

KAMLOOPS LAND TITLE OFFICE

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STRATA PROPERTY ACT FILING  
PROVINCE OF BRITISH COLUMBIA

PAGE 1 OF 28 PAGES

- Your electronic signature is a representation by you that:
    - you are a subscriber; and
    - you have incorporated your electronic signature into
      - this electronic application, and
      - the imaged copy of each supporting document attached to this electronic application, and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.
  - Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
    - the supporting document is identified in the imaged copy of it attached to this electronic application;
    - the original of the supporting document is in your possession; and
    - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.
- Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.

Benjamin Andrew van der Gracht TSJJ2V	Digitally signed by Benjamin Andrew van der Gracht TSJJ2V Date: 2019.03.18 14:37:11 -07'00'
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1. CONTACT: (Name, address, phone number)

**ASSOCIATED PROPERTY MANAGEMENT (2001) LTD.**

**#1 - 1441 ST. PAUL STREET**

Phone: (250) 712-0025

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**KELOWNA**

**BC V1Y 2E4**

Document Fees: \$28.63

Deduct LTSA Fees? Yes ☒

2. IDENTIFICATION OF ATTACHED STRATA PROPERTY ACT FORM OR OTHER SUPPORTING DOCUMENT:

Form-I Amendment to Bylaws

LTO Document Reference:

3. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:  
[PID] [LEGAL DESCRIPTION]

**NO PID NMBR THE OWNERS, STRATA PLAN KAS3134**

Related Plan Number: **KAS3134**


**Strata Property Act  
FORM I  
AMENDMENT TO BYLAWS  
(Section 128)**

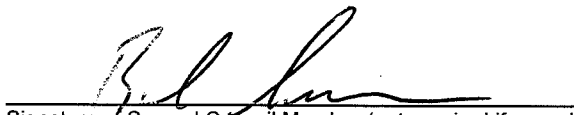
The Owners, Strata Plan KAS3134 certify that the following amendment(s) to the bylaws of the strata corporation was/were approved by a resolution(s) passed in accordance with section 128 of the *Strata Property Act* at an annual or general meeting held on February 28, 2019.

**BYLAW AMENDMENTS**

(SEE ATTACHED)

Date: February 28, 2019

  
\_\_\_\_\_  
Signature of Council Member

  
\_\_\_\_\_  
Signature of Second Council Member (not required if council consists of only one member)

- 8.2 On motion by Unit 34, seconded by Unit 80, **BE IT RESOLVED** by a  $\frac{3}{4}$  vote resolution of "The Owners, Strata Plan KAS3134":
1. To consider, discuss and vote on each section or group of sections, and where required, subsection, of the proposed bylaws as presented (refer attachment);
  2. Pursuant to section 50 (2) of the Strata Property Act, no significant change in the wording of the proposed bylaws will be considered;
  3. To approve and ratify the bylaws thus approved, and where gaps in the numbering of the bylaws result from some sections, group of sections or subsections not being approved by the owners, to amend the numbering of the bylaws to improve readability;
  4. To direct Council to take all steps necessary to cause to be filed at the Land Title Office a set of consolidated bylaws as approved at this meeting.
- **THEREFORE**, on motion by Unit 34, seconded by Unit 80, **BE IT RESOLVED** by a  $\frac{3}{4}$  vote resolution of "The Owners, Strata Plan KAS3134" to approve Division 1 of the proposed bylaws, VOTES FOR: 19.5; VOTES AGAINST 2; MOTION CARRIED.
  - **THEREFORE**, on motion by Unit 80, seconded by Unit 17, **BE IT RESOLVED** by a  $\frac{3}{4}$  vote resolution of "The Owners, Strata Plan KAS3134" to approve Divisions 2 & 3 of the proposed bylaws, VOTES FOR: 19.5; VOTES AGAINST 2; MOTION CARRIED.
  - **THEREFORE**, on motion by Unit 34, seconded by Unit 74, **BE IT RESOLVED** by a  $\frac{3}{4}$  vote resolution of "The Owners, Strata Plan KAS3134" to approve Divisions 4 & 5 of the proposed bylaws, VOTES FOR: 20.5; VOTES AGAINST 1; MOTION CARRIED.
  - **THEREFORE**, on motion by Unit 78, seconded by Unit 83, **BE IT RESOLVED** by a  $\frac{3}{4}$  vote resolution of "The Owners, Strata Plan KAS3134" to approve Divisions 6, 7 & 9 of the proposed bylaws, VOTES FOR: 20.5; VOTES AGAINST 1; MOTION CARRIED.
- VOTES FOR: 19.5; VOTES AGAINST 2; MOTION CARRIED.

