



Your File #:
eDAS File #: 2016-05424
Date: Jul/07/2020

Frank Rizzardo;
c/o Nicola Lakeshore Estates Inc
105-1121 MacFarlane Way
Merritt, British Columbia V1K1B9
Canada

Attention: Frank Rizzardo

Re: Proposed Subdivision of

Legal:

- Lot 77 DL 530 KDYD Plan KAP79399- PID:026-485-711
- Lot 76 DL 530 KDYD Plan KAP79399- PID: 026-485-702
- Lot 75 DL 530 KDYD Plan KAP79399- PID: 026-485-699

Location: Monck Park Road and Waterside Trail

Proposal: 40 lot Bare Land Strata subdivision

Your application for preliminary review of the proposed subdivision as detailed above has been considered and this letter summarizes the additional information and requirements that are required for consideration of approval of the subdivision.

Although we have sought to list all the conditions, this letter does not constitute an approval. Upon further consideration, or review of additional information, changes or additions may occur

1. This preliminary letter amends and replaces the PLA dated August 28th, 2018.
2. **Condition Satisfied-** The water within the gully located upstream of the development and identified in the Golder Class 2 Flood Hazard Assessment dated July 5th, 2018, is considered a stream and the Water Sustainability Act applies. Applicant to provide written confirmation from Forests, Lands, Natural Resource Operations and Rural Development that the appropriate authorizations (License or Approval) have been issued for the proposed works/diversion of the unnamed stream. The proposed conveyance system also requires Ministry and Provincial Approving Officer acceptance and one approval does not guarantee the other approval. Please see condition 3.

Local District Address
<p>Merritt Area Office 127-447 Columbia Street Kamloops, BC V2C 2T3 Canada Phone: (250) 378-1452 Fax: (250) 378-1449</p>

3. **Condition Satisfied-** Submission of an appropriate Runoff Management Plan as recommended in Golder's Class 2 Flood Hazard Assessment dated July 5, 2018 and Westrek's Geohazard Assessment dated June 14, 2018, to be approved by the Ministry prior to any works being undertaken. The conveyance system to be installed upslope of the strata development and through to outfall at Nicola Lake, to Ministry Official satisfaction. Placement of a culvert under Monck Park Road will require a road works permit prior to commencement of works. Application and information can be found at:
<http://www.th.gov.bc.ca/permits/Highway%20Access%20Permits.asp>

4. Provision of a covenant plan and suitably worded covenant document pursuant to Sections 219 and 86(1)(d) of the Land Title Act, regarding the land which may be subject to natural hazards in accordance with the recommendations of the Geotechnical Assessment report prepared by Westrek Geotechnical Services Ltd. dated June 14, 2018 and the Class 2 Flood Hazard Assessment prepared by Golder Associates Ltd. dated July 5, 2018.

The covenant to specify all development of the land shall be in accordance with the recommendations of the reports. The reports are to be attached and form part of the covenant document. Any covenant plan shall be prepared and certified by a BC Land Surveyor. It is recommended the BCLS contact the consulting engineer to confirm the safe build area(s) comply with the recommendations provided in the report.

Covenant to be in favour of Her Majesty the Queen in the right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure and Thompson-Nicola Regional District and registered with priority over any financial charges.

Note: The findings of the proposed Runoff Management Plan may also need to be included.

5. Provision of a statutory right of way plan and suitably worded document for the runoff management system when constructed through freehold and strata lands. The document should include right of access, maintenance, construction, reconstruction and any other necessary activities to ensure the ongoing operation of the system.
6. Provision of a suitably worded covenant document pursuant Sec 219 of the Land Title Act regarding the required maintenance of the closed pipe stormwater drainage system. The covenant document shall require maintenance of the system as per the recommendations set out in the Nicola Lake Estates Inc. Upland Drain and Subdivision Stormwater System Maintenance Management Guidelines prepared by Watson Engineering Ltd., signed and sealed on June 9, 2020.

Covenant to be in favour of Her Majesty the Queen in the right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure and registered with priority over any financial charges.

