

Builder's Protocol

Feathertop Strata, Big White
2022 - 2023



This protocol is intended to harmonise the interests of Owners, Guests and Builders / Contractors at the Feathertop development. It is primarily intended to only apply during the Big White Ski Season, but should also be followed as best possible at other times.

Feathertop will likely be a combination of year-round homes, vacation properties, guest rental accommodation and a building site for the foreseeable future. All completed properties were building sites once, so the protocol is intended for us to live together!

Owners are advised to provide their contracted builder with a copy of this protocol, and request adherence by the builder, staff and contractors. Any subsequent complaints to the Strata Council will be passed to the owner to resolve with the builder.

Noise

No building activity, including snow clearing, should occur before 7AM.

Parking & Building equipment e.g. rubbish containers

It is Feathertop Strata bylaw 3 (6) (a) that there is to be no parking on roadways.

Some realistic allowance for Builders & Contractors is required, however:

Do not park, or place equipment / building materials, on any other owner's Lot without their express permission.

Do not obstruct under any circumstances designated ski easements.

Builders / contractors must ensure all vehicles can be, and ARE moved at short notice when snow clearing vehicles are in operation.

Building supervisors should consider car-pooling e.g. from Happy Valley when the number of vehicles exceeds those that can be parked on the Lot under development.

No building equipment or materials may be positioned on or above the roadway at any time, with care taken to clear common property at the end of each day ('common property' extends 11'-12' back from the road curb). Snow clearing vehicles might need access, and widen the cleared path outside normal working hours. An owner may request to council to store material, including on behalf of their builder, on common property. At council's sole discretion this can be approved, but will likely require a security deposit and undertaking from the owner that common property will be cleared, with supporting photographic evidence, prior to October 1st.

Even in summer months, the bylaws apply. A complaint is more likely to be generated when vehicles / trailers / bins / storage containers / building equipment are parked overnight or longer term on roadways. Complaints are less likely when builders make all reasonable efforts to minimise the time roadways are obstructed - for example as the build progresses and grading permits moving trailers partially or wholly off the road etc.

Builders in summer 2021 are leaving trailers parked long term in the roadway, with surrounding building equipment.

Snow clearing

The snow clearing contract is for all Lots on Feathertop, and all Lot owners have been paying equally towards snow-clearing, whether their Lot has been built on or not.

There is therefore a reasonable right for owner's builders to expect the snow clearing to include lots being built on. Their requirements will be different, and the times of snow clearing not optimal, but a friendly dialogue and co-operation can go a long way.

It is in the interests of owners to manage snow clearing requirements during a build, to avoid unnecessary snow removal costs from the builder.

Big White, from time to time in the ski season, widen the roadway using 'blower' equipment. If the blower encounters debris in the snow banks, serious damage can, and has occurred at Feathertop, to the blower. In order to provide Big White necessary assurance builders will be required to move all building equipment from the roadway and common property (approx 11' from the curb) prior to 1st October. This includes bins, portable toilets, building materials, trailers, storage containers and vehicles left overnight.

Driving

Building supervisors should make staff and contractors aware, and promote adherence to, the 20kph speed limit on Feathertop Way. In the ski season, Feathertop is a vacation destination for worldwide visitors, and children on sledges, elderly pedestrians, and dogs are likely fellow users of a narrow snow banked roadway.

Whilst Big White Road, and Feathertop Road (not Way) are public highways, and cleared of snow by AIM, Feathertop Way is private. It is less regularly cleared, rarely gritted, and often only cleared in the afternoon to single vehicle width.

Building Supervisors should ensure contractor vehicles are suitable for the conditions, and where not e.g. 2-wheel drive cars / other than full winter tires, enforce car-pooling.

Incidents and concerns in 2019-2020 with vehicles being driven fast and/or not under control (presenting a hazard to pedestrians) in order to try and make progress up Feathertop Way.

In spring 2021 a collision occurred on one of the hairpins. A narrowed road by snow banks, dog walkers and excess speed by one vehicle were likely factors... the vehicle hit was hardly moving.

Ski Easements

Designated ski easements are not only for the use of skiers, but regularly groomed by Big White. The groomer machines are wide, and of limited manoeuvrability. They are liable to 'brush against (!)' properties adjacent to an easement, and house designs should consider that over the season as the snow base rises, the groomer will pass up to 3m higher than when at easement level.

If your property adjoins an easement, it is more than likely that the design will incorporate skier access to and from the easement. If the builder is required to disturb the easement e.g. to build foundations, walls:

The easement disturbance should only occur outside the ski season i.e. from first digging into the easement to restoration, should be done in one summer season.

The easement cannot be graded (sloped), even inside your property lines.

It is a bylaw requirement that the Strata Council give prior written permission before any alteration or excavation of the ski easements or common property - even if only temporary.

Recent RDKB Planning minutes for a Feathertop Lot have included:

"Need to be aware ski easement is also above their property and they must maintain the grade that exists. The ski easement is a Statutory Right of Way which protects it from the ground to the sky, as snow cats have to travel on this easement nothing should overhang it, (rooves or decks), and nothing should block their passing, (rock walls or structures).

Wording ... in the development permit regarding maintaining existing grades in the skier easement."

Skier Access

All Big White properties, including Feathertop, give skiers right of access across properties. However, active building sites in the ski season present hazards, not compatible with skiers. Builders should liaise with owners and the Strata Council to minimise physical (e.g. obstruction or barriers) or other (warning signs, verbal discouragement) restrictions to skier access.

In winter 2019-20, one Lot Builder placed a rubbish bin on an adjacent Lot, then (verbally) 'applied' (and signposted) a 'No Skier Access' route on a required ski-out route for other Lots, between the house and bin.

Dogs

The Feathertop Strata bylaws include:

3 (4) *An owner, tenant, occupant or visitor must ensure that all animals are leashed or otherwise secured when on the common property or on land that is a common asset and that they remove all fecal matter from trails, pathways and all other common property.*

which applies to any builder's staff or contractors at Feathertop.

Build Planning

Consideration should be given to clearing and grading parking and storage areas early on, for builder's vehicles and equipment.

One Lot has a complete house shell, but left the original steep grade from the road to the house to be later backfilled. The result is nowhere for builder's vehicles, materials and equipment to be stored / parked, hence the inevitable inconvenience resulted.

The Strata Council are less likely to be sympathetic regarding complaints where potential on-site parking could have been, but was not, made available.

Build Site debris and rubbish

The contrast between various building sites on Feathertop in general cleanliness and husbandry is stark! Some use building bins and tidy their sites at the end of each work day. Others leave rubbish and debris piled up including on adjacent lots, which blows about, looks unsightly and is further disrupted by ravens. It also presents a further hazard to the snow clearing 'blowers' (see above).

Bylaw breach notices have been issued to Lot owners in 2020 and 2021, and one owner billed by the strata for hiring contractors to clear their debris.

Enforcement

It is hoped no bylaw enforcement, other than polite reminders of this protocol, is required.

The Strata Council have no powers or wish to 'enforce' this protocol with builders, but do have powers to enforce Strata Rules and Bylaws with owners (Strata members). It is therefore in the interests of owners to discuss this protocol with their contracted builders when planning a build. If Lot owners experience difficulty with builders regarding issues as above, or other issues, if polite requests do not solve the problem, they are encouraged to contact the Strata Council to progress issues. For rental properties, owners are requested to advise guests to pass complaints to the owners or rental companies, rather than direct to builders.

Feathertop Strata Council

As approved at Strata Council meeting: 2 June 2021