chalet Residential 1)	Requested zoning (Village Core 6)	Implications
<u>Parcel Coverage</u> The maximum parcel coverage shall be 50%	<u>Parcel Coverage</u> The maximum parcel coverage shall be 60%	<u>Parcel Coverage</u> 10% increase in parcel coverage will be made possible by this change.
<u>Parking and Loading</u> <ul style="list-style-type: none"> Off street parking in accordance to Section 317 of the Zoning Bylaw. Current zoning requires two spaces per dwelling unit. Two or more parking spaces for each dwelling unit may be in tandem. 	<u>Parking and Loading</u> <ul style="list-style-type: none"> Off street parking in accordance to Section 317 of the Zoning Bylaw. Requirements depend upon the land use or combination of land uses undertaken on the parcel. 	<u>Parking and Loading</u> Where a building or parcel contains more than one function or use, the required number of parking spaces shall be the sum of the requirements of each function. Considering the size of the lot, meeting parking requirements for the sum of functions in the proposed future businesses may be challenging.

Hostels and employee housing are only permitted uses in residential zones, the Hostel\Employee Housing Residential 6 Zone (R6) and the Employee Housing Residential 6A Zone (R6A). These zones are located on two lots along Black Forest Way.

Hostels and pensions are defined in the Big White Zoning Bylaw as:

HOSTEL means a form of commercial accommodation in which beds are rented out individually to travellers and in which no single rented room or bed has its own sanitary or cooking facilities. A hostel shall be supervised by a resident manager on a 24 hour per day basis;

PENSION means a building within which is offered a form of guest accommodation which includes overnight sleeping rooms for up to forty-eight (48) guests. In a Pension full-board is available to all guests. Full-board means the guests in such a facility would normally receive three meals per day plus overnight accommodation at one all-inclusive price. Centralised eating and drinking facilities are therefore permitted within a Pension, but these are limited to not more than the total overnight accommodation capacity of the building. Such eating and drinking facilities are intended to be for the use of Pension guests only.

The terms travellers and guest are not defined in the zoning bylaw. By including these permitted uses in the VC6 Zone, it could provide housing options for local workers, as well as another form of accommodation for shorter term guests/travelers within the Village Core.

Without detailed plans of the proposed development, staff are not able to ensure bylaw compliance with the proposed amendment.

Advisory Planning Commission (APC)

This application was not supported by the Big White APC at their April 2, 2019 meeting with the following comments:

- Pg 1 – States the zoning would not be in compliance.
- Pg 2 – Proposes Hostel – Area cannot support the increase of population.
- Pg 2 – Implications – RD encourages affordable housing outside the village core
- Pg 3 – Implications – Affects all properties surrounding.
- Pg 5 – Height of Building – Allowable up to 20m – Increase of 11m
- Pg 6 – Width of the building - Based on the lot size the building could only be 10m wide
- Pg 7 – Parking requirements – Based on the size of the lot parking would be challenging
 - Jeremy Hopkinson– Original OCP – Surveyed property owners regarding concern of retail development moving away from the village core. It was decided that the community wanted to keep the village related activities (retail spaces etc.) in the village.
 - Hostel development for the purpose of staff housing is not a desirable change. Nor does the APC think it is a valid reason to change the zoning.
 - RDKB does not enforce/have the capacity to enforce zoning bylaw, would only act if complaints received.
 - VC6 allows for too many uses when the property is surrounded by residential properties. With no support for the proposal from these properties for a change. This application is also asking for hostels to be included in the VC6 zoning which would allow

the use to extend through all of VC6 which the committee feels is beyond our scope to approve and should be part of the next OCP conversation.

Recommendation

That the application submitted by John Mooney, Mooney Supplies Inc., to amend the *Big White Official Community Plan, Bylaw No. 1125* and the *Big White Zoning Bylaw No. 1166* to change the designation of the subject property from High Density Residential to Village Core, to change the zoning of the subject property from Chalet Residential 1 (R1) to Village Core 6 (VC6), and to add Pension and Hostel as permitted uses of the VC6 Zone, be denied.

Attachments

Site Location Map
Subject Property Map
Zoning Map
Applicants Submission

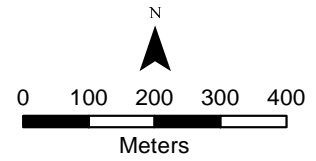


Regional District of
Kootenay Boundary

Date: 19/03/2019

Site Location Map

Strata Lot A, Plan KAS106
DL 4109s, SDYD



1:10,000



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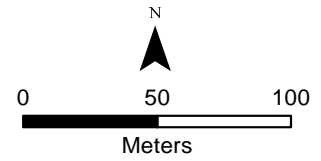


Regional District of
Kootenay Boundary

Date: 19/03/2019

Subject Property Map

Strata Lot A, Plan KAS106
DL 4109s, SDYD



1:2,455



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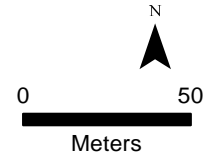


Regional District of
Kootenay Boundary

Date: 25/03/2019

Zoning Map

Strata Lot A, Plan KAS106
DL 4109s, SDYD



1:1,964

Zone Name

- R1 - Chalet Residential
- R1A - Chalet Residential
- R4 - Medium Density Residential
- R5 - High Density Residential
- R7 - Moguls Residential
- VC6 - Village Core
- REC1 - Recreational Resource 1

Subject Property

Big White
Village Core

Document Path: H:\2019-04-01_zoning_Mooney_amend.mxd

Applicants Submission

Statements regarding requests for variance(s)	<input type="checkbox"/>	<p>A clear statement identifying which regulation within the Zoning Bylaw is proposed to be varied (Example: rear parcel line setback variance of 1.5m - from 4m to 2.5m). A narrative which describes if the proposed variance would:</p> <ul style="list-style-type: none"> • Resolve a hardship • Improve development • Cause negative impacts to neighbouring properties
Site Survey	<input type="checkbox"/>	<p>If the Regional District believes it to be necessary for the property boundaries and the location of improvements thereon to be more accurately defined due to uncertainty over natural boundaries of watercourses or other reasons, a sketch prepared by a British Columbia Land Surveyor may be required. The voluntary submission of such a sketch may prevent a possible delay in processing the application.</p>

The space below is provided to describe the proposed development. Additional pages may be attached.

The applicant intends to change the use of this site from medium residential to VCG (Village Core 6). The reason for this is to develop much needed retail space at Big White and potentially a hostel.

The current building on the site is over 40 years old and in need of an upgrade or complete overhaul. The current building is used to house the applicant's staff members. By introducing an additional hostel to the mountain it is hoped the current housing + overcrowding issues will be alleviated a little. As the site is currently being used semi-commercially for staff housing we would like to ensure it is compliant and then potentially develop the site over the next 5-10 years.

We have no current plans to rebuild the house but this is something we are considering as this would add value to the area both monetarily and visually.



Regional District of
Kootenay Boundary

Electoral Area Services (EAS) Committee Staff Report

RE:	OCP Amendment – Big White		
To:	Chair Worley and members of the EAS Committee		
Date:	April 11, 2019	File #:	BW-4216-Happy Valley Guest Services
From:	Ken Gobeil, Senior Planner		

ISSUE INTRODUCTION

We have received an application for amendment to the Official Community Plan Bylaw for a proposed Guest Services building and expansion of the Happy Valley parking lot in Big White (see Attachments).

Property Information	
Owner(s):	Big White
Agent	Matt Bakker (Brent Harley and Associates)
Location:	Happy Valley Parking Lot
Electoral Area:	Electoral Area 'E'/West Boundary
Legal Description(s):	District Lot 4216, SDYD
Area:	1.79 hectares
Current Use(s):	Parking
Land Use Bylaws	
OCP Bylaw No. 1125	Black Forest Future Growth Area
DP Area	NA
Zoning Bylaw No. 1166	Recreational Resource 1 (REC 1)
Other	
Waterfront / Floodplain	Unnamed Creek
ALR	NA

HISTORY/BACKGROUND

The subject property has been used as the Happy Valley parking lot. The parking lot is located between the Happy Valley Lodge, Big White School, and the waste-water treatment facility.

Growth area designations in the OCP are intended to preserve lands for future development. Development of these lands require an approved Secondary Plan and an OCP amendment. Secondary Plans are required to:

- a) Provide direction for subdivision, development and land use;
- b) Conform to the Big White OCP; and
- c) Describe the density of population, the proposed sequence of development, and the location of existing and proposed roads and utilities.

Further requirements of Secondary Plans are described in section 3.3.2 of the OCP.

PROPOSAL

The applicant proposes to develop a guest services building and extend the current parking lot. The proposed development is near the southwestern corner of the property, which will be close to the intersection of Big White Road and Happy Valley Road. The placement of the building will require an addition of land to Crown Lease no. 337977.

The Guest Services building is intended to act as an information and services facility.

The applicants propose to change the OCP designation from 'Black Forest Future Growth Area' to 'Day Lodge Commercial' and to include the subject property in the 'Commercial and Multiple Family' Development Permit Area.

IMPLICATIONS

The purpose of this development is to add additional parking and check-in services for guests visiting the resort. This is an extension of the existing services and not a substantial change to land use. The parking lot would remain the main point of arrival for guests.

Zoning Bylaw

An amendment to the Zoning Bylaw is not required because parking lots and ski-lodges are permitted-uses in the REC1 zone. The proposed development is considered a "Ski-Lodge" in the RDKB Zoning Bylaw:

SKI LODGE means a building within which there are located several quasi-commercial activities related to the operation of a ski resort. These activities may include: administrative offices, changing areas and lockers, ski equipment rental and sales, ski schools and other uses customarily incidental to the operation of a ski resort.

Secondary Plan

The secondary plan submitted provides information on the requirements as defined in the OCP.

- a) The secondary plan recommends an additional 0.77 ha of land adjacent to DL 4216 to facilitate the building and additional parking space.

- b) The proposed guest services building does not contravene the intent of the Official Community Plan and is compliant with the Zoning Bylaw.
- c) There is no change in population density for this proposed development. As a single building, there will be no phasing required and; existing utilities would be used for this building. There would be no effect on the capacity of utilities.

Development Permit Areas

The applicant has also applied for a development permit as part of this bylaw amendment application. However, the Development Permit application will not be reviewed until the bylaw amendment has been approved.

In addition to the Commercial and Multiple Family Development Permit Area, the subject property would be required to be added to the Alpine Environmentally Sensitive Landscape Reclamation Development Permit Area. The applicant has been informed of this requirement.

ADVISORY PLANNING COMMISSION (APC)

The Big White APC supported the application during their April 2nd meeting. During their review the APC discussed capacity of the utilities and the vehicle and pedestrian traffic.

RECOMMENDATION

That the application submitted by Brent Harley and Associates Inc. on behalf of Big White Real Estate Ltd. to amend the Big White Official Community Plan Bylaw No. 1125 to change the designation from Black Forest Future Growth Area to Day Lodge Commercial and to add the site to the Commercial and Multiple Family and the Alpine Environmentally Sensitive Landscape Reclamation Development Permit Areas for the construction of a guest services building on District Lot 4216, Big White, Electoral Area 'E'/West Boundary, be supported, and further that staff be directed to draft an amendment bylaw for presentation to the Regional District of Kootenay Boundary Board of Directors for first and second readings and to schedule and hold a public hearing on the proposed bylaw amendments.

ATTACHMENTS:

Applicant's Submission

Happy Valley at Big White SECONDARY PLAN

March 2019

Prepared for:



Big White Ski Resort Ltd.
5315 Big White Road
Kelowna, BC
V1P 1P3
250-491-6233
pplocktis@bigwhite.com
www.bigwhite.com

Planning by:



Brent Harley and Associates Inc.
4 – 1005 Alpha Lake Road
Whistler, BC
V8E 0H5
604-932-7002
bha@brentharley.com
www.brentharley.com



March 2019

Mr. Ken Gobeil
Regional District of Kootenay Boundary
202 - 843 Rossland Ave.
Trail, B.C.
V1R 4S8

RE: The Happy Valley Secondary Plan

Dear Ken:

Please accept the attached Happy Valley Secondary Plan as an application for Official Community Plan (OCP) amendment.

It is our opinion that the proposed development of these lands is consistent with the community goals identified in the Big White OCP, such that:

- Big White's compact settlement pattern will be maintained;
- The centralized, pedestrian-oriented nature of the Village Core will be maintained;
- The visual quality and aesthetic of the Village Core and wider ski area is preserved and enhanced;
- Environmental impacts are minimal, and developments are integrated with the natural environment; and
- The ski terrain and topography are respected;

Please feel free to give us a call should you have any questions.

Respectfully submitted,

Brent Harley, B.E.S., B.L.A., M.B.A, M.C.S.L.A
President
Brent Harley and Associates Inc. (BHA)

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1. Introduction

1.1 Purpose of the Secondary Plan

On behalf of Big White Ski Resort Ltd., Brent Harley and Associates Inc. (BHA) has prepared the following Secondary Plan for the Happy Valley Area at Big White. The Secondary Plan provides direction for the Official Community Plan amendments for the Happy Valley Area.

This report provides background on Big White's development goals within the context of the potential to improve the Happy Valley Area, expanding day-use parking capacity and the provision of destination guest services to meet the needs and expectations of guests. This is followed by an overview of the land's development potential and a description of the proposed development program. The development program illustrates the development concept as well as discussing the potential impacts and benefits of the expansion.

1.2 Secondary Plan Goals and Objectives

As defined by Big White, the primary goal of this Secondary Plan is to:

Guide the extension and redevelopment of the Happy Valley Area in a fashion that will further the Vision of Big White as a high-quality, destination mountain resort.

In support of this, the Secondary Plan specifically provides:

- The conceptual plan and timelines of development for the identified future growth area;
- The proposed vehicle and guest capacity for parking areas within the Happy Valley area;
- The basis for an Official Community Plan amendment to permit the extension of the Happy Valley Area into an identified future growth area.

2. Background

2.1 Development Goals and Objectives

The fundamental and ongoing development goal of Big White is to establish itself as a high-quality, all-season destination mountain resort. As a part of the Resort's evolution and commitment to that goal, the development strategy for the Happy Valley Area is to establish a portion of this area as an information and services hub for destination guests (i.e. those travelling to Big White from outside the region) and staging area for day-use guests, providing adequate parking and skier services to balance on-mountain attractions in a pedestrian-scaled, guest-oriented fashion. In accordance with the policies of the Big White Official Community Plan the proposed development program has considered:

- Cost-effective development that respects ski terrain and topography;
- Coordinating land development and servicing needs with the existing infrastructure, parking, and development;
- Preservation and conservation of natural environmental values;



- Respecting the existing ski trail network and recreational experiences, and the potential to expand them;
- Supporting alternatives to automobile traffic where feasible, including mechanized people movers, ski trails, bicycle and walking paths; and
- Providing safe and efficient movement of vehicles, while meeting on-site, resort wide, day skier guest parking requirements;

2.2 Location and Existing Use

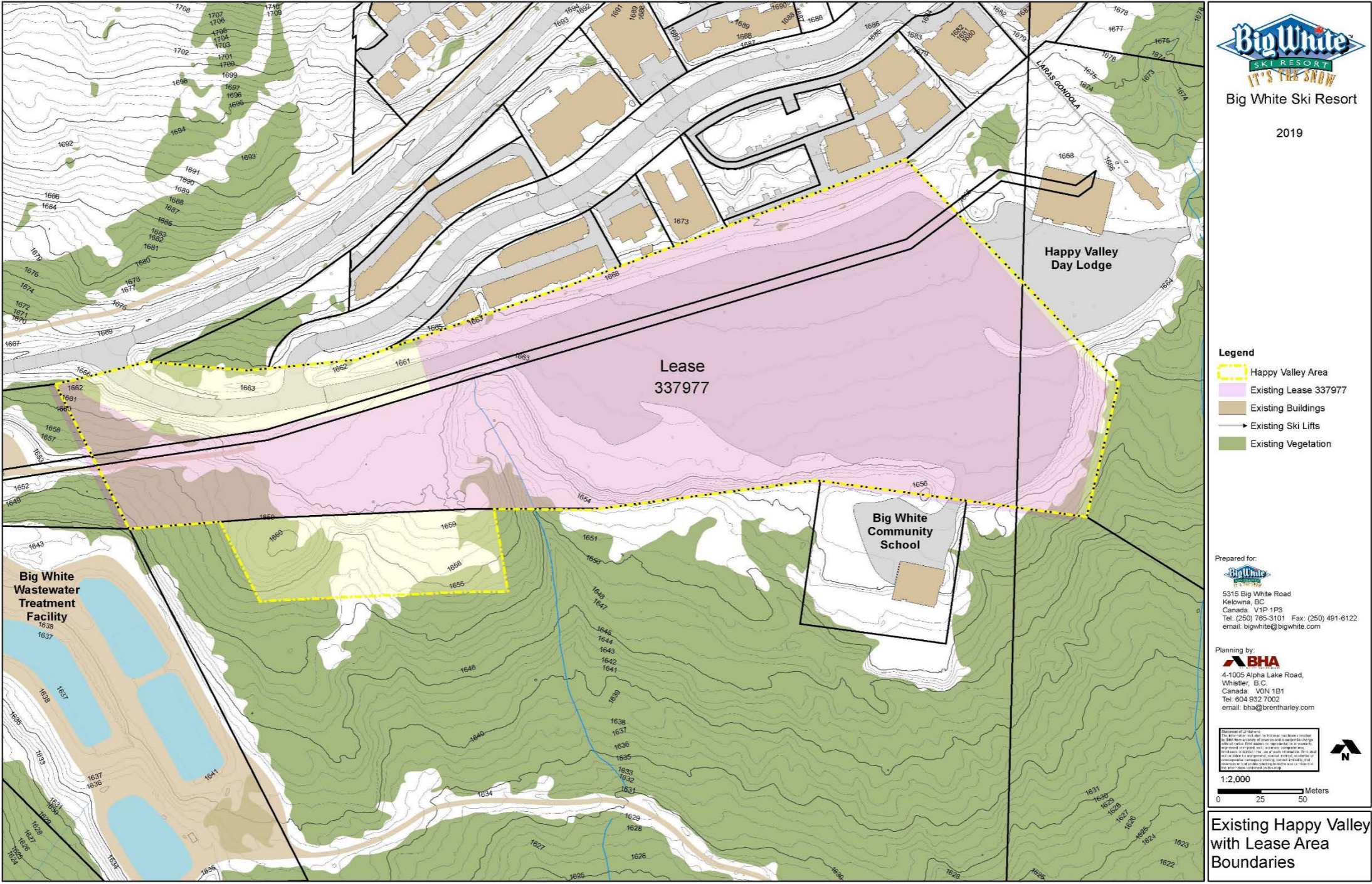
The Happy Valley Area is located to the south of the Village Core, and borders the Happy Valley Day Lodge, Lara's Gondola, and the Big White Community School (see Figure 2-1). The Area is located at the entrance to the Big White Village Core and accessed by Happy Valley Road. The Area is currently used as a day-use parking lot and staging area.

2.3 Existing Ownership, Rights and Zoning

The following are key development considerations that must be taken into account in the future growth of the Happy Valley Area lands:

- The Happy Valley Area is identified in the Official Community Plan as a Future Growth Area;
- The Happy Valley Area is comprised of a Leases (#337977) granted to Big White Ski Resort, and adjacent Crown land;
- The Happy Valley Area is currently zoned as a Recreational Resource 1, which permits the development of Ski Lodges;

Figure 2-1: Context Plan and Existing Conditions





3. Development Potential

3.1 Introduction

To determine the development potential for the Happy Valley Area, the lands were analyzed according to their:

- Relationship to existing developments and Village Core;
- Relationship to existing road network and day-use guest parking areas;
- Relationship to the ski trail and lift network;
- Slope gradients;
- Servicing requirements;
- Visual impacts; and
- Environmental values.

The results of the inventory and analysis assisted in the creation of a development concept that addresses guest needs and expectations, is visually desirable, and environmentally sensitive to the site. They also enabled the generation of plans that are well integrated with the existing and proposed facilities, considering the issues of vehicular, pedestrian, and skier circulation patterns throughout the resort.

3.2 Slope Analysis

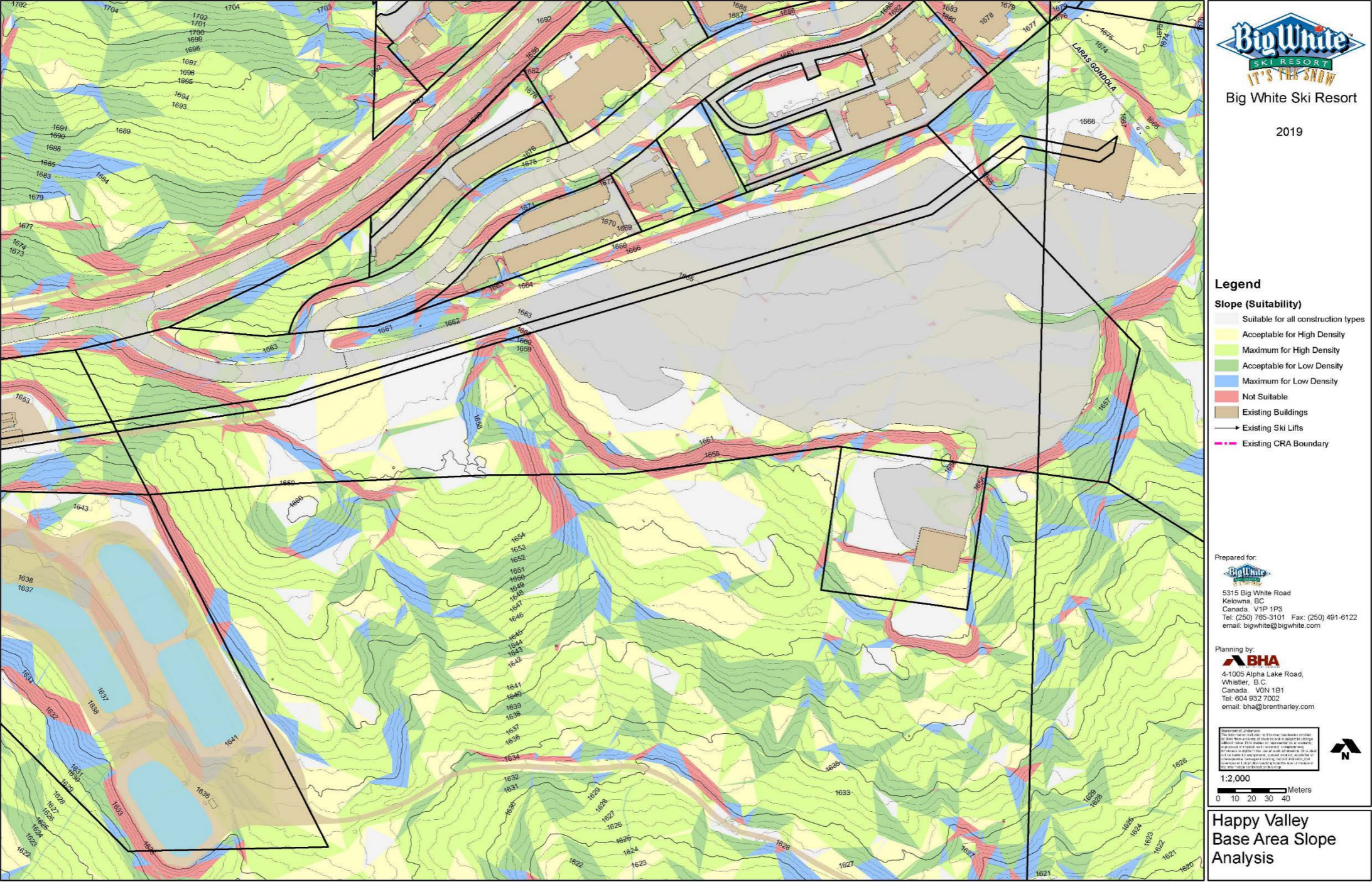
The Slope Analysis (Figure 3-1) is designed to identify the range of slope gradients suitable for potential land use developments. The topographic information has been colour coded into slope gradient categories as follows:

Table 3-1. Happy Valley Slope Analysis Criteria

Colour	Slope	Description
White	0- 5%	Ideal for base area village residential development and parking. Capable of accommodating all types of base area development, noting that such lands may be wet and environmentally sensitive.
Yellow	5 - 10%	Capable of accommodating all types of base area, residential and parking development with limited grading. Adjacent flat lands may be wet and environmentally sensitive to development.
Light Green	10 - 20%	Lands that will require some grading to accommodate development. Upper limits to base area/village development.
Mid Green	20 - 30%	Upper limits to multifamily development with grading.
Blue	30 - 40%	Upper limits to conventional single-family development.
Pink	+40%	Generally too steep for development. However, dependent on reasonable access and geotechnical considerations, some development possible.

As is readily apparent from the slope analysis, there is a significant amount of developable land in the Happy Valley Area. The area is dominated by 10 - 20% slopes, interspersed with pockets of flat (0 - 5%) and gentle slopes (5 - 10%), resulting in part from previous development efforts. The band of +40% slopes represent embankments created by grading undertaken to develop the existing parking area.

Figure 3-1: Slope Analysis





3.3 Environmental Values

In 2008, Cascade Environmental Resource Group Ltd (CERG) undertook an Environmental Review of the Big White Ski Resort and surrounding lands, including the Happy Valley Area. Key findings from this study are included below and the complete study is included as Appendix A.

3.3.1 Vegetation

The proposed development site sits within the Okanagan Highlands variant of the Engelmann Spruce-Subalpine Fir Biogeoclimatic zone, within the Thompson Okanagan Plateau Ecoregion, and Southern Interior Ecoprovince. The forested areas of the study area are dominated by mature (80 – 120-year-old) lodgepole pine, along with subalpine fir and Englemann spruce.

Of note, the forests directly south of the Happy Valley Area have been the subject of wildfire fuel load reduction efforts by the Province, which involves the removal of woody debris and limbing of dead branches.

3.3.2 Wildlife

Mule deer, moose, black bear, and red squirrel are all known to frequent the lower elevations of Big White, and the forest type and structure in the Happy Valley Area are known to support an array of bird species, both resident and migratory. There are no known occurrences of reptiles or amphibians in the area, owing in part to the lack of suitable habitat. A full list of observed and possible wildlife is included as part of Appendix A.

3.3.3 Rare and Endangered Species

No rare or endangered plant or wildlife species have been found in the Big White area, though several plants and wildlife have the possibility to occur in the area or surrounding lands. Notably, Grizzly bears have been seen infrequently on the upper slopes of the mountain and the proposed development site straddles at Grizzly Bear Wildlife Habitat Area (WHA). The “General Wildlife Measures” of the WHA are not anticipated to impact the proposed development. See Appendix A for further detail.

3.3.4 Permanent and Intermittent Watercourses

The site is within the Trapping Creek watershed, with a single watercourse that runs through the area and ultimately drains into West Kettle River. The watercourse a Non-conforming Drainage created during the construction of Happy Valley Road following Ministry of Transportation guidelines. While no fish species have been observed in this watercourse, it does drain into streams that provide fish habitat and are known to support Rainbow trout.

3.3.5. Geology and Geomorphology

The bedrock in and around the Big White Ski Resort is comprised of granodiorite and quartz, well-suited to the development of structures. The Happy Valley Area sits on top of sand and



gravel soils identified as moderately well-draining. No geotechnical hazards have been identified. Further details are provided in Appendix A.

3.4 Parking and Circulation Evaluation

The plan for the Happy Valley Area considered parking and circulation issues of vehicles and guests, factoring in the existing circulation patterns, land use, and facilities. The following are key objectives pertaining to the evaluation and design of parking capacities and circulation issues at Big White and in the Happy Valley area.

- Maintain or expand current day-use vehicle parking capacity in the Happy Valley Area.
- Ensure easy circulation for guests between vehicles, guests services, and the on-mountain attractions, including access by way of Lara's Gondola and egress via existing ski trails.
- Establish a comprehensive hub for destination guest services in a prominent and easily accessible location.

4. Proposed Development

4.1 Potential Land Use

Given the development potential of the Happy Valley Area, the goals and policies of Big White Official Community Plan, and the goals and objectives for the ski resort, Big White is seeking to expand and formalize the Happy Valley Area within the Black Forest Future Growth Area, as defined in the Big White OCP Schedule B. Should the OCP amendment be approved, Big White will work with the Regional District to create a development plan that adheres to the existing zoning regulations, design guidelines, and the Resort's goals and objectives.

4.2 Development Concept

The primary objective of the Happy Valley Secondary Plan is to improve the guest experience in the Happy Valley Area, enhancing access to destination guest services and increasing day-use parking capacity. The development will maintain and protect appropriate environmental, access, and visual qualities that are critical to the visitor experience and success of the resort.

The proposed development consists of a new destination Guest Services Building in the west of the Happy Valley Area, near the junction of Happy Valley Road and Big White Road, and an expansion of the existing parking facilities (Figures 4-1 & 4-2). Parking surrounding the new Guest Services Building would be paved to reduce accessibility barriers for guests, but the remaining parking area would be left as a gravel lot.

The new destination Guest Services Building will serve as a first point of contact for destination guests who may have limited knowledge of Big White. The building's prominent and easily accessible location ensures it will be the first point of contact for destination guests upon arrival at Big White, and the comprehensive services and resort information provided will allow guests to quickly find their accommodation, learn about the resort, and arrange for any lift tickets, lessons, or rentals needed to have a great experience at Big White. The allocation of space within the proposed building to specific uses (e.g. information desk, washrooms, etc.) has not been fully determined and will be finalized as the project proceeds.



The expansion of the day-use parking area has been designed to minimize the extent of grading required, utilizing land that has previously graded and avoiding steep slopes (+40%) wherever possible. The site's existing lift and ski trail infrastructure allow for an easy transition between vehicles, the Village, and the slopes. Further, the parking area's location on the periphery of the Village Core diverts vehicles from the Village, reducing congestion and the associated noise and air pollution, helping to foster a more intimate, pedestrian-oriented Village ambience.

Preliminary assessment indicates that the expansion of the parking area would add approximately 100 stalls to the existing day-use parking lot and create approximately 20 stalls in conjunction with the new destination services building, bringing the total stalls in the Happy Valley Area to approximately 1,200. Understanding that the stalls closest to the Guest Services Building will be short-term parking for destination guests, the added parking increases day-use parking capacity by approximately 280 guests (assuming 2.8 guests per vehicle). This brings the total capacity of the Happy Valley Day Use Parking Lot to about 3,360 guests.

To facilitate the proposed development, Big White has applied to the Province to have Lease #337977 expanded by approximately 0.77 ha. This request is supported by Interfor Corporation, which has a Tree Farm Licence for the area (see Appendix B).

Further, Big White will request the land around the proposed destination Guest Services Building be designated as Day Lodge Commercial (1.79 ha). However, as the proposed Guest Services Building aligns with the definition of a Ski Lodge in the Big White Zoning Bylaw 1166, and the current zoning, Recreational Resource 1, aligns with the intended development. The proposed changes are illustrated in Figures 4-3, 4-4 and 4-5.

Pending an amendment to the OCP and subsequent approvals, Big White will look to complete construction of all the proposed developments included in this Secondary Plan by winter 2019/20.

Figure 4-1 Proposed Development Concept

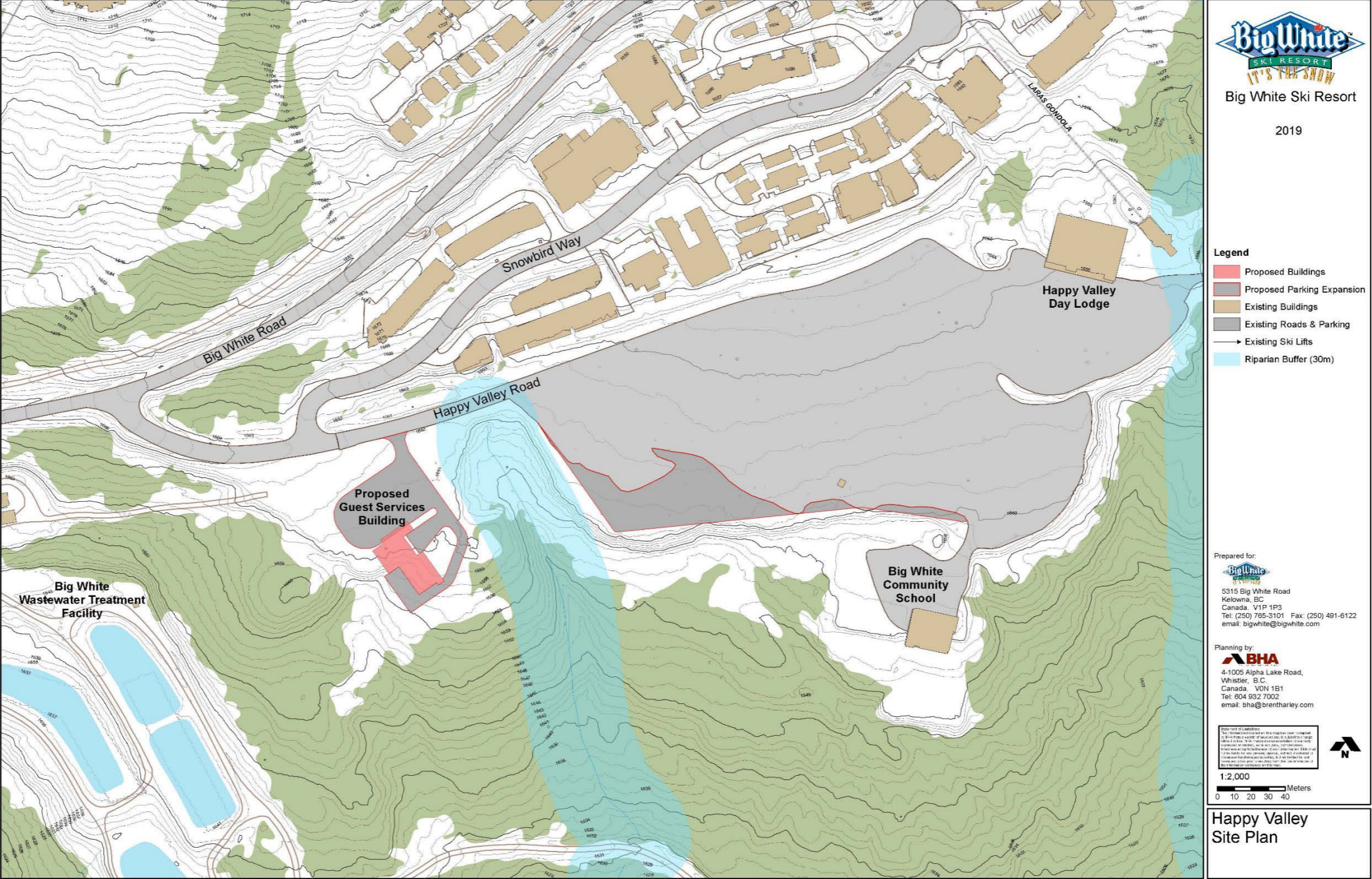


Figure 4-2. Proposed Development Concept – Orthophoto



Figure 4-3. Proposed Development Concept – Proposed Lease Amendments

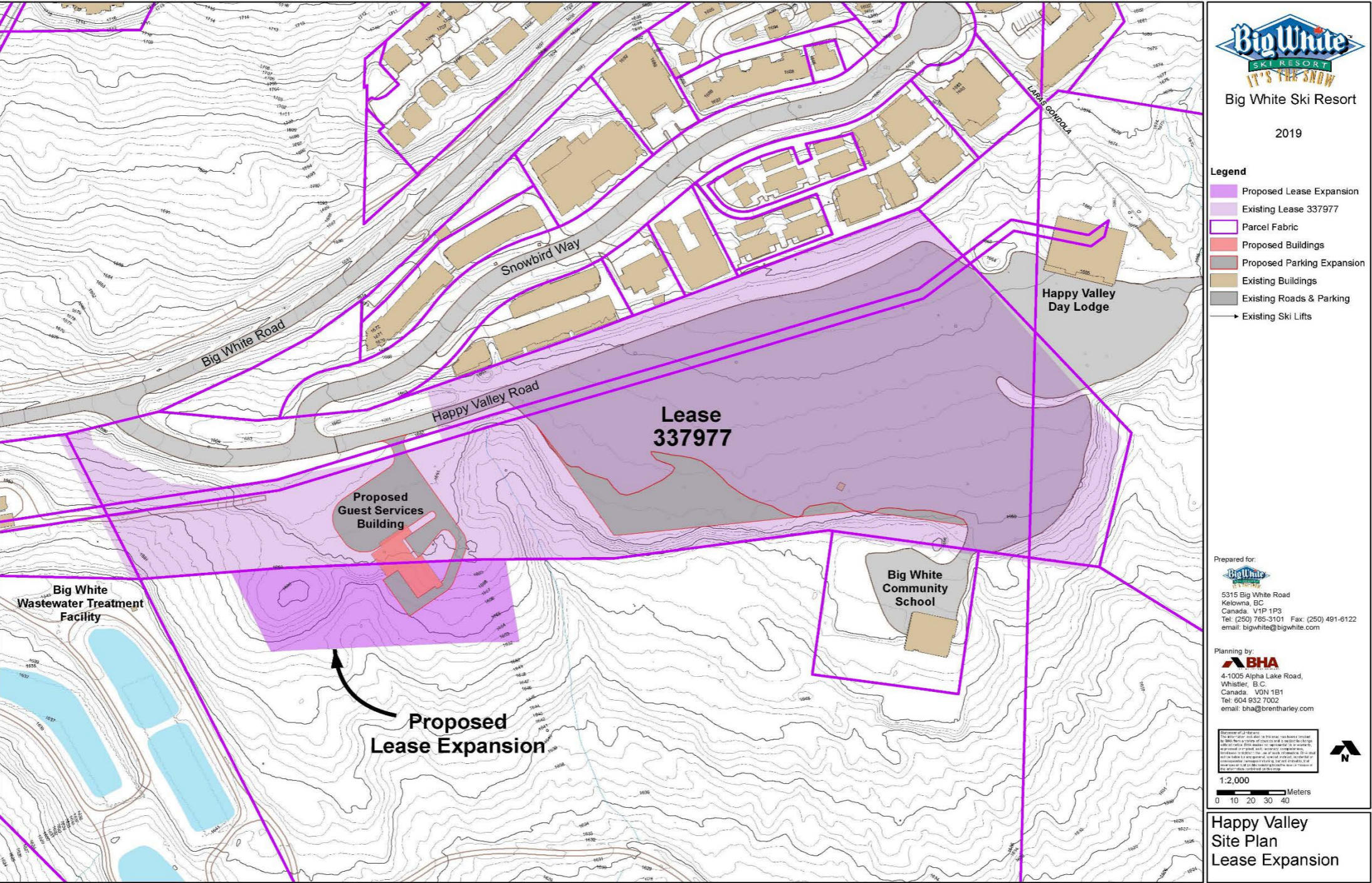


Figure 4-4. Proposed Development Concept – Proposed Land Use Designation/Rezoning

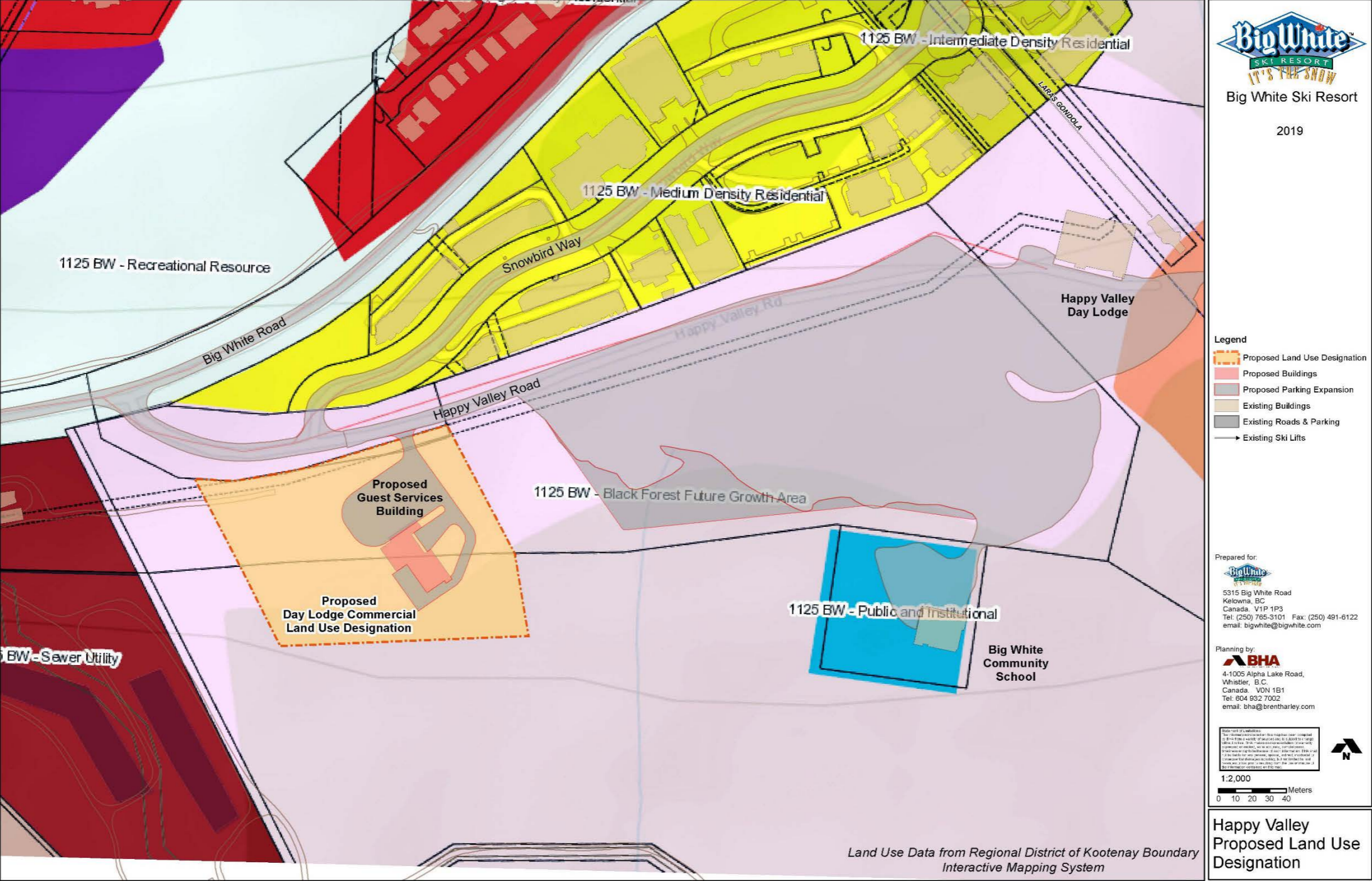
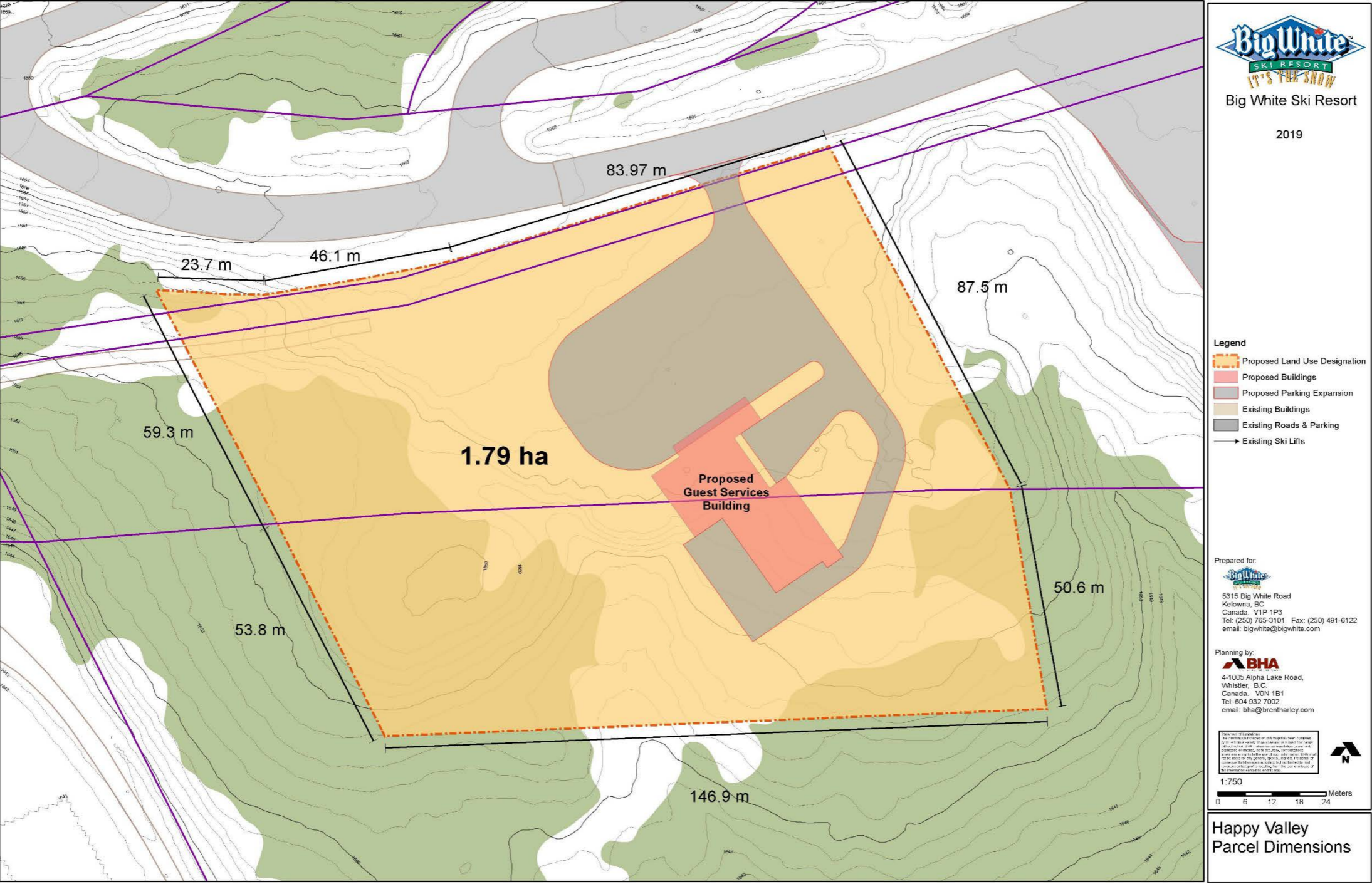


Figure 4-5. Proposed Parcel Dimensions and Area





4.3 Development Impact

The following discusses the impact of the proposed Guest Services Building and parking areas on the resort.