7. Upper Nicola Indian Band (UNB) requested in their email of April 19, 2020 that an UNB on-site environmental monitor be present for any ground disturbing works associated with the development. The monitor is to be paid by the developer by service agreement. The applicant is to contact UNB prior to any ground disturbing works to enter into this agreement.
8. The closed pipe stormwater drainage system shall be constructed as per the accepted Upland Drainage System drawings 18105 30-48, signed and sealed by Watson Engineering Ltd. on June 1, 2020. The closed system construction shall be supervised and certified (using attached sheet) by a Professional Engineer with experience with these types of systems. The Ministry shall be advised of the construction start date and inspections may be carried out by the Ministry at any time during construction. A permit application has been submitted under file #2018-06244 for the crossing of Monck Park Road. Specific requirements for the installation and open cut will be provided in the permit. The works within Monck Park Road right of way shall not commence until the permit has been issued. Submission of sealed full-size set of record drawings that incorporate any/all changes made to the design during construction shall be provided to the Ministry no later than one month after construction completion and prior to final subdivision approval.
9. Registration of the consolidation plan of Lots 75, 76 and 77, all District Lot 530, Plan 79399 which will create the parent parcel for the 6 phase bare land strata development, as per subdivision layout provided by Agent on August 9, 2017.
10. Proposed Common Access Route intersection with Waterside Trail is to be designed and constructed to Ministry of Transportation and Infrastructure Standard Specifications, as per Chapter 700 (Type 1A or 1B) of the BC Supplement to TAC.
Applicant is to apply to the Ministry of Transportation and Infrastructure for a shared Provincial Public Highway Access Permit prior to submission of final plans. Application and information can be found at:
<http://www.th.gov.bc.ca/permits/Highway%20Access%20Permits.asp>

Access Application was received on August 9, 2017.

11. The common access route accessing the strata lots shall be constructed using good engineering practice in accordance with the attached Bare Land Strata Access Route Design Criteria Sheet.
12. The proposed layout shows two water access trails within the strata common property. Covenant LA146875 sets out requirements for development of walking trails to the lake that must be followed.
13. All lots to have access from internal common access route. No additional accesses to Monck Park Road or Waterside Trail will be permitted.

14. No structures or buildings to be located within newly established common access route.
15. **Condition Satisfied-** Submission of engineered drawings for proposed common access route and cul-de-sac in vicinity of strata lot 1, showing, but not limited to, vertical and horizontal alignments, right of way boundaries, cut and fill daylight lines, cross sections, water courses, drainage works to natural outfall, super elevation design and all utility locations, to be approved by the Provincial Approving Officer prior to commencement of any works.

Final drawing set dated Jun 10/20 accepted Jun 16/20.

16. **Condition Satisfied-** All strata development drainage must be dealt with on-site. No drainage shall be directed toward Waterside Trail ditch or other ministry infrastructure. This would include but is not limited to collection/run-off of the internal road system or strata development run-off. Design drawings to include drainage plan to natural outfall. Submission of a finalized drainage plan for the curb and gutter design, taking into consideration the required upslope runoff management plan and development of the commercial site with parking lot.
17. Waterside Trail to be designed, constructed and paved to Ministry standard in accordance with Chapter 1400 of the BC Supplement to TAC Geometric Design Guide, regarding subdivision roads, to the satisfaction of the District Manager, Transportation. The drawings are to include the existing conditions, and not limited to, vertical and horizontal alignments, cuts and fills, cross sections, drainage works to a natural outfall, super elevation design, and all utility locations and the works required prior to paving, to be submitted to, and approved by the District Official prior to commencement of any works.
 - a) Road and drainage works to be designed, supervised and certified (using attached sheet) by a Professional Engineer experienced in road construction, as having been constructed in accordance with good engineering practices and as specified in the current Standard Specifications for Highway Construction.
 - b) Testing and/or inspections by an independent testing agency with Professional Engineer or ASCT registration will be required by the Ministry representative. The testing shall be done in accordance with the current Standard Specifications for Highway Construction, and shall be submitted to, and approved by the Ministry, prior to commencement of the next stage of construction.
18. Written confirmation from Thompson-Nicola Regional District confirming compliance with all their applicable bylaws regulating the subdivision of land and zoning. Please see their letters dated January 19, 2017, February 28, 2017, August 9, 2017 and June 15, 2020 for more information. The applicant is encouraged to discuss applicable bylaw requirements with the regional district.
19. **Condition Withdrawn-** Written confirmation from the Ministry of Forests, Lands and Natural Resource Operations stating compliance with their email dated February 14, 2017. A revised response was received on August 17,

2017 from agency confirming that there were no concerns with the subdivision proposal in regard to Range, First Nations, Tenures and Stewardship, excluding water.