## **The Owners, Strata Plan KAS3134**

### **Feathertop Bylaws**

#### **Division 1 — Duties of Owners, Tenants, Occupants and Visitors**

##### **1. Payment of strata fees**

- (1) An owner must pay strata fees on or before the first day of the month to which the strata fees relate. Fees must be paid by pre-authorized debit, post dated cheques or annually in advance.
- (2) If any owner has not either submitted properly prepared post-dated cheques or made the pre-authorized payment arrangement as aforesaid by the 1st day following such notification, a penalty of \$50.00 will be levied on the strata lot of the owner on the 21st day, and a further penalty of \$50.00 for each additional 14-day period which thereafter elapses until and including the day that either the post-dated cheques are received or the pre-authorized payment arrangement is made
- (3) If for any reason including, without limitation, any cheque for a monthly strata fee which is returned because of insufficient funds (N.S.F.), any owner has not paid his or her monthly strata fee by the 1st day of the month for which it is due, a penalty of \$50.00 will be levied on the strata lot of the owner on the 21st day, and a further penalty of \$50.00 for each additional 14-day period which thereafter elapses until and including the day that the monthly strata fee is paid.
- (4) The vote for a strata lot may not be exercised, except on matters requiring an 80% or unanimous vote, if the strata corporation is entitled to register a lien against the strata lot under section 116 (1) of the Strata Property Act.
- (5) The Corporation may charge an owner who is late in paying his or her monthly strata fee or special levy interest in the amount of 10% per annum, compounded annually.

##### **2. Repair and maintenance of property by owner**

- (1) An owner must repair and maintain the owner's strata lot, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.

- (2) An owner who has the use of limited common property must repair and maintain it, except for repair and maintenance that is the responsibility of the strata corporation under these bylaws.
- (3) Waste & Rubbish - owner tenant, occupant, or Visitor must:
  - (a) Store all solid waste and similar refuse in containers which are designed to not be opened or readily penetrated by any scavenging or carnivorous animal, and keep all refuse in lockable containers. It is the owners responsibility to clean up any mess which may have been caused by animals scavenging and / or opening refuse storage containers.
  - (b) not dispose of the following through the home sewage system: chemicals, solvents, paints or other similar materials including, but not limited to, thinners, cleaning solvents, sulphides (used in winemaking), photo processing chemicals, oil, gasoline or other petroleum products,
  - (c) not throw, pile or store around the owner, tenant or occupant's strata lot, another strata lot or the common property any rubbish, garbage, boxes, packing cases or similar refuse and dispose of those materials at the owner, tenant or occupant's expense, and
  - (d) ensure that ordinary household refuse, garbage, recyclable materials is securely wrapped, and packed in a suitable collection container so as to prevent the escape of foul odours, contamination and attraction of rodents or other animals.

### **3. Use of property**

- (1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that
  - (a) causes a nuisance or hazard to another person,
  - (b) causes unreasonable noise,
  - (c) unreasonably interferes with the rights of other persons to use and enjoy the common property, common assets or another strata lot,
  - (d) is illegal, or
  - (e) is contrary to a purpose for which the strata lot or common property is intended as shown expressly or by necessary implication on or by the strata plan.

- (2) An owner, tenant, occupant or visitor must not cause damage, other than reasonable wear and tear, to the common property, common assets or those parts of a strata lot which the strata corporation must repair and maintain under these bylaws or insure under section 149 of the Act.
- (3) An owner is responsible and liable for the conduct of the owner's tenants, occupants, Visitors or agents when the tenant, occupant, Visitor or agent is on a strata lot or the common property
- (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.
- (5) An owner, tenant or occupant must not keep any pets on a strata lot other than one or more of the following:
  - (a) a reasonable number of fish or other small aquarium animals;
  - (b) a reasonable number of small caged mammals;
  - (c) up to 4 caged birds;
  - (d) up to 2 dogs and 2 cats,provided that if Council, acting reasonably, determines that an animal permitted to be kept under this section (5) is dangerous or is an unreasonable nuisance, within 14 days following notice from the Council of such determination the owner, tenant, occupant must permanently remove or have caused to be permanently removed the animal from the strata lot.
- (6) Parking
  - (a) Parking on common property, street, lane or access routs of the Development is prohibited and any vehicle parked in a prohibited area will be removed at the vehicle owner/driver and the owner will be subject to fines under the Feathertop Strata standard Bylaws.
  - (b) Vehicles travelling on internal roads must not exceed the speed limit of twenty kilometers per hour
- (7) Recreational Vehicles. The use of snowmobiles, trail bikes, all terrain vehicles or any unlicensed motor vehicle is prohibited on common property.

- (8) Plants and Wildlife
  - (a) Harm, damage, trapping or destruction of wildlife on the property is prohibited
  - (b) Other than within the approved building envelope, the cutting or removal of plants, trees or bushes on private or common property is prohibited, without prior written consent of the strata council
  - (c) The use of plant, animal or insect poison on common property is prohibited without prior written consent of the strata council
- (9) Firearms. The discharge of projectiles of any kind (guns, bows and arrow, slingshots ect) on the property is prohibited
- (10) Decks, Patios and Balconies. Decks, patios and balconies must be kept clean and tidy condition free of debris and must not be used for storage purposes
- (11) Vehicles and Access. (10) An owner tenant or occupant shall not on a vacant lot:
  - (a) keep or permit to be kept or store:
    - (i) any motor vehicles other than on his or her strata lot;
    - (ii) in the yard or on the street outside of an owner's lot, any stored vehicle, trailer, boat, vans with exterior structural conversions, motor homes, camper, camper-vans, vehicles under repair or waiting for repair, radically modified vehicles beyond original manufacturer's specifications, dune buggies, or unlicensed motor vehicles regardless of its size, purpose or frequency of use.
  - (b) permit:
    - (i) other than for an emergency, repairs to motor vehicles or other mechanical equipment to be carried out on the common property or lot or strata lot;
    - (ii) guests to park motor vehicles on any common property on an ongoing basis, or any member of his/her household, guest or Visitor to operate any unregistered or unlicensed motorized vehicle regardless of its size, purpose or frequency of use.