4.3.1 Adjacent Land Uses

The proposed developments within the Happy Valley Area are surrounded by the southern extent of the Village core (north), the Happy Valley Day Lodge, Lara's Gondola, and beginner skiing area (east), vacant Crown land (south), and the Big White wastewater treatment facility (west). As planned, vegetation buffers will be maintained with the wastewater treatment facility to preserve the visual aesthetic of the site.

The planned destination Guest Services Building and parking area expansion have been designed to complement and improve the features of the existing area, enhancing the destination and day-use skier experience at the resort.

4.3.2 Access, Circulation and Linkages

Happy Valley Road provides access to the Happy Valley Area and the proposed development. The road branches off Big White Road at the entrance of the Village and extends into the existing Happy Valley parking lot.

The proposed destination Guest Services Building and parking area expansion represent approximately 120 additional vehicles onsite at any one time. Of these, it is understood that about 100 additional vehicles provided for by the expanded parking area will likely only be active during the peak morning (guest arrival) and afternoon periods (guest departure). At other times, the additional parking capacity is not expected to increase vehicle traffic along Happy Valley Road. Conversely, it is anticipated that destination guests will arrive at all times of the day and week. However, due to their limited numbers, they are not expected to negatively impact on vehicle access or circulation.

Regarding connectivity to the rest of the resort, once parked, day-use guests will use the Lara's Gondola to access the Village and the on-mountain attractions and will return to the area either by the Gondola, or via an existing ski trail (Happy Valley Way) leading to the bottom terminal of the Gondola. Travel between personal vehicles and the Gondola base will be by foot but all day-use parking stalls are within 400 m of the Gondola, the comfortable walking distance for guests with ski gear.

Destination guests will be directed to the new Guest Services Building, conveniently located in a highly visible location before they enter the Village Core. The intent is to provide guests that may be unfamiliar with the resort the knowledge needed to easily navigate the Village Core and find their accommodation, ultimately improving their resort experience. Travel to and from the Guest Services Building will be by vehicle with no need for pedestrian linkages to the rest of the resort.



4.3.3 Visual Impact Analysis

As the proposed developments are limited to an expansion of the existing day-use parking area and the development of a single Guest Services Building to the south (downslope) of the Village Core, the proposed developments will have limited visual impact on adjacent properties and Big White Ski Resort as a whole. The site's position relative to the existing Village, its existing use as a day-use parking area, and maximum building height guidelines for the Guest Services Building will limit the visual impacts to existing and future development in the vicinity of the Happy Valley Area.

4.3.4 Geotechnical Conditions

Preliminary assessment of the geology and geomorphology found no geological hazards in the Happy Valley Area (Appendix A). However, prior to development, Big White will have a geotechnical engineer complete a site analysis to address site specific variables, such as seepage rates.

4.3.5 Watercourse Protection and Drainage Management

To mitigate negative impacts on riparian habitat or aquatic species, the Guest Services Building and associated parking, and the parking expansion will maintain a 30 m buffer from all watercourses. Further, Big White has created a drainage management plan to address potential impacts to watercourses related to water runoff (see Appendix C).

During construction a temporary barrier will be installed along the perimeter of the site to limit the potential for erosion and prevent water runoff from the disturbed area from entering the adjacent watercourse. Water runoff will instead be directed towards the forested areas to the southwest.

4.3.6 Landscape Disturbance

Disturbance to the proposed site will be limited to that necessary to construct the proposed Guest Services Building and parking areas. No buffer will be created between the proposed development and the forest, with the intent to maintain the extent of the existing forest to the greatest degree possible. The Province has undertaken wildfire fuel load mitigation efforts in the forested areas south of the Village that have significantly reduced the wildfire risk to Big White.

4.3.7 General Landscaping Guidelines

Slopes disturbed by the development of the proposed Guest Services Building and parking areas will be stabilized with blast rock and planted with a grass mix that has been successfully used on a variety of terrain at Big White in the past.

4.3.8 Community Image

The proposed development will be subject to the Development Permit process (where designated), ensuring a quality development that is sensitive to the character of Big White as well as the natural environment. The proposed development will work with the site's natural features to build upon the Resort's image.



4.4 Site Servicing

The proposed site for the destination Guest Services Building has water, power, and sewage infrastructure onsite. There is an existing utilities vault onsite owing to the site's previous use as a concrete batch plant. The capacity of this infrastructure is sufficient to meet the needs of the proposed Guest Services Building, as is total Resort utility capacity. Big White will be responsible for any costs associated with connecting and servicing utilities for the proposed development.

4.5 Stormwater and Drainage

To manage stormwater and drainage, Big White has prepared a Stormwater Management Plan (Appendix C). It prioritizes draining water away from existing watercourses, instead using the natural drainage of forest soils to the southwest to manage runoff to the greatest degree possible. Further, as proposed, the Guest Services Building will feature a flat roof that will drain to a central point, adding an additional degree of control to rainwater and snow melt management.

Snow storage areas will be incorporated into parking area design while respecting the Stormwater Management Plan to ensure vehicle access and parking area capacity is always maintained.

4.6 Objectives and Guidelines for Development Permits

The proposed developments for the Happy Valley Area most closely align with the Day Lodge Commercial Land Use Designation. Big White suggests that the land immediately surrounding the proposed destination Guest Services Building (see Figure 4-5) receive this land use designation, should an OCP amendment be granted. As proposed, the existing zoning (Recreational Resource 1) is suitable for the proposed developments, permitting the development of Ski Lodges as defined in the Big White Zoning Bylaws. As such, no rezoning is required.

The Big White OCP requires that a Development Permit be submitted for new construction, additions to existing buildings or reconstructions. It is proposed that the Happy Valley Area be included in the Commercial and Multiple Family Development Permit Area, as the structure and form of the proposed Guest Services Building must align with the established aesthetic of the Big White Village and support a high-quality, destination resort experience for guests.

All development in the Happy Valley Area will be subject to the Big White Ski Resort Design Guidelines (1999) to ensure the high-quality and image of Big White is maintained and enhanced. Administered by Big White, the guidelines assist developers, architects, and other consultants and ensure all development meets acceptable standards for site design, landscaping, grading, building design, snow management, and environmental protection.



5. Conclusions

The development of the Happy Valley Area is consistent with the community goals identified in the Big White OCP and the Resort's Vision for the future. The following attributes of the proposed concept strongly support the proposed expansion of the Happy Valley area:

- The site currently operates as a primary day-use parking area at Big White;
- The site has moderate to gently sloping land which is easy to develop;
- The site has no apparent geotechnical hazards;
- The site's location on the periphery of the Village core promotes easy guest access while reducing vehicle congestion within the Village;
- Existing utility infrastructure is already onsite owing to previous development;
- Power, water, and wastewater treatment capacity at the resort can accommodate the proposed development; and
- The proposed destination Guest Services Building fits with the site's existing and intended purpose and supports the broader goals for the Big White Ski Resort Village.



Appendix A – Environmental Review (2008)

Cascade Environmental Resource Group Ltd.

Of note, the Environmental Review was initially undertaken in support of a new Master Plan for Big White Ski Resort. This planning process was put on hold and the concepts mentioned in the Environmental Review may have been abandoned or significantly altered.



Environmental Review:

Big White Ski Resort Master Plan 2008

Prepared for:

Big White Ski Resort

P.O. Box 2039, Strn. R. Kelowna, B.C. V1X 4K5

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Statement of Limitations

This Document was prepared by **Cascade Environmental Resource Group Ltd.** for the account of **Big White Ski Resort**.

Should this report contain an error or omission then the liability, if any, of Cascade Environmental Resource Group Ltd. should be limited to the fee received by Cascade Environmental Resource Group Ltd. for the preparation of this Document. Recommendations contained in this report reflect Cascade Environmental Resource Group Ltd.'s judgment in light of information available at the time of study. The accuracy of information provided to Cascade Environmental Resource Group Ltd. is not guaranteed.

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This document should not be construed to be:

- ⚠ A Phase 1 - Environmental Site Assessment;
- ⚠ A Stage 1 – Preliminary Site Investigation (as per the Contaminated Sites Regulations of the Waste Mgt. Act);
- ⚠ An Environmental Impact Assessment.



1.0 INTRODUCTION

1.1 Background

Big White Ski Resort retained Cascade Environmental Resource Group Ltd. (CERG) to conduct an Environmental Review (ER) of the resort lands, as described by the proposed Controlled Recreation Area amendment. The assessment includes the documentation of existing environmental conditions on the subject property as well as the identification and delineation of environmentally sensitive areas and ecologically significant habitats. As part of the assessment, measures to assist the protection of identified environmentally sensitive areas are outlined, which include but are not limited to riparian retention.

1.2 The Project Team

Dave Williamson, B.E.S., Q.E.P., Dan McDonald, M.E.M., Q.E.P., Ryan Coatta, B.Sc. and Chris Wood, M.Sc. formed the field study team and conducted the site investigations for the project. Review was provided by Dave Williamson and Ryan Coatta constructed applicable maps and conducted initial orthophoto site review. All project team members have extensive experience in conducting environmental inventories, reviews and assessments.

1.3 Methodology

This report is an update Environmental Review Big White Ski Resort 1996 Master Plan Update (1997) and from a number of earlier studies conducted by one of CERG's parent companies, GeoAlpine Environmental Consulting Ltd. Including but not limited to:

- Big White Ski Resort Master Plan, (BHA 1996, 2008);
- Stream Classification: "Bullet" and Trapping Creeks, Big White Mountain (CERG, 2000);
- Big White Resort – Black Forest Construction Erosion and Sediment Control Plan (CERG, 2000);
- Drainage Plan for Base Area of Westside Development, Big White Ski Area (GeoAlpine, 1996);
- Gem Lake Express and Associated Trails (management planning document), (Big White Ski Resort Ltd., 1996);
- Big White and Surrounding Area - Resource Emphasis Areas (1:20,000 scale map), (Timberland Consultants, 1995);
- Guidelines for Environmental Good Practices for Ski Areas, (Canada West Ski Areas Association, May 1992);
- Big White Village Drainage Study, (Klohn Leonoff 1981);
- Geotechnical Assessment - Proposed Village Extension of Big White Mountain, (Golder Associates 1980); and
- Environmental Analysis of Big White, (Selkirk College 1978).

The study team, consisting of Dave Williamson, B.E.S., Mike Cole, P.Eng., Ethan Askey, M.R.M., Mike Nelson, R.P.Bio. and Douglas Wahl, R.P.Bio., conducted a site visit and cursory ecological land survey from July 25 to July 27, 1996. Over that period aquatic biophysical information was gathered on the main streams flowing from Big White Resort. The data collected was used to classify the streams according to the Riparian Management Area Guidebook standards (MOF / MOELP 1995). In addition, Global



Positioning System (GPS) transects were made of the Gem Lake area and the existing ski area. General ecological information was gathered on these transects including: geology, geomorphology, hydrology, soils, plant species, wildlife observations and habitat characteristics.

In 1997 Dave Williamson returned to the site with Martin Gebauer, R.RBio, to expand the review to include the bench below the existing village. The information gathered during a cursory site visit conducted on September 2, 1997 was incorporated into this updated document.

Additional site reconnaissance of the study area was conducted on October 23, 2008 with Dave Williamson and Dan McDonald, M.E.M. attending. Terrestrial Ecosystem Mapping (TEM) principles (BC ILMB, 1998) were employed to identify and delineate ecosystem units and show their distribution within the study area. TEM principals use a classification hierarchy of ecological units, including ecoregion units and biogeoclimatic units at a broader level and site units and vegetation development stages at a more detailed scale. Within these broader units, site level polygons describe ecosystem units composed of site series, site modifiers, and structural stages. Chris Wood, M.Sc. and Ryan Coatta, B.Sc. provided G.I.S. based TEM analysis of species accounts. Additionally, prior studies and reports conducted on the study area were reviewed.

Terrestrial Ecosystem standards were used to describe the site vegetation, soil and geomorphic features unique to each ecosystem unit within the study area. To ensure accurate descriptions of the current environmental conditions on the property and to reflect updated environmental reporting standards, a recent (1.0 m pixel size) color orthophoto was used for ecosystem unit interpretation.

Wildlife was identified by visual observation, songs, tracks and feeding signs. Potential wildlife use not observed during the site reconnaissance was inferred from available habitats, local information, and known distributions. Valued ecosystem components such as riparian corridors, and first growth (i.e., veteran) trees, if any, were also noted during the survey.

This report provides a reconnaissance-level description of wildlife and wildlife habitats surrounding the proposed developments at Big White Ski Resort. Much of the information provided in this report, relating to the known and likely wildlife values within existing and proposed developments at Big White Ski Resort, is the result of a one-day site assessment through 2 representative ecosystems found at Big White.

This report does not generally provide species-specific impacts related to the proposed development. Rather, this report provides general conclusions on the likely impacts of the proposed development on various species/communities.

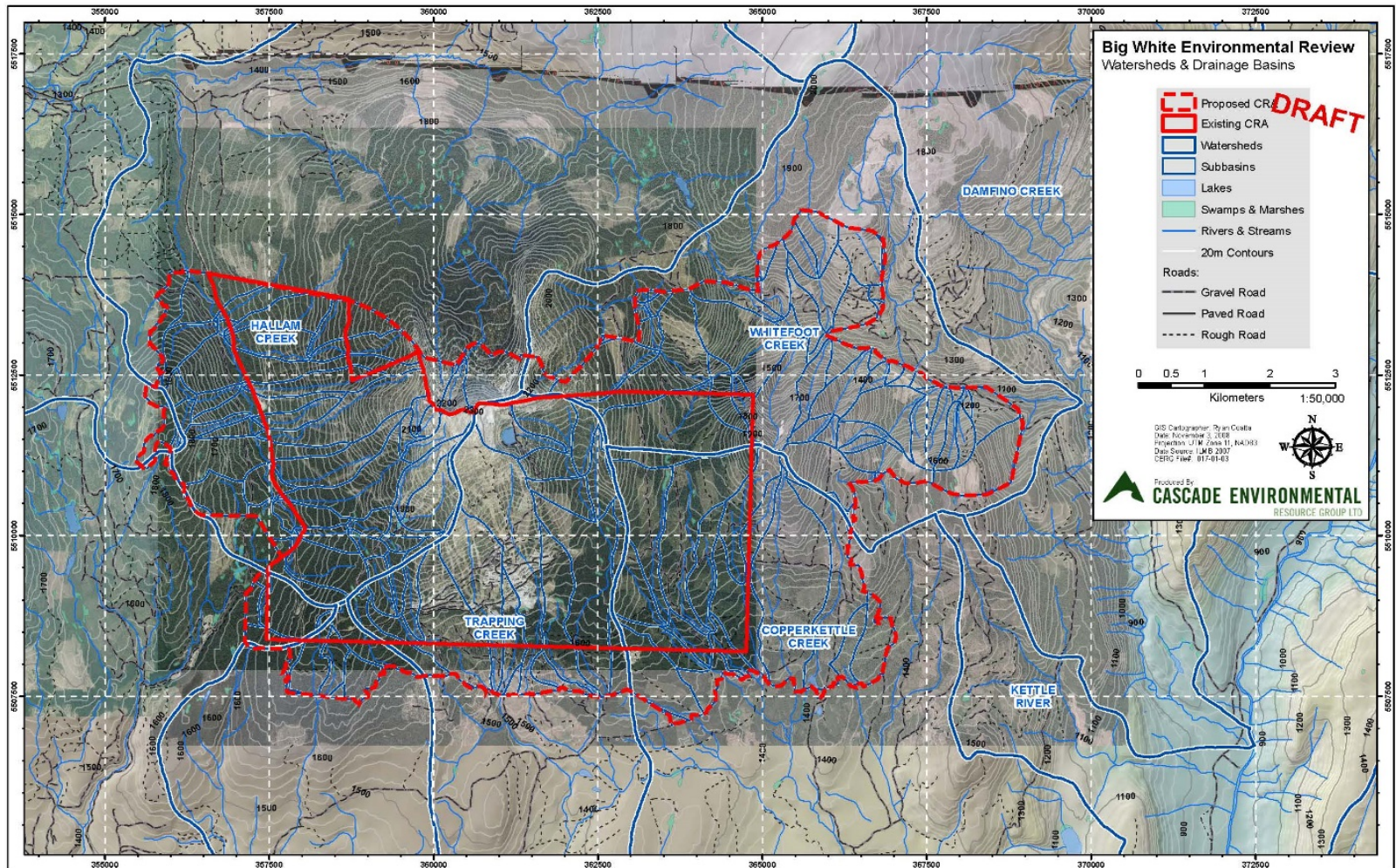


1.4 Project Components

Big White Ski Resort is located in south-central British Columbia, approximately 50 km east of Kelowna (Map 1). Ranging in elevation between approximately 1500 and 2300 metres, the study area rises to the east of the Okanagan Plateau as the highest point in the Okanagan Highland Region. For purposes of analysis the study area includes the current Controlled Recreation Area (CRA) boundary, which is drained to the south by Trapping Creek into West Kettle River, to the west and north by Hallam Creek into West Kettle River, and to the southeast by Whitefoot Creek and Copperkettle Creek. These drainages, the existing CRA and the proposed expansion area are identified on the Watersheds and Drainage Basins map (Map 2).











2.0 EXISTING ENVIRONMENTAL CONDITIONS

2.1 Cultural Environment

2.1.1 First Nations

Traditionally, Okanagans (Syilx) occupied an area which extended over approximately 69 000 square kilometers. The northern area of this territory was close to the area of Mica Creek, just north of modern day Revelstoke, BC, and the eastern boundary was Kootenay Lake. The southern boundary extended to the vicinity of Wilbur, Washington and the western border extended into the Nicola Valley (Okanagan Nation Alliance, 2008).

The syilx are a division of the Interior Salish and speak the nsyilxcən language (Westbank First Nation, 2008). The Okanagan people were hunters and gatherers, and were noted to be semi-nomadic. Their staple diet consisted of deer, salmon, rabbit and other wild game (Okanagan Nation Alliance, 2008). The Okanagan's were also gatherers of roots, berries and various other plants (Okanagan Nation Alliance, 2008).

Located in south central British Columbia, Canada, the Okanagan Valley is home to Westbank First Nation, one of seven native communities that belong to the Okanagan Nation (Westbank First Nation, 2008). Westbank First Nation is comprised of five reserves totaling 5,306 acres. Tsinstikeptum Reserves 9 and 10 border Okanagan Lake and are in close proximity to the City of Kelowna, one of the fastest growing cities in British Columbia (Westbank First Nation, 2008).

A heritage/archaeological investigation was not conducted as part of this study.

2.1.2 Timber Harvesting

Interfor has conducted forest harvesting and silviculture operations in the proposed expanded CRA. As indicated on the orthophoto maps contained within this report the area is extensively roaded and contains numerous cutblocks. Timber rights within the CRA continue remain with Interfor.

2.1.3 Other Land Uses

The proposed expansion area contains a number of BC Integrated Land Management Bureau registered land tenures for guide outfitting. These tenures typically cover large areas and are not exclusive use. They are intended to allow guide outfitters to access the land for the purpose of guided outdoor recreation activities including hunting. The following guide outfitters are listed as tenure holders in the study area:

Guide outfitters

Melvin Kilback
Peter Grosch

Three traplines are registered in the study area. Due to the controversy surrounding the harvesting of wild pelts personal information regarding holders of traplines is not provided by the Province of British Columbia. The trapline registration numbers are listed as follows:

Traplines

TR0814T016
TR0812T032
TR0812T034



2.1.3 Anthropogenic Features

Anthropogenic features occurring within the study area include those features relating to forest harvesting and all season resort communities. In addition to the existing forest road network, the study area is currently occupied by the existing resort community of Big White and its extensive infrastructure of lifts, ski trails, accommodations and services.



Photo 1: View of Big White Village.



Photo 2: South-westerly view from Big White Village.

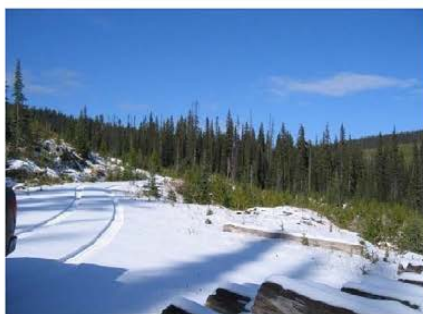


Photo 3: Forest road and cutblocks in proposed expansion area.



Photo 4: View of the northeast slope of Big White.

2.2 Physical Environment

2.2.1 Climate

The study area is located in the Northern Okanagan Highlands (NOH) Ecoregion, which is nested within the Thompson Okanagan Plateau Ecoregion. At higher elevations this Southern Dry climate region (Lloyd et al. 1990) is characterized by cold winters, a deep snowpack, and relatively short, cool summers. The study area falls largely within the Englemann spruce -



subalpine fir (ESSF) biogeoclimatic zone, which is associated with a mean annual temperature of 1.7 degrees Celsius and 565 mm mean annual precipitation.

Average annual precipitation data for various elevations on the mountain were extrapolated based on local AES climate stations. Average annual precipitation is approximately 950 mm in the present village (1800 m) and increases to 1200 mm near the summit of Big White (2350 m). The Gem Lake area could expect precipitation in the order of 850 mm at the base (1500 m) and 1100 mm near top of the west flank (2220 m) (Klohn Leonoff, 1981).

In general, snowfall increases with elevation below 1600 m but remains relatively constant thereafter. Above 1600 m, the snowpack reaches a maximum depth of approximately 160 cm (+/- 30 cm) which occurs in early to mid April. The related snow density at this time of year is approximately 0.30.

Snowmelt occurs rapidly in the latter part of May and June, accounting for 39 and 38% of the year's total runoff, respectively (Klohn Leonoff, 1981). Rainfall intensity data for 30- and 100-year return periods were calculated by Klohn Leonoff (1981). No correlation was found between increasing elevation and rainfall intensity.

2.2.2 Geology

The bedrock within the study area consists of a granodiorite and quartz diorite dome consisting of a coarse crystalline structure providing competent foundations for structures. Two sets of regional jointing occur in a predominantly northern direction: one joint set being approximately 100 to the west, and the second being approximately 25° to the east. Based on elevation, drainage patterns above 2000 m elevation are largely influenced by these regional joint patterns.

The last episode of continental glaciation extended to an elevation of approximately 1800 m with a regional direction to the south (Golder, 1980). This glacial advance is responsible for producing the bulk of the surficial materials present in the study area. Alpine glaciation is largely responsible for the topographic features above 1800 m such as the cirque basins.

2.2.3 Geomorphology

The existing morphology of the study area is the direct result of past glacial activity and the resultant surficial expressions are dominated by morainal tills and glacio-fluvial deposits.

The upper elevations of Big White display exposed weathered bedrock with colluvial materials of varying thickness (CRv). Bedrock ridges (caused by jointing) provide gully features along the upper southern face. Till layers (MRv) where present are thinner than those found in the lower reaches. Slopes are moderate to steep. Permanent snowfields exist in the shadow zones of cirque basins on the northeast sides of the mountain summits.

The middle elevations of the existing CRA are covered in a thin mantle of weathered glacial till (M) overlying bedrock (R). The glacial till cover materials consist of silty sandy soils containing some gravels (sg). This material is moderately well drained.



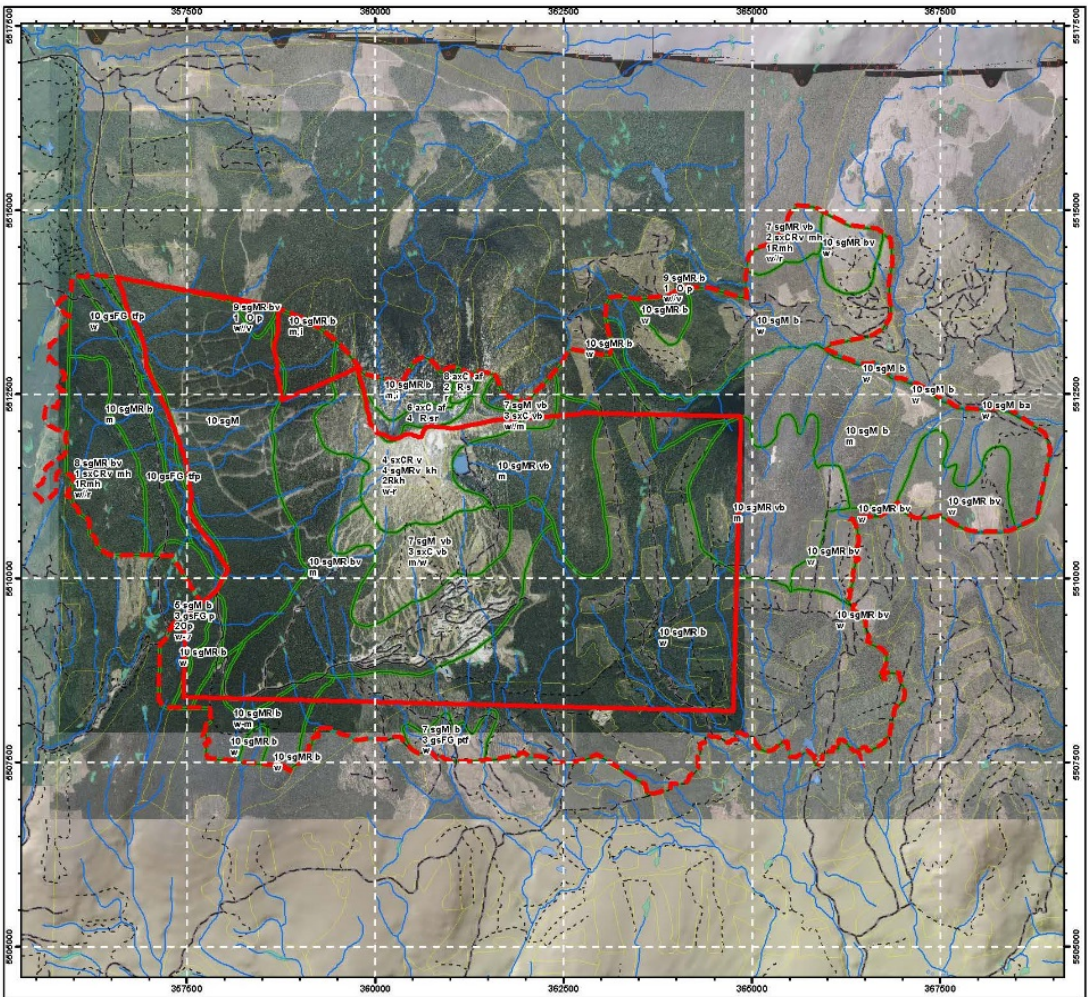
Mid slopes are moderately steep and the thickness of till deposits across the southern hillslope ranges between 3 and 4 m (Mb). This thickness presumably continues around to the western slopes (sgMb). Bedrock outcrops, large boulders, and erratics are present in the study area. The Gem Lake face exhibits bedrock ridges (caused by jointing) running perpendicular to the fall line. These ridges provide small cliff faces in the order of 2 to 4 m in height along the runs. Minor gullying is also evident in this area.

The lower reaches in the Hallam Creek valley contain glaciofluvial terraces (gsFGtfp) as well as eskers (Selkirk College, 1981). These deposits are primarily well-drained sands and gravels. Such drainage conditions were observed by GeoAlpine consulting team members near the proposed Gem Lake base.

Kettle formations (FGpft) occur south of the present village, north of the ecological reserve, and along certain plateaus on the south face of the Gem Lake area. These soils are poorly drained due to the finer material associated with kame terraces and kettle formations. The 1997 site visit was directed specifically at the kame terraces located below the village and the road.

The East Peaks area in the proposed CRA expansion is dominated by moderate to well draining morainal deposits with bedrock outcroppings.

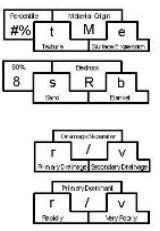
Map 3 presents the terrain inventory information for the existing and proposed CRA.



Big White Environmental Review
Terrain

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Material Texture	
Code	Description
a	clay
b	clay
c	clay
d	clay fragments
e	clay
f	clay
g	clay
h	clay
i	clay
j	clay
k	clay
l	clay
m	clay
n	clay
o	clay
p	clay
q	clay
r	clay
s	clay
t	clay
u	clay
v	clay
w	clay
x	clay
y	clay
z	clay

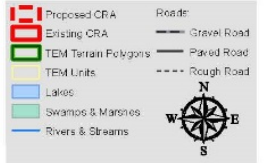


Origin Material	
Code	Description
A	Anthropogenic Material
B	Bedrock
C	Claystone
D	Weathered material
E	Basaltic Material
F	Fluvial
G	Glacial/Quaternary Material
H	Ice
I	Interstratified Material
J	Granitic Material
K	Metamorphic Material
L	Metavolcanic Material
M	Metasedimentary Material
N	Metasandstone
O	Organic Material
P	Bedrock
Q	Unconsolidated Material
R	Volcanic Material
S	Marine Material
T	Glacial Material

Surface Expression	
Code	Description
a	moderate slope
b	steep slope
c	conical
d	depression(s)
e	flat
f	knoll(s)
g	hummock(s)
h	gentle slope
i	moderately steep slope
j	rolling
k	shallow
l	ridge(s)
m	steep slope
n	terraced
o	undulating
p	veree
q	rimble of variable thickness
r	thin veree

Drainage Class	
Code	Description
1	imperfectly
2	moderately well
3	poorly
4	fairly
5	very poorly
6	well
7	very rapidly

Drainage Separator	
Code	Description
1	no intermediate classes between first and second drainage classes
2	All intermediate classes between first and second drainage classes
3	First drainage class is dominant, second drainage class is sub-dominant
4	First drainage class is very dominant, second drainage class is minor



0 0.5 1 2 3 4 5
Kilometers 1:50,000

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GIS Cartographer: Ryan Coats
Date: November 3, 2009
Projection: UTM Zone 11, NAD83
Data Source: LIDAR 2007
CRR File: 017-01-93





2.2.4 Hydrology

The Gem Lake area drains west to Hallam Creek and then north to the West Kettle River. The remaining portion of the existing Big White Mountain ski terrain drains south to Trapping Creek and then into the West Kettle River. The West Kettle River is a tributary of the Kettle River which in turn is a tributary to the Columbia River drainage basin. The remainder of the existing CRA and the majority of the proposed expanded CRA are drained by Whitefoot Creek and Copperkettle Creek which flows into the Kettle River. A small portion of the proposed CRA is drained to the north via a tributary to Two John Creek, which flows into the West Kettle River just upstream of its confluence with Hallam Creek. Section 2.4 provides further discussion of study area drainages as it relates to fish habitat. Map 2, presented earlier in this report identifies the existing hydrology of the study area.

Much of the available hydrologic data for the study area is the result of studies conducted by Kohn Leonoff (1981). Due to the long-term nature of the precipitation data used by Kohn Leonoff (two AES climate stations provide data in excess of 50 years), their hydrologic analysis is considered to remain valid. A summary of available Water Survey of Canada (WSC) information for stream gauging stations in the vicinity is provided in Table 1.

In general, west-facing slopes remain somewhat cooler and more moist than southern slopes. Along the Gem Lake area, winds originating from the North provide enhanced air circulation across the slopes. The south facing slopes are dry with little evidence of surface runoff collection and gullying.

2.2.4.1 Streams

Several drainage features exist up-slope of the present village. These channels have been the focus of previous studies which were concerned with the routing of storm runoff (Kohn Leonoff, 1981). Recommendations were made, at that time, to upgrade the drainage channels in the vicinity of the village.

Slopes in the Gem Lake development area appear to contain few prominent drainage features. This area contains thin, but well drained soils with little or no concentration of runoff. Below 2000 m elevation, subsurface drainage in the till layers is believed to be a controlling factor.

According to stream flow and precipitation data from Trapping Creek (8 km downstream of the Big White Village), approximately 75% of the annual precipitation reports to the local stream network as runoff. Runoff rates will likely be higher in early spring when the surficial materials are either frozen or saturated, and lower in the summer and fall when the ground is more absorbent.



Table 1: Historical Streamflow Summary (to 1990), Water Survey of Canada

Name	Station No.	Period of Record	Drainage Area (km ²)	Regulated or Natural Flow	Mean Annual Discharge (m ³ /s)	Maximum Daily Discharge (m ³ /s)	Minimum Daily Discharge (m ³ /s)
West Kettle R. near McCullough	08NN015	1949-1957 1965-2008**	230	Natural	3.49	57.0	0.057
West Kettle R. below Carmi Cr.	08NN022	1973-1998**	1,170	Natural	9.65	121.0	0.220
West Kettle R. at Westbridge	08NN003	1914-1921 1975-2008*	1,870	Natural	9.24***	198.0	0.991***
Kettle R. near Westbridge	08NN026	1975-2004*	2,150	Regulated		374.0	
Trapping Cr. at 1220 m contour	08NN020	1971-1981**	22.8	Natural	0.487	11.3	0.011
Trapping Cr. near mouth	08NN019	1968-2008**	144	Natural	1.47	21.1	0.024

* Flows recorded for April-September period only

** Incomplete data set for expanded WSC period of record

*** Calculated using data set for 1917-1919 period only



2.2.5 Water Quality

The water quality in Hallam and Trapping Creeks were sampled in July 1996. The samples were analyzed for a variety of routine parameters, including ammonia, nitrate, nitrite, phosphate, total phosphorus, among others. Hallam Creek was sampled on July 27, 1996 immediately downstream of the new Gem Lake ski area (Site 4, Figure 3, Lab ID # 19743-4). The results, attached as appendix 8.1, indicate that Hallam Creek waters fall within the Canadian Guidelines for Drinking Water (Health & Welfare Canada, 1993) for the parameters analyzed. The waters had a neutral pH, are considered soft, with moderately low nutrient levels (nitrogen and phosphorus).

Water quality within the Trapping Creek drainage was sampled at three locations on July 26, 1996: Trapping Creek at the "Sewage plant" road (Site 3, Lab ID # 19743-1), Trapping Creek at Link Road (Site 1, Lab ID # 19743-2), and the western tributary of Trapping Creek at Link Road (Site 2, Lab ID # 19743-3), as shown on Figure 3. As with Hallam Creek, the waters quality from the samples collected in the Trapping Creek drainage, fell within the Canadian drinking water standards, with the exception of iron (0.99 mg/l) in Trapping Creek at the "Sewage Plant" road (ID # 19743-1). Iron concentrations above the objective level of <0.05 mg/l may cause staining of plumbing fixtures, etc. In addition, total suspended solid levels were slightly elevated at this site (57 mg/l), indicating possible construction activities in or about the creek upstream for the sampling site. The high iron levels may be related to the suspended solids. Nutrient levels within the Trapping Creek drainage's waters were generally low.

2.3 Terrestrial Environment

The study area is located within the Southern Interior Ecoprovince, the Thompson Okanagan Plateau Ecoregion, and the Northern Okanagan Highlands (NOH) Ecoregion.

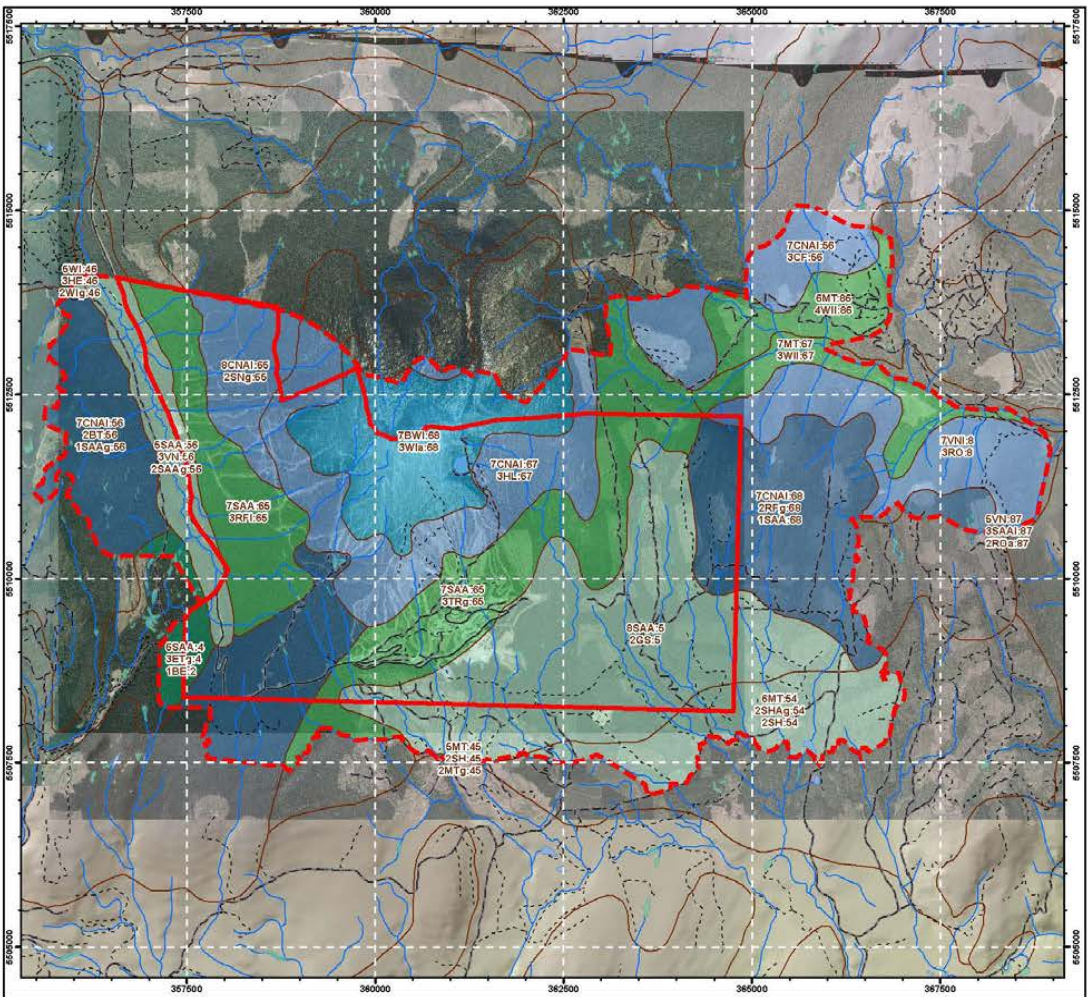
2.3.1 Soils

Common soils associated with the environmental conditions that occur at Big White include HumoFeric Podzols and Dystric Brunisols (Lloyd *et al.*, 1990). These soils may be derived from morainal and outwash parent materials. Soils mapping undertaken by the Province indicates Podzols are dominant at all but the highest elevations in the study area (Kowalls, 1983). Other generalized soils mapping suggests instead that Brunisols are the most widely distributed soils in the area, with Lithosols occurring at the highest elevations and Organic soils concentrated in low elevation, moisture collecting areas (Selkirk College, 1978).

These apparently conflicting soil order distinctions for the study area may be tentatively reconciled. The profiles of podzolic and brunisolic soils can be similar, although in general the latter are more weakly developed soils. The identified Orthic Humo-Feric Podzols (OHFP) typically have an organic horizon (commonly LFH, or organic layers which reflect various stages of decomposition) over an eluviated A (Ae) horizon, underlain by a B horizon enriched with amorphous material (eg. aluminum and iron mixed with organic matter). Brunisols on the other hand may also have an organic horizon over an Ae horizon, underlain by a weakly expressed B horizon. Furthermore, for the O.HFP classification, the subgroup identifier "Orthic" indicates an intergrading toward soils of another order (eg. Brunisolic).



