

1. CONTACT: (Name, address, phone number)

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

LTO Document Reference:

**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 July 15, 2020.

**BYLAW AMENDMENTS**

(SEE ATTACHED)

Date: July 22, 2020,

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

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

12.2 Amend Signage Bylaw:

*On motion by Strata Lot 34, seconded by Strata Lot 78, **BE IT RESOLVED** by a  $\frac{3}{4}$  vote resolution of "The Owners, Strata Plan KAS3134" repeal Bylaw 29 (2) which reads as follows:*

- 29 (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 a strata lot not to exceed 2 feet by 3 feet.
  - (c) One sign with the chalet name not exceed 2 feet by 3 feet."

*And replace with the following Bylaw 29 (2) to read as follow:*

- 29 (2) "Signs No signs will be permitted except for
- (a) The Developer's signs relating to marketing and naming the Development;
  - (b) The Rental Manager's signs identifying and promoting rental of the strata lots;
  - (c) One for sale sign on a strata lot not to exceed 2 feet by 3 feet, suspended from one vertical and one horizontal post; and
  - (d) One sign with the chalet name not exceed 2 feet by 3 feet."

**Motion to Amend Resolution:**

*On motion by Strata Lot 34, seconded by Strata Lot 14, **BE IT RESOLVED** by a  $\frac{3}{4}$  vote resolution of "The Owners, Strata Plan KAS3134" amend proposed wording of Bylaw 29 (2) to read as follow:*

- 29 (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 a strata lot not to exceed 2 feet by 3 feet, suspended from one vertical and one horizontal post; and
  - (c) One sign with the chalet name not exceed 2 feet by 3 feet."

**MOTION TO AMEND CARRIED UNANIMOUSLY**  
**MOTION AS AMENDED CARRIED UNANIMOUSLY.**

12.3 Add Builder's Protocol Bylaw:

*On motion by Strata Lot 34, seconded by Strata Lot 80, **BE IT RESOLVED** by a  $\frac{3}{4}$  vote resolution of "The Owners, Strata Plan KAS3134" to add the following as Bylaw 30 (2) of the Strata Corporation's Bylaws:*

- 30 "(2) An Owner of a strata lot where a dwelling is to be constructed, is to provide any building company contracted to undertake construction with a copy of the most recent 'Builder's Protocol', approved by a resolution passed in accordance with section 128 of the Strata Property Act at an annual or general meeting."

**MOTION CARRIED UNANIMOUSLY.**

*On motion by Strata Lot 34, seconded by Strata Lot 80, **BE IT RESOLVED** by a  $\frac{3}{4}$  vote resolution of "The Owners, Strata Plan KAS3134" to incorporate as part of the Strata Corporation's bylaws the "Builder's Protocol" as shown in the attached.*

**MOTION CARRIED UNANIMOUSLY.**

12.4 Building Guideline Variance:

*On motion by Strata Lot 34, seconded by Strata Lot 80, **BE IT RESOLVED** by a  $\frac{3}{4}$  vote resolution of "The Owners, Strata Plan KAS3134" to amend the strata corporation's bylaws by adding the following as bylaw 30 (1), so it reads as follows:*

30 (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.

Where a proposed building design is not in compliance with the Building Guidelines, but in the view of the architect acting for the strata corporation in reviewing building plans the variance is not at odds with the intent of the Building Guidelines, then Council may if so recommended by the architect grant a variance to the Building Guidelines, with each such variance approval documented in Council meeting minutes. A variance so granted shall not be considered a change to the Building Guidelines for all such future requests, but stand on its own merit based on circumstances unique to the strata lot and building design for which it is granted.

**MOTION CARRIED UNANIMOUSLY.**

### 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.*

### Ski Easements

Designated ski easements are not only for 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.

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.*

## Builder's Protocol

Feathertop Strata, Big White  
2020 - 2021



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 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, with care taken to clear the site to the roadway edge at the end of each day. Snow clearing vehicles might need access, and widen the cleared path outside normal working hours.

*Builders in 2019-20 left woodwork cuts protruding into roadway overnight.*

### 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.

### 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.

### Enforcement

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

**Feathertop Strata Council**

As approved at Strata Council meeting: 15 June 2020