- (12) An owner tenant or occupant of a lot with a constructed home may keep or permit to be kept or store:
  - (a) on a paved driveway of an owner's lot, any stored vehicle, trailer boat, van, motor home, camper or camper-vans.
  - (b) any vehicle up to 1 ton capacity
- (13) Safety & General Appearance
  - (a) An owner, tenant, occupant or Visitor must not hinder the use of, or restrict access to or the use of, roadways and any other parts of the common property
  - (b) An owner, tenant, occupant or Visitor must use and store any hazardous and environmentally damaging materials on their strata lot in accordance with any manufacturers' recommendations for safe use or any requirements specified by law, whichever is the higher standard, and must ensure that any hazardous materials do not escape to or are released onto the strata lot, the common property or the environment
  - (c) An owner, tenant, occupant or Visitor are permitted to have a fire pit provided it is not larger than 1 meter in diameter, they follow the Big White fire bylaws and the posted Big White Fire danger rating. Only clean wood is to be burned, no garbage or plastics. An owner, tenant, occupant or Visitor must not start or maintain an open fire of any kind on the common property or on any adjacent property.

**4. Inform strata corporation**

- (1) Within 2 weeks of becoming an owner, an owner must inform the strata corporation of the owner's name, strata lot number and mailing address outside the strata plan, if any.
- (2) On request by the strata corporation, a tenant must inform the strata corporation of his or her name.

**5. Obtain approval before altering a strata lot**

- (1) Only one single-family dwelling may be constructed on each strata lot. Multi-family or duplex dwellings and prohibited. An owner must obtain the written approval of the strata corporation before making an alteration to a strata lot that involves any of the following:
  - (a) the structure of a building;



- (b) the exterior of a building;
  - (c) chimneys, stairs, balconies or other things attached to the exterior of a building;
  - (d) doors, windows or skylights on the exterior of a building, or that front on the common property;
  - (e) fences, railings or similar structures that enclose a patio, balcony or yard;
  - (f) common property located within the boundaries of a strata lot;
  - (g) those parts of the strata lot which the strata corporation must insure under section 149 of the Act.
- (2) The strata corporation must not unreasonably withhold its approval under subsection (1), but may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.
- (3) This section does not apply to a strata lot in a bare land strata plan.

**6. Obtain approval before altering common property**

- (1) An owner must obtain the written approval of the strata corporation before making an alteration to common property, including limited common property, or common assets.
- (2) The strata corporation may require as a condition of its approval that the owner agree, in writing, to take responsibility for any expenses relating to the alteration.

**7. Permit entry to strata lot**

- (1) An owner, tenant, occupant or visitor must allow a person authorized by the strata corporation to enter the strata lot
- (a) in an emergency, without notice, to ensure safety or prevent significant loss or damage, and
  - (b) at a reasonable time, on 48 hours' written notice, to inspect, repair or maintain common property, common assets and any portions of a strata lot that are the responsibility of the strata corporation to repair and maintain under these bylaws or insure under section 149 of the Act.

- (2) The notice referred to in subsection (1) (b) must include the date and approximate time of entry, and the reason for entry.

## **Division 2 — Powers and Duties of Strata Corporation**

### **8. Repair and maintenance of property by strata corporation**

- (1) The strata corporation must repair and maintain all of the following:
- (a) common assets of the strata corporation;
  - (b) common property that has not been designated as limited common property;
  - (c) limited common property, but the duty to repair and maintain it is restricted to
    - (i) repair and maintenance that in the ordinary course of events occurs less often than once a year, and
    - (ii) the following, no matter how often the repair or maintenance ordinarily occurs:
      - (A) the structure of a building;
      - (B) the exterior of a building;
      - (C) chimneys, stairs, balconies and other things attached to the exterior of a building;
      - (D) doors, windows and skylights on the exterior of a building or that front on the common property;
      - (E) fences, railings and similar structures that enclose patios, balconies and yards;

## **Division 3 — Council**

### **9. Council size**

- (1) Subject to subsection (2), the council must have at least 3 and not more than 7 members.
- (a) If the strata plan has fewer than 4 strata lots or the strata corporation has fewer than 4 owners, all the owners are on the council.
- (2) The spouse of an owner may be a council member
- (3) No person may stand for council or continue to be on council with respect to a strata lot if the strata corporation is entitled to register a lien against that strata lot under section 116 (1) of the Strata Property Act

**10. Council members' terms**

- (1) The term of office of a council member ends at the end of the annual general meeting at which the new council is elected.
- (2) A person whose term as council member is ending is eligible for re-election.

**11. Removing council member**

- (1) Unless all the owners are on the council, the strata corporation may, by a resolution passed by a majority vote at an annual or special general meeting, remove one or more council members.
- (2) After removing a council member, the strata corporation must hold an election at the same annual or special general meeting to replace the council member for the remainder of the term.