Although a detailed sampling program is beyond the present scope of study, preliminary site investigation revealed that Podzols and/or Brumsols are most widely distributed in the study area.



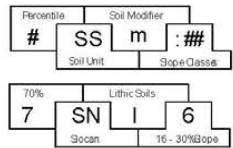
Big White Environmental Review
Soils

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Soil Units	
Code	Name
BL	Bluestar
BT	Blueport
BW	Big White
CNA	Cinnelousan
CF	Cliffy
ET	Etches
HL	Hellsinger
MT	Mosier
RF	Roadface
RO	Rock Outcrop
SAA	Scapolite
SNA	Swansea
SN	Slocan
TR	Trehauma
VNI	Vermilion
WI	Willert

Soil Modifiers	
Code	Description
a	
b	
i	Lithic Soils (10 - 100 cm over bedrock)

Slope Classes		
Code	Description	Terminology
2	0.5 - 2.5%	nearly level
3	2 - 5%	very gentle slopes
4	6 - 9%	gentle slopes
5	10 - 15%	moderate slopes
6	16 - 30%	strong slopes
7	31 - 45%	very strong slopes
8	46 - 75%	extreme slopes



Proposed CRA

Existing CRA

Lakes

Swamps & Marshes

Rivers & Streams

Gravel Road

Paved Road

Rough Road

Soil Units

Soil Composition

colluvium

colluvium, moraine

colluvium, glacio-fluvial

moraine

moraine, glacio-fluvial

moraine, organic



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GIS Cartographer: Ryan Coats
Date: November 3, 2009
Projection: UTM Zone 11, NAD83
Data Source: LMR 2007
CERG File#: 017-01-03





2.3.2 Vegetation

Information on vegetation in the study area was collected both through cursory field investigation (Table 2; Table 3), and through interpretation using the ecosystem classification system established in B.C. (Lloyd *et al.*, 1990). Other referenced sources provide additional data. A vegetation inventory conducted at Big White by Klaus (1995) provides further detailed information in support of the development of landscaping guidelines for the resort.

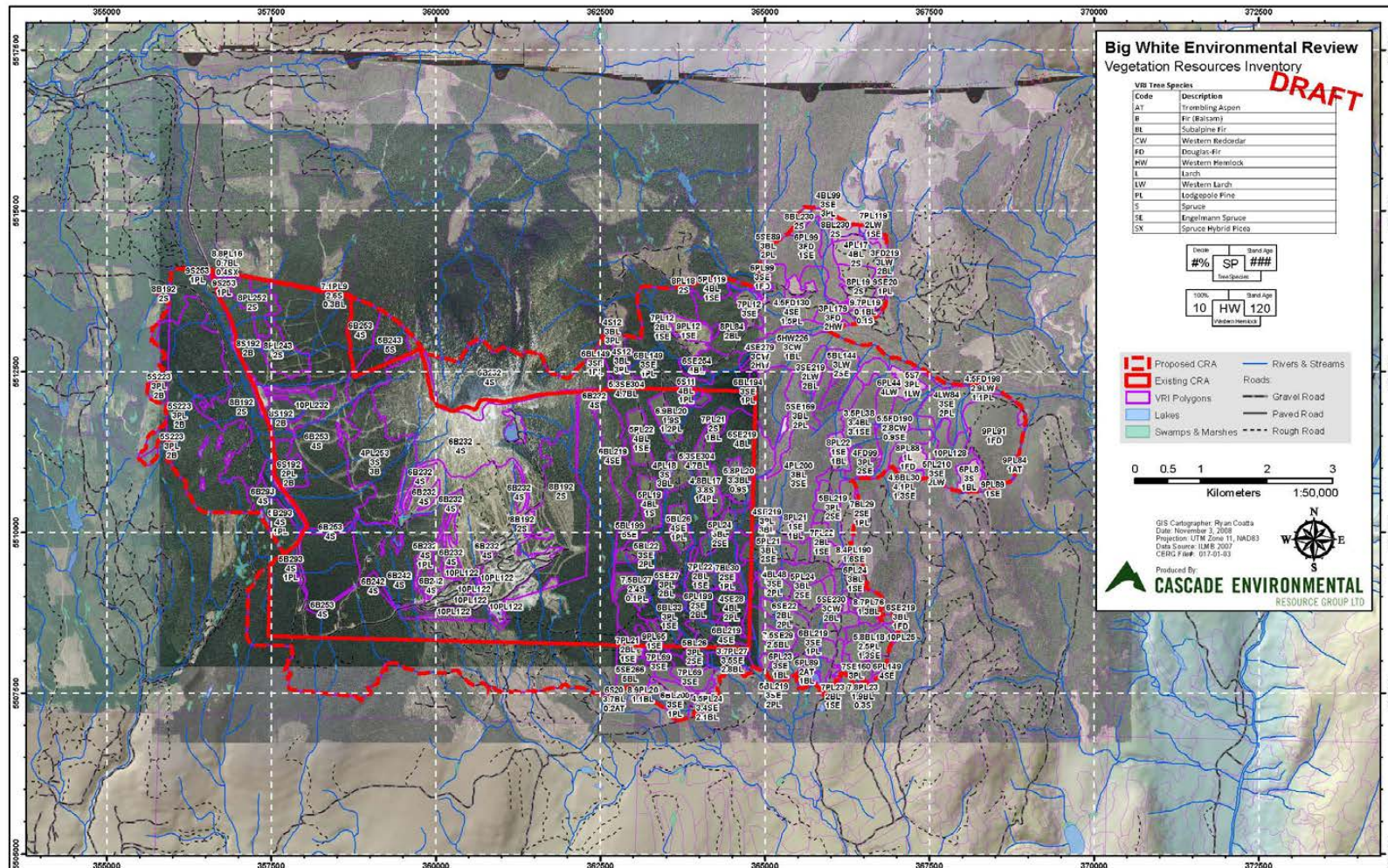
Timber inventory data collected by Drake Forestry Services Ltd. (1996) indicates that the study area forest cover is dominated by two climax species, subalpine ("balsam") fir (*Abies lasiocarpa*) and Englemann spruce (*Picea engelmannii*). A third major forest component on lower elevation sites is lodgepole pine (*Pinus contorta*). Mature and old lodgepole pine in the area is affected by mountain pine beetle infestation (Drake Forestry Services Ltd. 1996). At elevations below 1900m the fir and spruce are an average height of approximately 45 m, and they are between approximately 60 and 95 years old. At higher elevations, less productive soils and other environmental conditions generally represent limiting factors for tree growth. However, veteran Englemann spruce determined by ring count to be 275 years old was noted during the second field traverse at an elevation of approximately 2100 m. Map 5 presents Vegetation Resources Inventory information for the study area.

The forest is continuous at lower and middle elevations, while at higher elevations a more sparse parkland forest marks the transition to alpine tundra. High elevation areas are associated both with heath communities and with meadows that contain a variety of herbaceous species.

Deciduous tree species are uncommon in this subalpine forest. Understory shrub vegetation is typically dominated by white-flowered rhododendron (*Rhododendrum albiflorum*). Grouseberry (*Vaccinium scoparium*) appears to dominate the herbaceous understory particularly in the area of the second field traverse (Table 3). Wetter sites are likely associated with Sitka valerian (*Valeriana sitchensis*), sedges (*Carex* spp.), and glow moss (*Aulacomnium palustre*) (Lloyd *et al.*, 1990).

Field investigation included two GPS traverses of Big White Mountain in July 1996 and a third series of transects in September 1997 (see Figure 2 for transects). The first traverse was from the top of the Falcon lift, cross-slope to the Bullet Express, and down to the village. The second traverse also began at the top of the Falcon and extended down through the Gem Lake terrain to the parking area currently being developed. The third set of transects were conducted through the kame terrace below the village site. Approximate elevations were recorded at regular intervals during the descent using an altimeter, and species which appeared for the first time during the traverse were added to the vegetation list at the elevation that they were first observed. Vegetation descriptions developed during these traverses are presented in Tables 2 and 3. The vegetation list compiled in Table 3 during the September 1997 site visit of the kame terrace may be considered typical of the vegetation found in the ESSFdc1 subzone.









2.3.2.1 Biogeoclimatic Zone Classification

A standard method of land classification used in BC is the Biogeoclimatic Ecosystem Classification system (BEC). The biogeoclimatic ecosystem classification describes the variation in climate, vegetation, and site conditions occurring within ecozones. BEC is also hierarchical, with separate climate and site levels (Resource Information Standards Committee (RISC), 1998). There are six levels of organization with increasing specificity: zone, subzone, phase, variant, site association, and site series. At the highest level, biogeoclimatic zones are classed based on broad macroclimatic patterns; at the lowest level, site series describes the vegetation potential of the land area based on its ability to support the same climax plant association, and displaying the same soil moisture and nutrient regimes (RISC, 1998). For the purposes of this report, descriptions are set at the biogeoclimatic subzone, variant, and site series levels of detail using Terrestrial Ecosystem Mapping (TEM, see Map 6).

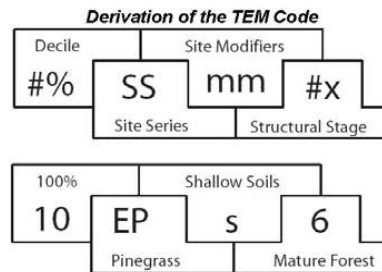
Most of the study area is classified as a dry, cold Okanagan variant of the Englemann spruce subalpine fir biogeoclimatic zone (ESSFdc1). This and the Thompson variant (ESSFdc2) occur on the southwestern, eastern, and northern edges of the Thompson Plateau (Lloyd *et al.*, 1990). This subzone is drier than all ESSF subzones in the region with the exception of the ESSFxc, which occurs west of the Fraser River. ESSFdc1 classification was confirmed with both the Kamloops Forest Region and Nelson Forest Region offices. Higher elevation (approximately 2000 m asl) sites in the study area comprise the parkland variant (ESSFdcp) of this subzone, while the peak of Big White Mountain (over 2000 m in elevation) falls within the alpine tundra (AT) zone.

Table 2: Aerial relationship of vegetation units

TEM Code	Site Series Name/Description	Area (ha)	% of Total Area
AV	Avalanche chute	56.86	0.89
DA	Sitka alder - Pinegrass	331.88	5.17
DT	Pinegrass - Twinflower	65.4	1.02
EP	Pinegrass	665.7	10.37
FC	Merten's cassiope	52.84	0.82
FG	Grouseberry - Cladonia	695.28	10.83
FR	Rhododendron - Grouseberry	2814.09	43.82
FT	Trapper's Tea	3.24	0.05
FV	Sitka valerian	42.57	0.66
HV	Indian hellebore	18.24	0.28
MM	Mountain-heather	17.87	0.28
PG	Grouseberry	49.73	0.77
RF	Falsebox	45.89	0.71
RO	Rocky outcrop	83.64	1.3
RV	Rhododendron - Valerian	253.75	3.95
SF	Falsebox - Feathermoss	1000.39	15.58
SS	Sedges - Sphagnum	16.79	0.26
SW	Sedge - woodrush	15.45	0.24
TA	Talus slopes	43.29	0.67
VC	Mountain hairgrass - Merten's cassiope	140.19	2.18
WM	Sedge - Sitka valerian	9.27	0.14
Total TEM Area:		6422.36	







- ▲ 10 refers to decile, 100% of the site series polygon is designated EP.
- ▲ EP refers to the *site series* designation, which denotes subtle changes in microclimate and soil conditions, as reflected by changes in vegetation present.
- ▲ s refers to the *site series modifier* designation, which denotes atypical conditions for a given site series ecosystem.
- ▲ 6 refers to the *structural stage* designation, which denotes the general age and structure of the forest stand.

Site Series

TEM Code Designation	BEC Site Series	Site Series Name & Assumed Situation
MM	AT	Mountain-heather; dry meadow, shallow soils.
SV	AT	Sedge - woodrush; nivation hollow.
VC	AT	Mountain hairgrass - Merten's cassiope; warm aspect, shallow soils, upper slopes.
WM	AT	Sedge - Sitka valerian; wet meadow on deep morainal soils, receiving sites.
EP	ESSFdc1	Pinegrass; deep soils of steep, warm aspect.
FG	ESSFdc1	Grouseberry - Cladonia; deep, coarse textured soils, steep.
FR	ESSFdc1	Rhododendron - Grouseberry; gentle to moderate slope, deep medium textured soils, mesic.
FT	ESSFdc1	Trapper's Tea; gentle lower slope, receiving deep soil.
RV	ESSFdc1	Rhododendron - Valerian; gentle to moderate lower slope, receiving deep soil.
SS	ESSFdc1	Sedges - Sphagnum; organic wetland.
FC	ESSFdc1	Merten's cassiope; mesic site.
FV	ESSFdc1	Sitka valerian; receiving site.
HV	ESSFdc1	Indian hellebore - Sitka valerian; cool aspect receiving site.
VC	ESSFdc1	Mountain hairgrass - Merten's cassiope; upper slope.
DA	ICHmk1	Sitka alder - Pinegrass; textured soils.
DT	ICHmk1	Pinegrass - Twinflower; steep slopes, deep, medium textured soils.



TEM Code Designation	BEC Site Series	Site Series Name & Assumed Situation
RF	ICHmk1	Falsebox; gentle to moderate slopes, deep medium textured soils.
PG	MSdm1	Grouseberry - Cladonia; deep, medium textured soils, gentle to moderate slope.
SF	MSdm1	Falsebox - Feathermoss; deep, medium textured soils of gentle to moderate slope.

Non-Vegetated Units

TEM Code Designation	Interpretation
AV	Avalanche chute.
RO	A gentle to steep, bedrock escarpment or outcropping, with little soil development and sparse vegetative cover.
TA	Angular rock fragments of any size accumulated at the foot of steep rock slopes as a result of successive rock falls. It is a type of colluvium.

Site Modifiers

TEM Code Designation	Interpretation
k	Cool aspect - the site series occurs on cool, northerly or easterly aspects (285°-135°), on moderately steep slopes (25%-100% slope in the interior and 35%-100% slope in the CWH, CDF and MH zones).
s	Shallow soils - the site series occurs where soils are considered to be shallow to bedrock (20-100 cm).
w	Warm aspect - the site series occurs on warm, southerly or westerly aspects (135°-285°), on moderately steep slopes (25%-100% slope in the interior and 35%-100% slope in the CWH, CDF and MH zones).



Structural Stages

TEM Code Designation	Interpretation
2 - Herb	Early successional stage or herbaceous communities maintained by environmental conditions or disturbance (e.g., snow fields, avalanche tracks, wetlands, grasslands, flooding, intensive grazing, intense fire damage); dominated by herbs (forbs, graminoids, ferns); some invading or residual shrubs and trees may be present; tree layer cover less than 10%, shrub layer cover less than or equal to 20% or less than 1/3 of total cover, herb-layer cover greater than 20%, or greater than or equal to 1/3 of total cover; time since disturbance less than 20 years for normal forest succession; many herbaceous communities are perpetually maintained in this stage.
3 - Shrub/Herb	Early successional stage or shrub communities maintained by environmental conditions or disturbance (e.g., snow fields, avalanche tracks, wetlands, grasslands, flooding, intensive grazing, intense fire damage); dominated by shrubby vegetation; seedlings and advance regeneration may be abundant; tree layer cover less than 10%, shrub layer cover greater than 20% or greater than or equal to 1/3 of total cover.
4 - Pole/Sapling	Trees greater than 10 m tall, typically densely stocked, have overtopped shrub and herb layers; younger stands are vigorous (usually greater than 10-15 years old); older stagnated stands (up to 100 years old) are also included; self-thinning and vertical structure not yet evident in the canopy - this often occurs by age 30 in vigorous broadleaf stands, which are generally younger than coniferous stands at the same structural stage; time since disturbance is usually less than 40 years for normal forest succession; up to 100+ years for dense (5000-15 000+ stems per hectare) stagnant stands.
5 - Young Forest	Self-thinning has become evident and the forest canopy has begun differentiation into distinct layers (dominant, main canopy, and overtopped); vigorous growth and a more open stand than in the pole/sapling stage; time since disturbance is generally 40-80 years but may begin as early as age 30, depending on tree species and ecological conditions.
6 - Mature Forest	Trees established after the last disturbance have matured; a second cycle of shade tolerant trees may have become established; understories become well developed as the canopy opens up; time since disturbance is generally 80-140 years for biogeoclimatic group A5 and 80-250 years for group B.6
7 - Old Forest	Old, structurally complex stands composed mainly of shade-tolerant and regenerating tree species, although older seral and long-lived trees from a disturbance such as fire may still dominate the upper canopy; snags and coarse woody debris in all stages of decomposition typical, as are patchy understories; understories may include tree species uncommon in the canopy, due to inherent limitations of these species under the given conditions; time since disturbance generally greater than 140 years for biogeoclimatic group A5 and greater than 250 years for group B.6



2.3.2.2 Vegetation Associations

All vegetation has been assigned to a layer dependent on vegetation type and height.

- *Tree layer* – includes all woody plants greater than 10 m tall.
- *Shrub layer* – includes all woody plants less than 10 m tall, *except low* (usually < 10 cm tall) woody or trailing plants which are *considered* part of the herb layer. Established tree regeneration more than two years of age and less than 10 m in height is considered part of the shrub layer.
- *Herb layer* - includes all herbaceous species, regardless of height, and some low woody plants less than 15 cm tall.
- *Moss, lichen, liverwort and seedling layer* – Includes all bryophytes, terrestrial lichens, and liverworts, and tree *seedlings less than two years old*.

TEM SS is tree and shrub layer, while TEM CF and GP are composed of herb and shrub vegetation layers.

A summary of the plant species present on the study site is provided in Table 2.

Table 3: Vegetation identified on subject site

Common Name	Scientific Name
Trees	
Red alder	<i>Alnus rubra</i>
Black cottonwood	<i>Populus balsamifera ssp. trichocarpa</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>
Red cedar	<i>Thuja plicata</i>
Shrubs	
Red osier dogwood	<i>Cornus sericea</i>
Red elderberry	<i>Sambucus racemosa</i>
Blueberry	<i>Vaccinium ovalifolium</i>
Hard hack	<i>Spiraea douglasii</i>
Salsafy	<i>Tragopogon porrifolius</i>
Nootka rose	<i>Rosa nutkana</i>
Salmonberry	
Thimbleberry	<i>Rubus parviflorus</i>
Willow	<i>Salix spp.</i>
Sitka Mt. ash	<i>Sorbus sitchensis</i>
False Solomon's seal	<i>Smilacina racemosa</i>
High Bush Cranberry	<i>Viburnum edule</i>
Forbs	
Fireweed	<i>Epilobium ciliatum</i>
Horsetails	<i>Equisetum arvense</i>
Rattlesnake plantain	<i>Goodyera oblongifolia</i>
Hawkweed Sp.	<i>Hieracium</i>
Wall lettuce	<i>Lactuca muralis</i>
Sweet clover	<i>Trifolium repens</i>
Common tansy	<i>Tanacetum bipinnatum</i>
Pearly everlasting	<i>Anaphalis margaritacea</i>
St. John's wort	<i>Hypericum formosum</i>
Ferns	
Lady fern	<i>Athyrium filix-femina</i>



Common Name	Scientific Name
Trees	
Red alder	<i>Alnus rubra</i>
Black cottonwood	<i>Populus balsamifera ssp. trichocarpa</i>
Douglas-fir	<i>Pseudotsuga menziesii</i>
Red cedar	<i>Thuja plicata</i>
Shrubs	
Red osier dogwood	<i>Cornus sericea</i>
Bracken fern	<i>Pteridium aquilinum</i>
Mosses	
Moss Sp.	

2.3.2.3 Rare and Endangered Plant Species and Plant Associations

Plant Species

Plant species of concern in British Columbia have a provincial status designation, which is summarized on the Ministry of Environment (MOE) Conservation Data Centre (CDC) red or blue list. The red list includes indigenous species or subspecies considered to be endangered or threatened. Endangered species are facing imminent extirpation/extinction, whereas threatened groups or species are likely to become endangered if limiting factors are not reversed. The blue list includes taxa considered to be vulnerable because of characteristics that make them particularly sensitive to human activities or natural events; although blue listed species are at risk, they are not considered endangered or threatened (BC CDC, 2007). Tracking data for the Kamloops Forest District are outlined below.

The B.C. Conservation Data Centre (CDC) was consulted to identify verified occurrences of rare plant species in the vicinity of the study area. The nettle-leaved giant hyssop (*Agastache urticifolia*), which is currently red-listed by the CDC, has been identified at a location approximately 30 km east/southeast of the study area, near the Granby River. The blue-listed Regel's rush (*Juncus regelii*) has been identified at a location approximately 35 km northeast of the study area, on the upper Kettle River above Woodmouse Creek. A list of plant species potentially occurring in the general vicinity of Big White is provided in Table 3. In addition, a CDC request for rare and endangered plant communities, vertebrates, and invertebrates that may be associated with the subject area returned results in Tables 4, 7 8 and 9 (BC CDC, 2007).

The occurrence of specific rare and endangered plant species can only be verified through a detailed field survey specific to the areas of the property slated for disturbance and including a reasonable buffer around those areas.



Table 4: Rare and endangered plant species - Big White Resort

Scientific Name	Common Name	BGC Zone	Habitat Type	Potential Occurrence	List Status
<i>Agastache urticifolia</i>	nettle-leaved giant-hyssop	ESSFdc; ICHmk	TERRESTRIAL	Potential	Red
<i>Agoseris lackschewitzii</i>	pink agoseris	AT; MSdm	PALUSTRINE; TERRESTRIAL		Blue
<i>Anemone drummondii</i> var. <i>drummondii</i>	alpine anemone	AT	TERRESTRIAL		Blue
<i>Calyptridium umbellatum</i> var. <i>caudiciferum</i>	Mount Hood pussypaws	AT	TERRESTRIAL		Blue
<i>Carex scopulorum</i> var. <i>bracteosa</i>	Holm's Rocky Mountain sedge	T; ESSFdc; I	LACUSTRINE; PALUSTRINE; RIVERINE; TERRESTRIAL		Blue
<i>Carex vallicola</i> var. <i>vallicola</i>	valley sedge	MSdm	TERRESTRIAL		Red
<i>Draba densifolia</i>	Nuttall's draba	AT	TERRESTRIAL		Blue
<i>Draba lonchocarpa</i> var. <i>thompsonii</i>	lance-fruited draba	AT	TERRESTRIAL		Blue
<i>Eleocharis elliptica</i>	Slender spike-rush	BAFA; IMA	LACUSTRINE; PALUSTRINE		Blue
<i>Eleocharis rostellata</i>	beaked spike-rush	MSdm;	ESTUARINE; LACUSTRINE; PALUSTRINE; RIVERINE; TERRESTRIAL	Potential	Blue
<i>Epilobium glaberrimum</i> ssp. <i>fastigiatum</i>	smooth willowherb	AT	PALUSTRINE; RIVERINE; TERRESTRIAL		Blue
<i>Epilobium halleianum</i>	Hall's willowherb	ESSFdc;	LACUSTRINE; PALUSTRINE; RIVERINE; TERRESTRIAL	Potential	Blue
<i>Epilobium leptocarpum</i>	small-fruited willowherb	AT	PALUSTRINE; RIVERINE; TERRESTRIAL		Blue
<i>Eriogonum pyrolifolium</i> var. <i>coryphaeum</i>	alpine buckwheat	AT	TERRESTRIAL		Red
<i>Festuca minutiflora</i>	little fescue	AT	TERRESTRIAL		Blue
<i>Juncus confusus</i>	Colorado rush	ICHmk; MSdm	PALUSTRINE; RIVERINE; TERRESTRIAL	Potential	Red
<i>Juncus regelii</i>	Regel's Rush			Potential	Blue
<i>Lewisia triphylla</i>	three-leaved lewisia	AT; ESSFdc;	PALUSTRINE; TERRESTRIAL	Potential	Blue
<i>Lomatium brandegeei</i>	Brandegee's lomatium	ESSFdc	TERRESTRIAL	Potential	Blue
<i>Lupinus wyethii</i>	Wyeth's lupine	AT	TERRESTRIAL		Red



Scientific Name	Common Name	BGC Zone	Habitat Type	Potential Occurrence	List Status
<i>Melica spectabilis</i>	purple oniongrass	AT; ESSFdcp; ICHmk;	PALUSTRINE; RIVERINE; TERRESTRIAL	Potential	Blue
<i>Mimulus brevisflorus</i>	short-flowered monkey-flower	ICHdw;ICH mk; IDFd;MSd m	PALUSTRINE; RIVERINE; TERRESTRIAL	Potential	Red
<i>Mimulus breweri</i>	Brewer's monkey-flower	ESSFdcp; ICHmk	PALUSTRINE; RIVERINE; TERRESTRIAL	Potential	Blue
<i>Muhlenbergia glomerata</i>	marsh muhly	MSdm	LACUSTRINE; PALUSTRINE; RIVERINE; TERRESTRIAL	Potential	Blue
<i>Pinus albicaulis</i>	whitebark pine	AT; ESSFdcp; ESSFdcp; ICHmk; MSdm	TERRESTRIAL	Potential	Blue
<i>Poa fendleriana</i> ssp. <i>fendleriana</i>	mutton grass	ESSFdcp	TERRESTRIAL	Potential	Red
<i>Poa suksdorfii</i>	Suksdorf's bluegrass	AT	TERRESTRIAL		Red
<i>Polemonium elegans</i>	elegant Jacob's-ladder	AT	TERRESTRIAL		Blue
<i>Polemonium occidentale</i> ssp. <i>occidentale</i>	western Jacob's-ladder	MSdm	PALUSTRINE; TERRESTRIAL	Potential	Blue
<i>Polygonum polygaloides</i> ssp. <i>kelloggii</i>	Kellogg's knotweed	ICHmk; MSdm	PALUSTRINE; TERRESTRIAL	Potential	Blue
<i>Polystichum lemmonii</i>	Lemmon's holly fern	ESSFdcp	TERRESTRIAL	Potential	Red
<i>Potentilla diversifolia</i> var. <i>perdissecta</i>	diverse-leaved cinquefoil	AT	TERRESTRIAL		Blue
<i>Ranunculus pedatifidus</i> ssp. <i>affinis</i>	birdfoot buttercup	AT	PALUSTRINE; TERRESTRIAL		Blue
<i>Rumex paucifolius</i>	alpine sorrel	ESSFdcp; AT	PALUSTRINE; TERRESTRIAL		Blue
<i>Salix boothii</i>	Booth's willow	ICHmk; MSdm	LACUSTRINE; PALUSTRINE; TERRESTRIAL	Potential	Blue
<i>Salix tweedyi</i>	Tweedy's willow	MSdm	LACUSTRINE; PALUSTRINE; RIVERINE	Potential	Blue
<i>Smelowskia ovalis</i>	short-fruited smelowskia	AT	TERRESTRIAL		Blue



Scientific Name	Common Name	BGC Zone	Habitat Type	Potential Occurrence	List Status
<i>Stellaria umbellata</i>	umbellate starwort	AT	PALUSTRINE; RIVERINE; TERRESTRIAL		Blue

Source: Conservation Data Centre (BC CDC, 2007)

Plant Communities

The CDC also tracks rare and endangered plant communities for the province of British Columbia. The subject property does contain site series that may contain plant communities delineated by the CDC for the CWHds1 biogeoclimatic variant; however, the CDC list applies to natural sites.

Table 5: Rare and endangered plant communities - Big White Resort

Scientific Name	Common Name	BGC Zone	Ecosystem Group	Potential Occurrence	List Status
<i>Abies lasiocarpa</i> / <i>Rhododendron albiflorum</i> / <i>Valeriana sitchensis</i>	subalpine fir / white-flowered rhododendron / sitka valerian	ESSFdc1/04	Forest	(BGC Occurs)	Blue
<i>Carex lasiocarpa</i> / <i>Drepanocladus aduncus</i>	slender sedge / common hook-moss	MSdm1/Wf05	Wetland, Herbaceous	Potential	Blue
<i>Deschampsia cespitosa</i> Community	tufted hairgrass Community	MSdm1/Gs04	Herbaceous, Grassland, Wetland	Potential	Blue
<i>Eriophorum angustifolium</i> - <i>Carex limosa</i>	narrow-leaved cotton- grass - shore sedge	ESSFdc1/Wf13 MSdm1/Wf13	Wetland, Herbaceous	Potential	Blue
<i>Pinus contorta</i> / <i>Alnus</i> <i>viridis</i> ssp. <i>sinuata</i> / <i>Calamagrostis rubescens</i>	lodgepole pine / Sitka alder / pinegrass	ICHmk1/04	Forest	(BGC Occurs)	Blue
<i>Pseudotsuga menziesii</i> / <i>Calamagrostis rubescens</i> - <i>Linnaea borealis</i>	Douglas-fir / pinegrass - twinflower	ICHmk1/03	Forest	(BGC Occurs)	Blue
<i>Puccinellia nuttalliana</i> - <i>Hordeum jubatum</i>	Nuttall's alkaligrass - foxtail barley	MSdm1/Gs02	Herbaceous, Wetland, Grassland	Potential	Red
<i>Salix drummondiana</i> / <i>Calamagrostis canadensis</i>	Drummond's willow / bluejoint reedgrass	MSdm1/FI05		Potential	Blue
<i>Salix maccalliana</i> / <i>Carex</i> <i>utriculata</i>	MacCalla's willow / beaked sedge	MSdm1/Ws05	Wetland, Shrub, Herbaceous	Potential	Blue
<i>Salix sitchensis</i> / <i>Carex</i> <i>sitchensis</i>	Sitka willow / Sitka sedge	MSdm1/Ws06	Wetland, Shrub, Riparian	Potential	Blue
<i>Thuja plicata</i> / <i>Paxistima</i> <i>myrsinites</i> - <i>Lonicera</i> <i>utahensis</i>	western redcedar / falsebox - Utah honeysuckle	ICHmk1/01	Forest	(BGC Occurs)	Blue
<i>Trichophorum cespitosum</i> / <i>Campylium stellatum</i>	tufted clubrush / golden star-moss	ESSFdc1/Wf11	Wetland, Herbaceous	Potential	Blue

Source: Conservation Data Centre (BC CDC, 2007)



2.3.3 Wildlife and Wildlife Habitats

2.3.3.1 Wildlife

Research for this study was conducted in three stages. First, a literature search of available information related to the terms of reference for this study was conducted including: environmental impact assessments undertaken within or adjacent to the Big White Ski Resort; available literature on relevant studies undertaken within the study area; and life history information including habitat requirements of species suspected of occurring within the study area.

The second stage of research involved obtaining all relevant wildlife habitat information for the study area including: 1:100,000 scale Biogeoclimatic subzone and variant mapping; 1:15,000 scale forest cover mapping; and 1:12500 scale (approx.) colour air photos; and communication with Ministry of Environment, Lands and Parks personnel including the Wildlife Program and the Conservation Officer Service.

The third and final stage of this assessment involved three reconnaissance-level transects to identify known or probable wildlife use, based on sightings or evidence of wildlife use (i.e., scat, tracks, browsing etc.). Wildlife survey transects bisected developed ski areas within alpine parkland habitats extending south of the ecological reserve to the terminus of the alpine chair lift. A second transect was located on the west side of Big White Mountain, within the proposed expansion area and extended from alpine parkland habitats to the base parking lot. The third transect traversed the proposed golf course development site, a currently undeveloped area.

Several ski runs and the main ski lift right-of-way have already been cleared within this new development area. The second transect bisected several of these developed areas and was selected on the basis of habitats that would be encountered, as indicated by Big White staff who have extensive knowledge of the area.

Species use was noted by visual observation, the occurrence of tracks, fecal droppings, feathers, browsing, game trails, shed antlers and wildlife tree use. Existing habitat conditions within and adjacent to the transects were also evaluated.

While the area apparently has had little inventory work, it is known to provide summer range habitat for a number of ungulate species including moose (*Alces alces*), mule deer (*Odocoileus hemionus hemionus*), and white-tailed deer (*O. virginianus*). Wildlife species associated with the AT and ESSF are described in more detail below.

Birds

Only six bird species were sighted on transect 1 (alpine), no bird species were recorded on transect 2, and nine bird species were observed on transect 3 on the site of the proposed golf course development. Species observed in alpine areas included blue grouse (see Table 5 for scientific names), boreal chickadee, Clark's nutcracker, flycatcher, violet-green swallow and dark-eyed junco. All birds, except blue grouse, were observed either within or moving between residual spruce/balsam clumps. Little activity was noted in open habitats. Although no bird species were observed on transect 2, these spruce/pine/balsam habitats are known to support a variety of species. Bird species observed on transect 3 included dark-eyed junco, golden-crowned kinglet, gray jay, mountain chickadee, red crossbill, red-breasted nuthatch, red-naped sapsucker, Steller's jay and winter wren. An American pipit was also seen along the edge of the sewage treatment ponds adjacent to the proposed golf course site.



A number of other bird species are expected to occupy in alpine, riparian and forested habitats of the study area. Table 5 lists bird species known or expected to occur regularly in the study area.

Table 6: Bird Species Known or Expected to Occur in the Study Area.

Symbol definitions for status are Common (Com), Uncommon (Unc), Rare (Rar), Summer (Su), Visitor (Vis), Migrant (Mig), and Resident (Res).

Common Name	Scientific Name	Status
Geese and Ducks		
Canada Goose	<i>Branta Canadensis</i>	RarVis
Mallard	<i>Anas platyrhynchos</i>	RarVis
Shorebirds		
Killdeer	<i>Charadrius vociferous</i>	RarSuRes
Solitary Sandpiper	<i>Tringa solitarius</i>	RarMig
Spotted Sandpiper	<i>Actitis macularia</i>	RarSuRes
Hawks		
Merlin	<i>Falco columbarius</i>	RarRes
Northern Goshawk	<i>Accipiter gentilis</i>	UncRes
Red-tailed Hawk	<i>Buteo jamaicensis</i>	RarRes
Sharp-shinned Hawk	<i>Accipiter striatus</i>	UncMig
Grouse		
Blue Grouse	<i>Dendragapus obscurus</i>	UncRes
Ruffed Grouse	<i>Bonasa umbellus</i>	RarRes
Spruce Grouse	<i>Dendragapus canadensis</i>	UncRes
Owls		
Barred Owl	<i>Strix varia</i>	RarRes
Boreal Owl	<i>Aegolius funereus</i>	RarRes
Great Horned Owl	<i>Bubo virginianus</i>	UncRes
Northern Hawk-Owl	<i>Surnia ulula</i>	RarRes
Northern Pygmy-Owl	<i>Glaucidium gnoma</i>	RarRes
Northern Saw-whet Owl	<i>Aegolius acadicus</i>	UncRes
Hummingbirds		
Calliope Hummingbird	<i>Stellula calliope</i>	RarRes
Rufous Hummingbird	<i>Selasphorus rufus</i>	UncRes
Woodpeckers		
Black-backed Woodpecker	<i>Picoides arcticus</i>	RarRes
Downy Woodpecker	<i>Picoides pubescens</i>	RarRes
Hairy Woodpecker	<i>Picoides villosus</i>	UncRes
Northern Flicker	<i>Colaptes auratus</i>	RarRes
Red-naped Sapsucker	<i>Sphyrapicus nuchalis</i>	UncRes
Three-toed Woodpecker	<i>Picoides tridactylus</i>	UncRes
Flycatchers		
Hammond's Flycatcher	<i>Empidonax hammondi</i>	UncSuRes
Olive-sided Flycatcher	<i>Contopus borealis</i>	UncSuRes
Western Wood-Pewee	<i>Contopus sordidulus</i>	UncSuRes



Common Name	Scientific Name	Status
Larks		
Horned Lark	<i>Eremophila alpestris</i>	RarSuRes
Swallows		
Tree Swallow	<i>Tachycineta bicolor</i>	RarSuRes
Violet-green Swallow	<i>Tachycineta thalassina</i>	RarSuRes
Corvids		
Clark's Nutcracker	<i>Nucifraga columbiana</i>	ComRes
Common Raven	<i>Corvus corax</i>	ComRes
Gray Jay	<i>Perisoreus canadensis</i>	ComRes
Steller's Jay	<i>Cyanocitta stellar</i>	UncRes
Chickadees		
Black-capped Chickadee	<i>Parus atricapillus</i>	RarRes
Boreal Chickadee	<i>Parus hudsonicus</i>	ComRes
Mountain Chickadee	<i>Parus gambeli</i>	ComRes
Nuthatches and Creepers		
Brown Creeper	<i>Certhia americana</i>	RarRes
Red-breasted Nuthatch	<i>Sitta canadensis</i>	ComRes
Wrens		
Winter Wren	<i>Troglodytes troglodytes</i>	ComRes
Kinglets and Thrushes		
American Robin	<i>Turdus migratorius</i>	ComSuRes
Golden-crowned Kinglet	<i>Regulus satrapa</i>	ComRes
Hermit Thrush	<i>Catharus guttatus</i>	UncSuRes
Mountain Bluebird	<i>Sialia currucoides</i>	RarSuRes
Ruby-crowned Kinglet	<i>Regulus calendula</i>	UncMig
Swainson's Thrush	<i>Catharus ustulatus</i>	RarSuRes
Townsend's Solitaire	<i>Myadestes townsendii</i>	RarRes
Varied Thrush	<i>Ixoreus naevius</i>	RarSuRes
Pipits		
American Pipit	<i>Anthus rubescens</i>	UncSuRes
Waxwings		
Bohemian Waxwing	<i>Bombycilla garrulous</i>	RarMig
Cedar Waxwing	<i>Bombycilla cedrorum</i>	RarSuRes
Vireos		
Solitary Vireo	<i>Vireo solitarius</i>	UncSuRes
Warbling Vireo	<i>Vireo gilvus</i>	RarSuRes
Warblers		
MacGillivray's Warbler	<i>Oporornis tolmiei</i>	UncSuRes
Northern Waterthrush	<i>Seiurus noveboracensis</i>	RarSuRes
Orange-crowned Warbler	<i>Vernivora celata</i>	UncSuRes
Townsend's Warbler	<i>Dendroica townsendii</i>	UncSuRes
Wilson's Warbler	<i>Wilsonia pusilla</i>	RarSuRes
Yellow-rumped Warbler	<i>Denroica coronate</i>	ComSuRes
Sparrows		
Chipping Sparrow	<i>Spizella passerina</i>	RarSuRes
Dark-eyed Junco	<i>Junco hyemalis</i>	ComRes
Fox Sparrow	<i>Passerella iliaca</i>	UncSuRes
Lincoln's Sparrow	<i>Melospiza lincolni</i>	RarSuRes



Common Name	Scientific Name	Status
Song Sparrow	<i>Melospiza melodia</i>	UncSuRes
Western Tanager	<i>Piranga ludoviciana</i>	UncSuRes
White-crowned Sparrow	<i>Zonotrichia atricapilla</i>	UncSuRes
Blackbirds		
Brown-headed Cowbird	<i>Molothrus ater</i>	UncSuRes
Rusty Blackbird	<i>Euphagus carolinus</i>	RarSuRes
Finches		
Common Redpoll	<i>Carduelis flammea</i>	UncWiRes
Evening Grosbeak	<i>Coccothraustes vespertinus</i>	UncRes
Pine Grosbeak	<i>Pinicola enucleator</i>	UncRes
Pine Siskin	<i>Carduelis pinus</i>	ComRes
Red Crossbill	<i>Loxia curvirostra</i>	ComRes
White-winged Crossbill	<i>Loxia leucoptera</i>	RarVis

Primary references include Cannings *et al.* (1987), Campbell *et al.* (1990a and 1990b) and Campbell *et al.* (1997).

Modification and permanent removal of forest cover and understorey vegetation for Big White Ski Resort may have a positive or negative impact on bird communities. For example, the development of physical structures within the base area, will result in the permanent loss of forest cover and understorey vegetation and subsequent loss of use of these areas by birds. However, ski facility developments such as downhill runs, where some forest cover is removed, but vegetation, such as grasses and forbs, remain, may benefit other bird communities that are attracted to more open vegetation.

Mammals

Within alpine habitats, evidence of mammal use was predominantly restricted to ungulates, bears and small mammals. Considerable evidence of ground squirrel use was observed, particularly within well established alpine ski areas. One hoary marmot (*Marmota caligata*) was sighted using a small rock pile. A single mule deer buck was sighted adjacent to a forest clump, although, overall evidence of ungulate was low. Black bear use was noted, particularly within patches of succulent forbs.

Mammal use was limited near several small lakes situated in the AT with some deer tracks and suspected weasel tracks (1 animal) being observed. Foraging of browse species such as *Salix* spp. by ungulates was noted around residual stands of spruce/balsam in alpine habitats. Within the forested ESSFdc habitats of transect 2, sign of red squirrel (*Tamiasciurus hudsonicus*), yellow pine chipmunk (*Tamias amoenus*), snowshoe hare (*Lepus americanus*), deer and moose (*Alces alces*) use was noted, with moose and deer use primarily occurring in riparian habitats near the base of the proposed expansion area. Although browse species abundance within aN habitats surveyed was high, particularly within the ESSFdc (transect 2), use of these species by ungulates was low.

Sign of several wildlife species were observed on transect 3 in the proposed golf course development area. Wildlife species included red squirrel, mule deer, moose and black bear.

A number of other mammal species may occur within the Big White study area. These species along with those known to occur are described in more detail below. General references include McTaggart-Cowan and Guiguet (1965) and Nagorsen (1990).



Shrews

Given the diversity of habitats on the subject property, a number of shrew species are expected to occur. Water shrews (*Sorex palustris*) are expected to occur in creeks and wetland habitats. Other shrew species likely include common shrew (*Sorex cinereus*) and dusky shrew (*S. monticolus*) (Nagorsen 1996).

Bats

The availability of snags and wetlands on the site provides some roosting and foraging opportunities for bats. The Big White area falls within the known geographical and elevational distribution of two bat species. These species include western long-eared myotis (*M. evotis*) and little brown myotis (*M. lucifugus*) (Nagorsen and Brigham 1993).

Snowshoe Hare and Common Pika

Sign of snowshoe hares was observed during the field survey. They are expected to be relatively common on the site in most shrub and forest habitats. Snowshoe hare populations exhibit marked cycles in abundance, ranging from an over abundance of individuals to very few individuals. Common pikas (*Ochotona princeps*) may occur in rock talus slopes and other habitats in alpine and subalpine areas.

Small Rodents

Deer mouse (*Peromyscus maniculatus*) likely occurs throughout the site, whereas southern red-backed vole (*Clethrionomys gapperi*) likely only inhabits forested regions. Other small rodent species that may occur on the subject property include bushy-tailed woodrat (*Neotoma cinerea*) and meadow vole (*Microtus pennsylvanicus*).

Porcupine

Porcupine (*Erethizon dorsatum*) was not observed during the field survey but is expected to occur in moderate numbers throughout forested regions of the site.