20. Proof of connection to an approved Community Sewer System constructed in accordance with the Municipal Wastewater Regulation. Said system to be designed, supervised and certified as having been constructed in accordance with good engineering practice by a Professional Engineer.
21. Proof of connection to an approved Community Water System. This will include provision of an amended Certificate of Public Convenience and Necessity from the Comptroller of water rights, Water Management Branch Ministry of Forests Lands and Natural Resource Operations and proof that sufficient quantity of water is available for the 40 strata lots. Written confirmation from Water Stewardship, Forest, Lands and Natural Resource Operations stating compliance with their email dated October 3, 2017 (attached).
22. **Condition Satisfied-** Written confirmation from BC Hydro stating compliance with their email dated February 21, 2017.
23. **Condition Satisfied-** The applicant is to demonstrate that each strata lot has sufficient frontage on the common access route to achieve a driveway (as set out in the Access Route Design Criteria) fronting the lot and to provide parking within the strata lot.
24. Confirmation that the number of parking stalls and garages meet the needs of the development. All strata owner and visitor vehicles are to be parked within the development. No parking within the Ministry of Transportation and Infrastructures Right of Way on Monck Park Rd or Waterside Trail. If a marina is going to be constructed as part of the subdivision, an area for parking will need to be provided on the property.
25. The appropriate signature block must be placed on the subdivision plan for the Provincial Approving Officers signature, pursuant to BC Regulation 75/78, being bare land strata plan.
26. All strata trails, common structures, utilities etc. should be contained within the common lot boundaries. Easement plan and suitably worded document will be required for anything located outside of the common lot boundaries.
27. Statutory Right of Way Document KX089971, protecting the sewage disposal fields, stipulates that no buildings shall be constructed, and the ground shall not be disturbed within the Right of Way area. It appears there have been some excavations on the Right of Way area and a structure has been placed. Compliance with the document is required prior final subdivision approval.
28. The ministry will require that the metal poles located within Waterside Trail ditch are removed.

29. Submission prior to final approval of a completed Environmental Management Act- Schedule 2 or Acknowledgment Letter for 3 parent parcels. Please note the form submitted with the application is not the current version and did not include the legal description of the land.
30. Applicant is to apply to the Ministry of Transportation and Infrastructure for a Commercial Access Permit to Waterside Trail for the office building, prior to submission of final plans. Application and information can be found at: <http://www.th.gov.bc.ca/permits/Highway%20Access%20Permits.asp>
31. A site circulation plan shall be provided to the ministry for the lot with the office building. We will need to confirm that there is adequate room for vehicle circulation on the proposed lot.
32. Applicant to confirm that no strata development utilities will be located within Waterside Trail, or Monck Park Road Right of Way. Any utilities located within ministry Right of Way will require a permit.

Notations:

33. The subdivision is within an area of Critical Habitat for Lewis's Woodpecker identified as a species at risk. You are advised to review the Ministry of Environment website for additional information.
<https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/species-ecosystems-at-risk>
34. Provincial records indicate the proposed development is located within an area with potential to contain archaeological sites protected by the Heritage Conservation Act.

The applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads and other stone tools, or even buried human remains. If such material is encountered during demolition or construction, a Heritage Conservation Act Permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Please contact the Archaeology Branch immediately at (250) 953-3334 if archaeological site deposits are encountered on the subject property.

35. The Ministry Road Registry identifies the road between Monck Park Road and Nicola Lake as Waterside Trail rather than Lakeshore Drive as shown in the Form P drawing.
36. The Ministry of Environment has confirmed Nicola Lakeshore Estates Wastewater Utility has a wastewater registration and authorization #17719 for discharge of 102m³/day. It is the developer's responsibility to ensure this

volume is not exceeded by the proposed development or to have the registration amended.

37. There are certain charges on the current titles that may not need to be transferred to all lots created through the subdivision. A request to release these charges from the new titles can be made by the applicant, if desired. The release document(s) are to be drafted by the applicant's lawyer.

Completion of the matters outlined above will not automatically bring approval. Changes to acts, regulations, bylaws, fees, or other matters happen from time to time and may impact your proposal. This preliminary review of the subdivision proposal is valid for one year however it may be reconsidered at any time. After one year the applicant is advised to make written request for an extension.

Submission of final plans and documents to be accompanied by a current tax certificate to show proof all property taxes are paid, together with a plan examination fee of \$100.00 plus \$100.00 per lot for a total of \$4100.00. If paying by cheque, make payable to the Minister of Finance.

If you have any questions or wish to set up an appointment, please do not hesitate to call Brandon Gustafson at (250) 371-3796.

Please quote file number 2016-05424 when contacting this office. We encourage you to make use of our online file system eDAS to track the progress of your application.

Signed on behalf of Provincial Approving Officer by



Brandon Gustafson
Senior Development Officer

Attachments:

- TNRD letter dated Jun 15, 2020
- Environmental Management Act Form- Schedule 2
- Water Stewardship, Forest, Lands and Natural Resource Operations email dated October 3, 2017

Copy to: Dan Wallace, Planner- Thompson-Nicola Regional District
Joan Brickwood, Provincial Approving Officer