**12. Replacing council member**

- (1) If a council member resigns or is unwilling or unable to act for a period of 2 or more months, or is in arrears in strata fees or other assessments for 2 or more months, the remaining members of the council may appoint a replacement council member for the remainder of the term.
- (2) A replacement council member may be appointed from any person eligible to sit on the council.
- (3) The council may appoint a council member under this section even if the absence of the member being replaced leaves the council without a quorum.
- (4) If all the members of the council resign or are unwilling or unable to act for a period of 2 or more months, persons holding at least 25% of the strata corporation's votes may hold a special general meeting to elect a new council by complying with the provisions of the Act, the regulations and the bylaws respecting the calling and holding of meetings.

**13. Officers**

- (1) At the first meeting of the council held after each annual general meeting of the strata corporation, the council must elect, from among its members, a president, a vice president, a secretary and a treasurer.
- (2) A person may hold more than one office at a time, other than the offices of president and vice president.

- (3) The vice president has the powers and duties of the president
  - (a) while the president is absent or is unwilling or unable to act, or
  - (b) for the remainder of the president's term if the president ceases to hold office.
- (4) If an officer other than the president is unwilling or unable to act for a period of 2 or more months, the council members may appoint a replacement officer from among themselves for the remainder of the term.

**14. Calling council meetings**

- (1) Any council member may call a council meeting by giving the other council members at least one week's notice of the meeting, specifying the reason for calling the meeting.
- (2) The notice does not have to be in writing.
- (3) A council meeting may be held on less than one week's notice if
  - (a) all council members consent in advance of the meeting, or
  - (b) the meeting is required to deal with an emergency situation, and all council members either
    - (i) consent in advance of the meeting, or
    - (ii) are unavailable to provide consent after reasonable attempts to contact them.
- (4) The council must inform owners about a council meeting as soon as feasible after the meeting has been called.

**15. Quorum of council**

- (1) A quorum of the council is
  - (a) 1, if the council consists of one member,
  - (b) 2, if the council consists of 2, 3 or 4 members,
  - (c) 3, if the council consists of 5 or 6 members, and
  - (d) 4, if the council consists of 7 members.
- (2) Council members must be present in person at the council meeting to be counted in establishing quorum.

**16. Council meetings**

- (1) At the option of the council, council meetings may be held by electronic means, so long as all council members and other participants can communicate with each other.
- (2) If a council meeting is held by electronic means, council members are deemed to be present in person.
- (3) Owners may attend council meetings as observers.
- (4) Despite subsection (3), no observers may attend those portions of council meetings that deal with any of the following:
  - (a) bylaw contravention hearings under section 135 of the Act;
  - (b) rental restriction bylaw exemption hearings under section 144 of the Act;
  - (c) any other matters if the presence of observers would, in the council's opinion, unreasonably interfere with an individual's privacy.

**17. Voting at council meetings**

- (1) At council meetings, decisions must be made by a majority of council members present in person at the meeting.
- (2) Unless there are only 2 strata lots in the strata plan, if there is a tie vote at a council meeting, the president may break the tie by casting a second, deciding vote.
- (3) The results of all votes at a council meeting must be recorded in the council meeting minutes.

**18. Council to inform owners of minutes**

- (1) The council must inform owners of the minutes of all council meetings within 2 weeks of the meeting, whether or not the minutes have been approved.

**19. Delegation of council's powers and duties**

- (1) Subject to subsections (2) to (4), the council may delegate some or all of its powers and duties to one or more council members or persons who are not members of the council, and may revoke the delegation.

- (2) The council may delegate its spending powers or duties, but only by a resolution that
  - (a) delegates the authority to make an expenditure of a specific amount for a specific purpose, or
  - (b) delegates the general authority to make expenditures in accordance with subsection (3).
- (3) A delegation of a general authority to make expenditures must
  - (a) set a maximum amount that may be spent, and
  - (b) indicate the purposes for which, or the conditions under which, the money may be spent.
- (4) The council may not delegate its powers to determine, based on the facts of a particular case,
  - (a) whether a person has contravened a bylaw or rule,
  - (b) whether a person should be fined, and the amount of the fine, or
  - (c) whether a person should be denied access to a recreational facility.

**20. Spending restrictions**

- (1) A person may not spend the strata corporation's money unless the person has been delegated the power to do so in accordance with these bylaws.
- (2) Despite subsection (1), a council member may spend the strata corporation's money to repair or replace common property or common assets if the repair or replacement is immediately required to ensure safety or prevent significant loss or damage.

**21. Limitation on liability of council member**

- (1) A council member who acts honestly and in good faith is not personally liable because of anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council.
- (2) Subsection (1) does not affect a council member's liability, as an owner, for a judgment against the strata corporation.

## **Division 4 — Enforcement of Bylaws and Rules**

### **22. Maximum fine**

- (1) The strata corporation may fine an owner or tenant a maximum of
  - (a) \$200 for each contravention of a bylaw, and
  - (b) \$50 for each contravention of a rule.

### **23. Continuing contravention**

- (1) If an activity or lack of activity that constitutes a contravention of a bylaw or rule continues, without interruption, for longer than 7 days, a fine may be imposed every 7 days.