Squirrels, Chipmunks and Marmots

Red squirrel sign and individuals were observed on numerous occasions. Sign included cone scales, middens and calls. The predominance of cone-bearing trees on the site provides an abundance of foraging opportunities.

Yellow-pine chipmunk was observed and is expected to occur throughout the study area, especially in areas with high coarse woody debris, or windthrow areas with large, dense brushpiles. Columbian ground squirrel (*Spermophilus columbianus*) and possibly mantled ground squirrel (*Spermophilus lateralis*) occur in open areas in alpine and subalpine habitats and around cleared areas, and northern flying squirrel (*Glaucomys sabrinus*), a nocturnal squirrel, likely inhabits forested regions. Hoary marmot is known to occur in subalpine and alpine habitats.

Canids

Habitats of the subject property are suitable for all three canid species. Coyote (*Canis latrans*) is likely the most abundant species followed by red fox (*Vulpes vulpes*) and gray wolf (*Canis lupus*).

Cats

Because of the abundance of deer on the subject property, cougars (*Felis concolor*) are expected to occur regularly during the growing season when deer are present. Lynx (*Lynx*



canadensis) and bobcat (*Lynx rufus*) likely also occur occasionally and at low numbers. Lynx numbers are closely related to the densities of snowshoe hares, their primary prey species.

Mustelids

Marten (*Martes americana*) and ermine (*Mustela erminea*) are expected to be relatively common residents of the subject property. An abundance of coarse woody debris and mature forests in the study area are preferred habitats for these species. Red squirrels and small rodents provide an abundance of prey. Long-tailed weasel (*Mustela frenata*), striped skunk (*Mephitis mephitis*) and wolverine (*Gulo gulo luscus*) are expected to occur at lower densities. Wolverine is blue-listed by the B.C. Ministry of Environment (1997).

Bears

Black bear (*Ursus americanus*) sign including scats and feeding sign were observed. Black bears are common residents of the study area, especially in the spring when forbs and herbs in subalpine habitats are an attractive food source. Grasses and sedges in several of the wetlands also provide foraging opportunities for bears. Black huckleberry and oval-leaved blueberry provide foraging opportunities in the fall. Grizzly bear (*Ursus arctos*), a blue-listed species, has been reported on several occasions by Big White Ski Resort staff.

Grizzly bears are expected to occur on an infrequent but yearly basis on and in the vicinity of the proposed development area. The Kettle-Granby grizzly population unit lies to the east of the CRA and has been identified as a recovery unit. Ongoing coordinated access management planning process has been undertaken with the forest industry for this population unit.

Moose

Moose pellet groups and tracks were noted in several areas of the subject property, but particularly in lowland areas. Dense shrub vegetation adjacent to wetlands, and in other openings provides good winter foraging opportunities.

Elk

Populations of elk are known to occur in the plateau areas east of Okanagan Lake and in the Kettle River valley (McTaggart-Cowan and Guiguet 1965). Thus, elk may occur occasionally in the Big White area.

Deer

Mule deer (*Odocoileus hemionus hemionus*) are common summer residents of the study area. White-tailed deer also apparently occur, however, likely at lower population densities than mule deer. Deer and deer sign were observed on several occasions, especially in open clearcuts where forb and herb productivity was high. Utilization of the site in winter does not occur because of high snow depths.

Caribou

Previous reports have made reference to a nearby Caribou sighting however the reliability of that sighting is suspect and staff at MOE confirm that no Caribou herds currently exist near Big White Resort. Mountain Caribou management direction has been addressed within the LRMP and does not affect the Big White CRA.

Amphibians and Reptiles

No reptiles or amphibians were recorded during the site assessment. Reptile and amphibian species occurrence within or near Big White Mountain is limited by the occurrence of suitable habitats and climate. Although no data regarding the distribution or abundance of reptiles and



amphibians is available, existing habitat conditions may be adequate for some species. Amphibian species likely to occur include long-toed salamander (*Ambystoma macrodactylum*), western toad (*Bufo boreas*), Pacific treefrog (*Hyla regilla*) and spotted frog (*Rana pretiosa*) (Green and Campbell 1984). Reptile species likely to occur include common garter snake (*Thamnophis sirtalis*) and western terrestrial garter snake (*T. elegans*) (Gregory and Campbell 1984).

2.3.3.2 Rare and Endangered Species

Wildlife species of concern in British Columbia have a provincial status designation, which is summarized on BC Environment's red or blue list. The red list includes indigenous species or subspecies considered to be endangered or threatened. Endangered species are facing imminent extirpation/extinction, whereas threatened groups or species are likely to become endangered if limiting factors are not reversed. The blue list includes taxa considered to be vulnerable because of characteristics that make them particularly sensitive to human activities or natural events (BC CDC, 2007). Although blue listed species are at risk, they are not considered endangered or threatened.

The occurrence of endangered and threatened (red-listed), vulnerable and sensitive (blue-listed) birds, mammals, amphibians and reptiles within or immediately adjacent to the Big White Ski Resort was investigated through several sources. The Conservation Data Centre (CDC) indicated that there are no recorded observations for red or blue-listed wildlife species within the immediate study area. Although no CDC records were available for this area, and no red or blue-listed fauna was observed during the site assessment, some blue-listed wildlife species are known or are expected to occur on or in the vicinity of the study area. For example, staff of Big White have reported sighting the occasional grizzly bear within alpine and forested habitats surrounding Big White Mountain.

Table 6 indicates the red and blue-listed species that may occur within or adjacent to Big White Mountain based on their habitat requirements and provincial distribution. This list does not imply that the species are known to occur within the study area. No red or blue-listed bird, amphibian or reptile species are expected to occur.

Table 7: Potential Occurrence of Red and Blue Listed Wildlife Species

Wildlife Species	CDC Listing
Grizzly Bear	Blue
Wolverine	Blue
Fisher	Blue
Badger	Red
Barn Swallow	Blue

(from BC Ministry of Environment 1997)

2.3.3.3 Valued Ecosystem Components

Wildlife Trees

Wildlife trees include significant standing snags, veteran trees, and trees with broken tops. These trees are important as perching areas for raptors such as red-tailed hawk (*Buteo jamaicensis*) and bald eagle (*Haliaeetus leucocephalus*), and foraging and nesting sites for woodpeckers, small owls and other cavity nesters. Although the habitat type present on the subject lot typically has an abundant supply of wildlife trees, the period of time since the last disturbance on site has been too short for the development of snags and veteran trees.



The Gem Lake area contains numerous snags and spike topped trees. The trees provide habitat for various insects and are a food source for woodpeckers and sapsuckers. They also provide important secondary cavity nesting opportunities for bird species such as nuthatches and chickadees. Other forested habitats in the study area also contain a good abundance of snags.

Mid Elevation Young/Mature Forests

Typically, mature and young seral forest at middle elevations, as well as subalpine meadows at higher elevations, represent productive wildlife habitat in the ESSF biogeoclimatic zone (Meidinger and Pojar, 1991). The ESSF is also noted as one of the most productive zones for grizzly bears, particularly where avalanche activity serves to maintain abundant forage in a seral state preferred by both grizzly and black bears (Meidinger and Pojar, 1991).

Creek and Riparian Areas

Riparian habitats are attractive to numerous bird, mammal, and amphibian species. Creek and wetland habitats are utilized as drinking and preening areas for wildlife, and breeding areas for frogs and salamanders. The study area is adjacent to a permanent, cascade-pool, fish-bearing creek.

Wildlife Movement Corridors

Creeks, riparian habitats, and wetland areas are natural movement corridors for wildlife. These corridors connect habitats within the subject property to adjacent forested areas while providing wildlife with thermal cover and security.

Noted wildlife corridors in the subject area include Trapping Creek to the east and south, West Kettle River and its major tributaries to the north and west, and the Big White Road corridor along the western boundary of the site (Timberland Consultants, 1995). Additional wildlife movement is noted along an elevational gradient between the Big White Road and the northwest edge of the existing ski area, and within the eastern portion of the Ecological Reserve to the north of the ski area.

2.4 Aquatic Environment

The fisheries and aquatic habitat on site can be divided into those within the Hallam Creek drainage flowing north from the subject site, those within the Trapping Creek drainage flowing south from the project area, and those within the Whitefoot and Copperkettle Creek drainages that flow eastward. Both Hallam and Trapping Creeks flow into the West Kettle River which in turn flows into the Kettle River. Whitefoot Creek flows into Damfino Creek, and eventually into the Kettle River, while Copperkettle Creek flows directly into the Kettle River. The Kettle River and its tributaries are part of the Columbia River watershed.

2.4.1 Hallam Creek

Hallam Creek was assessed as part of the Environmental Review Big White Ski Resort Master Plan in 1997 (GeoAlpine, 1997). The creek has an overall length of approximately 9.5 km, flowing in a northward direction from the project area. The main stem of the river has an average gradient of 3.5% between its confluence with the West Kettle River and the upper crossing of the Big White access road at approximately 1,615 m elevation level. The headwaters of this system consists of two ephemeral drainages, flowing westward into the main stem, at gradients of approximately 15%. While gradients up to 15% do not pose an insurmountable barrier to fish movements (especially trout and char), the hydrology analyses indicate that these streams could possibly be dry in late fall through winter, limiting their



fisheries habitat capability. They would, however, contribute nutrients and food (terrestrial and aquatic insects etc.) to downstream fish bearing waters.

The fisheries capabilities of Hallam Creek was assessed by the project team at a single 100 m long sampling site at approximately the 1,570 m contour level, about 7.5 km upstream from its mouth (DFO/MOE Stream Survey Form can be found in the Appendix). This site is located immediately downstream of the Gem Lake development area. The creek had a gradient of 6 % at the sampling site, with an average wetted width of 4 m and a channel width of 5 m. The stream is frequently confined by the valley walls. The flow can be characterized as predominantly runs with lesser amounts of riffle and pool. The average maximum riffle depth was 16 cm, while the average maximum pool depth was 35 cm. The substrate was composed of 40 % cobbles and boulders, 40 % gravels and 20 % fines. There was some small log jams with causing small falls, ranging in height from 0.3 to 0.5 m, which would be unlikely to present a barrier to fish movements. Total stream cover was estimated at 20 %, consisting predominantly of boulder cover, and deep pool, with lesser amounts of large organic debris (LOD), overstream vegetation and cutbank. The tree canopy closure was about 10 %, consisting of subalpine fir and Engelmann spruce. The understory and forb layers were relatively dense, consisting of mountain alder (*Alnus incana*), queen's cup, black gooseberry, white-flowered rhododendron, Indian hellebore, Sitka mountain-ash (*Sorbus sitchensis*), Douglas's water-hemlock (*Cicuta douglasii*), black twinberry, clasping twisted-stock and arctic lupine. The discharge at the sampling site was 0.35 m³/s. The water temperature was 9 °C, with a conductivity of 32 µs/cm at the time of sampling.

Seven rainbow trout (*Oncorhynchus mykiss*), ranging in fork length from 65 to 145 mm, were caught in a 100 m section of Hallam Creek by electrofishing for 2,160 seconds. The inclusion of fry, juvenile and maturing fish in this section would tend to indicate that this reach is used for rearing, spawning and incubation. No other fish species were observed.

2.4.2 Trapping Creek

Trapping Creek was assessed by CERG (2000) on behalf of Big White Ski Resort. It has an average gradient of 3.9 % over its overall length of 23.25 km. As with Hallam Creek the headwaters of Trapping creek, which lie within the project area, are ephemeral in nature, likely flowing only during spring and summer melt. The drainages in this area are also steeper than the main stem, with gradients ranging from 8 to 15%. Stream Information Summary mapping (MOE, 2008), indicates that "Clear Lake" (also locally known as "Piranha Lake"), a small waterbody located adjacent to Trapping Creek approximately 3 km south of the study area, is suspected to contain rainbow trout. Field work by the study team confirmed the presence of rainbow trout in this shallow lake. Timberland (1997a) have also conducted an overview assessment on Trapping Creek, and have conducted enhancement efforts centering on installing large woody debris (LWD) and other instream structures downstream of the CRA.

Two sampling sites on Trapping Creek and one sampling site on a tributary of Trapping Creek were assessed by the CERG study team on July 26 and 27, 1996. The sampling sites on the main stem of Trapping Creek were located at approximately the 1,460 m contour (Site 1) and at the 1,690 m contour (Site 3). The downstream site was located in the midst of a large clear cut. While the vegetation in the cut was regenerating, there was little to no canopy cover. The shrub layer was fairly dense, however, and accounted for 50% of the total stream cover (estimated at 15 % of the stream area). Shrubs found adjacent to the creek included mountain alder, trappers tea and Utah honeysuckle. The majority of the remainder of the stream cover consisted of LOD, the remnants of past logging activity. The gradient of this section of creek was 1% with a



channel width of 4.3 m and a wetted width of 2.8 m. The flow was characterized as 10 % pool, averaging 47 cm deep, 40 % riffle, with mean depths of 9 cm, and 50 % run. The substrate consisted of 25 % fines, 60 % gravels, and 15 % larges. The discharge at the time of sampling was 0.25 m³/s with a water temperature of 15 °C and conductivity of 16 µs/cm. The culvert under Link Road at this sampling site was set at a slope of 4 %, which could pose a velocity barrier to fish under certain flow conditions.

Further upstream at sampling site 3, the stream gradient increased to 9 %, with a channel width of 4.7 m and a wetted width of 3.0 m. This section of creek had not been logged, although the tree canopy, consisting of subalpine fir and Engelmann spruce, was fairly scant at 10 % closure. Stream cover increased to about 20 %, consisting of approximately equal amounts of deep pool, LOD, overstream vegetation and cutbank cover. The flow was characterized as 10 % pool, 70 % riffle and 20 % run. The average maximum pool depth was 60 cm, with the average maximum riffle depth at 20 cm. The substrate was somewhat coarser than downstream, as might be expected with the increased gradient. The stream discharge was 0.10 m³/s, with similar water quality compared to the downstream sample site.

The sample site on the tributary stream, site 2, had also been impacted from past logging activities. Although the cutblock was not immediately adjacent to the stream, there was significant bar formation, especially upstream of the Link Road culvert. Similarly to the culvert on the main stem of Trapping Creek, the culvert on this tributary was set at 6.5 %, and could pose a velocity barrier to fish movements. The stream gradient was low, 2 %, with an average wetted width of 1.3 m (channel width of 4.5 m). The flow was characterized as 10 % pool, 50 % riffle and 40 % run. The average maximum pool depth was 30 cm with riffles averaging 10 cm deep. Stream cover was very high at an estimated 60 %, consisting of dense overstream vegetation, with less amounts of LOD, deep pool and cutbank cover. The substrate was comprised of 20 % fines, 60 % gravels and 20 % larges. The discharge at the time of sampling was 0.09 m³/s.

Only five fish, all rainbow trout, were captured in Trapping Creek and its tributary. Four of these fish were caught in minnow traps set overnight at the three sampling sites, with only one fish caught by electrofishing (1,530 seconds at site 1 - one fish; 1,050 seconds at site 2, no electrofishing was conducted at site 3). It is interesting to note that all the fish were captured downstream of the culverts on Link Road. Whether the culverts are in fact barriers or not, can only be determined with a more intensive sampling program.

2.4.3 Whitefoot Creek

Whitefoot Creek is a 3rd order stream that originates on the eastern flank of Big White, and tends eastward to its confluence with Damfino Creek at the 1,010 m elevation. Damfino Creek in turn flows into the Kettle River. The creek has an overall length of 10.4 km, with an average gradient of 9.8%. Damfino Creek into which it runs is known to have a rainbow trout presence (FISS data, MOE, 2008), and Whitefoot Creek is suspected to contain fish up to at least the 1,500m elevation ((Henderson, 1998).

2.4.4 Copperkettle Creek

Copperkettle Creek is a 4th order stream with a total length of 23.7 km and a drainage area of 156 km². The creek originates on the eastern flank of Big White, and tends south east to its confluence with the Kettle River at approximately the 780m elevation. Timberland (1997b) have conducted an overview assessment on Copperkettle Creek, however, their assessment concluded just downstream of the proposed CRA boundaries. Their report notes that the



stream contained both adult and juvenile rainbow trout up to that point. From the last assessed reach at the 1,421m elevation to the 1600m elevation, the creek has an average gradient of 9%, and it is likely that providing the stream has sufficient flows, it would be fish bearing to at least that location.

2.4.5 Rare and Endangered Fish Species

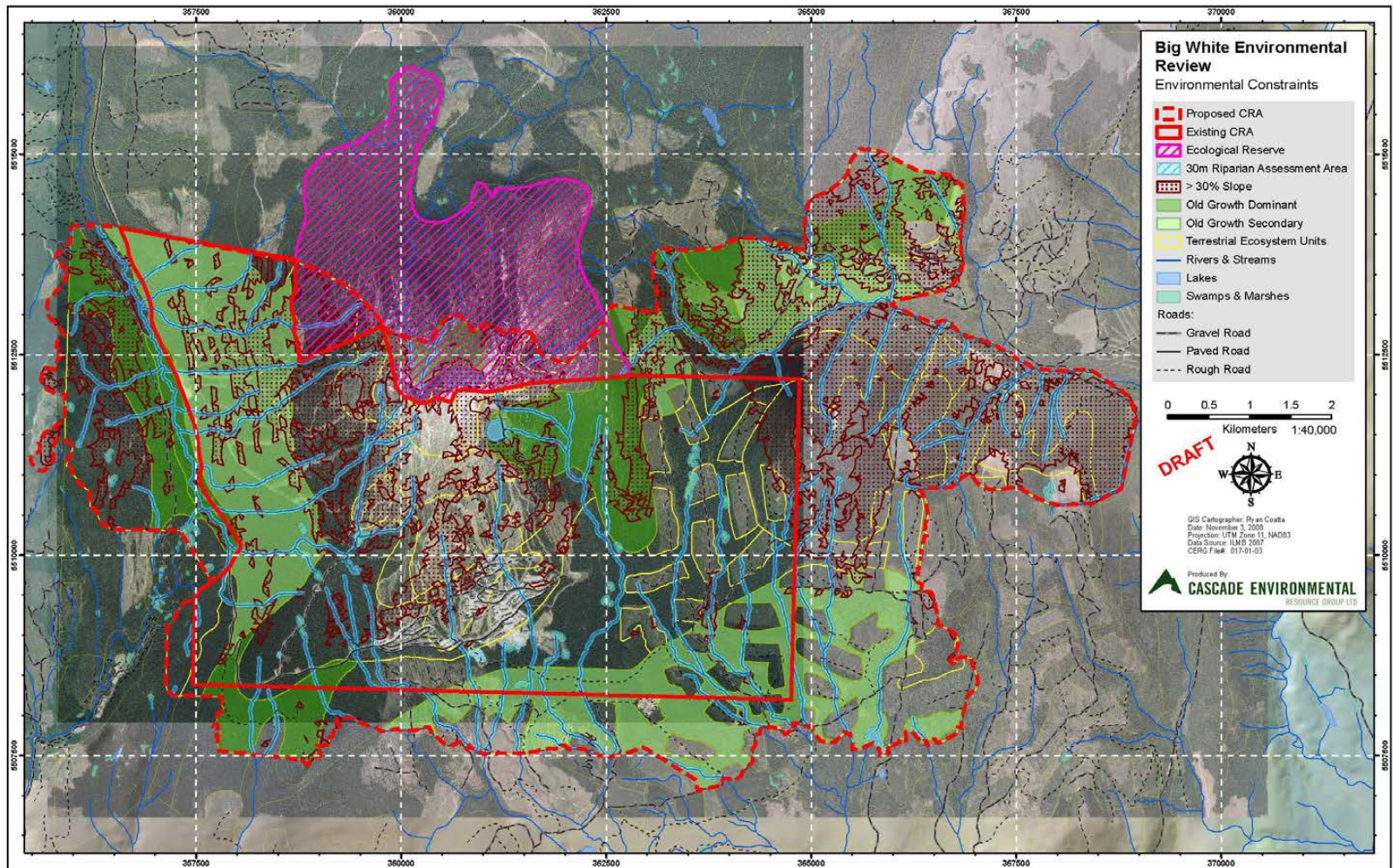
Although only rainbow trout have been captured in the creeks within the existing and proposed CRA, three provincially listed species are known to occur in the West Kettle and Kettle Rivers. These include the Umatilla dace (*Rhinichthys umatilla*), the speckled dace (*R. osculus*), and chiselmouth (*Acrocheilus alutaceus*). FISS records also note that bull trout occur in the Kettle River, however Cannings and Ptolomy (1998) report that this species does not occur in that drainage.

The speckled dace is on BC Environment's red list, indicating that it is imperiled because of rarity within the province, making it vulnerable to extirpation (BC Conservation Data Centre, 2008). It is also listed as a species facing imminent extirpation by COSEWIC. The Kettle River system is the only known area where this species occurs in Canada. The speckled dace, however, is globally ranked as G5, "common to very common; demonstrably secure and essentially ineradicable under present conditions" (BC Conservation Data Centre, 2008). Speckled dace are primarily found in shallow waters within cool streams and rivers with rocky substrate, but can also in large and small lakes, warm permanent and intermittent streams, and outflows of desert springs (Cannings & Ptolomy, 1998).

The Umatilla dace is also red listed or similar reasons as the speckled dace. It is listed as a species of special concern by COSEWIC and is globally ranked G4, "apparently secure". It has a limited distribution in British Columbia, and prefers habitats that are relatively warm and productive; being absent from cold tributaries in the mountains (Cannings & Ptolomy, 1998). It is therefore, unlikely to occur within the CRA.

The chiselmouth is a blue listed species that is confined to the Columbia River system. It is ranked as "not at risk" by COSEWIC and has a ranking of G5 globally, indicating that is "demonstrably widespread, abundant, and secure". It also prefers warmer streams, and is therefore unlikely to occur within the CRA.









3.0 ENVIRONMENTAL CONSTRAINTS

Environmental constraints presented on Map 7 are discussed in the following section.

3.1 Cultural Environment

No cultural constraints were identified for this site. Land tenures for Forestry and Guide Outfitters may need to be re-allocated if the CRA is expanded.

3.1.2 Anthropogenic Features

No constraints relating to anthropogenic features were identified within the study area.

3.2 Physical Environment

3.2.1 Climate

Climate in the study area presents no obvious constraints or concerns with respect to development. The only potential constraints represented by climatic conditions in the study area relate to the availability and seasonality of snow cover on skiable terrain. Snowfall can be considerable and infrastructure must be able to withstand heavy snow loads. Management and storage of cleared snow on-site should not impact existing water courses and therefore may constrain development.

Climate constraints imposed on wildlife relate to difficulty of travel over deep snow and reduced food supply due to climate changes with increasing elevation. These constraints are discussed in the wildlife component of this section.

3.2.2 Geology

The geology of the area presents no obvious constraints or concerns with respect to development. No obvious bedrock stability concerns were noted during the field visit. Caution should be taken in locating ski runs and traffic areas below cliffs faces. The integrity of the rock mass should be assessed by trail crews and any concerns should be addressed by a professional engineer (P.Eng.). Any geotechnical issues associated with potential development of the site should be addressed in a separate report.

3.2.3 Geomorphology

The thin soils present on the ski runs are highly susceptible to surface erosion. This condition is exacerbated by summer grooming techniques which may disturb the upper soil layers or remove larger material.

The kettles identified on the kame terraces below the village site are unusual and may be significant at a regional level. In addition, the kettles are often concomitant with pocket wetlands due to the imperfect drainage of the fine grained soils associated with the kettles. Therefore the kettles should be considered to be constraining to development.

3.2.4 Hydrology

No hydrologic concerns were noted during field visits. With the creation of a large number of new ski runs, surface erosion is likely to deposit sediment in the local stream channels over the first few seasons. Debris flows/torrents in larger creeks are possible if sedimentation is excessive. Visual inspections of the creek systems should be conducted by summer crews.



prior to the fall to monitor any accumulations of debris. Any wetlands encountered in the study area should be considered as constraining to development.

3.2.4.1 Water Quality

The water quality of the creeks within the study area is generally of drinking water quality. While the quality of the water in itself does not present any environmental constraints, the maintenance of the good water should be given high priority. Given that the study area is at the headwaters of Hallam, Trapping, Whitefoot and Copperkettle Creeks, any impacts on water quality could impact downstream users.

3.3 Terrestrial Environment

3.3.1 Soils

Rock and mineral soil removal near the bottom of the Sun Run/Spruce Trail is evident, likely as a means of preventing rock damage to grooming machines on these lower slopes. Previous reports also indicate that a significant amount of topsoil in the Big White village area has been either removed during construction, or lost to surface erosion associated with road and infrastructure development (Klaus, 1995). The displacement and removal of mineral soil represents a concern which requires management attention.

Given that the predominantly shallow, rocky soils in the study area represent an obvious limiting factor for plant and tree growth, damage to or loss of these soils will negatively affect the fertility of the area and the ability to successfully replant. Sound forest harvesting practices, trail development practices, proper water management, and conservation of these and other study area soils all will help to minimize surface erosion potential.

Any issues associated with soils and potential development of the site would be addressed in a separate geotechnical report.

3.3.2 Vegetation

Based on the cursory field investigation and communication with the B.C. Conservation Data Centre, there are no known development constraints or particular concerns associated with rare or endangered vegetation in the study area. Vegetation constraints relate to the habitat provided and the need to maintain biodiversity in the Big White Resort Area. Large tree islands should be preserved between ski runs to provide adequate shelter for resident fauna and to prevent excessive windthrow. Larger tree islands will allow for preservation of standing wildlife snags while maintaining safe distances from ski runs, trails and roads.

As a result of the climatic constraints imposed on growth of vegetation, maximizing preservation of existing vegetation should always be a priority in development planning.

No constraints to development exist as a result of vegetation; however veteran trees developing within the protected riparian setback may present safety concerns arising from windthrow potential.

3.3.3 Wildlife and Wildlife Habitats

3.3.3.1 Wildlife

The expansion and development of Big White into a four-season destination resort will alter wildlife use of the area. The greatest modification of habitat use will likely be associated with



changes in vegetative cover as a result of run cutting in areas used by wildlife for cover and forage. Clearing of habitats at the proposed golf course development site will displace wildlife species currently utilizing these habitats. Increased levels of human presence and recreational activity in the summer months may also affect the summer migration of a number of wildlife species, but particularly larger mammals such as grizzly bears. The highway presently appears to serve to delineate the boundary between the undisturbed Riparian Area / Wildlife Migration Corridor and Big White Ski Resort (GeoAlpine, 1996).

The number of wildlife species sighted reflects the intensity and timing of the field survey. Although, AT and ESSFdc habitats are not generally considered to contain as high wildlife diversity as lower elevation biogeoclimatic zones, it is clear from the previous species discussions that large numbers of wildlife species may occur.

Based on the survey results, habitat values within the alpine tundra appear to provide wildlife species, particularly birds with a juxtaposition of habitat types ranging from rock/talus slopes, forest cover and alpine meadows. Comparatively, ESSFdc habitats, which dominate transect 2 and transect 3, appear to support fewer bird species, likely attributed to the lack of structural diversity of forested habitats.

Determining the direct and indirect impacts of the proposed ski facility expansion on resident and migratory wildlife species is constrained by the availability of accurate data on the extent of existing habitat alienation within similar habitat types throughout the region and the current and potential use of those habitats by wildlife. Furthermore, an equally important factor not considered in this review is the impact of recreational activities on wildlife, particularly during summer.

Several benefits of habitat modification resulting from the proposed expansion have been identified and generally pertain to opportunities for increasing the structural diversity of forested habitats, and providing an increase in foraging opportunities for species such as bears and ungulates. Additionally, opportunities may exist for enhancing habitats surrounding several existing or proposed developments including the creation of rock piles on the edge of ski runs. These rock piles were evident on several existing ski runs and are being used by such species as ground squirrels and marmots.

If, at any point during development, breeding areas are discovered, Best Management Practices (BMPs) should be adhered to.

If tree removal is anticipated during the nesting bird season of April 1 to August 31, a nest survey must be completed in the proposed clearing area. Discovery of active nests during surveys would impose development constraints until the chicks have fledged the nest (BC MOE, 1996).

3.3.3.2 Rare and Endangered Species

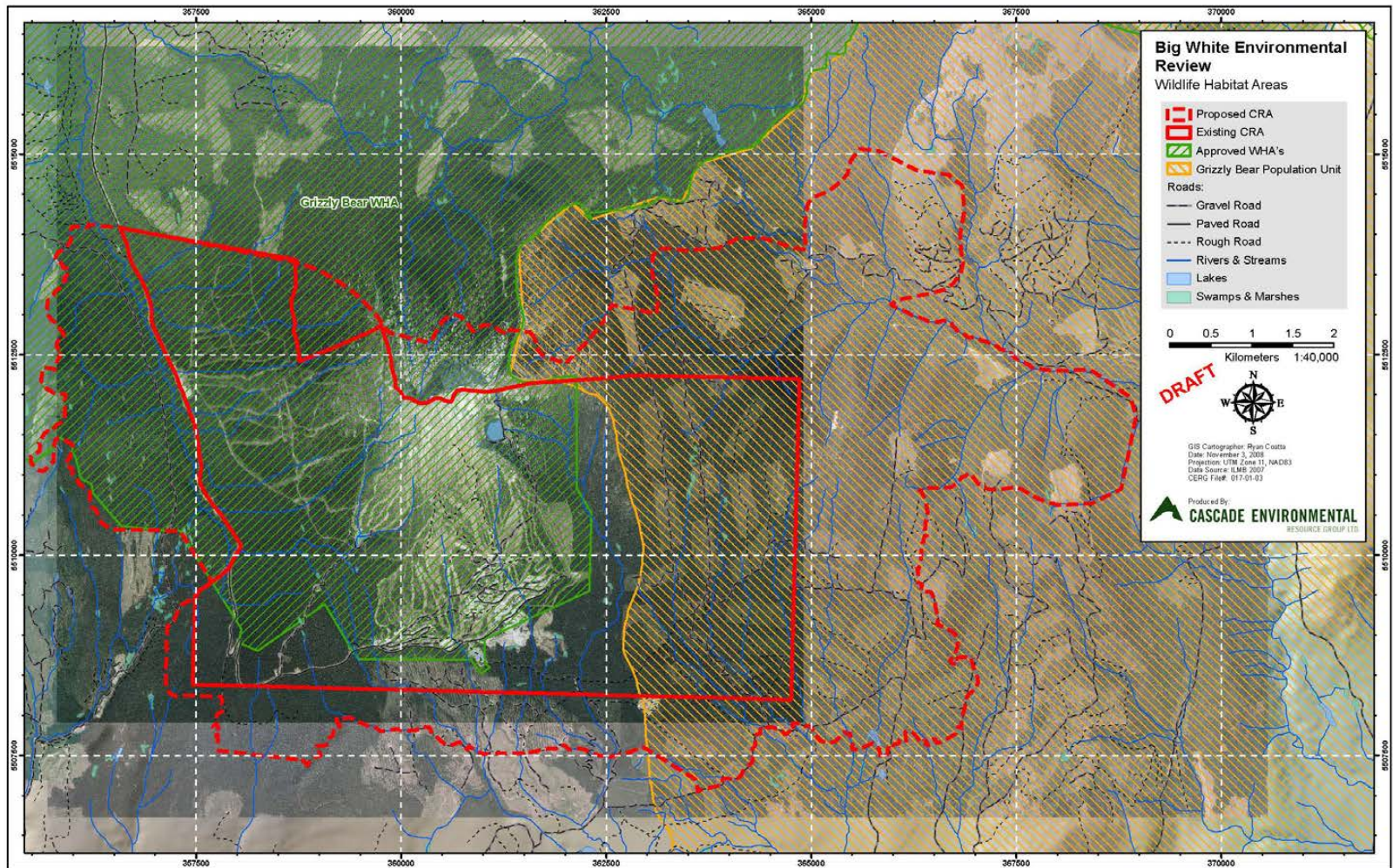
Grizzly Bear

The Kettle-Granby grizzly bear population unit (GBPU), shown on Map 8, covers over 650,000 hectares and is estimated to support up to 81 individuals (Hamilton 2008). Habitat effectiveness modeling conducted in 2005 (Gyug) finds that of the 3000 hectares of overlap between the proposed CRA expansion and the GBPU over 99% of that habitat is rated as "Low effectiveness" while less than 0.5% is rated as "Medium effectiveness".



Recently a Grizzly Bear Wildlife Habitat Area (WHA) was authorized under the Forest and Range Practices Act within the existing CRA (Map 8). The "General Wildlife Measures" (GWM's) of this WHA are relevant to Big White Resort and Interfor (who owns the timber rights within the CRA), however they are not expected to be cumbersome. There are five GWM's described of which three should not have any effect on resort development:

1. Forest harvesting along avalanche tracks, that are at least 40 meters in width, will result in forest stands that are at least 15 meters in height for: 100 meters on one side of the avalanche track or 50 meters on both sides of the avalanche track.
2. Timber harvest and site preparation practices... will not inhibit *Vaccinium* spp productivity
3. Planting of tree seedlings in harvested riparian site series will result in stocking densities that are consistent with maintaining plant communities that produce bear forage. Areas that did not have forest cover before timber harvesting was carried out will not be subject to planting of trees







Two GWM's may have a small effect on resort development activities

1. No cutting of non-merchantable stems within 20 meters of main haul roads
2. Forest practices will result in at least 10% of each management unit containing forest stands that exhibit a height of at least 19.5 meters, in patches that are at least 5 hectares in size. Management units are defined as the area of each BEC subzone within each landscape unit.

Interpretation of these last two GWM's follows: The first impacting GWM (preventing cutting within 20 meters of main haul roads) is likely a measure instituted to maintain visual barriers for the bears to protect habitat. In the case of Big White Resort nearby high quality habitat is largely absent (Gyug 2005) except where created by clearing, and in the interest of reducing bear/human conflict it may be considered beneficial to allow clearing to the edge of main roads. If Big White determines that there is a desire to clear forest to the edge of a main road an exemption may be possible through the delegated decision maker (MOE regional manager). The second impacting GWM would only become an issue if any major clearing was to occur within the WHA. If clearing is planned a brief assessment would need to be conducted to ensure that impacts to mature forest do not exceed the allowable levels.

3.3.3.3 Valued Ecosystem Components

Riparian Areas

Riparian areas within 30 meters of a permanent water course are subject to assessment in accordance with the Riparian Area Regulation (RAR) of the B.C. Fish Protection Act. Any intrusion in the resulting riparian setback may require permitting under Section 9 of the B.C. Water Act, and/or approval under Section 35 (2) of the Federal Fisheries Act.

Wildlife Movement Corridors

As planning for the expansion of the resort proceeds, design should consider maintaining and protecting wildlife movement corridor opportunities.

Wildlife Trees

Wildlife trees that contain dens or breeding cavities may be constraining to development during the breeding season of the animal. Song birds were evident visually and acoustically, but are typically summer breeders and not permanent residents. Wildlife trees that pose a safety risk on the subject site may need to be removed outside of the breeding season.

3.4 Aquatic Environment

Any changes to water quality or development within the riparian areas adjacent to the drainages on site could affect the fisheries potential of Hallam and Trapping Creeks, draining into the West Kettle River downstream, and the fisheries potential of Whitefoot and Copperkettle Creeks, draining into the Kettle River. These potential impacts can be minimized by avoiding contamination of the water courses during operation of the present ski resort and during any future development at Big White, through sound, environmentally prudent construction techniques, and by respecting appropriate buffer strips adjacent to Hallam, Trapping, Whitefoot and Copperkettle Creeks, as well as their tributaries.



4.0 CONCLUSIONS AND RECOMMENDATIONS

4.1 Conclusions

This report summarizes the baseline conditions found on site and investigates environmental constraints to development. Based on the information reviewed and the conditions observed on site, the proposed expansion area appears to be suitable for use in the development of all season resort infrastructure and facilities. In order to avoid or mitigate potent adverse impacts arising from resort development and operation the following general recommendations are provided.

4.2 Recommendations

Based on the information reviewed and the site conditions observed, the following recommendations are made to minimize potential negative impacts on the site arising from development at Big White Resort:

4.2.1 Cultural Environment

1. Future developments should consider maintaining recreational trails connecting the services with residential areas.

4.2.2 Physical Environment

2. Future developments should implement snow clearing plans to ensure that snow storage or removal does not impact fish-bearing water courses.

4.2.3 Terrestrial Environment

3. Land clearing activity should be conducted with due diligence between April 1 and August 31, to comply with Section 34 of the *Wildlife Act*, which forbids the destruction of nests occupied by a bird, its eggs, or young (BC MOE, 1996). All areas protected for wildlife habitat should be flagged and enclosed by temporary fence (e.g., snowfence) prior to initiation of work on the site to ensure no encroachment occurs into those areas.
4. Prior to clearing, a nesting bird survey should be conducted. During July and August all nests are protected under the BC Wildlife Act, while raptor nests are protected all year. Nests of raptors such as northern goshawk, boreal owl and great horned owl found during land clearing activity must be adequately protected by forested buffer while the nest is occupied.
5. Although rare and endangered species are unlikely to reside on the subject site great blue heron may occasionally utilize riparian areas, while grizzly bears may be found to periodically transit the property. Any future detections should trigger the implementation of appropriate BMPs.
6. Vegetation should be retained wherever possible, particularly near creeks and wetlands and within riparian buffers to facilitate wildlife movement. Efforts should be made to conserve snags and wildlife habitat trees. Wildlife movement corridors will be provided if retention zones along creeks are designated as recommended above. Road and trail crossings of these creeks should be designed so that wildlife movement is not impeded or discouraged.
7. Any major timber clearing that occurs within the grizzly bear WHA will need to be assessed to determine that GWM's are not violated.



4.2.4 Aquatic Environment

1. Riparian Area Assessments should be conducted at sites of disturbance near watercourses to determine appropriate clearing setbacks for the protection of fish habitat values and water quality.
2. Stream crossings should be minimized. Bridges rather than culverts or fords are preferred. Planting of additional native, riparian shrubs and trees may be necessary where intrusions occur.
3. All wetlands greater than 20 m² should be retained. No disturbance such as filling, redirection of runoff etc. should occur. Water utilization for watering and other uses should ensure that current hydrology of wetlands is not altered. A 15 to 30 m vegetated setback should be established adjacent to wetlands to protect the unique plant and wildlife values of the wetland and adjacent riparian areas. Often wildlife trees important to bats and other wildlife species are located within the setback area.
4. Future developments should implement stormwater management plans that implement BMPs to ensure the protection of the ecological values of receiving waters. In addition to the post-development storm-water management, a drainage plan should also be developed to deal with concerns related to land clearing, grubbing, and construction. This plan should adhere to the Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia (BC Ministry of Environment, 2006).

4.2.5 General Recommendations

5. Site preparation and construction works should be monitored by a qualified environmental monitor.

4.3 Additional Studies

Additional detailed environmental assessment should be conducted during the site planning phase of development. Site specific assessment should be conducted in accordance with the requirements of the *Riparian Areas Regulations* (RAR), the *BC Water Act* and the *Federal Fisheries Act*, to determine the setbacks from watercourses and wetlands.

Although it is unlikely for the majority of the listed rare and endangered species to occur on the site, detailed surveys of development sites should be conducted by qualified environmental professionals (QEPs), at appropriate times of year, to positively confirm presence or absence.

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Appendix B – Email from Randy Waterous (Interfor Corporation) Re: Lease 337977 Expansion

[Transcript of Original]

March 8, 2019

RE: Big White Happy Valley Lease Area Modification

Brent,

I have reviewed the information you provided with one of our Development Foresters responsible for planning in the TFL.

The proposed lease expansion is entirely within the existing CRA and the proposed use is consistent with mountain resort objectives. It appears that the proposed lease expansion area is less than one hectare in size and the proposed use will not require the removal or harvesting of any timber values. In addition, Interfor has no plans for timber development within or in close proximity to the proposed lease expansion. Therefore, Interfor endorses the lease expansion as proposed.

Thank you for keeping us informed. Regards,

Randy G. Waterous, RFT
Environment and Land Use Superintendent
Interior Woodlands
Office:(250)443 2453 Mobile:(250)442 7713 Fax:(604)422 3253

Interfor Corporation
570 – 68th Avenue,
Grand Forks, BC, V0H 1H0
randy.waterous@interfor.com



Appendix C – Happy Valley Area Drainage Management Plan

Don Ponto, DC Ponto and Associates Ltd

D.C. Ponto and Associates Ltd.
Consulting Engineers

March 11, 2019

Our File: BW1724

Regional District of Kootenay Boundary

202-843 Rossland Avenue
Trail, BC
V1R 4S8

Attn: Ms. Donna Dean

**Re: *Big White Ski Resort Proposed Central Reservation Site,
DL 4216, Plan KAP70213, Lease 337977 Happy Valley Road, Big White, BC
Storm Water Management Plan***

Ms. Dean,

Please see the attached storm water management plan for the proposed Central Reservation Building Site development on DL 4216 (Plan KAP70213, Lease 337977), in the Happy Valley subdivision at Big White.

For the minor (10 year) events, the onsite storm water works will consist of a catchbasin collection and drywell ground recharge system complete with a closed conduit conveyance system to outfall to the natural drainage course adjacent to the site (see attached plan). For the major events exceeding the minor system capacity, the storm water overland flow will be contained and directed via the access road and parking lot corridor to the aforementioned natural drainage courses. All storm works will be designed and constructed using good engineering principals and practices.

Any surficial storm water entering this site will be directed around the buildings to the storm water drainage system within the access road. Overland major event routes will be established via the road and parking lot system to outfall to the natural drainage course adjacent to the site.

Given the average terrain steepness of the site and it's relatively close proximity to the drainage water course, we submit that the control of the storm water for this site will be managed without difficulty and with no adverse effect on adjacent properties.

Please do not hesitate to contact our office if you have any further questions or concerns.

Thank you.

Yours truly

D.C. Ponto and Associates Ltd.

