

PROPERTY OPPORTUNITY NOTICE



Municipality: Sun Peaks Mountain Resort Municipality

Street Address of Site: 1180 Sun Peaks Road

Posted: September 5 2024

Submission Deadline: December 5 2024

Extended Submission Deadline: December 19 2024

Land Lease: 60 Years





Overview

BC Builds is a rental housing program for middle income households. These are households earning a range of \$84,780 and \$131,950 per year for couples with no children for a studio or one-bedroom apartment and \$134,410 to \$191,910 per year for couples with children, needing a 2 or larger bedroom home. The aim of the program is to provide housing for households within these ranges. To help achieve this goal BC Builds can provide:

- Low-cost construction financing for buildings that are owned and operated by for-profit and non-profit developer and First Nations development corporations
- Direct access to CMHC construction financing with up to a 50-year amortization for buildings owned and operated by non-profit and private developers, as approved by CMHC
- Access to low-cost take-out financing with a 35-year amortization for buildings not approved for 50-year amortization.
- Grants of up to \$225,000 per unit for buildings owned and operated by co-operative or non-profit developers and First Nations controlled development corporations, with the goal of having at least 20% of the units at 20% below market rents. Where grants are provided, below market rents will be secured in a range of ways including a forgivable mortgage, housing agreement, section 219 covenant, or operating agreement.

Please refer to the <u>BC Builds Rental Supply Program Framework</u> for full program details before submitting your proposal.

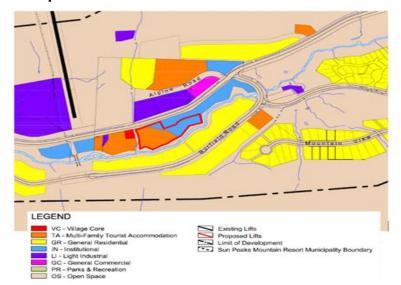
Site Context

Satellite Map



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Plan Map



Parcel Identification (PID)	032-056-893
Registered Owner	Sun Peaks Mountain Resort Municipality
Civic Address	1180 Sun Peaks Road, Sun Peaks BC V0E 5N0
Lot Area (Size)	1.10 ha
Lot Frontage	68 m
Site Servicing	Water, gas, hydro, Telus are to/along the property line. Sanitary runs along the property line and can be serviced with municipal sewer.
Links to relevant planning policies (OCP, Local Area Plan, other relevant documents)	Sun Peaks Master Development Plan Sun Peaks OCP 2014 (The Municipality is currently working on an update to the OCP and zoning bylaw to align them. While the site is designated a combination of institutional and multi-family tourist accommodation in the current OCP, future changes to the OCP will address this anomaly).

Property Details

Zoning	RC-1 (Recreational Residential/Commercial)	
Permitted Use Within Zoning	 (a) Multi-family dwelling (b) Hostels, motels and hotels (c) Restaurants and coffee shops (d) Entertainment establishments (e) Retail stores (f) Sporting goods rental shops (g) Communal facilities and utilities (h) Indoor and Outdoor recreation facilities (i) Personal service shops (j) Dwelling units in combination with the above permitted uses (c) to (i) inclusive 	
Permitted Height and Density	Maximum density for residential uses is up to 110 units per hectare	
Applicable Development Permit Controls	Land is appropriately zoned therefore development only requires Development Permit and Building Permit. A Riparian Area Development Permit is required and will be completed by the Municipality	
Current Use	Vacant	
Surrounding Use	North: Sun Peaks Road; East: Burfield Drive; South: McGillivray Creek; West: Resort Creek	
Environmental features (stream, creek, grades, soils etc)	Adjacent to Riparian Area	

Any easements or restrictive covenants on title	 Road reserve covenant to ensure adequate land for the potential future development of a traffic circle at the intersection of Sun Peaks Road, Burfield Drive, and Alpine Road Wildfire Mitigation covenant Flood hazard mitigation covenant
Community engagement requirements or expectations	As the land is zoned, public engagement is not anticipated. However, the Municipality intends to keep the community informed as the project progresses.
Amenity/Bonusing Requirements	N/A
Sustainability/Energy Requirements (for anything beyond BC Building Code)	N/A
Accessibility Requirements (for anything beyond BC Building Code)	N/A

Applicant Type

Please indicate which of these apply to your site. **Please check all that apply**:

\square Seeking a developer and also a housing owner/operator and willing to enter into a long-term lease (60 – 99 years) with successful proponent with a land cost of \$0.
\square Seeking a developer and also a housing owner/operator and willing to dispose of land to successful proponent at \$0.
oximes Seeking only a developer/builder to provide a turn-key building to an operator you've preselected.
\square Owner/operator $\textit{must be}$ a non-profit society, co-op or First Nations development corporation.
☐ Owner/operator <i>must be</i> a private developer.
\Box Owner/operator can be either a non-profit society, co-op or First Nations development corporation or a private developer.