## **Division 5 — Annual and Special General Meetings**

### **24. Person to chair meeting**

- (1) Annual and special general meetings must be chaired by the president of the council.
- (2) If the president of the council is unwilling or unable to act, the meeting must be chaired by the vice president of the council.
- (3) If neither the president nor the vice president of the council chairs the meeting, a chair must be elected by the eligible voters present in person or by proxy from among those persons who are present at the meeting.

### **25. Participation by other than eligible voters**

- (1) Attendance at an annual or special general meeting by telephone conference call is permitted, provided all persons participating in the meeting can communicate with each other during the meeting.
- (2) Tenants and occupants may attend annual and special general meetings, whether or not they are eligible to vote.
- (3) Persons who are not eligible to vote, including tenants and occupants, may participate in the discussion at the meeting, but only if permitted to do so by the chair of the meeting.
- (4) Persons who are not eligible to vote, including tenants and occupants, must leave the meeting if requested to do so by a resolution passed by a majority vote at the meeting.

**26. Voting**

- (1) If within 15 minutes from the time appointed for an annual or special general meeting, a quorum is not present, the meeting shall be terminated if the meeting was convened upon the request of members; but in any other case, if a quorum is not present for the meeting within 15 minutes from the time appointed, the eligible voters present in person or in proxy shall constitute a quorum.
- (2) At an annual or special general meeting, voting cards must be issued to eligible voters.
- (3) At an annual or special general meeting a vote is decided on a show of voting cards, unless an eligible voter requests a precise count.
- (4) If a precise count is requested, the chair must decide whether it will be by show of voting cards or by roll call, ballot or some other method.
- (5) The outcome of each vote, including the number of votes for and against the resolution if a precise count is requested, must be announced by the chair and recorded in the minutes of the meeting.
- (6) If there is a tie vote at an annual or special general meeting, the president, or, if the president is absent or unable or unwilling to vote, the vice president may break the tie by casting a second, deciding vote.
- (7) If there are only 2 strata lots in the strata plan, subsection (5) does not apply.
- (8) Despite anything in this section, an election of council or any other vote must be held by ballot, if the ballot is requested by an eligible voter.

**27. Order of business**

- (1) The order of business at annual and special general meetings is as follows:
  - (a) certify proxies and corporate representatives and issue voting cards;
  - (b) determine that there is a quorum;
  - (c) elect a person to chair the meeting, if necessary;
  - (d) present to the meeting proof of notice of meeting or waiver of notice;
  - (e) approve the agenda;
  - (f) approve minutes from the last annual or special general meeting;
  - (g) deal with unfinished business;



- (h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;
- (i) ratify any new rules made by the strata corporation under section 125 of the Act;
- (j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;
- (k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;
- (l) deal with new business, including any matters about which notice has been given under section 45 of the Act;
- (m) elect a council, if the meeting is an annual general meeting;
- (n) terminate the meeting.

## **Division 6 — Voluntary Dispute Resolution**

### **28. Voluntary dispute resolution**

- (1) A dispute among owners, tenants, the strata corporation or any combination of them may be referred to a dispute resolution committee by a party to the dispute if
  - (a) all the parties to the dispute consent, and
  - (b) the dispute involves the Act, the regulations, the bylaws or the rules.
- (2) A dispute resolution committee consists of
  - (a) one owner or tenant of the strata corporation nominated by each of the disputing parties and one owner or tenant chosen to chair the committee by the persons nominated by the disputing parties, or
  - (b) any number of persons consented to, or chosen by a method that is consented to, by all the disputing parties.
- (3) The dispute resolution committee must attempt to help the disputing parties to voluntarily end the dispute.

## **Division 7 — Marketing Activities by Owner**

### **29. Marketing**

- (1) An owner who has an unsold strata lot may carry on sales functions that relate to its sale, including the posting of signs.

- (2) Signs. No signs will be permitted except for:
  - (a) The rental manager's signs identifying and promoting rental of the strata lots. Sign size not to exceed 1 foot by 2 feet.
  - (b) One for sale sign on the strata lot not to exceed 2 feet by 3 feet.
  - (c) One sign with the chalet name not to exceed 2 feet by 3 feet.

### **Division 8 — Building Guidelines**

#### **30. Building Guidelines**

- (1) The Building Guidelines adopted at the February 28, 2019 Special General Meeting, and any subsequent amendments, form part of the strata corporation's bylaws, with any breach in the Building Guidelines to be treated as a breach of the strata corporation's bylaws. Existing structures in place at the time the Building Guidelines are approved by the strata corporation will be exempt from the Building Guidelines where the improvements differ from the Guidelines; however on undertaking major repairs, deviations from Building Guidelines will need to be rectified where ever possible.

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## FEATHERTOP DESIGN GUIDELINES

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## FEATHERTOP DESIGN GUIDELINES

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### 1.0 Design Guideline Submissions

- 1.1 Feathertop is a subdivision in Big White approved for the development of 26 exterior and 55 interior single family detached residential units zoned RM-3. Because the subdivision approval does not include specific architectural designs, development of each of the lots will be reviewed and approved through the design review process. Review professionals will be appointed by the Strata Corporation KAS 3134.