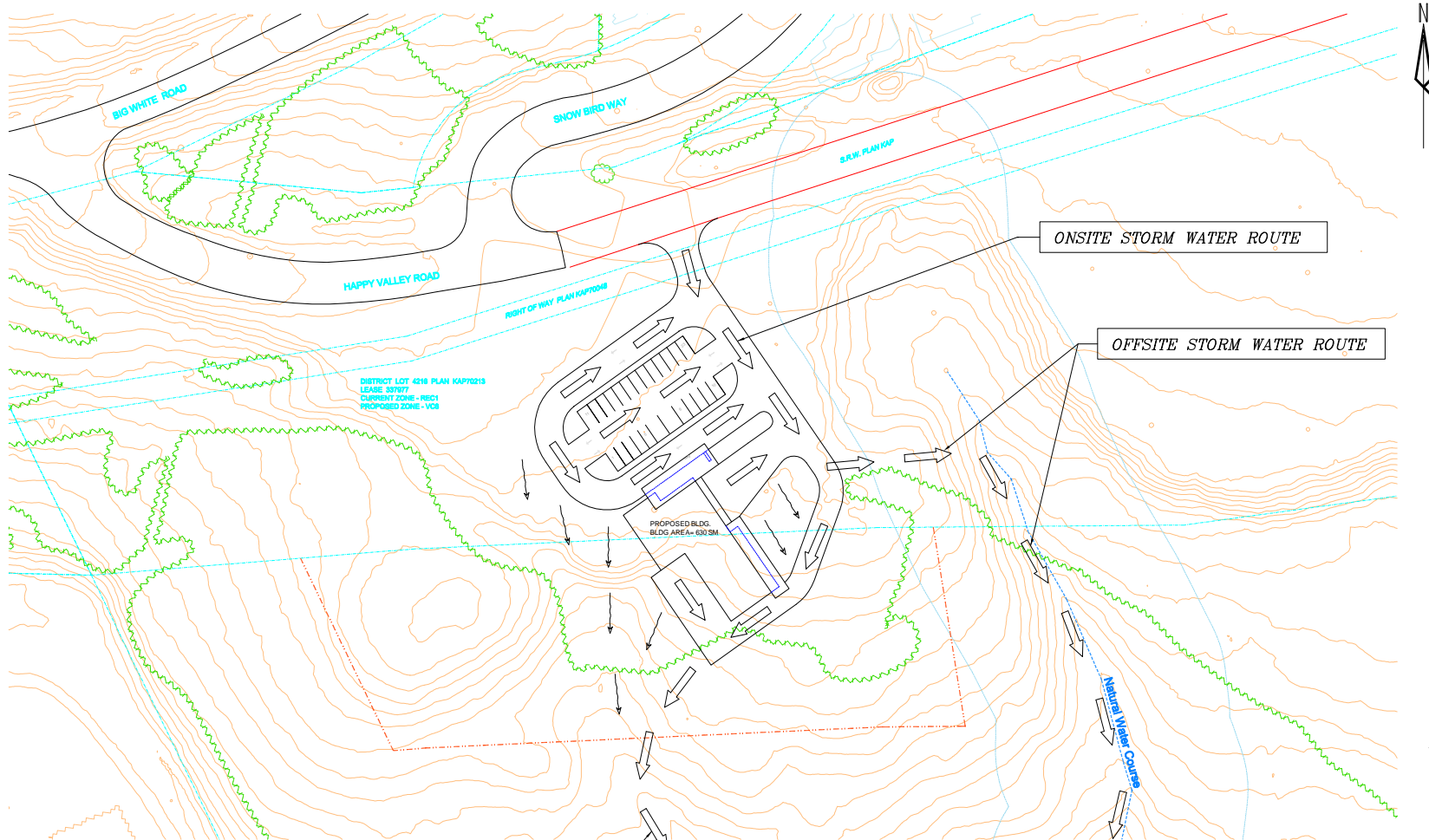


Don Ponto, P.Eng.

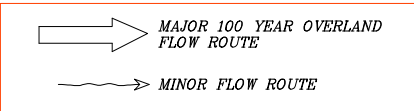
cc: Big White Ski Resort - attn: Mr. Jeremy Hopkinson

12330 Oyama Road, Lake Country, BC, V4V 2A3 t 250.548.3383 dcponto@shaw.ca

Page 1



OFFSITE STORM WATER ROUTE
TO NATURAL WATER COURSE

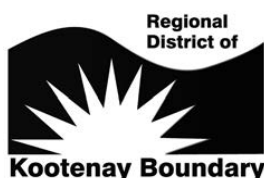


BIG WHITE SKI RESORT
 CENTRAL RESERVATIONS PROJECT
 STORM WATER MANAGEMENT PLAN
 District Lot 4216, Plan KAP70213
 Happy Valley Road, Big White, BC

Scale: 1:NTS
 Contour Interval: 1m
 March 11, 2019
 Rev. 1

D.C. PONTO AND ASSOCIATES LTD.
 CONSULTING ENGINEERS
 TEL: 549-3383
 1280 OYAMA ROAD
 DEPTONESHAW, BC
 V4Y 2A3





Electoral Area Services (EAS) Committee Staff Report

RE:	Development Permit Amendment – Grizzly Ridge		
Date:	April 11, 2019	File #:	BW-4213-07913.242
To:	Chair Worley and members of the EAS Committee		
From:	Liz Moore, Planner		

Issue Introduction

We have received an application for an amendment to Development Permit 302D-18D for the Grizzly Ridge housing development in Big White, Electoral Area 'E'/West Boundary (see Attachments).

Property Information	
Owner(s):	Iron Horse Developments Ltd
Applicant:	Marvin Dean
Location:	Grizzly Ridge Trail
Electoral Area:	Electoral Area 'E' / West Boundary
Legal Description(s):	Lot A, Plan KAP 83081, District Lot 4213, 4284, Except Pan KAS3742 PH 1
Area:	2.49 hectares
Current Use(s):	Duplex housing
Land Use Bylaws	
Official Community Plan Bylaw No. 1125	Medium Density Residential
Development Permit Areas	<ul style="list-style-type: none"> Commercial and Multiple Family Development Permit Area Alpine Environmentally Sensitive Landscape Reclamation Development Permit Area
Zoning Bylaw No. 1166	Medium Density Residential 4

History / Background Information

The subject property is located north of the Snow Pines neighbourhood of Big White. Road access is at the end of Snow Pines Way.

The original development permit for this property was issued in 2006 and was amended in 2008, 2009, 2015, and 2018. The total build out proposed for the property includes:

- 1 – 16 unit multiple family dwelling;
- 1 – single family dwelling; and
- 21 – two family dwellings (duplexes)

To date Phases 1, 2, 3, 4, and 5 have been built.

Page 1 of 4

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Proposal

The applicant proposes to develop phases 6, 7, 8, and 10 of the proposed total build out. This would include 8 - two family dwellings (duplexes), or SL 23-34 and SL 43-46 on the Site Plan (see Applicant Submission). The applicant is proposing to use one building design for SL 23-26 and another building design for SL 27-34 and SL 43-46 (see applicant submission).

Implications

This application for a development permit amendment will not make any changes to the total build out. In order for an amendment to be approved, the requirements of the Official Community Plan and Zoning Bylaw must be satisfied.

Official Community Plan

Development Permit areas, and guidelines for development, are regulated in the Big White Official Community Plan. The property is within 2 development permit areas: the Commercial and Multi-Family Development Permit Area, and the Alpine Environmentally Sensitive Landscape Reclamation Development Permit Area.

Commercial and Multi-Family Development Permit Guidelines

- Access: Practical access and loading has been proved with the driveways and parking areas meeting bylaw standards for the 8 –two dwelling unit buildings.
- Drainage Management: The drainage management plan presented for the original development permit application shows snow storage and drainage for the full proposed buildout. This development permit amendment application is included in that drainage management plan.
- Snow Management: Snow management has been confirmed by a professional architect in a written statement satisfying how people are protected in a reasonable manner from snow shedding.
- General Building Form: Building plans indicate compliance with the general building form guidelines.
- Roof Form: Building plans indicate compliance with the roof form guidelines.
- Exterior Finish: Building plans indicate compliance with the exterior finish guidelines.

Alpine and Environmentally Sensitive Landscape Reclamation Development Permit Guidelines

- The landscape plan notes that the area of development does not have any existing vegetation as it was all removed when the property was initially developed and the roads were built.
- Ground cover will be mostly gravel which will help act as separation for fire suppression.
- The plants that have been chosen were selected due to their ability to grow in high altitudes.

Page 2 of 4

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Zoning Bylaw

The proposed 2 family dwellings comply with the Zoning Bylaw, including setbacks, parking, site coverage, and building height.

Advisory Planning Commission (APC)

This application was supported by the Big White APC at their April 2, 2019 meeting with the following comments:

- Drainage from this development has been an issue in the past, during the winter the snow in the area can be compacted by equipment around culverts, after a past event this is more closely monitored by snow removal crews and the ditch is opened for the freshet. The highways department and the ski resort are aware.
- The development is the first to receive the runoff from the slopes above and the freshet is the most challenging time there is a plan in place and the water eventually makes its way to the highway ditches which are designed for large flows.
- Hand watering type vegetation is not recommended as well plantation that needs special protection will not have a lifespan beyond the initial planting. Perhaps chose more appropriately.
- Do trees work in a snow storage area?
- Who is monitoring the landscaping going forward on the properties that are approved?
- Who assures compliance to the suggestions listed in the January 29, 2019 letter from the Architect Patrick McCusker? For example roofing material "should be "High Friction" fibreglass asphalt shingles and have a maximum 4/12 pitch" to avoid snow sloughing.

Planning and Development Comments

Planning staff confirmed with the applicant that there are no trees proposed to be planted in the landscape plan. The dogwoods identified will be shrubs and the evergreens are low-lying, at less than 2 feet tall.

The letter from architect Patrick McCusker is a requirement for the development permit, which in turn is a requirement of a building permit. If the conditions in his letter are not met in the buildings, the houses will not be in compliance.

Landscaping is a condition of the development permit and are required to be met for final occupancy status to be approved by the building inspection department. Beyond that point, we are unable to enforce landscaping requirements as we do not have a bylaw which regulates unsightly premises.

Recommendation

That the staff report regarding the Development Permit Amendment application submitted by Marvin Dean, Iron Horse Developments Ltd., to construct 8 – two family dwellings in the Commercial and Multi-Family Development Permit and the Alpine and

Page 3 of 4

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Environmentally Sensitive Landscape Reclamation Development Permit areas on the parcel legally described as Lot A, Plan KAP83081, DL 4213, 4284, Big White, Electoral Area 'E' / West Boundary, be received.

Attachments

Site Location Map

Subject Property Map

Applicant Submission

Page 4 of 4

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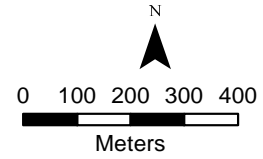


Regional District of
Kootenay Boundary

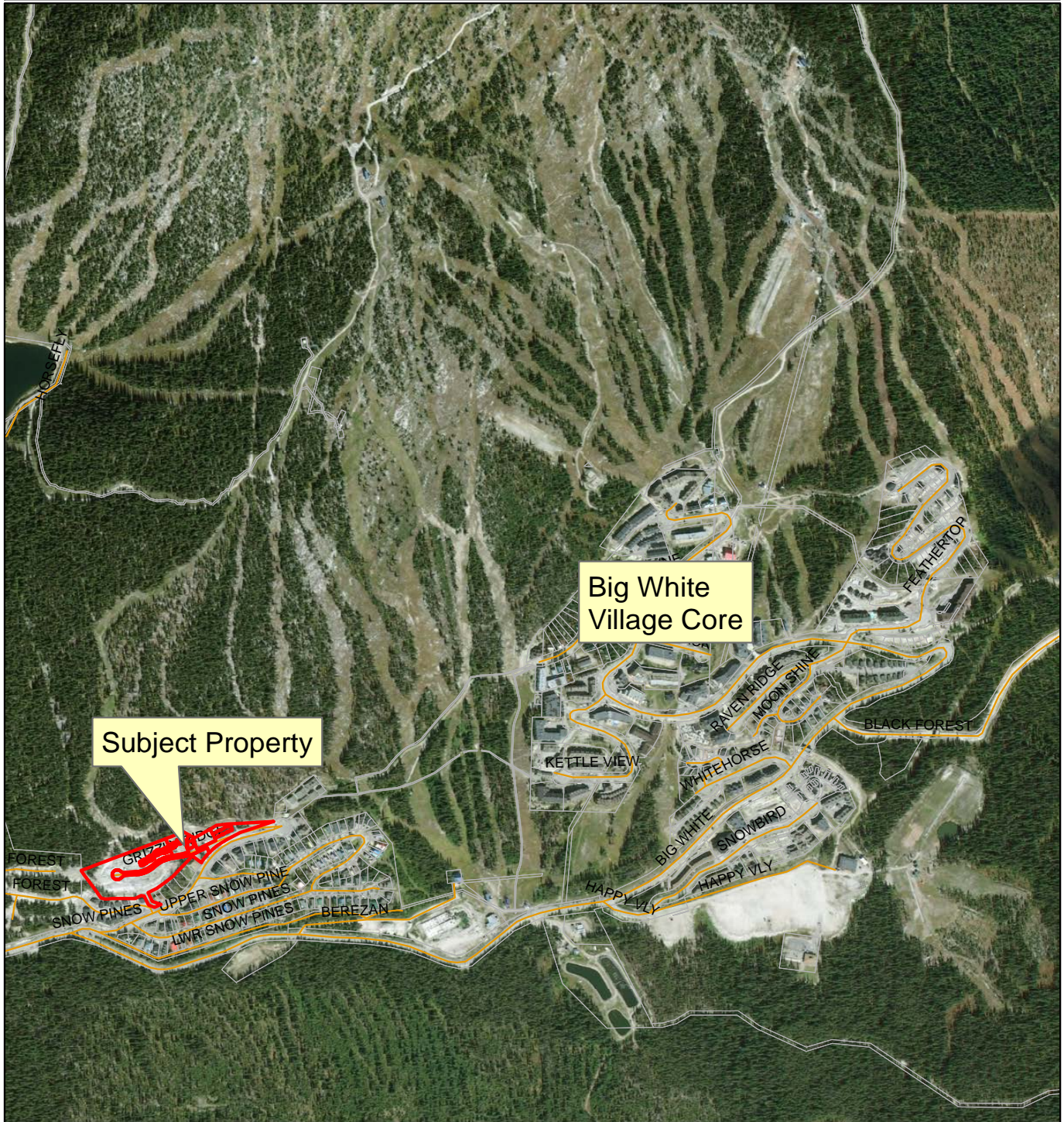
Date: 19/03/2019

Site Location Map

Grizzly Ridge Development
Lot A, KAP83081, DL 4213 4248



1:12,255



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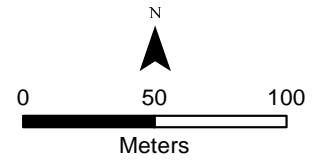


Regional District of
Kootenay Boundary

Date: 19/03/2019

Subject Property Map

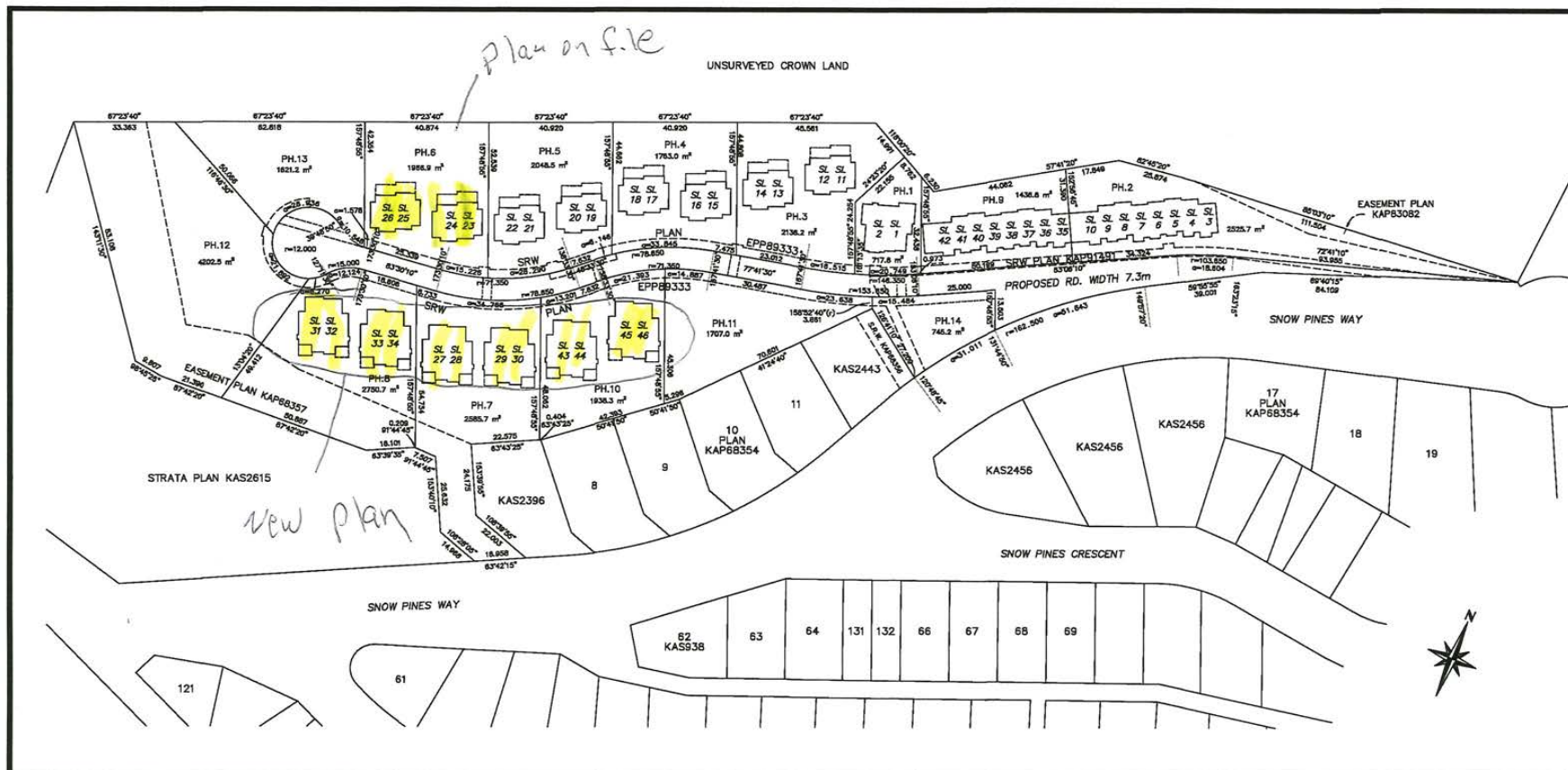
Grizzly Ridge Development
Lot A, KAP83081, DL 4213 4248



1:2,500



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TITLE:

SKETCH PLAN TO ACCOMPANY DISCLOSURE
STATEMENT FOR PHASED STRATA PLAN OF
LOT A, PLAN KAP83081, D.L. 4213, S.D.Y.D.

DRAWN BY:

RUNNALLS DENBY

british columbia land surveyors

259A Lawrence Avenue
Kelowna, B.C.
V1Y 6L2

Phone: (250)763-7322
Fax: (250)763-4413
Email: nell@runnallsdenby.com

CLIENT:

GRIZZLY RIDGE DEVELOPMENTS

SCALE:

1:1500 (8.5" x 14"")

DATE:

February 5th, 2019

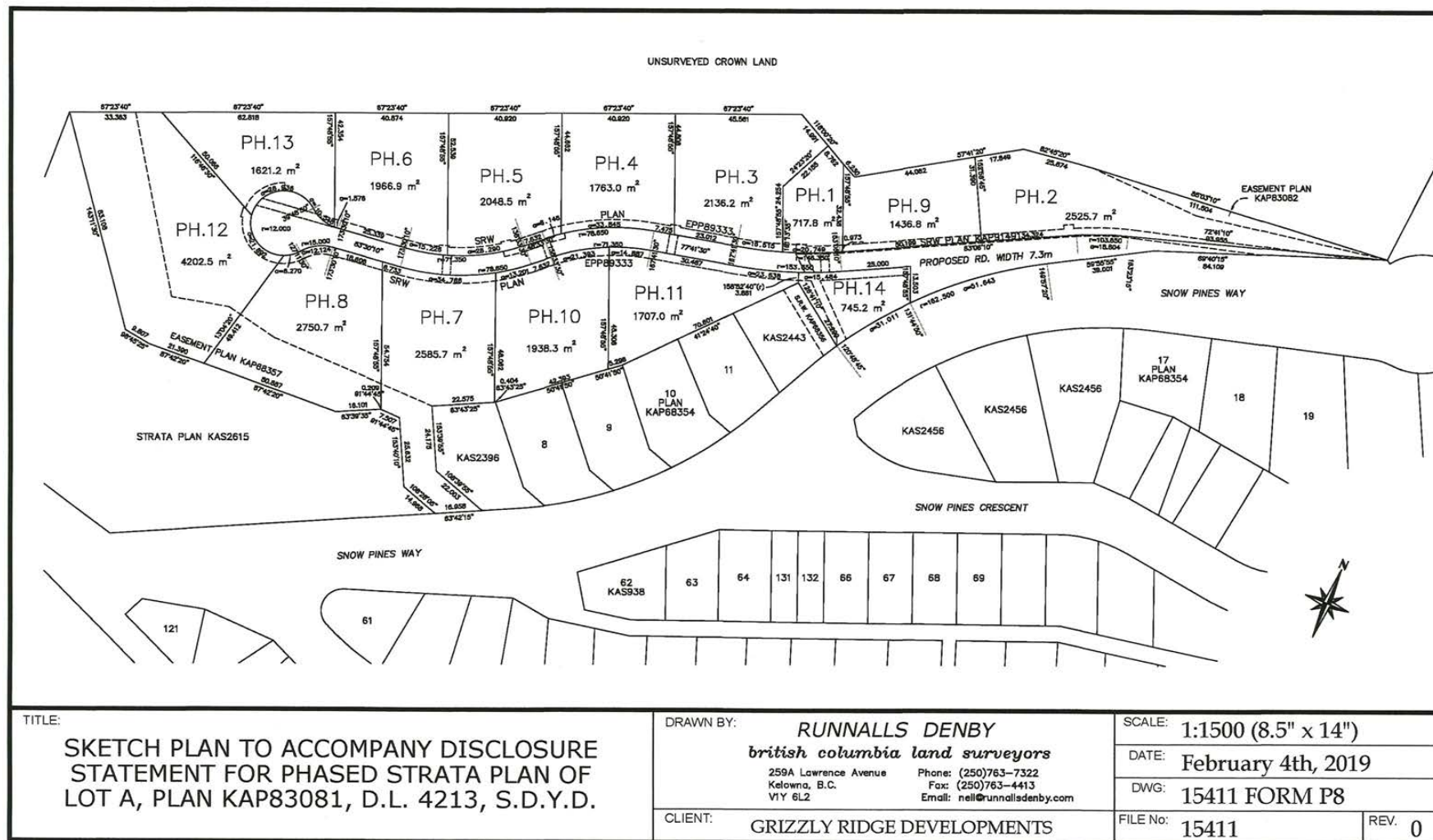
DWG:

15411 DISCLOSURE 10

FILE No:

15411

REV. 0



APPLICANT SUBMISSION

D.C. Ponto and Associates Ltd.
Consulting Engineers

March 13, 2018

Our File: GG0501

Regional District of Kootenay Boundary

202-843 Rossland Avenue
Trail, BC
V1R 4S8

Attn: Mr. Ken Gobeil

Re: ***Grizzly Ridge Strata Development***
Storm Water Management and Snow Storage Plan

Mr. Gobeil,

Please see the attached storm water management and snow storage plan for the Grizzly Ridge Strata development. This plan has been revised from our original submission to accommodate the new proposed building layout scheme.

Storm Water Management:

The onsite storm water works consist of a catchbasin collection and ground recharge system for the minor (10 year) events and overland flow via the road corridor for the major events. The onsite storm flows are routed into a subsurface storage and ground discharge system consisting of drywells and a perforated pipe system. Surcharge storm water is conveyed via closed conduit and discharges to the existing storm water drainage system on Snowpine Road.

The offsite drainage follows the Snowpine Road storm water system to Big White Road where it crosses via culvert and enters the natural watercourse system.

All storm works have been designed and constructed using good engineering principals and practices.

Snow Storage:

Snow storage for this site will be accommodated in the dedicated sites as shown on the attached plan. The proposed snow storage areas are located where any ice fall and/or shedding will be onto non-traveled boulevards and/or drainage ditches. This will ensure no danger is presented to the pedestrian walkway, entry point, ski runs and/or vehicles. These sites will be used to accommodate the onsite road and walkway snow storage and, if required, excess snow removal will be to an offsite facility via loader and truck transport.

APPLICANT SUBMISSION

D.C. Ponto and Associates Ltd.
Consulting Engineers

The Strata for this development will be responsible for the snow removal program as well as application of de-icer or sand/salt to the roadway and walk paths to ensure public safety on all common areas.

Retention of snow on building roofs will be addressed by the building designer/architect.

We trust this addresses your concerns regarding storm water management and snow storage for this development. Please do not hesitate to contact our office if you have any further questions or concerns.

Thank you.

Yours truly

D.C. Ponto and Associates Ltd.




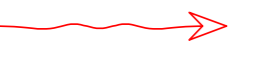
Don Ponto, P.Eng.





cc: Iron Horse Developments Ltd. – attn: Marvin Dean

SYMBOLS LEGEND

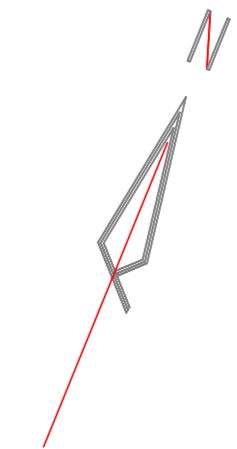
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 MINOR FLOW ROUTE

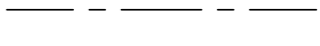
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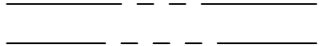
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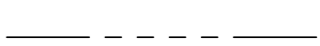
NOTE: ALL SNOW IN EXCESS OF STORAGE AREA CAPACITIES TO BE TRANSPORTED TO OFFSITE DISPOSAL

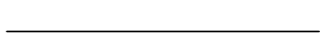


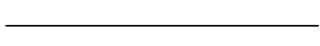
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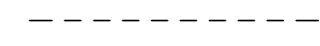
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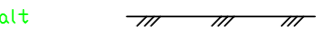
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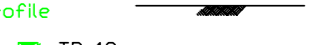
Storm Sewer 


Gas 


U.G. Telephone 


Cable T.V. 


U.G. Electrical 


Edge of Asphalt 


Ex. Ground Profile 


Test Pit  TP 12


Lamp Standard  L.S.


Catch Basin  C.B.


Manhole  M.H.


Trees 

Ditch 

Power Pole  P.P.

Hydrant 

Walls 

Control Mon. 

2	Mar12, 2018	ISSUED FOR APPROVAL	DP	DP
1	May 8, 2006	ISSUED FOR APPROVAL	DP	DP
No.	Date	Revision	By	App



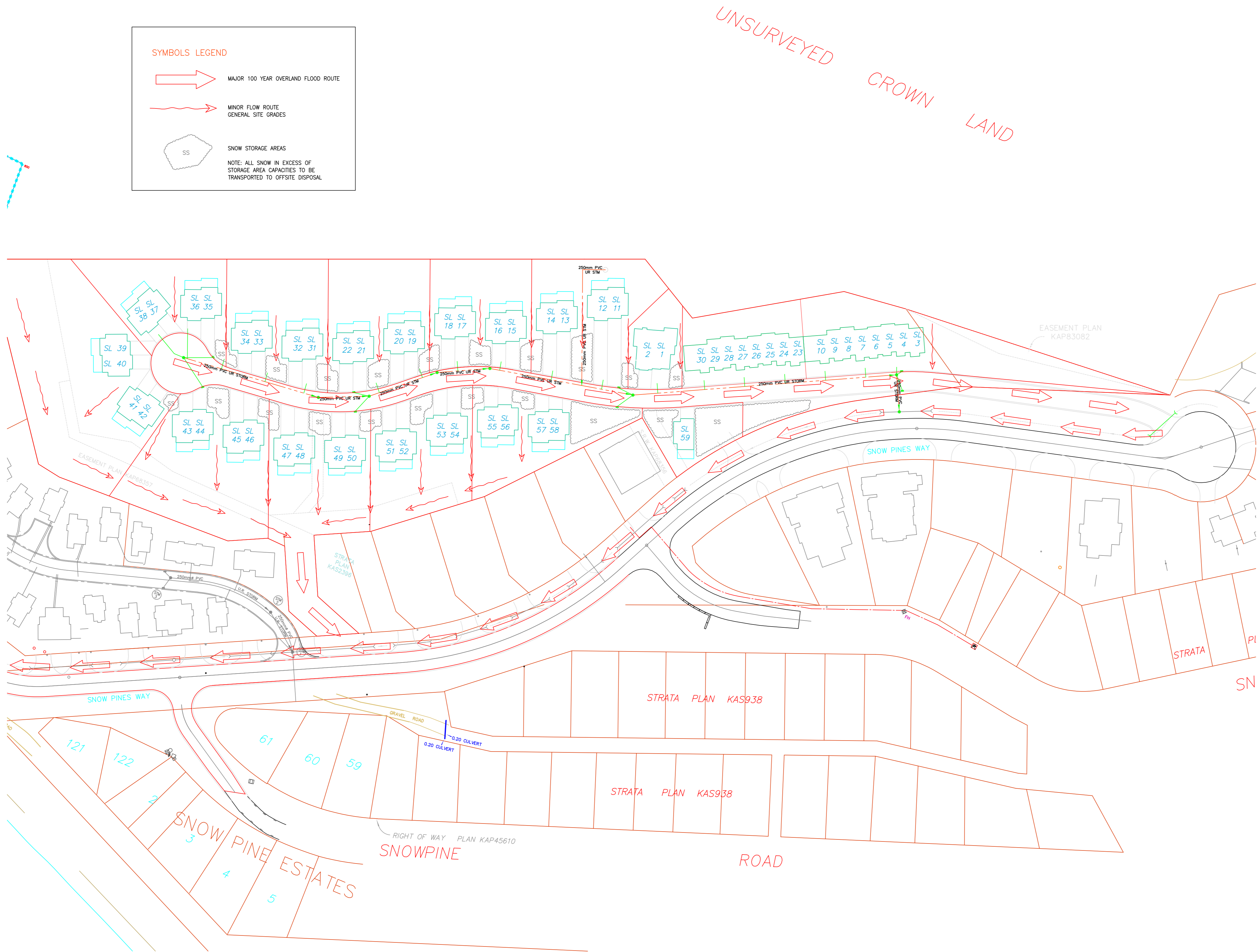
D.C. PONTO AND ASSOCIATES LTD.
CONSULTING ENGINEERS
TEL (250) 548-3383 12330 OYAMA ROAD
FAX (250) 548-3403 LAKE COUNTRY, BC
V4V 2A3

**GRIZZLY
RIDGE**

**CREYSTONE GROUP
DEVELOPMENTS**

**STORM WATER MANAGEMENT
AND SNOW STORAGE PLAN**

Design	D.P.	Date	MAY 2006
Drawn	D.P.	File	GSG0501
Approved	D.P.	District File	N/A
Scale	1:750 HORIZ.	Drawing No.	SWMP001
		Rev. No.	1



APPLICANT SUBMISSION

June 13, 2018

RE: Grizzly ridge

To whom it may concern

The building site, in which we are requesting a development permit amendment for, currently has no vegetation. It was blasted and completely cleared at time of servicing. There is no existing vegetation, there is nothing to preserve or reuse. There is no soil to retain, any top soil brought in for plant growth will be covered with fabric and gravel cover.

The number of plants needed per site will be determined as per size of space and taking into account that when the plants mature that we don't want over growth.

The back of the buildings will be gravel base and a few shrubs as needed, as this will be ski in access. Between building will be gravel as it will be ski access and nothing will grow do to lack of sunshine.

We will plant some grass for color, grass doesn't grow that well at the Big White altitude, and needs constant watering.

There is no top soil on site; therefore it will all be trucked onto the site.

The vegetation that will be planted on the site is exclusively composed of species that grow naturally in the area and are accustomed to high attitudes. Because of this, maintenance of this vegetation will only be required for the first couple of years, until established. Hand water will be required by the owner for the first couple years until the plants get established .

This a flat site with a slight slope so no drainage or bank issues

Snow storage is between driveways and all trees and bigger shrubs will be tepee protected in the winter until they mature.

The overall look will be shrubs and trees and a gravel base over landscape fabric.

Regards,

APPLICANT SUBMISSION

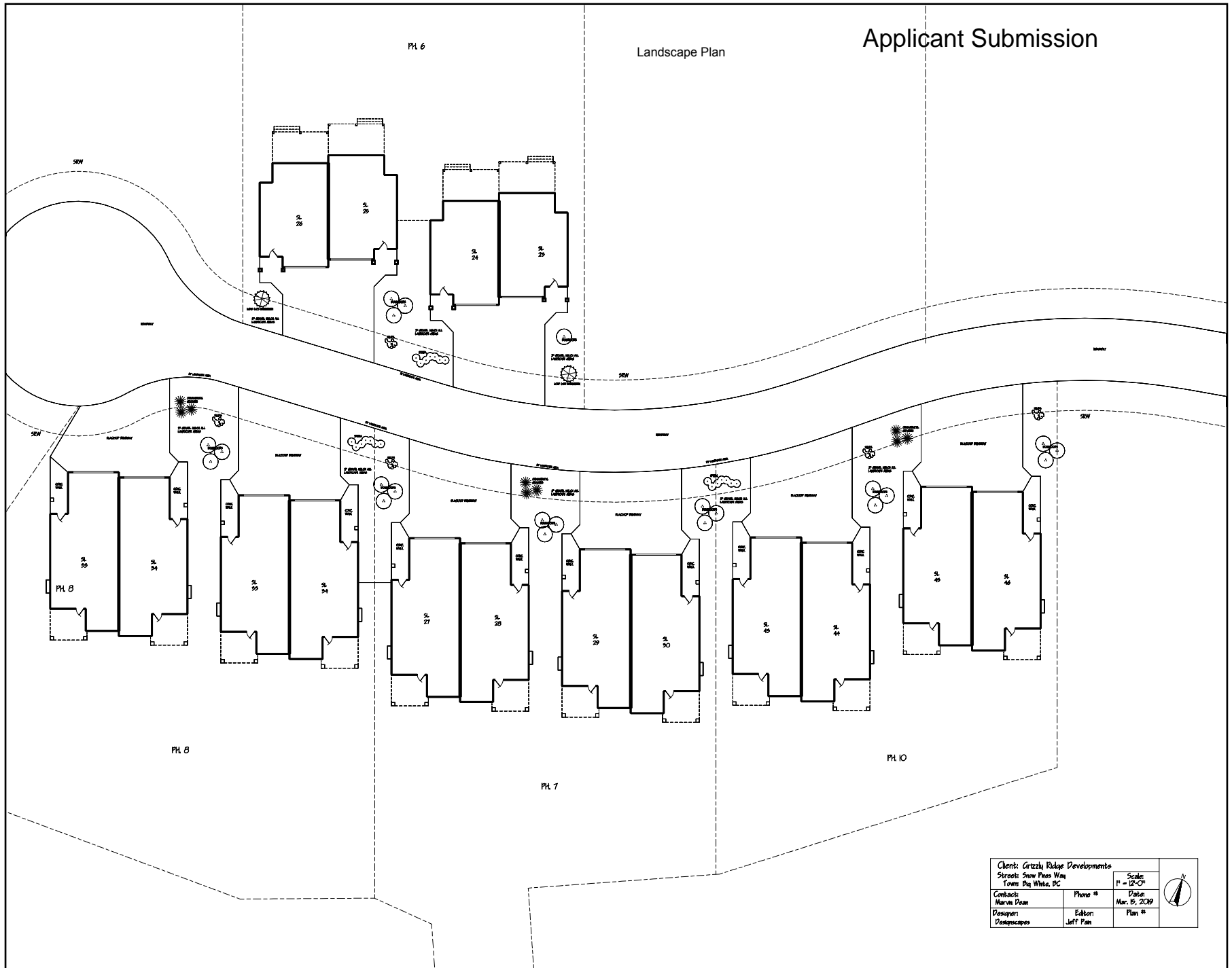
Marvin Dean


Grizzly Ridge

250-878-0666

Applicant Submission

Landscape Plan



Client: Grizzly Ridge Developments		Scale: 1" = 12'-0"	
Street: Snow Pine Way			
Town: Big White, BC		Date: Mar. 15, 2009	Plan #
Contact: Marvin Dean	Phone #		
Designer: Dezanscapes	Editor: Jeff Pan		

Applicant Submission



PATRICK McCUSKER
ARCHITECTURE INC.

January 29, 2019

Attention: Ken Gobeil : Planner
Regional District of Kootenay Boundary
202 – 843 Ross land Avenue
Trail, BC V1R 4S8



Re: Snow Management Strategy for Grizzly Ridge Development Lot A Plan KAP83081, Big White Ski Resort, B.C.

The Buildings for this project should be designed to incorporate the following Snow Management Strategies:

1. To minimize the potential for Ice Damming at the roof edges a minimum of R 40 insulation with in the roof cavity should be required, combined with a continuous air barrier at the attic ceiling.
(Note) Penetrations of the air barrier should be kept to a minimum to maintain its integrity and prevent warm moist air leakage into the attic space.
2. Proper roof cross ventilation by way of continuous soffit venting and unobstructed ridge venting will be required to maintaining a consistent outdoor temperature along the roof surface to further minimize the potential of thawing along outer roof surface during freeze/ thaw cycles.
(ventilation amount must meet the BCBC and be a minimum of ratio of 1/150)
3. All roofs will be constructed with a continuous Ice and Water Shield water proof membrane.
4. All roofing material should be "High Friction" fiberglass asphalt shingles and have a maximum 4/12 pitch to allow snow accumulation to remain on the roof and prevent sluffing
All front entries, decks and main floor outdoor living spaces beneath the main roof should be design with cover structurally secure to prevent falling snow hazard from the main roof. In addition, pathways should be pulled away from the eaves by way of landscaping and all entries will be recessed to provide additional protection.
5. Driveways that exceed 8% slope should be heat traced
6. Snow management of roads and driveways should be maintained by the ownership management agent.

PATRICK McCUSKER, PRINCIPAL / PATRICK McCUSKER ARCHITECTURE INC.
ARCHITECT AIBC, AAA, MRAIC

3430 Benvoulin Road, Kelowna, B.C. V1W 4M5
Phone: 778-484-0223 www.pmcarch.com

Applicant Submission

7. Ice and snow build up at entrances and designated emergency exits around the building should be monitored on a regular basis and kept clear by the ownership management agent.
8. Excess snow should be stockpiled on site in designated snow areas shown on a submitted site plan. In the case of extreme snow conditions, the owner should enter into a snow removal contract with a snow removal company based in Big White.

If the above measures are implemented people and property could be protected in a reasonable manner from snow shedding

Please note that these are only strategies and not specification.

PMA will not be reviewing or inspecting the construction nor take any responsibility to assure compliance to these suggestions.

This will be the responsibility of the designer, the contractor and the developer.

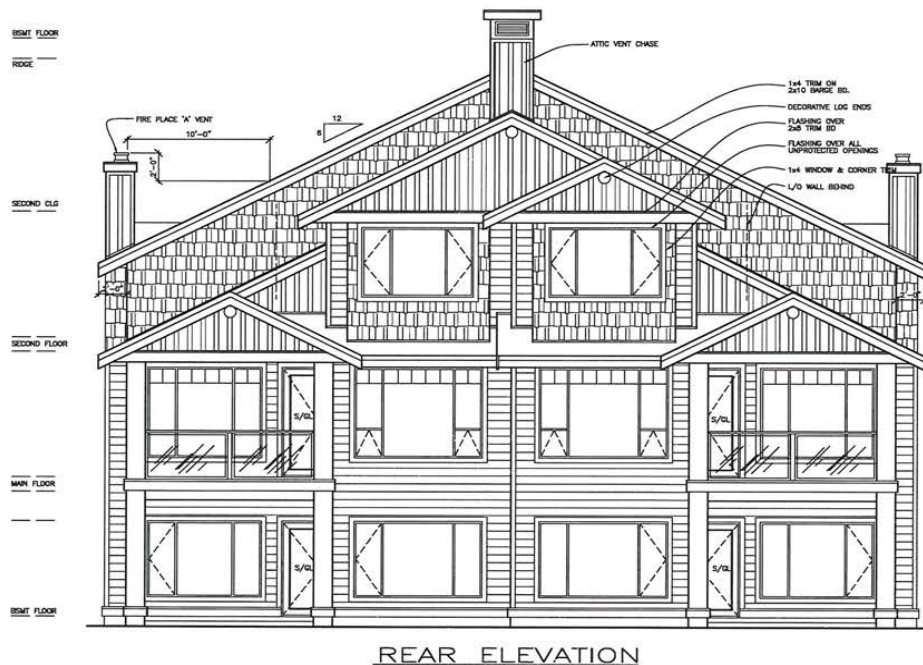
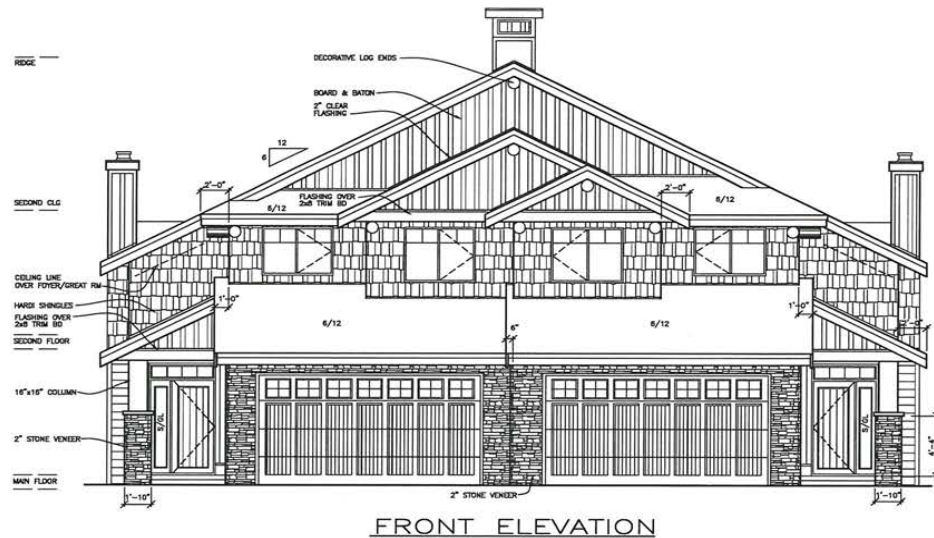
Should you have any further questions or concerns regarding this snow management strategy, please feel free to contact me at 778-484-0223

Yours Truly,



Patrick McCusker
Principal-Patrick McCusker Architect Inc
Architect-.A.I.B.C., A.A.A ,M.R.A.I.C.,





NOTE:
ENGINEER'S ADDENDUMS, STRUCTURAL DETAILS, AND NOTE
SUPERCEDE THOSE NOTED ON THIS GENERAL NOTE SHEET
DEPENDING ON LOCAL CONDITIONS.

GENERAL NOTES

STANDARD NOTES

- [illegible]

ERRORS AND OMISSION

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- SHOULD ANY DISCREPANCIES BE FOUND ON THESE PLANS PLEASE ADVISE OUR OFFICE AT YOUR EARLIEST CONVENIENCE. BY DOING SO WE WILL BE ABLE TO MAKE CORRECTIONS TO THE DRAWINGS AND REPLACE ANY PLANS PURCHASED IF NECESSARY. IN THIS WAY WE CAN BETTER SERVE YOU AND PREVENT ERRORS FROM OCCURRING.