Building Owner/Operator

Sun Peaks Housing Authority.

Additional Property Information

Property is adjacent to walkway. Located across from other apartments. Commercial nearby. Fire station nearby.

Eligibility and Evaluation Criteria

General information

- Successful projects must break ground within 12 -18 months (depending on the complexity of the project) of the successful proponent receiving a Conditional Land Contribution Letter following the completion of the evaluation period.
- The land must be used to create new housing for middle income families as defined in the BC Builds Rental Supply Program Framework.
- Eligible projects must be primarily residential but can include ground floor commercial and/or community uses and/or childcare with the non-residential components not to exceed 30% of floor area or cost.

Equity requirements

"Equity" for the purposes of this application is defined as the financial contribution that an applicant is making to the project.

Proposals from private market developers that provide more below market units at a greater percentage below market will be given priority. To achieve this, an equity contribution will likely be required from private developers. Sites seeking a developer/builder only to provide development management services for a turnkey building to a non-profit, co-op or municipal/regional housing corporation are exempt from this equity requirement.

For non-profit and co-operative developers and First Nations controlled development corporations intending to own and operate buildings, there is no equity contribution required during the proposal submission process. However, these proponents are eligible to access capital grants of up to \$225,000 per unit. Applicants may bring additional equity or equity partners to the proposal to increase affordability. Proposals from non-profits, co-operatives and First Nations development corporations that require a lower grant per unit amount while still achieving at least 20% of the units at least 20% below market will be given priority.

Eligibility Criteria

All proposals will be assessed first to determine qualification based on these eligibility criteria. Proposals that qualify will then be assessed according to the evaluation criteria below.

Eligible Applicant

Applicant must:

- Be registered and in good standing with the BC Corporate Registry or partner with a business or organization that is.
- Have previous property development and property management experience or engage professional third-party consultants or property management company.
- Meet equity requirements. See below.
- Meet BC Builds target household incomes. See below.

Property Management (Applies only to properties where a housing owner/operator is being sought): Applicants must have a minimum of five (5) years property management experience. In lieu of property management experience, applicants may hire or partner with a professional third-party property management firm or organization to help build their organization's capacity over the first five years of operation.

Real Estate Development Experience: Applicants must have successfully completed a similar project on time and within budget. Alternatively, applicants may hire or partner with a third-party developer who has experience building similar projects and/or assemble a design and construction consultant team to carry out the project.

Equity Requirements: Project requires a maximum of \$225,000 per unit equity (grant) contribution from BC Builds. **NB** this grant is only available for projects that will be owned and operated by non-profits, co-ops, public housing corporations or First Nations controlled entities. See evaluation criteria and evaluation matrix below for information about how this will be scored for applicants that are deemed eligible.

Target Household Incomes

Project targets households in BC Builds income ranges with rents that don't require households in this range to spend more than 30% of their income on rent: \$84,780 to \$131,950 per year for couples with no children for a studio or one-bedroom apartment and \$134,410 to \$191,910 per year for couples with children, needing a 2 or larger bedroom home. See evaluation criteria and evaluation matrix below for information about how this will be scored for applicants that are deemed eligible.

Evaluation Criteria

Proposals received during the submission period will be ranked against set evaluation criteria. The following criteria will be used to evaluate, rank, and determine a proposal's overall strength and level of project suitability. Please see scoring matrix below.

Financial Viability and Sustainability: The project is feasible and viable, both through capital financial assembly and ongoing operating pro-forma based on BC Builds underwriting and financing criteria noted here, as well as the project environment (geotechnical, environmental, site constraints etc.) Proponents may include other financing and funding scenarios as alternative options to achieve equal or greater outcomes. Projects must demonstrate a means to be financially sustainable without an ongoing operating subsidy from BC Builds (BC Housing). All potential funding sources must be disclosed, including the potential to apply for financing and grant funding through BC Builds, together with details of the intended funding strategy and any supporting documentation. If the building will require an ongoing operating subsidy, the applicant must provide information about how they would provide that subsidy to the project and demonstrate how that will be in place over the life of the building.