### 2.0 Design Guideline Objectives

- 2.1 In order to facilitate a consistent, fair, and expeditious design review process, architectural guidelines have been prepared and will be used to evaluate all properties located in Feathertop before issuance of building permits.
- 2.2 The purpose of the design review is to promote the harmonious development of the neighbourhood and to protect the character and the integrity of the homeowners' investment.
- 2.3 Site characteristics and constraints along with the implementation of these guidelines may not allow a specific site to achieve the maximum density or intensity otherwise permitted by the Zoning Bylaw.
- 2.4 Become familiar with these design guidelines, the Regional District Zoning By-Law, and other relevant plans and regulations. An application that is consistent with these design guideline policies, and has submitted all necessary plans and information correctly, can be processed with minimal delay.

### 3.0 Architectural Style and Character

- 3.1 Perhaps one of the most important factors in Canadian History is the building of the Canadian Pacific Railway. Helping forge a nation from coast to coast, with the promise of a rail link to Upper and Lower Canada, if British Columbia would join their confederation.
- 3.2 The railways were also responsible for creating and building some of the grandest hotels and distinguished lodges found in the western mountains of North America
- 3.3 The architects of these buildings derived their ideas from the prevailing stylistic tendencies of their times, primarily Victorian, carpenter Gothic and the rustic East Coast Adirondack style. Other builders looked toward nature and allowed the surrounding mountainous landscape to influence their designs.
- 3.4 This architectural style that evolved, with its mixture of logs, timber and native stone, with detailed decorative rustic gables that punctuated steep pitched roofs, had been emerging for the many mountain resort hotels and park lodges throughout the

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Western USA and Canada and sets the basis for the architectural style and character adopted by Feathertop.

- 3.5 The combination of traditional craftsmanship, and the use of local and readily available materials, creates a harmony with the natural beauty found at Big White and its surrounding environment.
- 3.6 The architectural style and character is spawned from the inspiration found in the majestic historical railway hotels such as Banff Springs Hotel, Mount Assiniboine and Prince of Wales Hotels as well as the Old Faithful Inn of Yellowstone and the Ahwahnee at Yosemite National Park, found south of the border.
- 3.7 The architecture is characterized by the use of indigenous stone foundations, heavy post and beam timber construction, articulated wood railings at extended covered balconies, stone fire places with stone chimney caps, decorative and detailed gables and dormers that accent and punctuate the multiple roof slopes, all finished in natural colors that emerge and blend with the natural beauty of wooded alpine and mountain peaks.
- 3.8 Each home should embody the living history of this traditional style that has its roots firmly entrenched within the commitment of spirit and destiny that helped forge this country.

### 4.0 Design Review Process

- 4.1 In order to provide adequate information for the design review process and assist in the application of these Guidelines to individual residences, the information listed below will be required in the application package for design review approvals in the Feathertop subdivision. This is in addition to the standard submitted materials required for a building permit.
- 4.2 A returnable compliance or security deposit in an amount of \$10,000.00 will be paid to the Strata Corporation prior to building design approval. No interest will be paid on the security deposits.
- 4.3 There will be a final inspection of the completion of the home, carried out by the review consultants prior to the release of the compliance/security deposit. Before the final inspection, Owners are to comply with all procedures set out in the Design Guidelines and/or the final approval drawings.
- 4.4 Prior to applying for approval to design, construct, or alter the site, the Owner and his/her designer or contractor are encouraged to arrange a pre-design conference or site meeting to review existing site factors including:
  - Grade and drainage patterns
  - Unique features of the site (e.g. view, and slope)

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- Building orientation to establish building view and sightline setbacks
- Driveway approach and garage locations
- Locations of utilities, hydrants, signs, street lights etc.

### 5.0 Preliminary Design Submission

5.1 Once a pre-design conference has been held, the Owner shall submit preliminary design plans for approval prior to commencing working drawings. The submission shall include:

- A preliminary site plan (scale: 1/8" = 1'0") which illustrates the building envelope, footprint, setbacks, roof plan, patios, sidewalks, driveways, pools and accessory buildings.
- Floor plans (scale 1 / 8" = 1'0") including basements, patios, decks, and accessory buildings.
- Two elevations (scale 1/8" = 1'0") indicating pitch and height of roof and chimneys.
- A section of the Lot from front to rear yard showing the driveway, building, finished landscape grade and any retaining walls (minimum scale 1/16" = 1'0"). The section must include grade elevations indicated at: curb (centre of driveway), top of each floor including basement, underside of eaves, top of roof ridge, top and toe of slopes or retaining walls and center of rear property.

### 6.0 Final Design Submission

6.1 The Owner shall finalize the design and complete the working drawings and specifications for the building and site based on the pre-approved Preliminary Drawings. This submission shall include:

- a) One completed copy of the House Plan Approval Application Form (provided by the Strata Corporation). Note that submissions cannot be processed unless all the required information is included.
- b) Three full sets of working drawings 1 / 4" = 1'-0" scale including:
  - Site Plan 1/8" = 1'0" scale
  - Foundation/Basement Plan
  - Floor Plan(s) including garage and main floor geodetic elevations
  - Roof Plan, including geodetic elevation of roof height
  - Elevations
  - Sections and details
  - Exterior materials and colour
  - Roof material and colour
  - Site profile section as outlined in preliminary approval

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### 7.0 Building Massing and Design Objectives

- 7.1 The design concepts for homes should reduce visual mass by manipulating building setbacks, stepbacks, roof variations and visible wall areas.
- 7.2 Uphill views of homes should present a low pitched horizontal silhouette by integrating decks within roof forms, and foundations designed into the shape of the building and site topography.
- 7.3 Downhill views of homes should present a pleasing roofscape with multiple combinations of low pitched gable and hip roofs.
- 7.4 Homes on ski runs or facing a ski access lanes, corner lots and lots at the visible ends of cul-de-sacs are exposed elevations and must be detailed and finished to match the street elevation.
- 7.5 Second stories should be stepped back and/or incorporated into roof structure, so the difference in wall planes is visible from a distance.
- 7.6 All buildings on applicable view lots must be situated behind a pre-established building sight line. This sight line is to protect and maintain view angles to the adjacent homes.