STRUCTURAL DESIGN AND ENGINEERING

- * TO PROVIDE OUR CLIENTS WITH DISTINCTIVE AND ATTRACTIVE DESIGNS IT HAS BEEN NECESSARY IN SOME INSTANCES TO USE BEAM SIZES AND FRAMING DETAILS NOT SPECIFIED IN PART NINE OF THE I.C. BUILDING CODE. THE CITY OR MUNICIPAL BUILDING DEPARTMENT MAY REQUIRE CONFIRMATION BY A CERTIFIED STRUCTURAL ENGINEER WHO IS THE RESPONSIBILITY OF OWNER OR BUILDER TO PROVIDE.

STRUCTURAL DESIGN CRITERIA

- ASSUMED ROOF DESIGN LOAD (LIVE AND DEAD) - 30 POUNDS PER SQUARE FOOT (2.5 KN/M²).
- ASSUMED SOIL BEARING CAPACITY - 2,500 P.S.F. (118.7 KN/M²).
- CONCRETE FOUNDATIONS AND SLABS ON GRADE TO HAVE A MINIMUM COMPRESSIVE STRENGTH OF 28 MPa AT DAYS.

- FRAMING LUMBER TO BE OTHERWISE NOTED.

- BEAMS TO BE #2 S.P.F. AND BETTER.
- NOTE:
IF SOIL CONDITIONS ARE LESS, OR FLOOR AND ROOF LOADS ARE GREATER THAN THIS PLAN IS DESIGNED FOR, YOUR BUILDING DEPARTMENT MAY REQUIRE ADJUSTMENTS TO THE PLANS OR ASK THAT THE PLANS BE ENGINEERED BY A CERTIFIED STRUCTURAL ENGINEER. IT IS BEST THAT AN

ENGINEER FAMILAR WITH

- SITE PLAN NOTES**
- IF A SITE PLAN IS NOT PROVIDED BY JONSH HOUSE DESIGN LIMITED, THE OWNER OR BUILDER SHALL BE RESPONSIBLE FOR THE CORRECT SITING OF THIS HOME ON THE PROPERTY. JONSH HOUSE DESIGN LIMITED ASSUMES NO LIABILITY FOR PLANS COMPLYING WITH ZONING REGULATIONS OR LOT CONDITIONS.




- OWNER SHALL SUPPLY A SITE PLAN, I.E. DIMENSIONS

- * WELLS AND SEPTIC DISPOSAL SYSTEMS TO BE LOCATED AND CONSTRUCTED IN ACCORDANCE WITH HEALTH ADMINISTRATION MANUAL - HJ-000000000000000000
















EN ECONOMÍA

- INSTALLATION OF ELECTRICAL ITEMS MUST COMPLY WITH THE BC ELECTRICAL CODE AND REGULATIONS AND WITH THE LOCAL ELECTRIC POWER SUPPLIER'S REGULATIONS IN ALL RESPECTS.
- ELECTRICAL OUTLET LOCATIONS SHOWN ON PLANS COMPLY WITH OR EXCEED CURRENT BUILDING CODE MINIMA.

REQUIREMENTS AND ARE
ADJUST ACCORDING TO C

- | ELECTRICAL SYMBOLS | | |
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| | Double line | 12 |
| | Line with crossbar | 13 |
|  | Line with crossbar and dot | 14 |
|  | Line with crossbar and circle | 15 |
|  | Line with crossbar and triangle | 16 |
|  | Line with crossbar and square | 17 |
|  | Line with crossbar and diamond | 18 |
|  | Line with crossbar and hexagon | 19 |
|  | Line with crossbar and octagon | 20 |
|  | Line with crossbar and circle with dot | 21 |
|  | Line with crossbar and circle with cross | 22 |
|  | Line with crossbar and circle with triangle | 23 |
| | Line with crossbar and circle with square | 24 |
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| | Line with crossbar and circle with hexagon | 40 |

SYMBOL	DESCRIPTION	S
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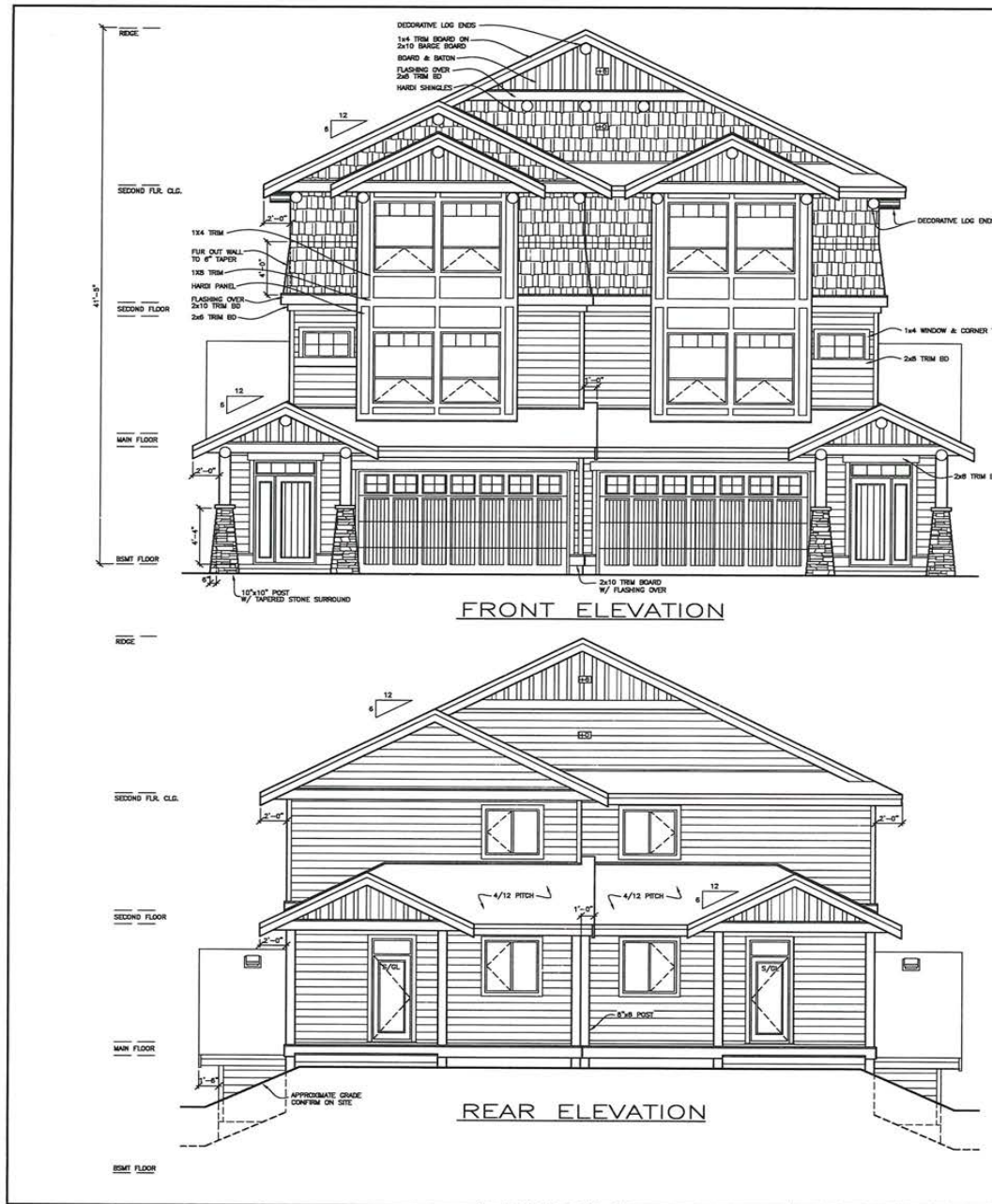
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JENISH HOUSE DESIGN LIMITED

HEAD OFFICE: 1000 SHEPPARD AVENUE EAST, SUITE 100, SCARBOROUGH, ONT. M1S 1T5
 TEL: (416) 291-1111 FAX: (416) 291-1112 1-800-426-8225

This drawing is accurate property of JONAS HOUSE DESIGN LIMITED and may not be reproduced or use in any form without written permission from above	REFERENCE: CUSTOM
DRAWING: TEL/MIN	CHECKED: TS
DATE: NOV. '16	SCALE: 1/4"=1'-0"
SHEET: 6 OF 8	PLAN NUMBER: CS-3-103





NOTE:
ENGINEER'S ADDENDUMS, STRUCTURAL DETAILS AND NOTES
SUPERSEDE THOSE NOTED ON THIS GENERAL NOTE SHEET
DEPENDENT ON LOCAL CONDITIONS.

GENERAL NOTES

STANDARD NOTES

- FOUNDATIONS SHALL BE CONCRETE ON SOLID UNDISTURBED EARTH OR BELOW FLOOD LINE.
- FOUNDATION WALLS SHALL NOT BE INCH FILLED UNLESS CONCRETE HAS BEEN PLACED AND CURED TO 50% STRENGTH AND THE WALLS HAVE BEEN PROTECTED FROM WEAR AND TEAR BY INSTALLING OR LATER, ADJUSTABLE BRACKETS SUBJECT TO APPROVAL OF AUTHORITY JURISDICTION.
- GRASS SHOWN ON PLANS ARE CONFORMED.
- ALL CONCRETE AND REINFORCING FOUNDATION WALLS SHALL EXCEED HEIGHTS SPECIFIED BY CURRENT BUILDING CODES REQUIRING CONCRETE.
- PERMITTER DRAINAGE SHALL BE INSTALLED WHERE REQUIRED TO THE APPROVAL OF LOCAL AUTHORITIES.
- IT IS RECOMMENDED THAT ALL FOUNDATION WALLS 24" (600 MM) AND HIGHER SHALL HAVE ONE 12 MM (1/2") DIAMETER REINFORCING BAR CORNER 2' FROM TOP CORNER REINFORCING TO BE LAPPED MINIMUM 24".
- WOOD FRAMING
- DIMENSIONS ARE FROM OUTSIDE FACE OF EXTERIOR STUD TO CENTER OF PIERCEMENT WALLS UNLESS OTHERWISE NOTED. FACE OF EXTERIOR STUD WALL AND FOUNDATION WALL TO BE FLUSH.
- JOISTS SHALL BE SPACED UNLESS OTHERWISE SPECIFIED. PARTITIONS OVER 4'-0" LONG SHALL BE PLACED TO ACCOMMODATE JOIST SPACING, ETC.
- ALL LIMITS SHALL BE 2 - 2 1/2" UNLESS OTHERWISE NOTED.
- WOOD IN CONTACT WITH CONCRETE TO BE SAMP-PROTECTED WITH 40 LB. TEST 5 LB. POLY OR OTHER APPROVED METHOD. PLATES TO BE ADHERED TO CONCRETE WITH 1/2" MINIMUM ANCHOR BOLT AT MINIMUM 6" - 0/2" ON OTHER APPROVED METHOD. EXTERIOR CONCRETE SHALL BE TO BE LOCAL AND UNDERLIES.
- FLOOR JOISTS AND ROOF JOISTS WITH SPACING MORE THAN 7'-0" SHALL BE CHECKED AT 160 SPAN OR AT 7'-0" IF 1/2" MAXIMUM UNLESS CHECKED OR CORRECTED WITH CODES WITH WOOD. BRIDGING SHALL BE 2 X 2 DIAGONAL TYPE MINIMUM 1000 LB.
- ROOF JOISTS REQUIRE ENGINEER'S CERTIFICATE FOR PREMANUFACTURED TRUSSES WITHIN COMPETE FROM MANUFACTURER.

ERRORS AND OMISSIONS

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STRUCTURAL DESIGN AND ENGINEERING

- TO PROVIDE OUR CLIENTS WITH STRUCTURAL AND ARCHITECTURAL DESIGN IF TWO BEEN NECESSARY IN SOME INSTANCES TO USE BEAM CODES AND FRAMING DETAILS NOT SPECIFIED IN PART ONE OF THE S.D. BUILDING CODE. THE CITY OR MUNICIPAL BUILDING DEPARTMENT MAY REQUIRE CONSTRUCTION BY A REGISTERED STRUCTURAL ENGINEER WHO IS THE RESPONSIBILITY OF OWNER OR BUILDER TO PROVIDE.

ASSUMED ROOF DESIGN LOADS (SNC AND DND) - 30 POUNDS PER SQUARE FOOT (1.5 KPA) (15.7 KPA) (15.7 KPA)

- CONCRETE FOUNDATIONS AND SLABS ON GRADE TO HAVE A MINIMUM COMPRESSIVE STRENGTH OF 30 MPA AT 28 DAYS.
- FINISHES LUMBER TO BE #1 S.P.F. AND BETTER UNLESS OTHERWISE NOTED.
- BEAMS TO BE #1 S.P.F. AND BETTER.

NOTE:

- IF ANY DIMENSIONS ARE LESS ON FLOOR AND ROOF LOADS ARE GREATER THAN THIS PLAN IS DESIGNED FOR, YOUR BUILDER DEPARTMENT MAY REQUIRE ADDITIONAL OR OTHER PLANS OR ASK THAT THE PLANS BE ENGINEERED BY A REGISTERED STRUCTURAL ENGINEER. IT IS THE RESPONSIBILITY OF OWNER OR BUILDER TO PROVIDE.

SITE PLAN NOTES

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- OWNER SHALL SUPPLY ANY NECESSARY INFORMATION ON SITE PLAN, I.E. DIMENSIONS, ELEVATIONS OF LOT, LOCAL ELEVATIONS, SITE ACCESS, NORTH ORIENTATION, AND LOCATION OF SERVICES, EXISTENTS AND ROOF OF WAYS. ALL MEASUREMENTS ON SITE PLAN TO BE CORRECTED AND APPROVED BY AUTHORITIES HAVING JURISDICTION BEFORE STARTING CONSTRUCTION.

WELLS AND SEPTIC SYSTEMS, DISTINGUISH TO BE LOCATED AND CONSTRUCTED IN ACCORDANCE WITH HEALTH AUTHORITIES HAVING JURISDICTION.

ELECTRICAL

- INSTALLATION OF ELECTRICAL WORK MUST COMPLY WITH THE LOCAL ELECTRICAL CODE AND REGULATIONS AND WITH THE LOCAL ELECTRIC POWER SUPPLY REGULATIONS IN ALL RESPECTS.
- ELECTRICAL OUTLET LOCATIONS SHOWN ON PLANS COMPLY WITH OR EXCEED CURRENT BUILDING CODE MINIMUM REQUIREMENTS AND ARE TO BE USED AS A GUIDE ONLY. ADJUST ACCORDING TO OWNER'S REQUIREMENTS.

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HEATING

- INSTALLATION OF HEATING SYSTEM MUST COMPLY WITH MANUFACTURER'S DIRECTIONS (WHICH ARE AVAILABLE) AND CONFORM WITH LOCAL CODES AND REGULATIONS IN ALL RESPECTS.
- GAS CONNECTION WILL REQUIRE SEPARATE PERMIT AND INSPECTION.
- FUEL-BURNING APPLIANCES, INCLUDING FURNACES, FIREPLACES AND STOVES, TO BE PROVIDED WITH CONNECTION AS SUPPLY FROM EXTERIOR.

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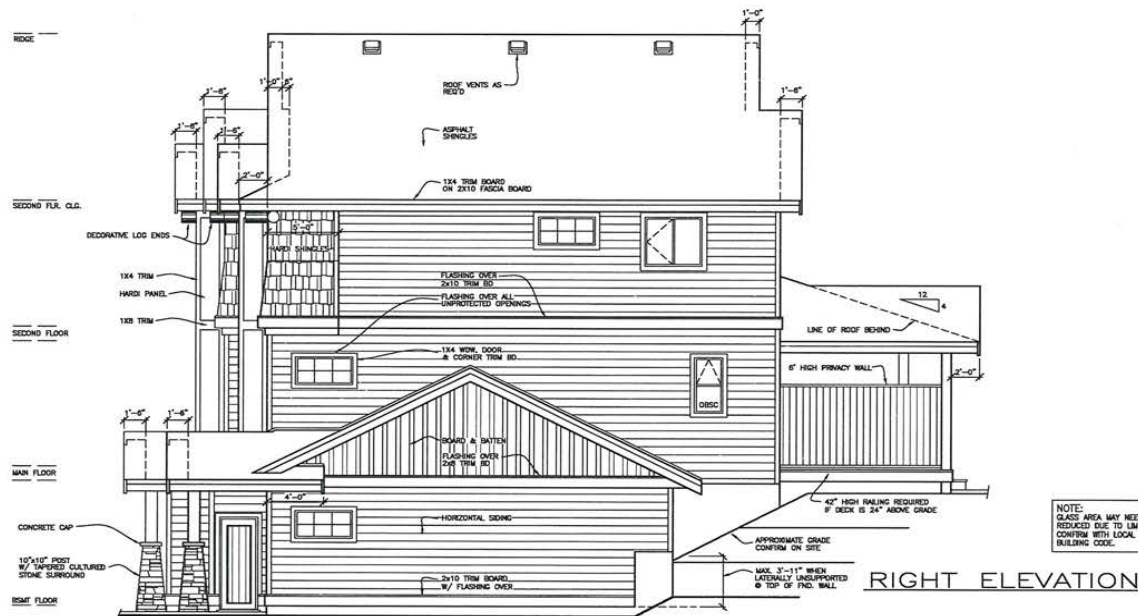
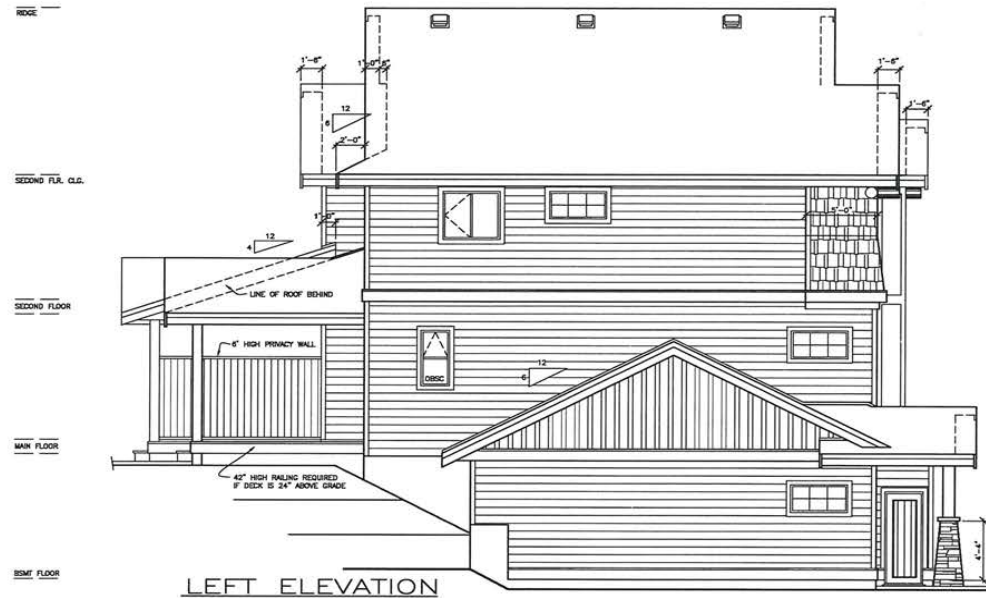
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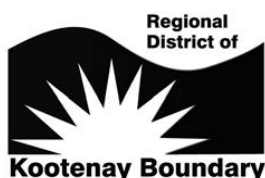
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Applicant Submission



NOTE:
GLASS AREA MAY NEED TO BE
REDUCED DUE TO LIMITING DISTANCE
CONFIRM WITH LOCAL BY LAWS &
BUILDING CODE.

JENISH HOUSE DESIGN LIMITED 	
<small>This drawing is the intellectual property of JENISH HOUSE DESIGN LIMITED and may not be reproduced or used in any form without written permission from Jenish House Design Limited.</small>	
REFERENCE:	CUSTOM
DRAWN:	LM
CHECKED:	TB
DATE:	MAR '15
SCALE:	1/4"=1'-0"
SHEET:	7 OF 8
PLAN NUMBER:	CB-3-101



Electoral Area Services (EAS) Committee Staff Report

RE:	Development Permit Application – Ponderosa Estates		
Date:	April 11, 2019	File #:	C-312-02632.275
To:	Chair Worley and members of the EAS Committee		
From:	Ken Gobeil, Senior Planner		

Issue Introduction

We have received a Development Permit application for Lot 35 on Ponderosa Drive in Electoral Area 'C'/Christina Lake (see Attachments).

Property Information	
Owner(s):	Ponderosa Estates Ltd.
Agent:	Jason Taylor, Christina Lake Cannabis Corp.
Location:	Ponderosa Drive
Electoral Area:	Electoral Area 'C'/ Christina Lake
Legal Description(s):	Lot 35 District Lots 312 & 348 SDYD Plan 29935 Except Plan 39263
Area:	40ha.
Current Use(s):	Vacant
Land Use Bylaws	
OCP Bylaw: 1250	Industrial
DP Area:	Ponderosa Industrial
Zoning Bylaw: 1300	Industrial 2 (I2)
Other	
ALR:	Yes
Waterfront / Floodplain:	NA
Service Area:	NA
Planning Agreement Area:	NA

History / Background Information

Historically the land has been the subject of various applications regarding prospective developments and subdivisions (see Ponderosa Estates Chronology). RDKB records indicate that the subject property has never been used for agricultural purposes.

Page 1 of 3

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The subject property is within the Industrial 2 (I2) Zone which was created in the late 1990's with the permission of the ALC as part of a proposed development that never materialized (see Ponderosa Estates Chronology).

To the north, south, and west of the property are residences within the Rural 1 Zone. The eastern boundary of the property is the Burlington Northern Railway, the Cascade Reload Station and Highway 395. The railway is within the Rail/Trail Corridor 1 zone and the Cascade Reload Station is within the Industrial 1 (I1) zone.

To date the activity to take place includes topsoil removal, gravel extraction, logging, and temporary storage of gas pipe on the property. (see Ponderosa Estates Chronology).

Provincial Agricultural Capability Mapping

The Agricultural Capability Mapping shows that the portions of this property that are within the ALR to be flat with a 5A (6:2A, 4:3TA) ranking (see, Site Location Map).

With irrigation, 60% of the area is Class 2 ranking with a moisture deficiency. The remaining 40% of the area is Class 3 with topography and moisture deficiencies.

Class 2 lands have minor limitations that require good ongoing management practices or may have a minor problem that result in slightly smaller yields than class 1 but does not pose a threat to crop loss under good management. The soils in Class 2 are deep, hold moisture well and can be managed and cropped with little difficulty.

Class 3 lands have limitations more severe than Class 2 and management practices are more difficult to maintain. Limitations may restrict the choice of suitable crops.

775 Highway 395

In September 2018 Industrial Development Permit No. 598-18D was issued for a cannabis cultivation and processing facility on 775 Highway 395. The application included a possible future expansion plan that identified the subject property.

PROPOSAL

The applicants intend to develop the property for cannabis cultivation. Cultivation is proposed in 25-gallon planter pots with a regulated irrigation system. Part of the development includes greenhouses, and a 600m² accessory building for storage, washrooms, and other accessory functions.

The applicant has indicated that this application is part of future growth and expansion plans for the cultivation and processing facility on 775 Highway 395.

IMPLICATIONS

The proposal for the development identifies agriculture as the principal use, which is permitted within the Industrial 2 Zone, and with the *Agricultural Land Commission Act* and the *Agricultural Land Reserve General Regulation*. If approved, this development would be the first documented agricultural activity on the subject property.

Page 2 of 3

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Ponderosa Industrial Development Permit Area

The purpose of the Ponderosa Industrial Development Permit Area is to minimize road access to ensure a minimal impact on the roads and traffic of surrounding properties. Development Permits issued in this area must be in accordance with the following access guidelines:

Road and driveway access to the Ponderosa Development Permit Area from Ponderosa Drive will be limited to a single access point, to be located within 100m of the Burlington Northern Railway crossing. Access to all developments within the Ponderosa Development Permit Area will be provided via an internal road to minimize the impact of industrial traffic upon rural residential use of adjacent areas. Additional access directly from Ponderosa Drive will be permitted if required for fire protection purposes, as confirmed by the local Fire Chief, subject to the Fire Chief's approval, additional accesses should be gated to ensure that they are utilized for emergency purposes only. Where the internal road is proposed to be a frontage road running parallel to Ponderosa Drive, a minimum separation of 80m between the roads shall be provided where it is possible to do so.

The existing property access is within 100m of the Burlington Northern Railway crossing, and no new road access has been proposed.

Referrals

A copy of the APC report has been sent to the Christina Lake Fire Department for comments regarding the proposed development.

The Christina Lake Fire Department requires a six-metre wide access road and a turnaround area. There were no concerns with the planned access route.

RECOMMENDATION

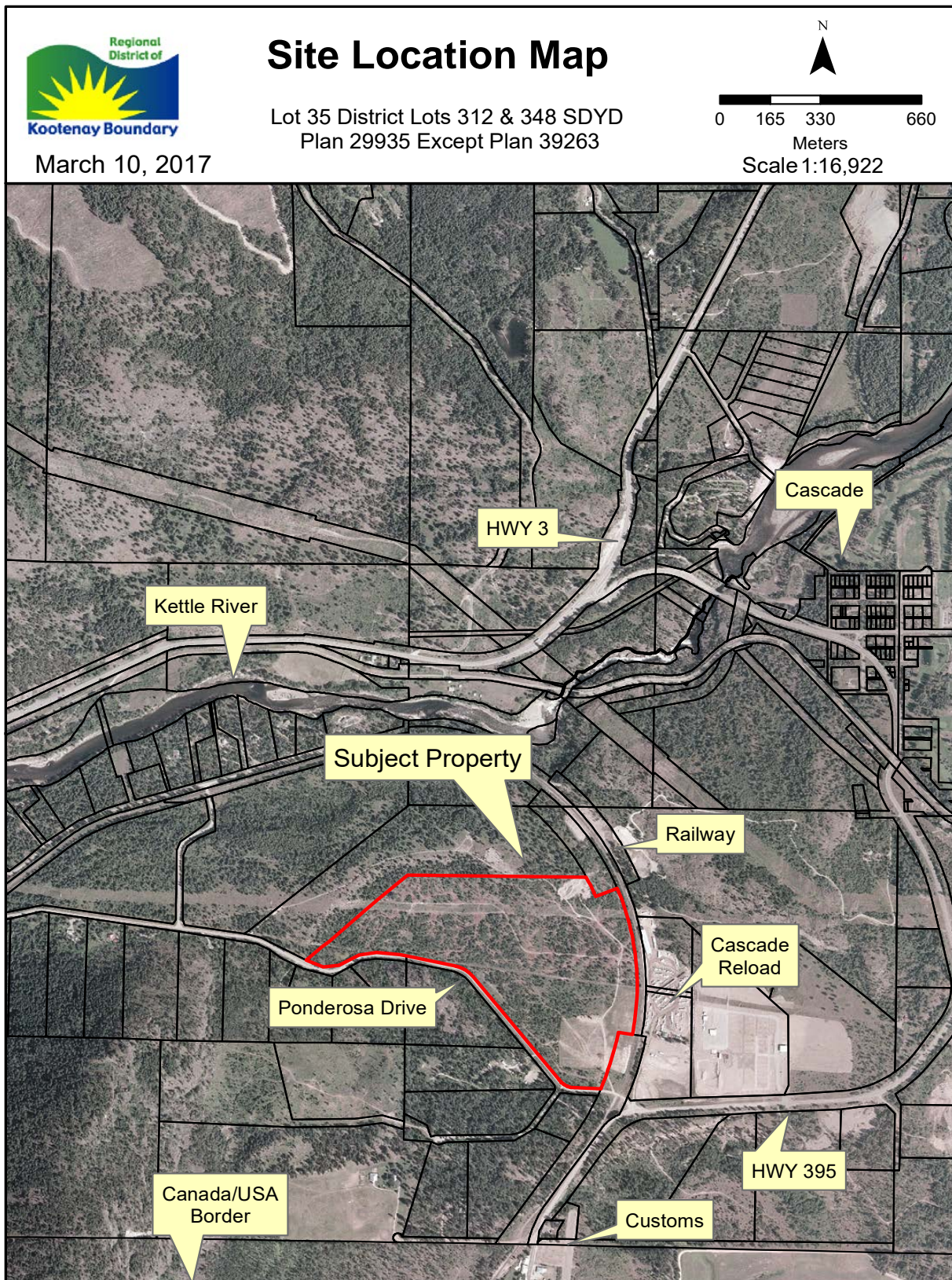
That the staff report regarding the Development Permit application submitted by Jason Taylor on behalf of Ponderosa Estates to construct a cannabis cultivation facility in the Ponderosa Industrial Development Permit Area on the parcel legally described as Lot 35 District Lots 312 & 348 SDYD Plan 29935 Except Plan 39263, Electoral Area 'C'/Christina Lake be received.

ATTACHMENTS

Site Location Map
Subject Property Map
Applicants Submission
Ponderosa Estates Chronology

Page 3 of 3

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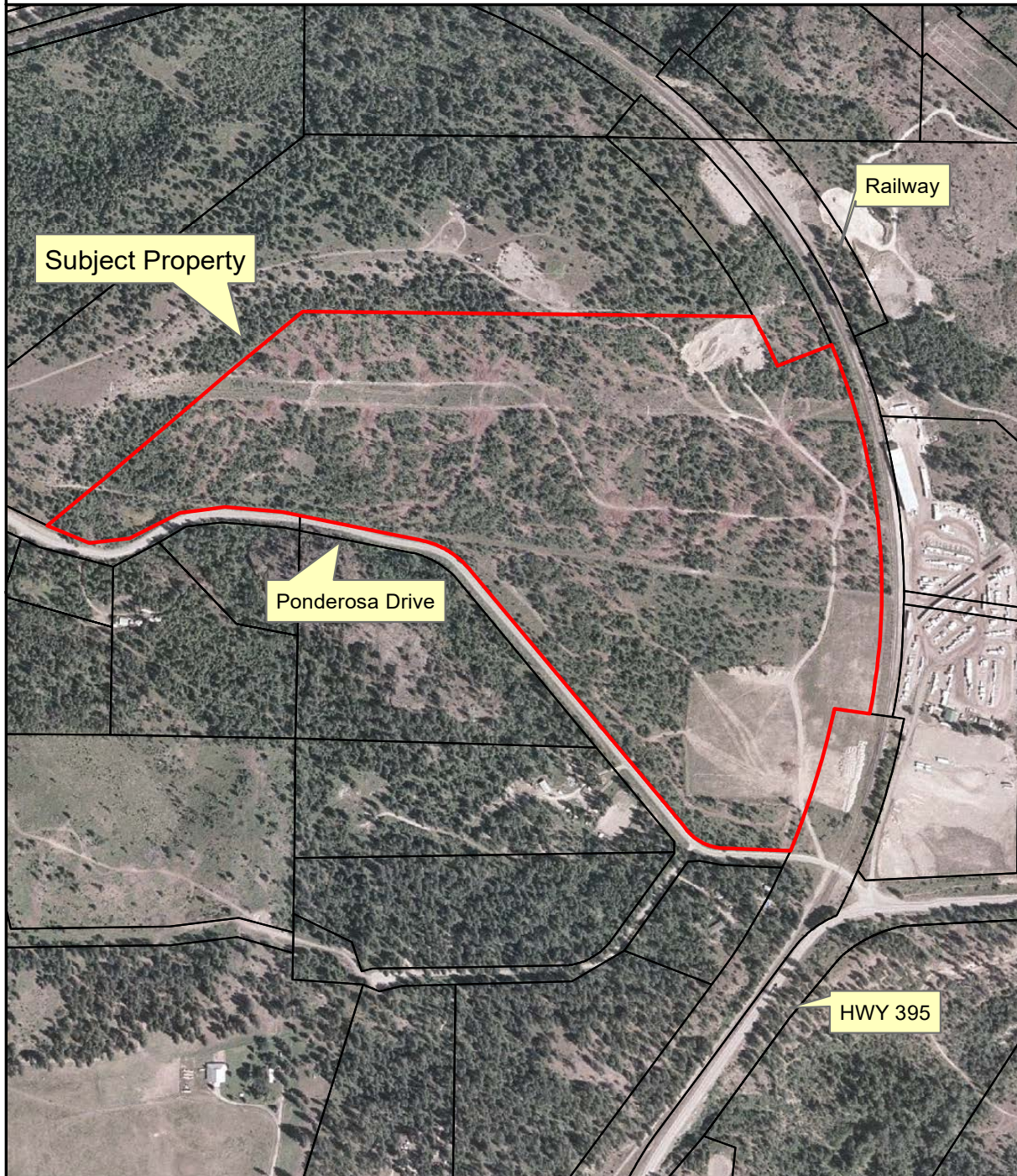
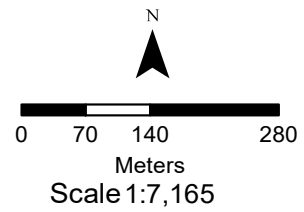


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March 10, 2017

Subject Property Map

Lot 35 District Lots 312 & 348 SDYD
Plan 29935 Except Plan 39263

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APPLICANT SUBMISSION

Development Application, pursuant to s. 3.5 of the *Area 'C' Official Community Plan-Bylaw No. 1250*, 2004, as amended, *Area 'C' Zoning Bylaw No. 1300*, 2007 as amended and s. 919.1(1)(f) of the *Local Government Act* [RSBC 1996] C. 323

Legal Description: Lot 35, District Lots 312 and 348, Similkameen Division, Yale District Plan 29935, Except Plan 39263

Parcel ID: 004-128-923

Civic Address: Unassigned

Roll Number: 17-712-02632.275

Lot Size: 99.1 Acres

I. Current Use

Although the subject property is currently unoccupied and undeveloped it appears that a small sand and/or gravel pit¹, located towards the north east corner of the property may have been used on a cottage industry scale for a brief time in the past given its shallow depth and extent. Approximately eight (8) acres of the subject property appear to have been landscaped by levelling the ground, apparently in preparation for other developments that were not subsequently undertaken. In addition, there appears to have been some small-scale logging on the property to clear vegetation and trees from the aforementioned area that was landscaped.

II. Property Description

Subject property is currently devoid of any buildings or other structures and there is some debris scattered throughout the property, primarily consisting of scrap metal. The boundaries of the property and northern half of it are densely treed, primarily with Ponderosa Pine, excepting the south west corner near the sole access point and the aforementioned landscaped area immediately north east of the access point where the vegetation is sparse, consisting primarily of scrub brush and stunted Ponderosa pine trees. The property's access point is a dirt road extending from Ponderosa Drive, near its junction with Mountain View Road, through to the gravel/sand pit at the north east corner of the property.

¹ Approximately 2,000m²

APPLICANT SUBMISSION

III. Proposed Use

In accordance with and pursuant to s. 418(1)(a) of *Area 'C' Zoning Bylaw No. 1300*, the developer intends to develop the property to legally cultivate cannabis on approximately 80 of the 99 acres on the property. This use will not create any industrial or commercial waste as contemplated by s. 419(9) of the zoning bylaw.

IV. Property Developments

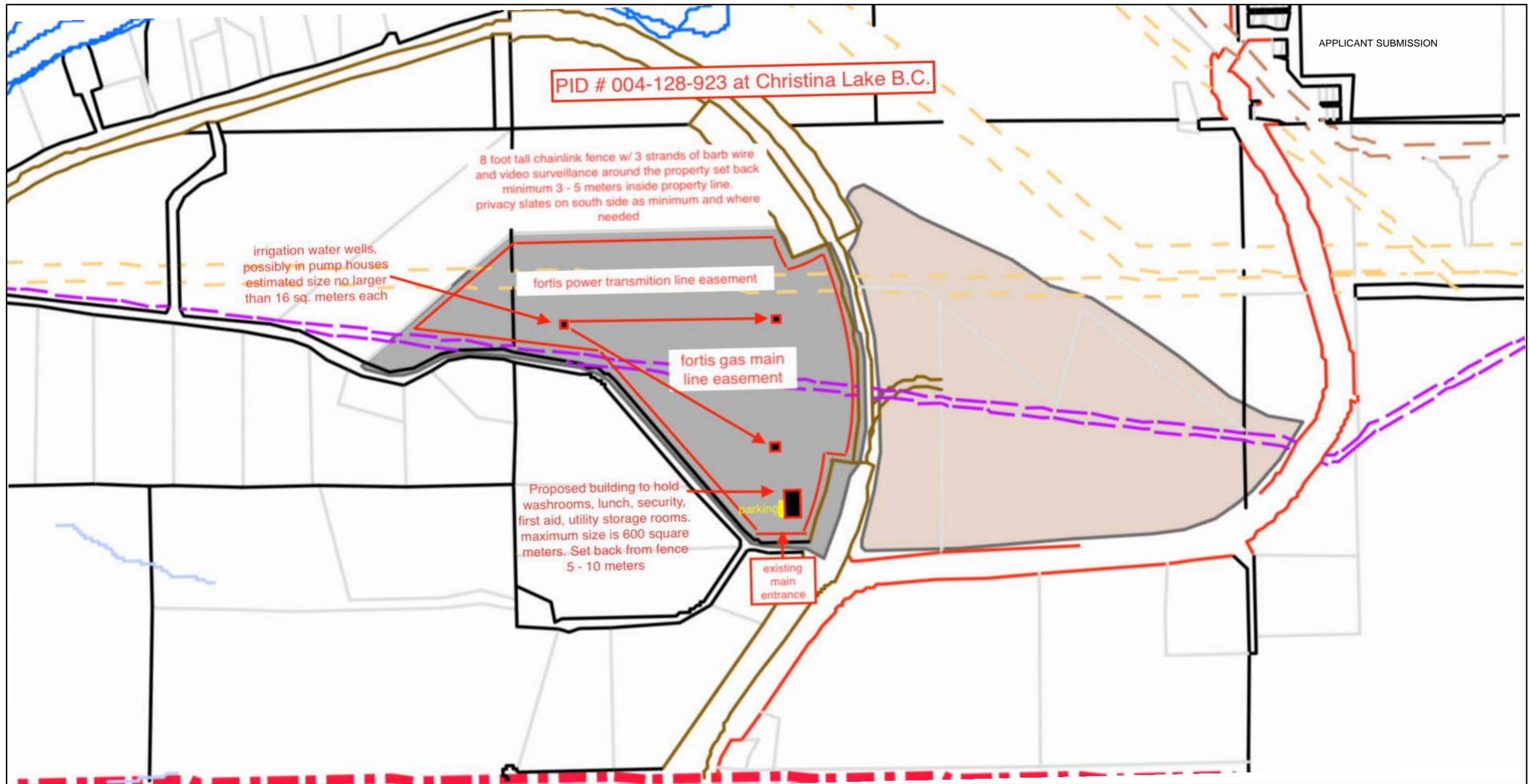
- i. The developer intends to cultivate cannabis in 25-gallon planter pots, using a self-regulating drip line irrigation system, which is a flexible, plastic tube that sits above ground and only distributes water into the growing pots. As a result, most if not all of the irrigation water will be consumed by the plants and the rest will evaporate. Any excess water that escapes the pots will be as a result an unanticipated fault in the irrigation system but is not of concern as water conservation is a high priority for the developer and the land, primarily composed of sand, gravel and some top soil, will easily absorb any such water spill(s);
- ii. Erect a 600 square metre building at a cost of approximately \$1.5 million to provide equipment storage and facilities such washrooms etc., as required to comply with applicable employment, safety and security laws and regulations, in accordance with ss. 419(2)(a) of zoning bylaw 1300;
- iii. Erect 3 to 5, 40' x 100' greenhouses, without concrete foundations, pursuant to s.419(1)(a) and (i);
- iv. The developer intends to maintain the trees surrounding the property's perimeter to a depth of approximately 5 metres, or as much as is permitted by the security requirements of the *Cannabis Act* and the Cannabis Regulations², to maintain privacy and occlude a view into the property from any public rights of way;
- v. The developer will completely encircle the subject property in high security wire mesh fencing as required by the *Cannabis Regulations*, that is 8 feet tall and capped with 1 foot of barb wire, along with security cameras and other required security equipment, inside the aforementioned ring of trees surrounding the perimeter of the property. The fencing around the property's south west corner by the sole access point off Ponderosa Road will include vinyl privacy slats to occlude a view of the property's interior from all public rights of way;

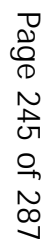
² S.C. 2018, c. 16 and SOR/2018-144, respectively.

APPLICANT SUBMISSION

- vi. Some logging will be required to clear sufficient space to improve the access road and clear the area where the new building will be erected, close to the property's access point. The developer does not intend to construct any additional access to the property by road. More extensive logging will be required on the northern half of the property to clear space sufficient to cultivate as previously described;
- vii. Exterior lighting along the property's perimeter will be limited to the access gate where security cameras will also be in operation, in accordance with Health Canada regulations. Although federal regulations stipulate that all access gates are adequately lit at night, the developer does not anticipate this causing any disturbance to the area as a result, due to the fact that any additional lighting will be minimal and only for recognized security concerns and regulatory compliance. Nevertheless, any disturbance caused by the required lighting of the gate access, can be ameliorated through various means including lightshades that direct the light to the specific area that requires it to minimize light pollution;
- viii. The developer intends to develop a pump house to draw water from the Kettle River under Conditional Water License No. 105795, issued by the Province on February 9, 1994 which is appurtenant to the property. The developer intends to develop one or two water wells as a redundancy in conformance with its corporate operational risk mitigation strategy. The developer intends to register any water wells so developed, in accordance with the *Water Sustainability Act*³;
- ix. The developer anticipates having a maximum of 15 employees working on site, aside from temporary and occasional contractors, over the next two years. As such, the 10 parking spaces that have been allocated directly adjacent to the proposed new structure, including at least one of a size to accommodate any mobility impaired persons, will be more than sufficient to comply with section 319 of zoning bylaw no. 1300.
- x. A septic system will be installed in conjunction with the construction of the aforementioned building in compliance with all applicable laws, regulations and codes;
- xi. The developer will connect with proposed new 600m² structure with electrical and natural gas distribution services but the pump house will only be equipped with electrical distribution services; and

³ [SBC 2014] c. 15





Ponderosa Estates Chronology

1950's

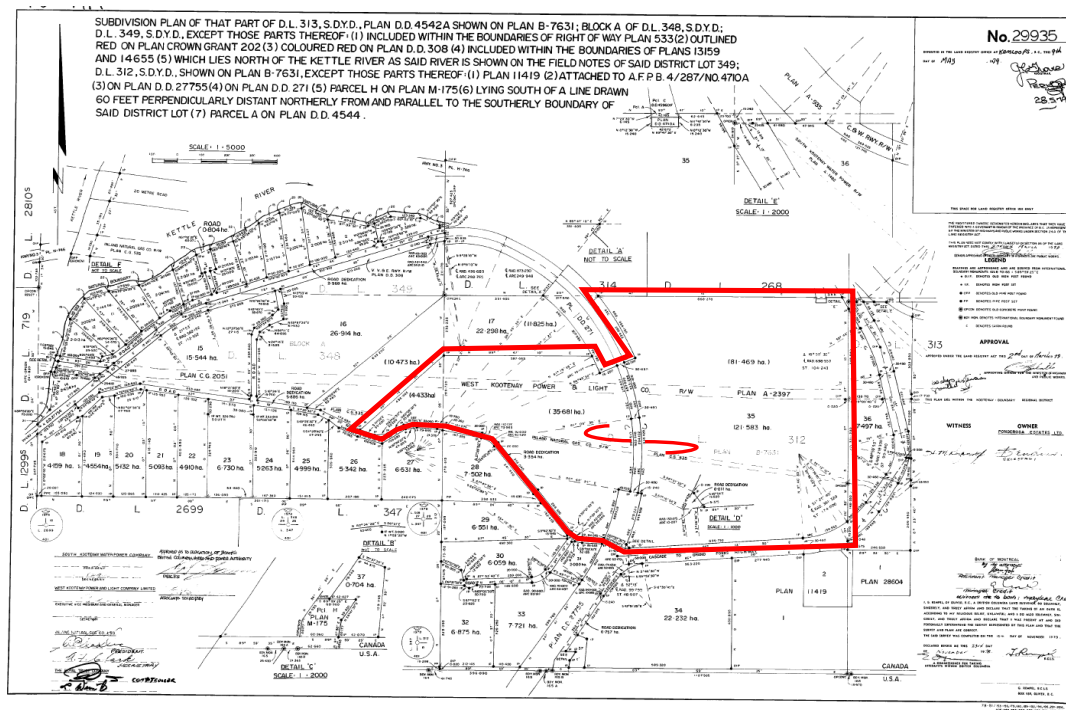
1950 is the approximate year when the Sandhens acquired the subject parcel and surrounding lands.