### 8.0 Site Grading and Maximum Building Height

- 8.1 The topography of the subdivision was established during the course of constructing the subdivision improvements. To minimize additional grading, building designs should step up or down the hillsides. Grading shall be minimized for driveways, parking areas and yards. Grading into the hillside to locate a structure and reduce its visual bulk is encouraged.
- 8.2 For downslope lots, garages and buildings should be sited as close to the street as practical while providing vehicular access and allowing for adequate off-street parking so as to minimize grading for driveway ramps.
- 8.3 For upslope lots, garages, buildings and driveways should be sited so as to minimize the size and height of driveway retaining walls and to avoid excessive cuts
- 8.4 Each exterior lot must provide for at least two off-street guest parking spaces, while all interior lots must meet zoning bylaw minimums.
- 8.5 The height and siting of a proposed house shall be compatible with the house on adjacent lots. This may require the use of an intermediate roof, trellis or similar architectural element to break up the mass.
- 8.6 The massing of a three-storey building shall establish a one-storey eave line on all street elevations as well as on all rear elevations facing a ski run or ski access.

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### 9.0 Base Detail

- 9.1 All homes in Feathertop should maintain an anchored feeling to their surroundings. To accomplish this, all homes will be required to have a base detail.
- 9.2 A base can be finished in a stone veneer, coloured and appropriately patterned concrete, or brick.
- 9.3 Wing walls, stairs, or retaining walls to a maximum of 4'-0" may be considered as a means of providing base detail as well as a transition from house to grade where appropriate.

### 10.0 Entry Features and Porches

- 10.1 A covered porch or integral entry feature must be incorporated to the front of a home facing a street, as well as a ski run or a ski access lane.
- 10.2 Massive columns of stone, wood or brick are encouraged, proportionate with the scale of the home.
- 10.3 Entry soffits must be raked, vaulted and finished in wood.
- 10.4 Front doors with transoms or sidelights are to be a minimum of 3'-6" wide x 8'-0" in height.
- 10.5 Porch or decks at grade should have a strong horizontal base with ground hugging massing; A variety of railing treatments are acceptable including wood, wrought iron, and aluminum. However, glass is only permitted if in combination with above mentioned finishes.
- 10.6 Entry doors must be an architectural relief panel door of solid wood construction and stained or painted with strong historical accent colours (white and beige colours will not be permitted).
- 10.7 Entrances need to be well detailed and articulated. Porte- cocheres, pergolas, trellis structures or other similar building or landscape structures may qualify as an approved entry feature.
- 10.8 All front and rear entries must provide a lighted address feature.



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### 11.0 Wall Height Stepback

- 11.1 No vertical building wall facing a street, ski run or ski access run, shall exceed twenty-six (26') feet in height, as measured from the lowest point at the finished grade adjacent to the wall. Foundations or other structural elements under two feet in height may be excluded from the 26' limit. Any vertical walls above the 26' single wall height limit shall be stepped back from adjacent lower walls by a minimum distance of four (4') feet. The wall height stepback guideline is to create greater visual separation between homes above the level of the first floor to reduce visible mass from downslope locations.
- 11.2 Decks, including stairs, shall be integrated into the architecture of the house, and not appear as an add-on to the primary building mass.

### 12.0 Wall Height Stepback Exception

- 12.1 Chimney masses may be excluded.
- 12.2 Homes may be permitted to have one vertical element per view elevation, depending on location, and sightline view preservation as approved by the Design Review Consultant.

### 13.0 Exterior Walls

- 13.1 The apparent size of exterior wall surfaces visible from offsite shall be minimized through the use of single-story elements, stepbacks, overhangs, landscaping, and/or other means of horizontal and vertical articulation to create changing shadow lines that break up massive forms.
- 13.2 Flat building walls over one storey in height and over eighteen (18') feet in running horizontal dimension shall be discouraged to minimize unarticulated wall mass. A two (2') foot projection or recess by minimum of six (6') feet wide must be incorporated complete with a built-out roof articulation. Wall cantilevers or projections cannot terminate to the underside of the established building eave but must extend above, below, or beyond by a minimum of one (1') foot.
- 13.3 Rear building elevations, or facades of view lots, should be articulated by staggering or offsetting the exterior wall by at least four (4') feet, a minimum of two times.
- 13.4 The building's exterior treatment should use a combination of the various approved finished materials. The use of material change, either horizontal or vertical to breakup the building form is encouraged to create movement along the facade, however finishes must not terminate on outside corners, but rather wrap back a minimum of two (2') feet.

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- 13.5 Walkout basement walls should be treated as an extension of the main building, using materials such as stone or brick to form the base and transition to the ground plane.

### 14.0 Windows and Doors

- 14.1 Window projections as well as window and door detailing should be compatible in scale with the traditional Adirondack style or early post and beam structures, maintaining a vertical orientation with true divided lites having a minimum 2" style separation.
- 14.2 Complimentary accent colours must be used for the window frames and grills (white or light beige will not be permitted)

### 15.0 Driveways and Garages

- 15.1 The driveway width at the street curb intersection shall not exceed twenty (20') feet. Driveways are to be constructed using exposed aggregate, stamped concrete and or asphalt paving. Brick / stone pavers will not be allowed.
- 15.2 A maximum of two (2) car garage doors shall be facing the street 18' wide single doors will not be permitted. Three (3) car tandem, split or side loaded garages are permitted.
- 15.3 To ensure a low profile from the street, the maximum plate height at the side yard setback shall be nine (9') feet.
- 15.4 All garages must provide a minimum wall recess of 8" at all garage doors. Doors are to be a "carriage" design and architecturally detailed. Wall exposure above garage doors must be minimized and is limited to two (2') feet.
- 15.5 Side accessed garages must provide an architectural element such as a bay window, built-up corners, or similar detail to provide visual interest to the streetscape

### 16.0 Chimneys

- 16.1 The fireplace played a very important traditional role in every building or home built in the mountains at the turn of the century. Chimneys should be of substantial proportion and are required for each home preferably visible from the street.
- 16.2 Chimneys should extend fully to grade. Stone or brick are appropriate materials, exposed metal flues are not acceptable. Caps must be detailed in a traditional design and painted black.

### 17.0 Articulation of Roof Line

- 17.1 To reduce the overall height, mass and bulk and avoid adverse visual impacts, roof pitches should not exceed a 7 and 12 pitch. Architectural features such as dormers

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greater than 7 and 12 pitch, are encouraged as long as they do not substantially increase the bulk and mass of the structure. Long, linear, unbroken roof lines are discouraged.

- 17.2 Roof forms and rooflines shall be broken into smaller building components to reflect the irregular forms of the surrounding natural hillside features.
- 17.3 The maximum width of any exposed roof gables to the rear building facade of a view lot must be limited to two thirds (2/3) of the width of the home.
- 17.4 Any vertical wall elements that make up a roof gable must conform to and not exceed the maximum allowable vertical wall stepback height.

### 18.0 Materials and Finishes

- 18.1 The selection of materials for the homes in Feathertop should reflect the natural conditions, scale and roughness of the surrounding landscape.
- 18.2 The use of masonry, natural stonework or natural stone veneer is strongly encouraged. Stone to the base of a building has traditionally been used on many of the heritage homes found in the mountains of Western Canada.
- 18.3 Horizontal cedar siding, wall shingles, vertical cedar board and batten or cement board. Stucco will be allowed up to 25% of any wall area. Timber trims with a minimum 2 x 8 dimension are encouraged. All wood is to be roughsawn. Vinyl or aluminum siding will not be allowed.
- 18.4 The use of cedar brackets, purlins or other decorative treatments appropriate with the historical influence must be used in conjunction with the exterior wall surfaces for all homes.
- 18.5 Horizontal acrylic stucco shadow bands, approx. 2' - 0" below the soffits are encouraged and may be in a rock dash, smooth or popcorn finish.
- 18.6 Wood, metal, or vinyl windows to the design review consultant's approval, are permitted. All windows must have a minimum of 2" x 8" cedar trim surround.
- 18.7 All entry doors must be wood, and garage doors shall be sectional complete with barn or carriage style treatments finished with cedar siding and 2" x 8" minimum trim. Fiberglass or vinyl doors will be allowed providing they conform to the Feathertop architectural look.
- 18.8 Fascias must be of cedar with a 2" x 12" minimum dimension complete with 2" x 12". 4" x 4" purlins at 4' - 0" O.C. double fascias are encouraged.

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18.9 Soffits are to be finished in cedar siding or complete with pre-finished perimeter venting. Perforated metal or vinyl soffits will not be permitted.

18.10 Roofing materials must be a minimum 50-year asphalt shingles in a heavy definition profile dimension.

### 19.0 Colour

19.1 Colour should act as a theme-conveying element reflecting the heritage established by this rustic architectural style.

19.2 Colours should be chosen from the natural landscape. The use of deep jewel tones in shades of jade, sage, blueberry or adobe are encouraged.

19.3 Contrast between wall finishes and trim should be avoided, all wood finishes must be finished in a high quality natural semi-transparent stain, shades of mahogany, ebony or cedar are acceptable.

19.4 Entry doors may be in a contrasting historical accent shade, while garage doors should match the shade of the adjacent wall colour.

19.5 Accents such as patina copper, black railings and black hardware, are suggested. No whites or beige will be permitted

19.6 Roof must be predominantly black

### 20.0 Disclaimer

20.1 Nothing herein contained shall be construed or implied as imposing upon the Strata Corporation any liability in the event of non-compliance or non-fulfillment of any of the covenants, conditions or restrictions herein contained or contained in any Agreements for Sale and/or Transfer of any of the lots.