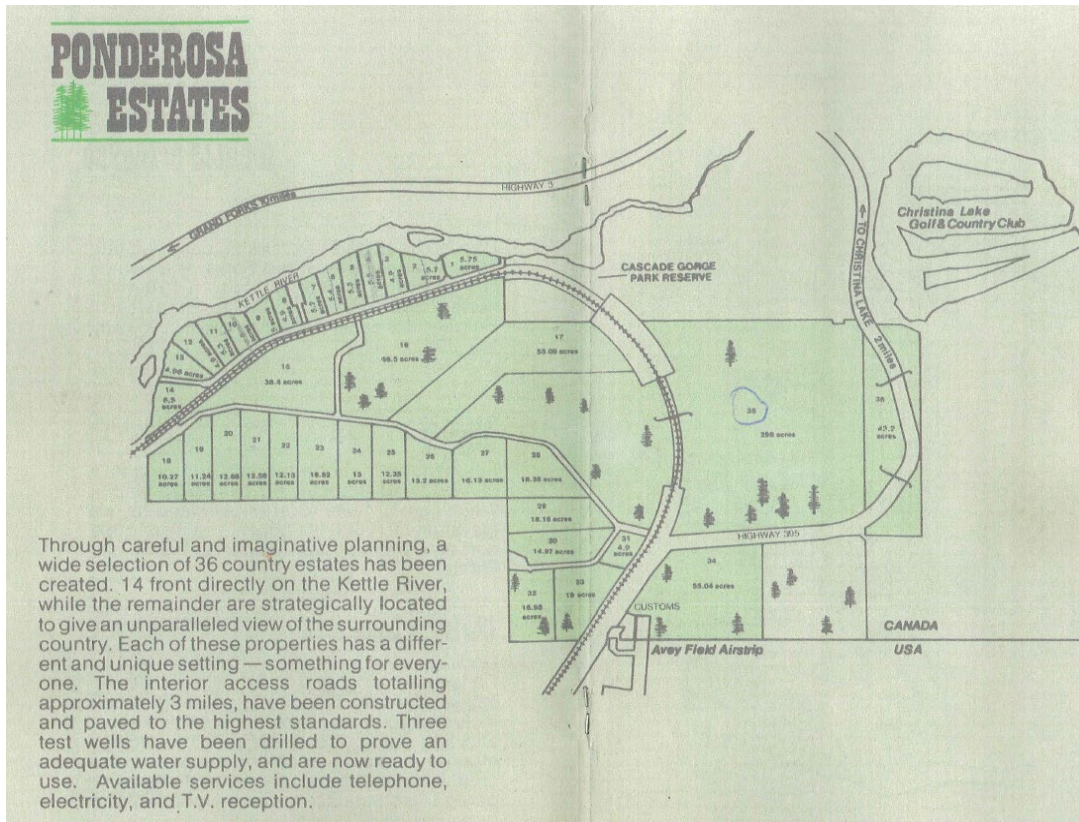
1960's

No significant developments or proposals are on file.

1970's

In 1976 an application was made to the ALC for a 40 lot subdivision. The majority of these lots were along the Kettle River. "In 1978 the ALC allowed subdivision of what is now Ponderosa Estates into 40 parcels, conditional on consolidation of 3 of the lots into one 66 acre parcel (the present Lot 15) and consolidation of 3 lots into one 370 acre parcel (the original Lot 35). These conditions were based on the better agricultural capability of these interior parcels" excerpt from a 1997 letter from the ALC.





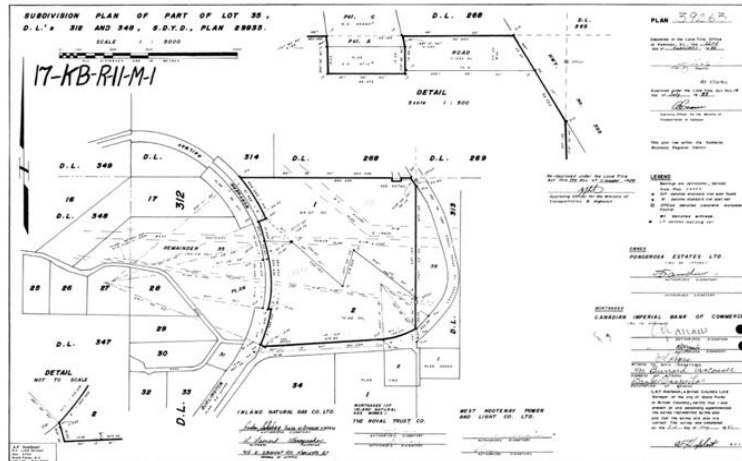
1980's

In 1985 there was a referral for a 2 lot subdivision, which was denied.

In 1985 another subdivision application for Lot 35 was submitted. Splitting the subject parcel into 3 parcels which was originally a 121.583 ha parcel within the application "Lots 1 and 2 will be developed into farmland. It is the intent to place the land into asparagus production." The application also stated that "Lot 3 (subject parcel) is non agricultural land which will be kept as a separate identity." The subject parcel is the remainder of this subdivision. Three parcels were created; one on the west side of the railway (subject parcel) and two on the east side of the railway

In 1986 there was an Application to RDKB to rezone proposed Lot 2, and exclude Lot 2 from the ALR. The application for subdivision and removal of proposed parcel 2 from ALR. In September of 1986 the ALC refused application for the exclusion of the property on the grounds that the agricultural capability warrants its retention within the ALR, but, allowed subdivision of the land into three parcels of approximately 40ha each.

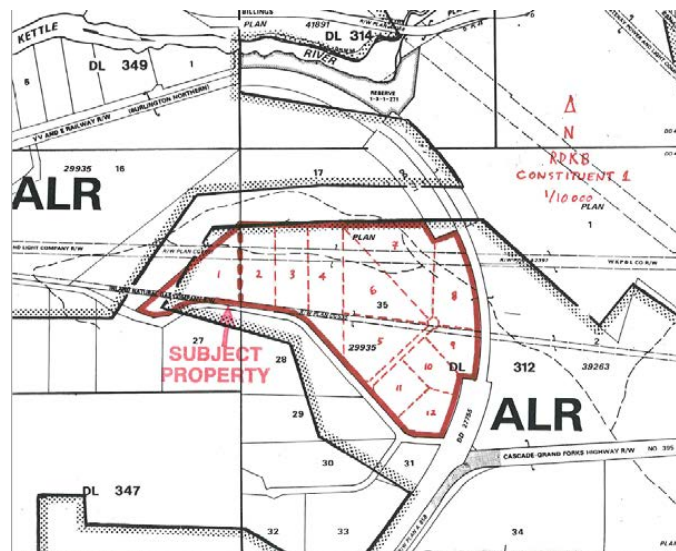
This approval also permitted the use of the parcel east of the railway tracks as a railcar loading facility subject to the provision that no permanent structures are to be erected.



In March of 1989 the ALC decision to approve the application to subdivide into two parcels of 14 ha and 27 ha respectively, conditional that no permanent buildings are to be erected on the 14 ha parcel still applies today.

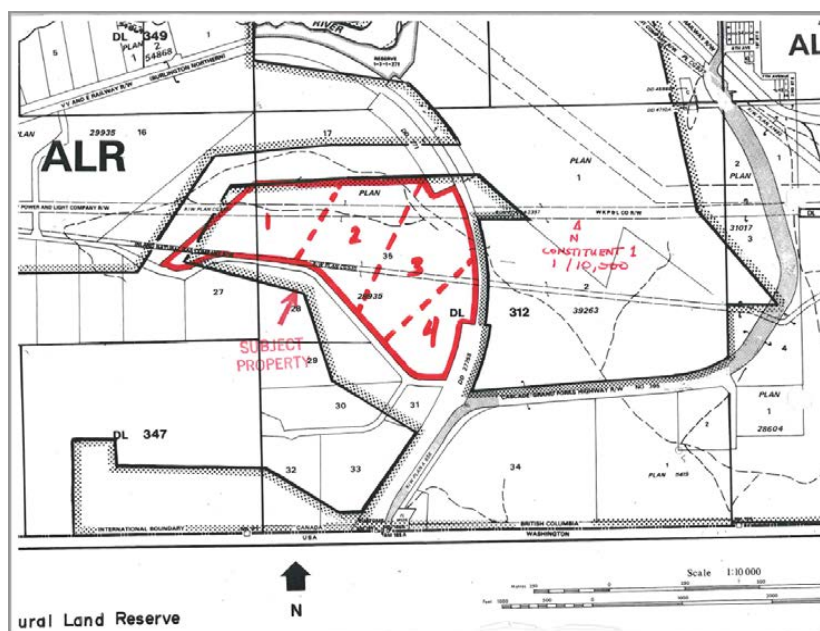
1990's

In 1992 an application was submitted to subdivide subject parcel into 12 parcels ranging from 2.0 ha to 4.7 ha. The ALC denied the application citing the fact that the land is Class 1 and 2 for agriculture. This decision was appealed and in November of 1993 the application was refused again.



In April of 1995 an application for ALR exclusion was submitted for lands on the east side of the rail tracks that were subdivided in the 80's. In January of 1996 this application was approved.

In 1997 a request was submitted to subdivide the subject parcel into four, ten hectare parcels. This application was refused by the ALC. The applicant and ALC had several communications regarding this application. In May of 1997 the ALC reiterated its decision that no further subdivisions of these lands under the 10 ha minimum lot size will be supported. In October of 1997 they reconsidered the application but still upheld the previous decision to not allow four, ten hectare parcels. In December the ALC again reconfirmed the decision to not allow four ten hectare parcels.



In April of 1999 The Boundary Economic Development Committee (BEDC) submitted a letter to the RDKB expressing a need for light industrial land, and identified reasons why the subject parcel would be the best choice for a light industrial uses. In May of 1999 an application was submitted for ALR exclusion of the subject parcel. RDKB was asked to absorb the full cost of this application and other possible application costs.

The APC supported rezoning provided that the Cominco property in the vicinity be included with the subject parcel in the ALC exclusion application. The Board resolution did support the application, however, they did not support waiving or paying any fees

regarding this application. The application for ALR exclusion was not approved by the ALC.

In June of 1999 an Official Community Plan and Zoning Bylaw Amendment were drafted. In July of 1999 an application for a non-farm use on ALR lands was received. Bylaw 1085 was an amendment to the Official Community Plan to place the subject parcel into an industrial land use designation. Bylaw 1086 was an amendment to the Zoning Bylaw to create an Industrial 2 (I2) Zone for the subject property. The public hearing was extremely contentious and there were multiple parties in favour and opposed to the proposed amendments, and the proposed development.

In August of 1999 the ALC approved a post and rail production plant subject to conditions, the conditions included all topsoil be stockpiled for future reclamation, and a treed buffer be outlined and retained as part of the application. In October of 1999 amendment bylaws 1085 and 1086 were adopted.

In November of 1999 a temporary industrial use permit was approved for storage of BC Gas pipe for a specified portion of the subject property in conjunction with BC Gas southern crossing project.

2000's

In July of 2001 it is confirmed that the intended development from the 1999 applications for non farm use and bylaw amendments was not going to be implemented and the intended purchaser had withdrawn their interest from the property. The landowner also felt the change in taxes from the bylaw amendments are unjustifiably high. In August of 2001 in an effort to pay reduced taxes while still permitting industrial development, the landowner applied for bylaw amendments to amend the Official Community Plan and Zoning bylaw to change the subject property to a rural zone with accommodations to allow for certain industrial developments such as a wood product manufacturing and post and tie operations. This application was also extremely contentious and had many opposed, the Ponderosa Estates Property Owners Association had even supported submitted a revised draft bylaw to be reviewed instead. In September of 2001 the APC recommended that the bylaw amendment application not be approved.

In March of 2002 a compromise was made which resulted in a new Official Community Plan and Zoning Bylaw amendment being drafted that included buffering. Bylaw amendments had been recommended by the APC for Board review. This compromise was submitted in the ALC for review. The proposal was not supported by the ALC because it felt this was not the optimum use for the land and the capacity for the land should be maximized to avoid future attempts to rezone agricultural land elsewhere, the current zoning was permitted to remain as there is a noted shortage of industrial land

available in the area. As a result, the amendments were rescinded after the comments from the ALC were received.

In January of 2003 after considerable effort by the RDKB to accommodate the public stakeholder's concerns, landowner concerns, and objectives, and the comments by the ALC, new bylaw amendments were drafted. These amendments addressed the comments from the ALC and included creating a development permit area established within the Official Community Plan and a new Industrial 3 zone which would permit more industrial development opportunities. In May of 2003 the ALC gave support to these bylaw amendments. As a result of this the Ponderosa Industrial Development Permit area was created.

In July 2004 it was brought to the RDKB's attention that logging was taking place within a treed buffer that had been an agreed upon buffer to separate the industrial land use from surrounding residences, that topsoil was being removed from the property contrary to ALC regulations, gravel was being extracted from the property, and a portion of easement for right of way for gas line that ran through the property was being used as a road. It was noted that residents had substantial concern and a request was made for the RDKB to investigate further.

In September of 2004 the ALC had investigated the subject parcel and found that activities had taken place and that none of the activities had been approved prior to commencement. An application for development was required to be submitted by the applicant. Terasen gas also investigated and found the road was built without their knowledge, but also advised that work done to create an internal road over the easement was sufficient to protect the gas line.

After a request for enforcement was made to the ALC it was revealed that the ALC had no resources available for pursuing these violations.

In September of 2004 Bylaw 1250 the Official Community Plan for Electoral Area C / Christina Lake was adopted, which is still the current Official Community Plan. The subject parcel is within the Industrial land use area and the Ponderosa Industrial Development Permit area.

In June of 2007 Zoning Bylaw 1300 the Zoning Bylaw for Electoral Area C / Christina Lake was adopted. The subject parcel is within the Industrial 2 Zone (I2). This is the currently active Zoning Bylaw for Electoral Area C / Christina Lake.

In 2007 a request for enforcement was submitted to the RDKB, the ALC and the Ministry of Energy, Mines, and Petroleum resources from a neighbouring landowner regarding encroachment.

In June of 2008 Aquilini Renewable Energy approached the RDKB about utilizing the subject property as a home for a petroleum and industrial waste reduction and recycling

facility. In October of 2008 a zoning bylaw amendment was submitted to permit the proposed recycling facility within the I2 Zone. This application also would require approval from the ALC if it were to proceed, however, the applicants wanted to ensure local government support before proceeding with submission to the ALC. This proposed use was not supported by surrounding residents, the Christina Lake community, or the greater region. In October of 2008 readings of proposed bylaw amendments were deferred until further information could be obtained relating to the concerns raised. In November of 2009 the RDKB requested Aquiline Renewable Energy to provide a response the concerns addressed by March, 2010.

2010's

In April of 2010 Aquilini Renewable Energy formally withdrew their application via an email. During the next APC meeting, after it was revealed the application was withdrawn, Christina Lake community members submitted an application to amend bylaws so that this type of application could no longer be accepted. This request could not be accommodated as local governments have the legal obligation to accept and hear any and all applications. Instead, bylaw amendments were drafted to include waste disposal facilities and similar uses to a list of prohibited uses within Electoral Area 'C'/Christina Lake.

In November 2011 Marga Ventures approached the RDKB about utilizing the property as a "eco-community". This included submissions for an Official Community Plan Amendment, Zoning Bylaw amendment and application for subdivision. The proposal was to create a cluster of multiple land uses within the subject parcel, they included, agricultural, residential, and commercial.

The agricultural uses included, greenhouses, orchards, beehives, chicken barns. The residential uses included, private residential lots, and a retirement home. Commercial uses proposed a bakery, market, café, and health and wellness centre, and a campsite with rental cabins. The community was intended to be serviced by a communal waste treatment plant and composting facility.

This application also required approval from the ALC. In January 2012 the application was granted conditional support by the RDKB Board pending an agrologist report on the subject parcel. An agrologist report was completed in the Summer of 2012.

The agrologist's report includes the results of a site-based agricultural capability assessment. The report indicates that there are four distinct areas of the property with unique agricultural capabilities as described below:

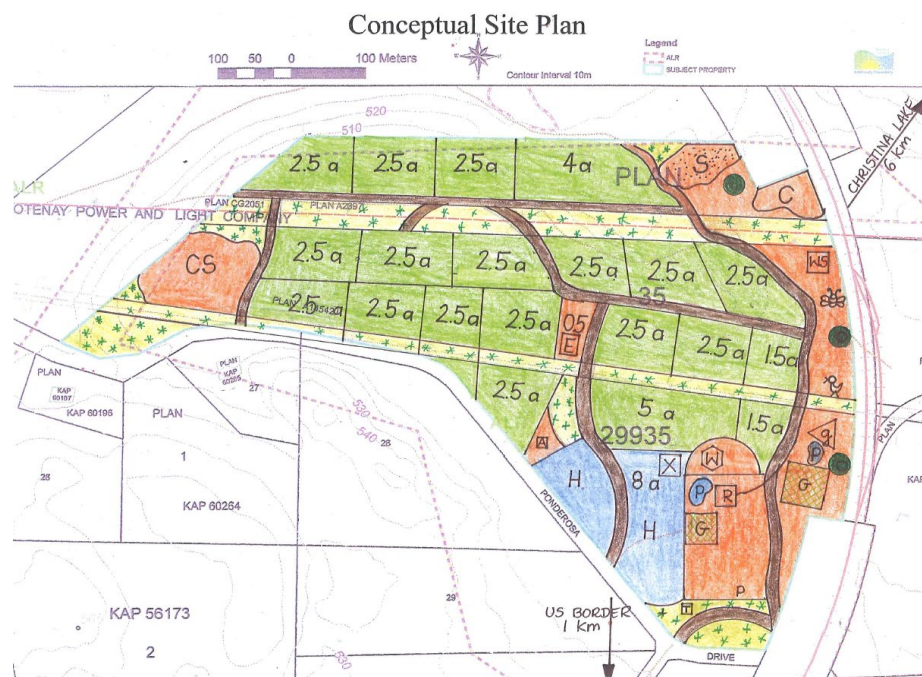
Area	# acres	% of property	Improved Agricultural Capability
1	20	20	2C (Class 2 - climate limiting)
2	41	45	2A (Class 2 - aridity limiting)
3	13	13	2A (Class 2 - aridity limiting)
4	25	25	6TA (Class 6 - topography and aridity limiting)

This detailed analysis indicates that a greater portion of the parcel is Class 2 than the updated mapping that was done as part of the Boundary Agricultural Plan. That mapping indicates that 60% of the parcel is Class 2, while the detailed analysis presented in the Agrologist's report indicates that 75% of the land is Class 2.

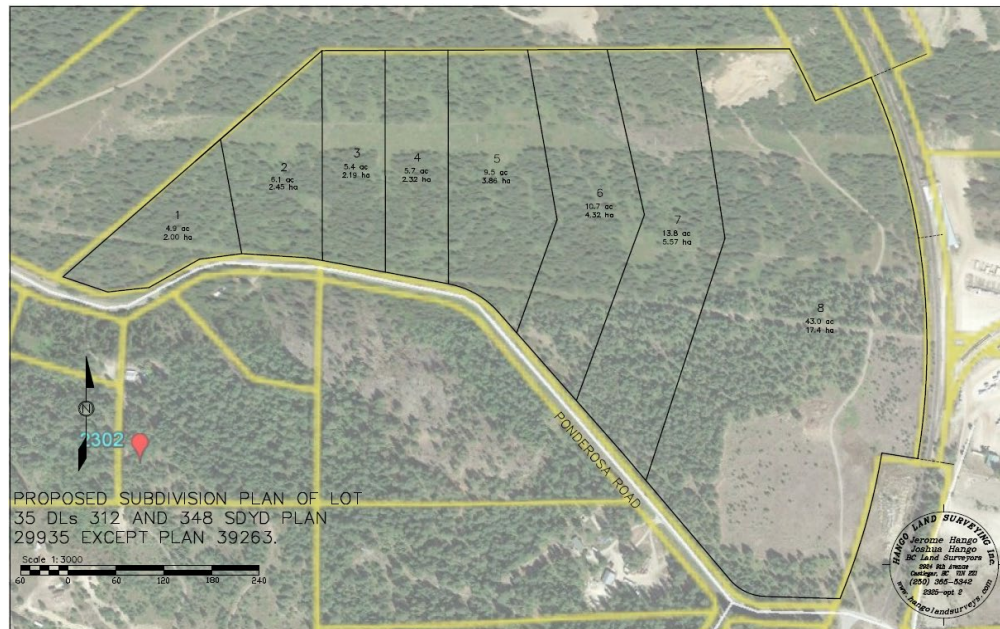
The agrologist's report also pointed out "that the current Industrial zoning allows uses that would permanently damage the physical capability of the land for agriculture. The residential and agricultural uses proposed by Marga Ventures Ltd. is either neutral or beneficial to agriculture; and that there are opportunities to further refine the development proposal such that the potential for positive impacts on agriculture are increased and potential negative impacts on the property's future productive potential are decreased."

In July of 2012 the ALC conducted a site inspection of the subject property. The RDKB was not part of this site inspection. It was stated by the applicant that the ALC seemed skeptical of the proposal at the beginning of the tour but seemed to be more receptive to the idea by the end. The ALC had not yet received a formal application, or recommendation from the RDKB.

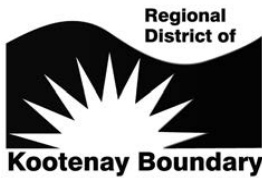
In 2013 there had been no communication by the applicant for nearly a year. In 2014 a refund cheque was issued to the applicant refunding a portion of the application fees paid for the RDKB applications.



In February of 2017 applications were received for an 8 parcel subdivision of the proposed parcel. The proposed subdivision includes industrial and residential land uses, and require amendments to the Official Community Plan and the Zoning Bylaw. The application is also dependent on approval by the ALC.



The ALC rejected the application for exclusion from the ALR. As of March 2019 there has been no other attempts from the applicant to pursue this subdivision (e.g. by submitting an application for subdivision in the ALR instead of an application for removal).



Electoral Area Services (EAS) Committee Staff Report

RE:	Ministry of Transportation and Infrastructure – Subdivision – Sheloff		
Date:	April 11, 2019	File #:	B-2404-06300.500 B-2404-06189.025
To:	Chair Worley and members of the EAS Committee		
From:	Elizabeth Moore, Planner		

Issue Introduction

The RDKB has received a referral from the Ministry of Transportation and Infrastructure (MOTI) regarding a subdivision application in Electoral Area 'B'/Lower Columbia-Old Glory (see Attachments).

Property Information	
Owner(s):	Cecil and Joan Sheloff
Agent:	N/A
Location:	400 13 th Avenue, Genelle
Electoral Area:	Electoral Area 'B'/Lower Columbia-Old Glory
Legal Description(s):	1) Lot 1, Block 5, Plan NEP2423, DL2404, KD 2) Lot 9, Plan NEP2066, DL2404, KD
Area:	1.29 ha 1) 0.19 ha (0.46 acr) 2) 1.1 ha (2.72 acr)
Current Use(s):	Single family dwelling, vacant
Land Use Bylaws	
OCP Bylaw: 1470	Genelle Residential
DP Area:	NA
Zoning Bylaw: 1540	Residential 2 (R2)
Other	
ALR:	NA
Waterfront / Floodplain:	NA
Service Area:	Genelle Improvement District
Planning Agreement Area:	NA

History / Background Information

The subject properties are located in Genelle. There are two subject properties adjacent to one another. Lot 9 spans between 12th Avenue and 15th Avenue and is adjacent to the property Lot 1, Block 5, located at 400 13th Avenue, at the end of 13th Avenue. The owners have a dwelling on the Lot 1, Block 5 property.

Page 1 of 3

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These properties formerly were school grounds and previously zoned Institutional. They were amended to a Residential zoning in 2005. A subdivision application in 2007 included a similar plan to the one currently proposed, but was only partially completed, creating a lot at 404 13th Avenue, adjacent to the lot where the owners currently have a dwelling. Also, the parcel line between what were formerly Lots 8 and 9 was dissolved and the new parcel became Lot 9.

The Subject Properties are designated as Genelle Residential in the *Electoral Area 'B'/ Lower Columbia-Old Glory Official Community Plan Bylaw No. 1470, 2013*. The Genelle Residential designation applies to the area serviced by the Genelle Improvement District community water system.

Within the *Electoral Area 'B'/Lower Columbia-Old Glory Zoning Bylaw No. 1540, 2015*, the subject properties are zoned Residential 2 (R2). Single family dwelling is the principal permitted use in this zone. The minimum parcel size created by subdivision is 2000 m² (0.2 ha) when connected to a community water system and 1 hectare when not connected.

Proposal

The applicants have proposed a subdivision of the lots into 3 new parcels: Lot 1; Lot 2; Lot 3 (see Attachments). The applicant states that connection to the community water system is located at the northeast corner of proposed Lot 1. The applicants propose a modified hammerhead as a turn around and as an extension to 13th Ave.

Implications

The Residential 2 (R2) zoning outlines the minimum lot size as 2000 m² (0.2 ha) for subdivision when property is connected to the community water system. The applicants have provided the location of a connection to the community water system in proximity to proposed Lot 1. However, they did not specify the intention or the details of connecting either proposed Lots 1 or 2 to the system, which is a requirement for the subdivided lot size to be between 0.2 ha and 1 ha.

The areas are not provided in the application for all the proposed lots, however the plan of the proposed subdivision shows some of the dimensions. The dimensions of proposed Lot 1 are shown as 60.960 m by 31.480 m. The area is 1919.021 m², which is 81m² less than the required size. If this lot was widened by 1.4 m, it would meet the zoning requirements.

From the dimensions provided for the proposed lots in the Applicant Submission, it can be inferred that proposed Lot 2 will have a greater area than proposed Lot 1. However, given the overall area of both lots, it is unlikely that its area will be greater than 1 ha. Therefore in order for this proposed lot to meet zoning requirements, connection to the community water system must be provided for Lot 2.

The construction of a modified hammerhead at the end of 13th Avenue is proposed to provide access to proposed Lots 1 and 2 and space for vehicles to turn around as 13th Avenue ends at the subject properties. Access to proposed Lot 3 is from 13th Avenue.

Page 2 of 3

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Advisory Planning Commission (APC)

The Electoral Area 'B' / Lower Columbia-Old Glory APC supported this application at their April 1, 2019 meeting, with the following comments:

- Lots must meet minimum size requirements.
- The turnaround must meet MOTI standards. There are no specifics on water and sewer hookups.

Recommendation

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed subdivision, for the parcels legally described as Lot 1, Block 5, Plan NEP2423 and Lot 9, Plan NEP2066 DL 2404, KD, Electoral Area 'B'/Lower Columbia-Old Glory, be received.

Attachments

Site Location Map
Subject Property Map
Applicant Submission

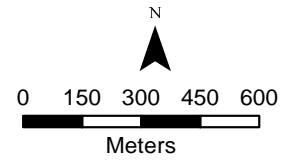


Regional District of
Kootenay Boundary

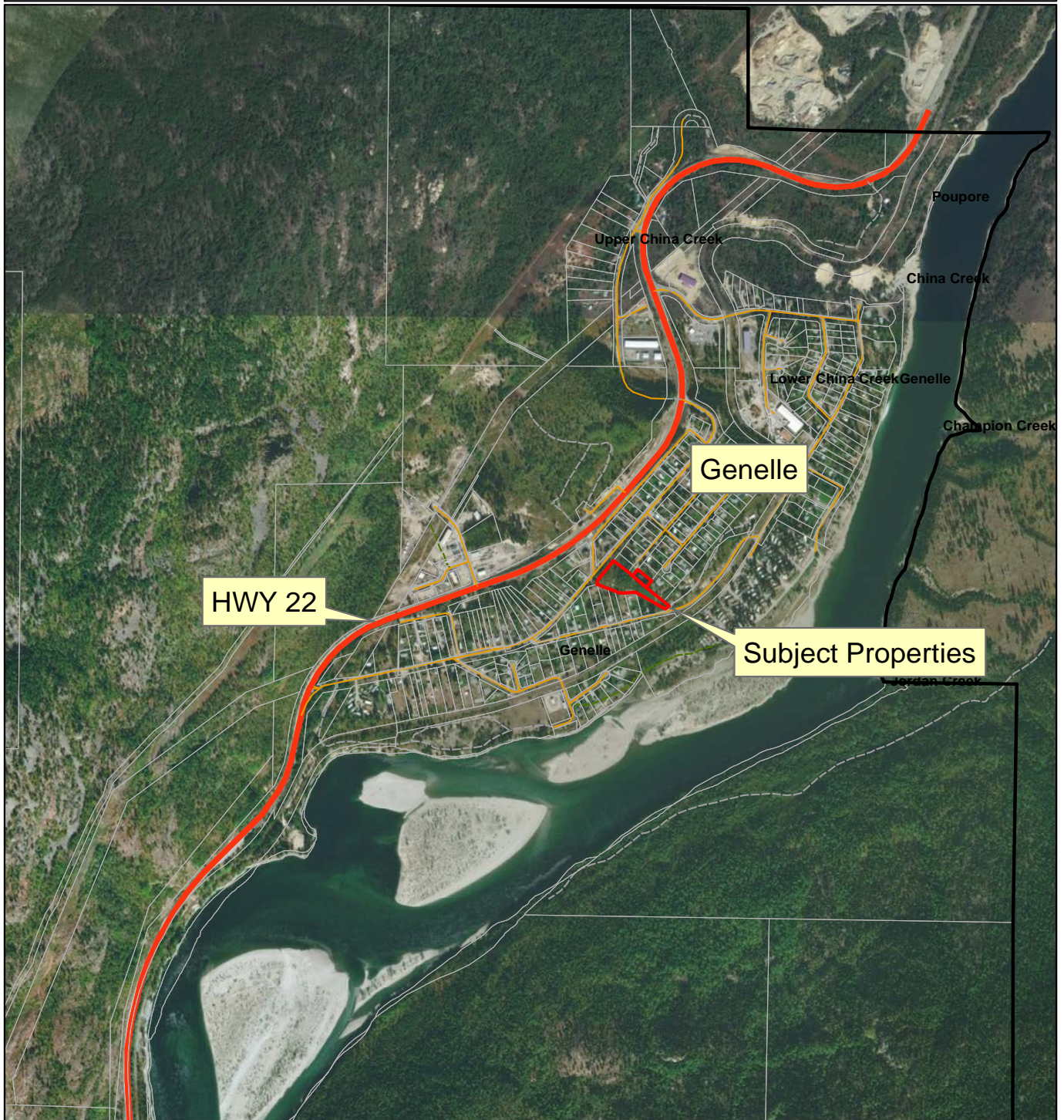
Date: 26/02/2019

Site Location Map

400 13th Avenue



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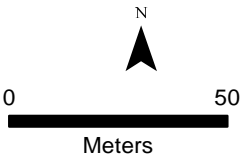


Regional District of
Kootenay Boundary

Date: 07/03/2019

Subject Properties Map

400 13th Avenue



Meters

1:1,508



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Applicant Submission



BRITISH COLUMBIA
Ministry of Transportation
and Infrastructure

PRELIMINARY SUBDIVISION APPLICATION

Submit this application to the Ministry of Transportation and Infrastructure District Office in your area.

A. PROPOSAL

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

Applicant File Number		Ministry File Number	
Subdivision Type	<input checked="" type="checkbox"/> Conventional (fee simple) Subdivision <input type="checkbox"/> Bare Land Strata		No. of Lots Including remainder 3
	<input type="checkbox"/> Other (Specify)		
Full Legal Description(s) per State of Title Certificate(s)	Lot 9, Plan NEP2066, District Lot 2404, Kootenay Land District PID: 015-425-495 Lot 8, Plan NEP2066, District Lot 2404, Kootenay Land District PID: 015-425-461 Lot 1, Plan NEP2423, District Lot 2404, Kootenay Land District PID: 015-284-191		
Full Civic Address	Civic address for PID: 015-284-191 is 400 13th Avenue, Genelle BC. V0G 1G0		
Property Location	_____ Kilometres <input type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West from _____ Local Gov't _____		
	Access Road 12th Ave., & 13th Ave., Genelle BC V0G 1G0		Property Zoning Single Family Residential
	Existing Land Use Single Family Residential		Intended Land Use Single Family Residential
	Surrounding Land Use		
	North Residential	South Residential	East Residential
			West Residential
Proposed Sewage Disposal	<input checked="" type="checkbox"/> Septic Tank <input type="checkbox"/> Community System <input type="checkbox"/> Other (specify)		
Proposed Water Supply	<input type="checkbox"/> Well <input checked="" type="checkbox"/> Community System (name of existing system) Genelle Improvement District		
	<input type="checkbox"/> Water Licenses (License #)		<input type="checkbox"/> Other (specify)

B. APPLICATION INFORMATION Incomplete applications will not be accepted

Required items include:

- ☒ Subdivision application form.
- ☒ The Preliminary Subdivision Application fee. Please make cheques payable to the Minister of Finance. (see page 2)
- ☐ An authorization letter from the owner(s) if someone else is applying on the owner's behalf. (Permission to Act as an Agent H1275)
- ☒ A copy of BC Assessment Authority Property Assessment Notice showing property tax classification.
- ☐ All new lots MAY require a sewage report—please contact your local Transportation office for clarification.
- ☐ One copy of the current State of Title Certificate so that property encumbrances can be checked.
- ☐ Copies of any covenants, easements, rights-of-way or other charges registered against the title. These are available through the Land Title Office.
- ☐ A copy of Contaminated Sites Profile form or Contaminated Sites declaration statement, duly completed and signed.
- ☐ Original copy and a .PDF file of a scaleable sketch plan of proposed layout with metric dimensions.

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

- ☐ the date it was drawn
- ☐ the scale
- ☐ north arrow
- ☐ legal description of the property being subdivided, and its adjacent properties
- ☐ outline of the subdivision in heavy black line
- ☐ all proposed lots, remainders, parks, rights-of-way, easements and roads showing metric dimensions and areas
- ☐ any existing property lines or roads proposed to be removed, closed or relocated
- ☐ all steep banks or slopes exceeding 2 m high and all slopes of 25% or greater, within or adjacent to the proposal area
- ☐ location of existing buildings and structures, wells and sewage disposal fields on the property, as well as adjacent properties within 30 m of property boundaries
- ☐ location of any onsite water sources to be developed (wells, surface)
- ☐ approximate location of all existing and proposed utility services
- ☒ existing access roads and other roads and trails on the property (state names of roads)
- ☐ location of all water courses (seasonal or otherwise) and water bodies

Include these items as well, where applicable

- ☐ A copy of the Provincial Agricultural Land Commission application (if located within ALR). While a developer can apply for subdivision approval before he or she receives permission to proceed from the Agricultural Land Commission or the local government if it has been delegated the authority, the Provincial Approving Officer can only give approval if the property has cleared the Land Commission process in the meantime.
- ☐ One copy of any test required by the Regional Health Authority.
- ☐ A Development Permit and plan where applicable.

H0164 (2013/06)

1

Applicant Submission

C. SUBDIVISION APPLICATION FEES		Make cheques payable to the Minister of Finance	PAYABLE UPON (see below)
1. Preliminary Subdivision Application	\$350.00	Per lot or shared interest, including remainders, to a maximum of \$70,000	Application
2. Final Conventional Plan Exam	\$50.00	Per examination	Final Subdivision Plan Submission
	\$100.00	Per lot, including remainders, on the final plan	
3. Final Strata Plan Examination	\$100.00	Per examination	
	\$100.00	Per lot, including remainders, on the final plan	
4. Other Strata Fees	\$100.00	To examine Form P for any phased development	Application
	\$100.00	Approval (Form Q) for each phase of a phased building strata plan	Application for phase approval

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

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

Our Residence is on Lot 1, Plan NEP2423, District Lot 2404, Kootenay Land District PID: 015-284-191.
400 13th Ave., Genelle BC V0G1G0

We would like to change the property lines to add the property south of the 400 13th Avenue to 400 13th Avenue and to create two saleable lots on 12th Avenue.

Gas line access is on 12th Avenue, Power south west corner of new lot 2, water north east corner of new lot 1 on RDKB property.

A Modified Hammerhead is proposed as a turn around as 13th Avenue is a dead end Avenue.

Included is a copy from WSA of septic report and design for Lot 2 Block 5, the soil conditions are the same for all adjacent lots.

E. OWNER(S)/APPLICANT INFORMATION

Property Owner(s) Full Name(s)		Home Telephone
Cecil Sheloff & Joan Frances Sheloff		[REDACTED]
Address		Business Telephone
[REDACTED]		
E-Mail	Fax	
[REDACTED]		
Agent Full Name		Home Telephone
Address		Business Telephone
E-Mail	Fax	

I certify that all the information about and on all plans and other attachments is true, correct and complete.
I understand that this submission constitutes a preliminary application only.
No approvals are implied prior to receipt of written preliminary approval from the Ministry of Transportation and Infrastructure.

Applicant/Agent Signature

Date (yyyy/mm/dd)

C. Sheloff / Joan Sheloff 2019-02-04

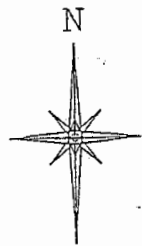
COLLECTION INFORMATION

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

The information in this application may be subject to disclosure
under the Freedom of Information and Privacy Act.
Further information can be found at <http://www.gov.bc.ca/citz/lao/foi/submit/general/>

PLAN SHOWING PROPOSED SUBDIVISION OF
 LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, BLOCK 5, PLAN 2423,
 AND LOTS 8 AND 9, PLAN 2066,
 DISTRICT LOT 2404, KOOTENAY DISTRICT.

BCGS 82F. 022



LOT B
 PLAN
 NEP21513

4TH STREET

TWELFTH
 D. AVENUE
 L.

BLOCK 3

LOT 1

60.960
 129°

LOT 2

PLAN 2066

LOT 3

46.208
 263°34'00"

LOT 8

2035

ROAD
 D.O.H. PLAN
 10-193

15TH AVENUE

ROAD

LOT 1
 PLAN NEP19802

LOT 2

LOT 1

BLOCK 8

2404

LOT 5

2423

LOT 4

BLOCK 5

LOT 3

129°43'50"
 60.961

LOT 2

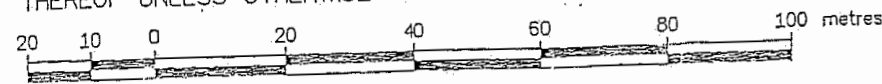
PLAN 2423

LOT 3

PLAN

SCALE 1:1000

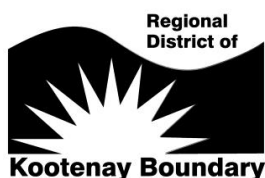
ALL DISTANCES ARE IN METRES AND DECIMALS
 THEREOF UNLESS OTHERWISE INDICATED.



THIS PLAN LIES WITHIN THE KOOTENAY BOUNDARY REGIONAL DISTRICT.

REDRAWN BY
 DRAWN MARCH

Applicant Submission



Electoral Area Services (EAS) Committee Staff Report

RE:	Ministry of Transportation and Infrastructure - Subdivision		
Date:	April 11, 2019	File #:	D-436s-02819.000 D-2019-04988.000
To:	Chair Worley and members of the EAS Committee		
From:	Elizabeth Moore, Planner		

Issue Introduction

We have received a referral from the Ministry of Transportation and Infrastructure (MOTI) regarding a subdivision application in Electoral Area 'D'/Rural Grand Forks (see Attachments).

Property Information	
Owner(s):	Pa-Van Ranch Ltd
Agent:	David R. Pauls, ARDA Consultants Ltd.
Location:	12800 North Fork Rd.
Electoral Area:	Electoral Area 'D'/Rural Grand Forks
Legal Description(s):	1) DL 436s, SDYD, Except Plan DD8516 2) DL 2019, SDYD, Except Plan KAP63341, KAP89829
Area:	Total: 217.983 ha (538.635 acre) 1) 110.35 ha (272.67 acres) 2) 107.635 ha (265.965 acres)
Current Use(s):	Single family dwelling, agriculture
Land Use Bylaws	
OCP Bylaw: 1555	Agricultural Resource 2, Rural Resource 1
DP Area:	NA
Zoning Bylaw: 1299	Rural Resource 1 (RUR1)
Minimum Parcel Size	10 ha
Other	
ALR:	Partial
Waterfront / Floodplain:	NA
Service Area:	NA
Planning Agreement Area:	NA

Page 1 of 2

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History / Background Information

The subject properties are located north of Grand Forks in the Granby River Valley and are both bisected by North Fork Road. Both properties are used by Pa-Van Ranch for agriculture. Members of **owners'** family reside on the properties in two dwellings and operate a farm and two other businesses from the properties.

There is a single family dwelling and mobile home located on subject property DL 436s. A building permit was issued by the RDKB in 2015 for the construction of the Single Family Dwelling, despite the zoning bylaw stating that only one single family dwelling is permitted on a parcel in the Rural Resource 1 Zone.

The applicant has cited this as restricting them from upgrading the mobile home, as they cannot obtain a building permit since the parcel is not in compliance with the zoning bylaw.

Proposal

The applicant have proposed a subdivision to separate the mobile home into a separate parcel (10.2 ha). The proposed parcel would straddle the two existing parcels on the east side of North Fork Road. The purpose of this subdivision is to ensure the dwellings are compliant with RDKB bylaws and to obtain a building permit for renovating the mobile home.

Implications

This proposed subdivision meets minimum parcel size requirements of the zoning bylaw. This subdivision will bring DL 436s into compliance with the zoning bylaw by reducing the number of single-family dwellings from two to one.

The proposed subdivision would not affect the ALR, so there is no requirement to apply for subdivision through the ALC. Park land dedication is not required for this subdivision.

Advisory Planning Commission (APC)

The Electoral **Area 'D'** / Rural Grand Forks APC supported this application at their April 2, 2019 meeting.

Recommendation

That the staff report regarding the Ministry of Transportation and Infrastructure referral for a proposed subdivision, for the parcels legally described as DL436s and DL 2019, SDYD, Electoral Area **'D'/Rural Grand Forks**, be received.

Attachments

Site Location Map
Subject Property Map
Applicants Submission

Page 2 of 2

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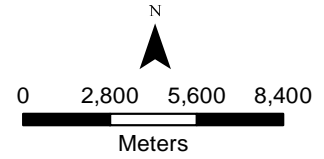


Regional District of
Kootenay Boundary

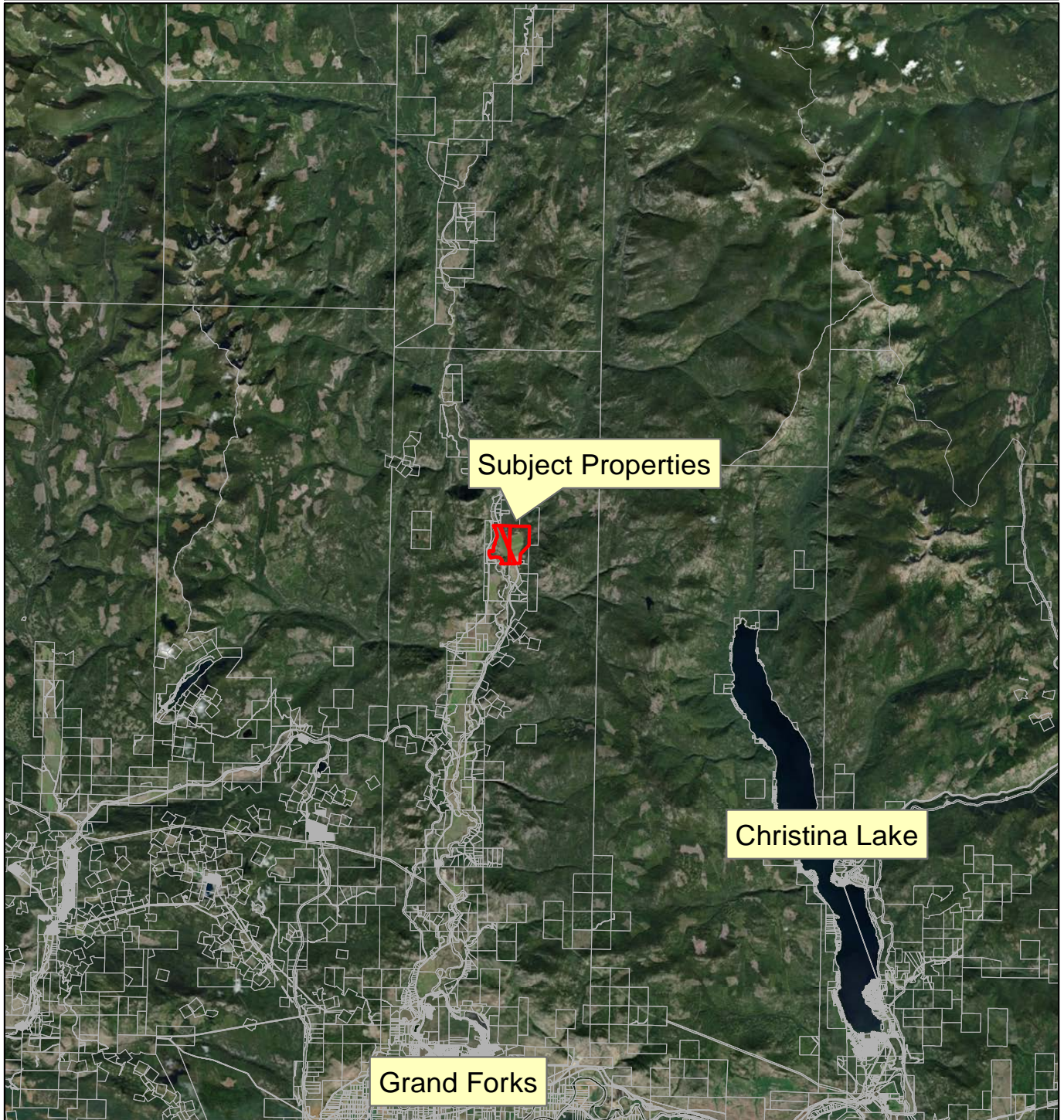
Date: 19/03/2019

Site Location Map

DL 436s & DL 2019, SDYD



1:212,374



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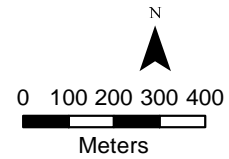


Regional District of
Kootenay Boundary

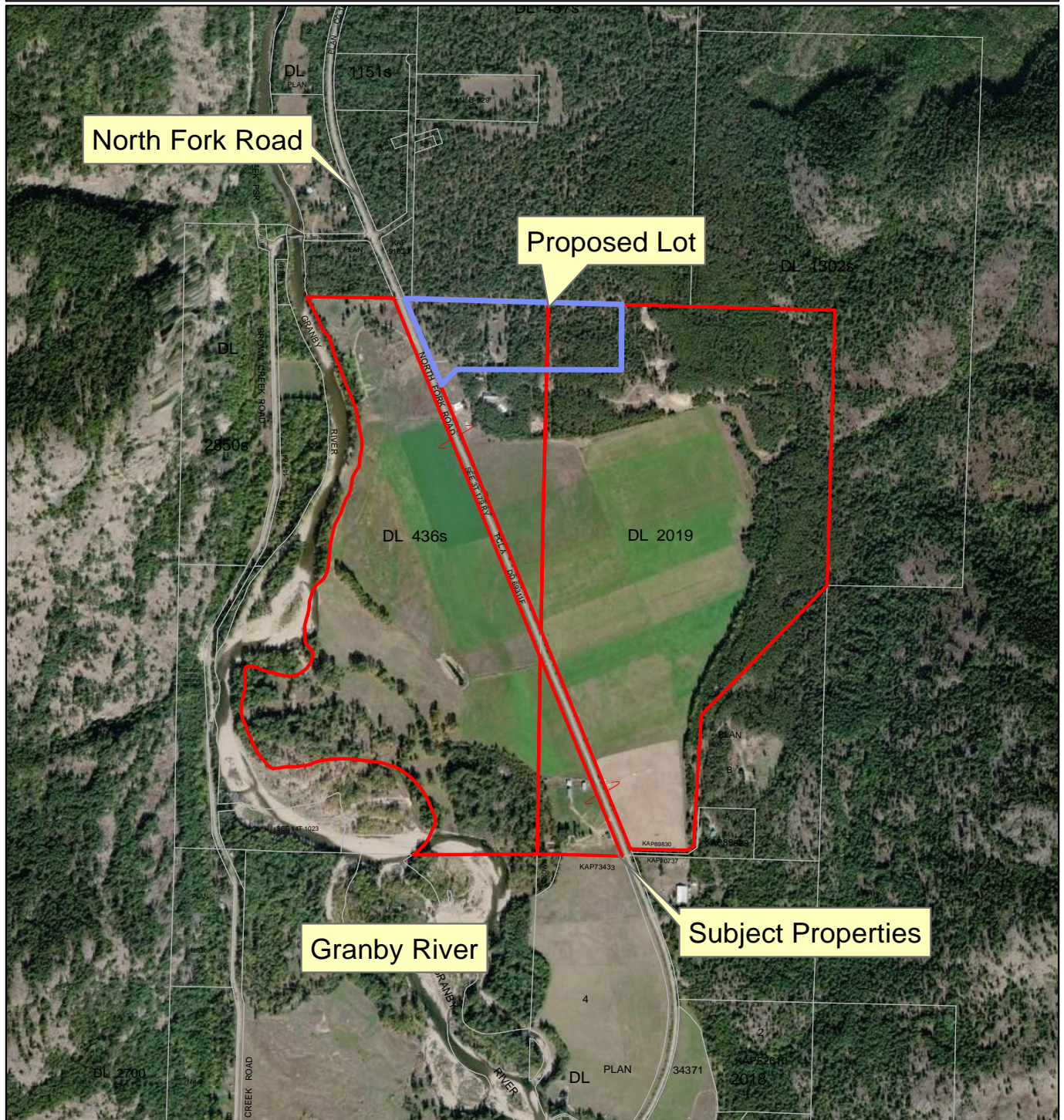
Date: 05/04/2019

Subject Property Map

DL 436s & DL 2019, SDYD



1:14,472



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Applicant Submission



Arda Consultants Ltd
 #7 3304 Appaloosa Road
 Kelowna BC
 250 874.8704
dp@ardaconsultants.com

Ministry of Transportation and Infrastructure

7290 - 2nd Street

Grand Forks, BC

V0H 1H0

Fax: (250) 442-4384

Attention:

SUBDIVISION REQUEST

Re : Pa-Van Ranch - 12800 North Forks Road, Grand Forks BC
One Lot (10 ha) from Subdivision of DL 436s and DL 2019

Pa-Van Ranch is reorganizing for growth and development once again. The farm has been passed to the eldest son who is now the principle owner of Pa-Van Ranch, the registered owner both parcels of land.

Subdivision Request

Pa-Van ranch built a new primary residence on DL 436 thru a 2015 Building Permit with the rdkb. The ranch then requested a building permit to upgrade the original Mobile Home on the same property. Rdkb instructed that they were not able to support the permit as it represented a second dwelling and that the rdkb had mistakenly processed the 2015 BP. Therefore the ranch is requesting a subdivision that will locate the two residences each on their own RUR1 zoned property. We deem the subdivision to be straight forward since the proposed lot:

- Is not within the ALR
- Is zoned to support a minimum size of 10 ha
- Can be formed from part of both DL 436s and DL 2019 leaving the parent properties large beyond the zoning minimum
- Is easily accessed with adequate frontage is from North Forks Road
- Already has a proven water well
- Already has an active septic disposal
- Already has power and telephone extended from the main line on North Forks road with ancillary rights easily transferred to the new lot

Application Support

We include with our application:

1. A Van Gorp and Company legal plan and an Arda drawing showing:
 - The boundaries of Pa-Van ranch as originally defined by DL 436s to the west and DL 2019 to the east and purchased by Patriarch in 1972 – legal plan and excerpt attached
 - A 2 ha site severance (Lot A) awarded to the youngest son in 2002 Plan KAP63341

Applicant Submission



Arda Consultants Ltd
 #7 3304 Appaloosa Road
 Kelowna BC
 250 874.8704
dp@ardaconsultants.com

- The 19.7 ha succession property on the SW hillside (Lot B) subdivided in 2009 Plan KAP 89828
 - Location of 2015 residence south of the proposed lot
 - Location of Mobile home
 - The existing well, power and septic for the proposed Lot and the 2015 new residence
2. LTO Certificates for DL 2019 and DL 436s
 3. Authorization of agency from owners of Pavan Ranch (DL 2019 and 436s) — comes with application
 4. RDKB RR1 zoning regulation
 5. Subdivision Application

We trust the application with supporting information can advance the subdivision interest and look forward to working with you.

Sincerely,

David R Pauls (250) 864.8704 and Pa-Van Ranch [REDACTED]

Principal
 Arda Consultants Ltd

Applicant Submission

BRITISH
COLUMBIAMinistry of
Transportation

PRELIMINARY SUBDIVISION APPLICATION

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

A. PROPOSAL This is an application for preliminary layout approval for all properties involved

Applicant File Number 1004.2019		Ministry File Number	
Subdivision Type	<input checked="" type="checkbox"/> Conventional Subdivision <input type="checkbox"/> Sec 946 Local Government Act <input type="checkbox"/> Bare Land Strata		No. of Lots
	Other (Specify)		1 add
Full Legal Description(s) per State of Title Certificate(s)	DL 436s Except Plan DD 8516 AND DL 2019 SDYD except Plan KAP63341 and Plan KAP89829		
Full Civic Address	12800 North Fork Road, Grand Forks BC V0H 1H1		
Property Location	25 Kilometers <input checked="" type="checkbox"/> North <input type="checkbox"/> South <input type="checkbox"/> East <input type="checkbox"/> West from <u>Grand Forks</u> Local Gov't <u>rdkb</u>		
	Access Road North Forks Road		Property Zoning R1R1
	Existing Land Use Treed poor pasture		Intended Land Use Same
	Surrounding Land Use		
Proposed Sewage Disposal	<input checked="" type="checkbox"/> Septic Tank <input type="checkbox"/> Community System <input type="checkbox"/> Other (specify)		
Proposed Water Supply	<input checked="" type="checkbox"/> Well <input type="checkbox"/> Community System <input type="checkbox"/> Water Licenses <input type="checkbox"/> Other (specify)		

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

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

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

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

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

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

Include these items as well, where applicable

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

Applicant Submission

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

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

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

The subdivision of a single 10 ha lot will separate an existing mobile home pad from the parent DL 436s where a primary residence was recently built. The RDKB adjudicated that no building permit would be given for upgrading the existing mobile unit which contravened the single residence restriction of the RUR1 zoning. Therefore in order to obtain a Building Permit for improvements to the existing secondary Mobile unit, a subdivision from the other existing residence is required and proposed.

The 10 ha lot is the smallest allowable for the RUR1 zoning. It encompasses part of DL 436s and DL 2019 both owned by the same owner Allan and Gwen Pauls.

The additional lot already has a septic disposal facility and a water well originally developed many years ago. These are separate from the new well and septic disposal recently installed for the recently (2015) built primary residence on DL 436s.

The proposed subdivision is within the rdkb RUR1 zone and not in the ALR.

E. OWNER(S)/APPLICANT INFORMATION

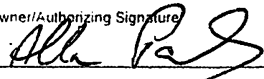
Property Owner(s) Full Name(s) PA VAN Ranch Ltd Inc No 113987 (Allan and Gwen Pauls)		Home Telephone [REDACTED]
Address 12800 North Forks Road		Business Telephone [REDACTED]
Grand Forks BC V0H 1H1	E-Mail [REDACTED]	Fax [REDACTED]
Agent Full Name Arda Consultants Ltd (David Pauls)		Home Telephone [REDACTED]
Address #7 3304 Appaloosa Road		Business Telephone 250 807,7903
Kelowna BC V1V 2W5	E-Mail dp@ardaconsultants.com	Fax [REDACTED]

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

I understand that this submission constitutes a preliminary application only.

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

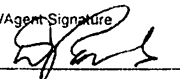
Owner/Authorizing Signature



Date (yyyy/mm/dd)

Feb 13, 2019

Applicant/Agent Signature



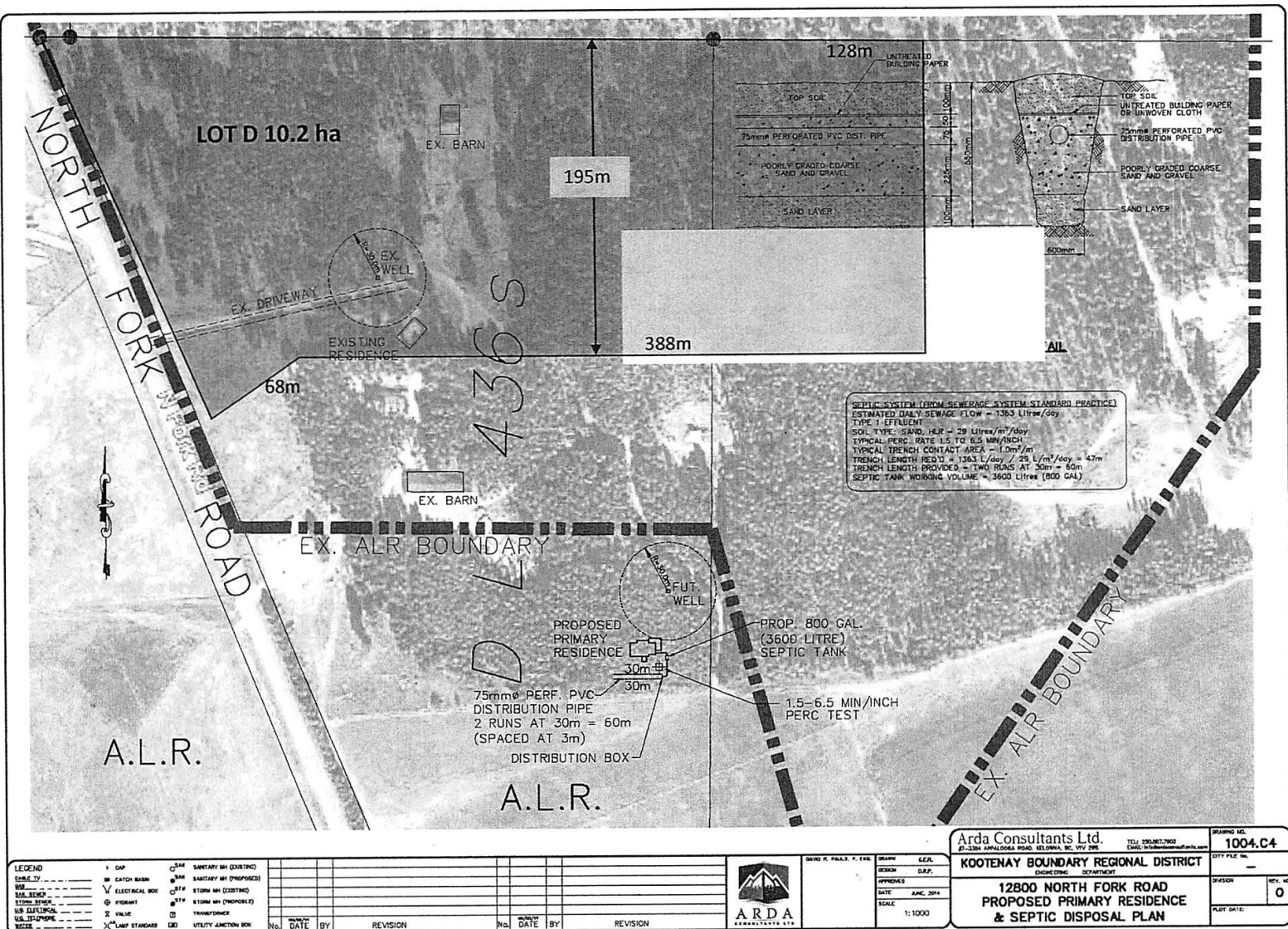
Date (yyyy/mm/dd)

Jan 22 2019

Collection of Information:

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

Applicant Submission





RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
20-19	Jan-19	Friends of the Beaver Valley Public Library	To assist with black out blinds	\$ 1,500.00
20-19	Jan-19	Okanagan Nation Alliance	To assist with "Fish in Schools" program	\$ 1,000.00
20-19	Jan-19	Village of Fruitvale	To assist with Jingle Down Main propane heaters	\$ 1,500.00
70-19	Jan-31	BV Recreation	Seniors Dinner and Dance	\$ 1,600.00
70-19	Jan-31	Montrose Recreation Commission	BC Family Day	\$ 500.00
70-19	Jan-31	Beaver Valley Cross Country Ski Club	Sno-cat expenses	\$ 2,000.00
115-19	Feb-21	Beaver Valley Blooming Society	To assist with flowering tubs around Fruitvale	\$ 2,500.00
115-19	Feb-21	JL Crowe Secondary School	To assist with the Scholarship Program	\$ 750.00
135-19	Mar-07	BV Golf & Country Club	To assist with Men's and Ladies' Golf Nights	\$ 1,152.00
149-19	Mar-07	Kootenay Region Branch of United Nations	To assist with honorarium for Kat Rovias	\$ 500.00
167-19	Mar-14	1st Beaver Valley Scout	To assist with trip to Pacific Jamboree	\$ 1,000.00
167-19	Mar-14	Beaver Valley May Days	To assist with May Days events	\$ 4,000.00
167-19	Mar-14	Kootenay Gateway Ltd.	To assist with Rossland Ski Bus service	\$ 100.00
Total				\$ 18,102.00
Balance Remaining				\$ 11,997.00

RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
20-19	Jan-19	Okanagan Nation Alliance	To assist with "Fish in Schools" program	\$ 1,000.00
20-19	Jan-19	Rossland Winter Carnival	To assist with costs of production	\$ 1,000.00
70-19	Jan-31	Trail Ambassador Committee	To assist with Trail Ambassador Program	\$ 750.00
115-19	Feb-21	JL Crowe Secondary School	To assist with the Scholarship Program	\$ 750.00
115-19	Feb-21	Zone 6 BC 55+ Games	To assist with participation in the 2019 Sr. Games	\$ 750.00
135-19	Mar-07	The Kidney Foundation of Canada, BC Branch	To assist with burdens on patients and their families	\$ 250.00
149-19	Mar-07	Kootenay Region Branch of United Nations	To assist with honorarium for Romilly Cavanaugh	\$ 500.00
167-19	Mar-14			
167-19	Mar-14			
167-19	Mar-14			
Total				\$ 5,000.00
Balance Remaining				\$ 14,031.62

RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
20-19	Jan-19	Okanagan Nation Alliance	To assist with "Fish in Schools" program	\$ 1,000.00
70-19	Jan-31	Christina Lake Stewardship Society	To assist with billboard	\$ 2,058.00
70-19	Jan-31	Christina Lake Stewardship Society	To assist with replacing banners	\$ 1,286.25
115-19	Feb-21	Deer Ridge Water Association	To assist with the transition study	\$ 5,835.00
135-19	Mar-07	Boundary Metis Community Association	To assist with purchase of a banner	\$ 1,568.00
135-19	Mar-07	Little Lakers Learning Centre Society	To assist with day care expenses	\$ 3,500.00
135-19	Mar-07	Zone 6 BC+ Games	To assist with preparation for the 2019 games	\$ 300.00
167-19	Mar-14	Grand Forks Farmers Market	To assist with participation in BC coupon program	\$ 3,000.00
Total				\$ 18,547.25
Balance Remaining				\$ 53,598.40

RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
20-19	Jan-19	Okanagan Nation Alliance	To assist with "Fish in Schools" program	\$ 1,000.00
20-19	Jan-19	School District 51 Boundary	To assist with ReWild Project COMMITTED	\$ 5,000.00
167-19	Mar-14	Gallery 2	To assist with website updates	\$ 4,800.00
167-19	Mar-14	Grand Forks Farmers Market	To assist with Participation in BC Coupon Program	\$ 4,000.00
167-19	Mar-14	GF Junior Ultimate Team, Grand Forks Ultimate Club	To assist with entrance fees	\$ 525.00
167-19	Mar-14	Zone 6 55+ Games	To assist with preparation and participation	\$ 300.00
Total				\$ 15,625.00
Balance Remaining				\$ 54,632.00

Electoral Area 'E'/West Boundary	Grants-In-Aid 2019
Balance Remaining from 2018	\$ 46,413.45
2019 Requisition	\$ 86,814.00
Less Board Fee 2019	\$ (3,414.00)
Total Funds Available:	\$ 129,813.45

RESOLUTION #	DATE	RECIPIENT	DESCRIPTION	AMOUNT
20-19	Jan-19	Rock Creek Community Medical Society	To assist with rental of meeting room	\$ 280.00
70-19	Jan-31	West Boundary Community Services Cooperative Association	To assist with incorporation	\$ 2,966.57
70-19	Jan-31	Big White Mountain Community Development Association	To assist with laptop	\$ 500.00
70-19	Jan-31	Big White Mountain Community Development Association	To assist with Sage bookkeeping software	\$ 500.00
70-19	Jan-31	Big White Mountain Community Development Association	To assist with bookkeeper/financial planning	\$ 1,200.00
115-19	Feb-21	Boundary Metis Community Association	To assist with the snowshoeing program celebration dinner	\$ 800.00
115-19	Feb-21	West Boundary Community Services Cooperative Association	To assist with consulting and grant writing	\$ 3,000.00
115-19	Feb-21	West Boundary Community Services Cooperative Association	To assist with insurance at start-up	\$ 1,147.00
167-19	Mar-14	Gospel Chapel, Blessings Boutique & More	To assist with reimbursement of transportation costs	\$ 400.00
167-19	Mar-14	Discover Rock Creek	To assist with economic development/consultant fees	\$ 1,000.00
167-19	Mar-14	Discover Rock Creek	To assist with Canada Day celebrations	\$ 1,500.00
167-19	Mar-14	Trails to the Boundary Trail	To assist with advertising and marketing Rail	\$ 551.25
167-19	Mar-14	West Boundary Sustainable Foods and Resources Soc.	To assist with catering regional meat producer's meeting	\$ 350.00
Total allocated				\$ 14,194.82
Balance Remaining				\$ 115,618.63

<p align="center">Regional District of Kootenay Boundary Status Report - Gas Tax Agreement March 31, 2019</p>
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Revenue:

Area A	\$ 1,117,925.18
Area B	\$ 829,146.30
Area C	\$ 816,636.60
Area D	\$ 1,871,050.07
Area E	\$ 1,236,164.67

TOTAL AVAILABLE FOR PROJECTS

\$ 5,870,922.82**Expenditures:**

Area A	\$ 704,155.48
Area B	\$ 629,187.75
Area C	\$ 491,210.17
Area D	\$ 814,766.54
Area E	\$ 857,072.58

TOTAL SPENT OR COMMITTED

\$ 3,496,392.52**TOTAL REMAINING****\$ 2,374,530.30**

**Regional District of Kootenay Boundary
Status Report - Gas Tax Agreement
March 31, 2019**

**ELECTORAL AREA 'A'**

	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$	96,854.94
Allocation to Dec 31, 2008	Received		46,451.80
Allocation to Dec 31, 2009	Received		91,051.00
Allocation to Dec 31, 2010	Received		89,796.00
Allocation to Dec 31, 2011	Received		89,788.04
Allocation to Dec 31, 2012	Received		87,202.80
Allocation to Dec 31, 2013	Received		87,167.87
Allocation to Dec 31, 2014	Received		84,868.70
Allocation to Dec 31, 2015	Received		84,868.70
Allocation to Dec 31, 2016	Received		87,726.69
Allocation to Dec 31, 2017	Received		88,649.64
Allocation to Dec 31, 2018	Received		91,749.50
Allocation to Dec 31, 2019	Estimated		91,749.50

TOTAL AVAILABLE FOR PROJECTS

\$ 1,117,925.18**Expenditures:**

Approved Projects:

2009	Columbia Gardens Water Upgrade	Completed	\$	250,000.00
2011	South Columbia SAR Hall	Completed		2,665.60
281-13	BV Family Park - Solar Hot Water	Completed		16,684.00
451-13	Beaver Valley Arena - Lighting	Completed		69,000.00
26-14	LWMP Stage II Planning Process	Completed		805.88
17-15	Beaver Creek Park - Band Shell/Arbour	Funded		66,434.13
	Beaver Creek Park - Band Shell/Arbour	Pending or Committed		33,565.87
61-17	Fruitvale Elementary Playground -PAC LEAP Project	Completed		20,000.00
126-17	RDKB BVPART (Electrical Upgrade BV Family Park)	Funded		5,327.25
	RDKB BVPART (Electrical Upgrade BV Family Park)	Pending or Committed		4,672.75
153-17	Village of Fruitvale (Fruitvale RV Park)	Completed		70,000.00
		Pending or Committed		
77-18	Village of Fruitvale (Construction of Replica Train Static	Committed		150,000.00
		Pending or Committed		
166-19	Champion Lakes Golf & Country Club (New Metal Roof	Committed		15,000.00

TOTAL SPENT OR COMMITTED

\$ 704,155.48

TOTAL REMAINING

\$ 413,769.70

**Regional District of Kootenay Boundary
Status Report - Gas Tax Agreement
March 31, 2019**

ELECTORAL AREA 'B' / LOWER COLUMBIA/OLD GLORY



	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$ 69,049.93
Allocation to Dec 31, 2008	Received	33,116.46
Allocation to Dec 31, 2009	Received	64,912.00
Allocation to Dec 31, 2010	Received	64,017.00
Allocation to Dec 31, 2011	Received	64,010.00
Allocation to Dec 31, 2012	Received	65,936.00
Allocation to Dec 31, 2013	Received	65,907.41
Allocation to Dec 31, 2014	Received	64,169.02
Allocation to Dec 31, 2015	Received	64,169.02
Allocation to Dec 31, 2016	Received	66,329.94
Allocation to Dec 31, 2017	Received	67,600.62
Allocation to Dec 31, 2018	Received	69,964.45
Allocation to Dec 31, 2019	Estimated	69,964.45

TOTAL AVAILABLE FOR PROJECTS

\$ 829,146.30

Expenditures:

Approved Projects:

8547	GID - Groundwater Protection Plan	Completed	\$ 10,000.00
11206	GID - Reducing Station (Advance)2008	Completed	16,000.00
2009	GID - Reducing Station (Balance)	Completed	14,000.00
2009	GID - Upgrades to SCADA	Completed	22,595.50
2009	Casino Recreation - Furnace	Completed	3,200.00
Phase 1	GID - Pipe Replacement/Upgrades	Completed	60,000.00
Phase 2	Looping/China Creek	Completed	18,306.25
2012	Rivervale Water SCADA Upgrade	Completed	21,570.92
2013	Rossland-Trail Country Club Pump	Completed	20,000.00
261-14	Rivervale Water & Streetlighting Utility	Completed	20,000.00
262-14	Genelle Imp. District - Water Reservoir	Completed	125,000.00
263-14	Oasis Imp. District - Water Well	Completed	34,918.00
	Castlegar Nordic Ski Club (Paulson Cross Country Ski Trail Upgrade)	Completed	10,000.00
251-15	Black Jack Cross Country Ski Club Society (Snow Cat)	Completed	10,000.00
252-15	Rivervale Water & Streetlighting Utility (LED Streetlights)	Completed	14,417.00
253-15	Rivervale Oasis Sewer Utility (Flow Meters)	Completed	90,000.00
254-15	Rivervale Oasis Sewer Utility - RDKB (Wemco Booster Pumps)	Completed	-
190-16	Area 'B' Recreation - RDKB (Rivervale Shed)	Completed	8,632.00
221-16	Rossland Historical Museum and Archive Association (Rossland Museum Upgrades)	Completed	25,000.00
152-17	Visions for Small Schools Society (Broadband Installation)	Completed	13,381.80
296-17	Birchbank Golf Club (Upgrade Irrigation Satellite Controller)	Completed	50,000.00
111-18	Silver City Trap Club (Electrical System Upgrades)	Pending or Committed	20,886.28
102-19	Silver City Trap Club (Used Tractor)	Funded	15,960.00
165-19	Silver City Trap Club (Used Tractor)	Pending or Committed	5,320.00

TOTAL SPENT OR COMMITTED

\$ 629,187.75

TOTAL REMAINING

\$ 199,958.55

Status Report - Gas Tax Agreement Electoral Area 'C' / Christina Lake			
80-16	Christina Lake Community Association (Installation Make-Up Air System Shortfall)	Completed	6,263.75
269-16	RDKB C.L. Solar Aquatic System (Plant Rack)	Completed	7,384.83
271-16	RDKB (Boundary Agricultural & Food Project)	Funded	1,714.76
	RDKB (Boundary Agricultural & Food Project)	Pending or Committed	414.95
404-17	RDKB CL PARTS (New Washrooms @ Pickleball/Tennis Courts)	Completed	15,000.00
76-18	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined)	Funded	5,802.14
	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined)	Pending or Committed	5,501.19
TOTAL SPENT OR COMMITTED			\$ 491,210.17
TOTAL REMAINING			\$ 325,426.43

Status Report - Gas Tax Agreement
Electoral Area 'D' / Grand Forks Rural

Regional District of Kootenay Boundary
Status Report - Gas Tax Agreement
March 31, 2019



ELECTORAL AREA 'D' / RURAL GRAND FORKS

	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$	154,656.26
Allocation to Dec 31, 2008	Received		74,173.40
Allocation to Dec 31, 2009	Received		145,389.00
Allocation to Dec 31, 2010	Received		143,385.00
Allocation to Dec 31, 2011	Received		143,370.00
Allocation to Dec 31, 2012	Received		150,634.00
Allocation to Dec 31, 2013	Received		150,571.27
Allocation to Dec 31, 2014	Received		146,599.76
Allocation to Dec 31, 2015	Received		146,599.76
Allocation to Dec 31, 2016	Received		151,536.57
Allocation to Dec 31, 2017	Received		151,187.25
Allocation to Dec 31, 2018	Received		156,473.90
Allocation to Dec 31, 2019	Estimated		156,473.90

TOTAL AVAILABLE FOR PROJECTS

\$ 1,871,050.07

Expenditures:

Approved Projects:

8549	City of GF - Airshed Quality Study	Completed	\$	5,000.00
2010	Kettle River Water Study	Funded		25,000.00
2012-1	Kettle River Watershed Study	Funded		15,000.00
2012-2	Kettle River Watershed Study	Funded		10,000.00
2013	Kettle River Watershed Project	Funded		24,899.66
2014	Kettle River Watershed Study	Funded		41,490.99
2015	Kettle River Watershed Study	Funded		7,857.50
2016	Kettle River Watershed Study	Funded		4,237.38
2017	Kettle River Watershed Study	Funded		11,377.02
2018	Kettle River Watershed Study	Funded		1,257.14
	Kettle River Watershed Study	Pending or Committed		380.31
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded		2,000.00
		Pending or Committed		
2010	Boundary Museum Society - Phase 1	Completed		13,000.00
2011	Boundary Museum Society - Phase 2	Completed		30,000.00
2012	Boundary Museum Society - Phase 2	Completed		8,715.00
2011	Phoenix Mnt Alpine Ski Society	Completed		63,677.00
2012	Phoenix Mnt Alpine Ski Society	Completed		1,323.00
2012	Phoenix Mnt Alpine Ski Society	Additional		12,600.00
2012	Grand Forks Curling Rink	Completed		11,481.00
27-14	Boundary Museum	Funded		77,168.50
178-15	Grand Forks Rotary Club (Spray Park)	Completed		25,000.00
426-15	Jack Goddard Memorial Arena (LED Lights)	Completed		40,000.00
7-16	RDKB (Hardy Mountain Doukhor Village)	Completed		38,165.19
	Grand Forks Aquatic Center (LED Lights for Natatorium)	Completed		10,565.83
144-16	Grand Forks BMX Society (Track Upgrade)	Completed		5,000.00
246-16	RDKB (Kettle River Heritage Trail)	Funded		100,000.00
268-16	Grand Forks Community Trails Society (New Surface Trans Canada Trail Westend Station)	Completed		24,648.45
271-16	RDKB (Boundary Agricultural & Food Project)	Funded		5,430.11
	RDKB (Boundary Agricultural & Food Project)	Pending or Committed		1,314.04

Status Report - Gas Tax Agreement Electoral Area 'D' / Grand Forks Rural			
293-16	Grand Forks Aquatic Center (Underwater LED Light Replacement)	Completed	11,508.76
451-16	Phoenix Cross Country Ski Society (Trail Grooming Machine)	Completed	20,512.33
467-17	RDKB (Boundary Transit Capital Funding)	Completed	5,889.00
468-17	RDKB (Boundary Trails Master Plan)	Funded	14,438.13
	RDKB (Boundary Trails Master Plan)	Pending or Committed	5,561.87
76-18	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined)	Funded	5,802.14
	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined)	Pending or Committed	5,501.19
112-18	Grand Forks Community Trails Society (North Fork Trans Canada Trail Surface Installation)	Funded	37,500.00
	Grand Forks Community Trails Society (North Fork Trans Canada Trail Surface Installation)	Pending or Committed	12,500.00
258-18	Boundary Museum Society (Black Hawk Livery Addition (40' x 60') Phase 1)	Funded	45,000.00
	Boundary Museum Society (Black Hawk Livery Addition (40' x 60') Phase 1)	Pending or Committed	15,000.00
298-18	RDKB Grand Forks Curling Rink (Facility Condition Assessment)	Funded	4,450.00
	RDKB Grand Forks Curling Rink (Facility Condition Assessment)	Pending or Committed	4,550.00
	RDKB (Boundary Transit 2018 Capital Funding)	Completed	9,965.00
TOTAL SPENT OR COMMITTED			\$ 814,766.54
TOTAL REMAINING			\$ 1,056,283.53

Status Report - Gas Tax Agreements
Electoral Area 'E' / West Boundary

Regional District of Kootenay Boundary
Status Report - Gas Tax Agreement
March 31, 2019



ELECTORAL AREA 'E' / WEST BOUNDARY

	Description	Status	Allocation	
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Revenue:

Per Capital Allocation of Gas Tax Grant:

Allocation to Dec 31, 2007	Received	\$	108,785.28
Allocation to Dec 31, 2008	Received		52,173.61
Allocation to Dec 31, 2009	Received		102,266.68
Allocation to Dec 31, 2010	Received		100,857.14
Allocation to Dec 31, 2011	Received		100,846.00
Allocation to Dec 31, 2012	Received		93,112.00
Allocation to Dec 31, 2013	Received		93,073.54
Allocation to Dec 31, 2014	Received		90,618.62
Allocation to Dec 31, 2015	Received		90,618.62
Allocation to Dec 31, 2016	Received		93,670.24
Allocation to Dec 31, 2017	Received		101,025.90
Allocation to Dec 31, 2018	Received		104,558.52
Allocation to Dec 31, 2019	Estimated		104,558.52

TOTAL AVAILABLE FOR PROJECTS	\$	1,236,164.67
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Expenditures:

Approved Projects:

283	Greenwood Solar Power Project	Completed	\$	3,990.00	
8548	Kettle Valley Golf Club	Completed		20,000.00	
8546	West Boundary Elementary School Nature Park	Completed		13,500.00	} 28,500.00
8546E	2010 WBES - Nature Park (expanded)	Completed		15,000.00	
2009/10	Kettle Wildlife Association (heat pump)	Completed		35,000.00	
2010	Rock Creek Medical Clinic (windows/doors)	Completed		18,347.56	
2010	Kettle Valley Golf Club (Pumps)	Completed		24,834.63	} 41,368.00
2011	Kettle Valley Golf Club (Pumps)	Completed		10,165.37	
2011	Kettle Valley Golf Club (Pumps)	Completed		6,368.00	
2010	Rock Creek Fairground Facility U/G	Completed		14,235.38	} 44,000.00
2011	Rock Creek Fairground Facility U/G	Completed		22,764.62	
2011	Rock Creek Fairground Facility U/G	Completed		7,000.00	
2010/11	Beaverdell Community Hall Upgrades	Completed		47,000.00	
2010	Kettle River Water Study	Funded		25,000.00	
2012-1	Kettle River Watershed Study	Funded		15,000.00	
2012-2	Kettle River Watershed Study	Funded		40,000.00	
2013	Kettle River Watershed Project	Funded		49,799.31	
2014	Kettle River Watershed Study	Funded		33,201.82	
2015	Kettle River Watershed Study	Funded		10,946.27	
2016	Kettle River Watershed Study	Funded		5,805.60	
2017	Kettle River Watershed Study	Funded		15,514.16	
2018	Kettle River Watershed Study	Funded		1,714.29	
	Kettle River Watershed Study	Pending or Committed		518.55	
417-13	Kettle River Watershed (Granby Wilderness Society)	Funded		2,000.00	
145-14	Rock Creek & Boundary Fair Association (Electrical Lighting & Equipment Upgrade)	Completed		35,122.00	
221-15	Greenwood Heritage Society (Zee Brick Replacement)	Completed		6,000.00	
222-15	Big White Chamber of Commerce (Tourist Trails Information Sign)	Funded		2,085.70	
	Big White Chamber of Commerce (Tourist Trails Information Sign)	Pending or Committed		695.23	
255-15	Rock Creek & Boundary Fair Association (Irrigation Upgrades)	Completed		20,866.89	
341-15	Greenwood Heritage Society (Install 2 Electric Car Charging Stations)	Completed		2,527.56	
342-15	Kettle River Museum (Install 2 Electric Car Charging Stations)	Completed		2,743.50	

Status Report - Gas Tax Agreements Electoral Area 'E' / West Boundary			
343-15	Trails to the Boundary Society (Trans-Canada Trail Between Mcculloch and Eholt)	Funded	29,574.09
81-16	Kettle Valley Golf Club (Pump House Renovation Project)	Completed	10,123.48
110-16	Kettle Wildlife Association (Parking/Water/Electrical Upgrades)	Completed	24,717.57
182-16	Rock Creek Community Medical Society (Roof and Floor Replacement RC Health Centre)	Completed	22,675.68
183-16	Kettle Wildlife Association (Parking/Water/Electrical Upgrades Addiitonal)	Completed	3,744.15
271-16	RDKB (Boundary Agricultural & Food Project)	Funded	11,459.95
	RDKB (Boundary Agricultural & Food Project)	Pending or Committed	2,773.19
451-16	Phoenix Cross Country Ski Society (Trail Grooming Machine)	Completed	10,256.17
166-17	Beaverdell Community Club & Recreation Commission (Bleachers Beaverdell Ball Park)	Funded	7,178.90
	Beaverdell Community Club & Recreation Commission (Bleachers Beaverdell Ball Park)	Pending or Committed	2,392.96
198-17	Westbridge Recreation Society (Replace Kitchen Westbridge Hall)	Completed	20,699.41
468-17	RDKB (Boundary Trails Master Plan)	Funded	14,438.14
	RDKB (Boundary Trails Master Plan)	Pending or Committed	5,561.86
76-18	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined)	Funded	5,802.14
	RDKB Kettle River Watershed Authority (Drought Management Plan) (\$11,303.33 is Approx Amount; Actual Allocation To Be Determined)	Pending or Committed	5,501.20
152-18	Westbridge Recreation Society (Door Upgrades/ LED Conversion/Curtains & Tracking System)	Completed	7,023.06
154-18	Bridesville Community Club (Hall Addition)	Completed	70,000.00
296-18	Rock Creek & Boundary Fair Association (Assembly Hall Upgrades)	Funded	15,000.00
	Rock Creek & Boundary Fair Association (Assembly Hall Upgrades)	Pending or Committed	5,000.00
297-18	Kettle River Museum (Bunkhouse Upgrades)	Funded	15,000.00
	Kettle River Museum (Bunkhouse Upgrades)	Pending or Committed	5,000.00
467-18	King of Kings New Testament Church (H/E Commercial Dishwasher)	Completed	6,608.51
566-18	Westbridge Recreation Society (Construction of New Building)	Funded	30,637.30
	Westbridge Recreation Society (Construction of New Building)	Pending or Committed	10,212.43
47-19	Kettle Valley Golf Club (Clubhouse Window Replacement)	Pending or Committed	7,945.95
TOTAL SPENT OR COMMITTED			\$ 857,072.58
TOTAL REMAINING			\$ 379,092.09