A note re financing: Projects that will be owned and operated by non-profits, co-ops, and public housing corporations are eligible to apply for take-out financing through BC Builds. All projects are eligible to apply for construction financing.

For projects that will be owned and operated by non-profits, co-ops, and public housing corporations, proponents should use a 35-year amortization and the interest rates for both interim construction and take-out financing found on the Housing Development Opportunities page.

For projects that will be owned and operated by private entities, including First Nations owned private entities, proponents should propose a take-out financing strategy, including amortization period and interest rate. Please use BC Builds interest rates found on the Housing Development Opportunities page for interim construction financing.

Household incomes and rents: BC Builds targets middle-income households, with income thresholds for eligibility set at the middle-income Limits which are defined as follows:

Units with less than two bedrooms: Middle-income households are those whose gross household income does not exceed the 75th income percentile for families without children, as determined by BC Housing from time to time. The current range of middle-income households that are the target of the BC Builds program is \$84,780 to \$131,950.

Units with two or more bedrooms: Middle-income households are those whose gross household income does not exceed the 75th income percentile for families with children, as determined by BC Housing from time to time. The current range of middle-income households that are the target of the BC Builds program is \$134,410 to \$191,910.

For projects involving a mix of unit sizes, the corresponding income threshold will be applied to each unit type.

Priority will be given to projects that target household incomes as low as possible in these income ranges while still maintaining project viability without the need for ongoing operating subsidy from BC Builds.

Rents must be suitable for middle income households, as defined above.

Projects with non-profit partners, co-ops, public housing corporations or First Nations-controlled development corporations receiving capital grants of up to \$225K/unit:

- Units must target eligible households for a minimum of thirty-five (35) years
- Include minimum of 20% of units rented at 20% below market for a minimum of thirty-five (35) years.
- The per unit grant amount should be calculated based on the amount of funding required to get 20% of units to 20% below market. In other words, what is the equity gap in the project when 20% of units are dropped to 20% of market? Divide this equity gap by the *total* number of units in the building and that is the per unit grant, which is applied to *each unit* in the building, not only the 20% of units at 20% below market.
- The *lower* the per unit grant amount the more points awarded.

The rent structure will vary depending on the characteristics of the project and whether or not funding from other partners is layered into the project. All units in the development must be rented at or below market as determined by an appraisal of current market rents in the community, and at rents suitable for eligible households considering the location and average household income for the area but must not exceed 30% of the Middle-Income Limits (noted above) in effect at time of occupancy and at unit turnover.

Speed to Market: How rapidly does the proposed timeline bring new homes to market? How realistic is the proposed timeline? Processes to speed up the development and construction timelines and innovative construction methods will be given priority.

Environmental Sustainability Considerations: Projects must be built to the BC Building Code. Priority will be given to projects that can provide additional environmental sustainability benefits while maintaining project viability.

Accessibility Considerations: Projects must be built to the BC Building Code. Priority will be given to projects that can provide additional accessibility benefits while maintaining project viability.

Unit Mix Considerations: No requirement for a particular unit mix, but priority will be given to projects that provide two- three- and four-bedroom units while maintaining project viability and staying below the per unit maximum grant amount of \$225,000 for non-profits, co-ops, public housing corporations or First Nations-controlled development corporations.

Scoring Matrix

Mandatory Requirements

In good standing with BC Corporate Registry

Demonstrated Property Management Experience (if seeking operator)

Demonstrated Development Experience

Meets equity requirements

Meets Target Household Incomes

Ranked Criteria (Overall Weighting) Total 95 Points

Financial Viability & Sustainability - 20

Amount of per-unit grant required - 15

Percentage of units at 20% below market - 15

Target Household Incomes - 15

Speed to Market - 15

Unit Mix - 5

Additional Accessibility Benefits - 5

Additional Sustainability Benefits - 5

How to Apply and Proposal Submission Requirements

- Review detailed property information, criteria and deadlines in this Property Opportunity Notice.
- 2. Attend an optional Property Information Session for this opportunity. Please see the Housing Development Opportunities page for times and dates. If you miss the info session, please watch the recorded video also available on the Housing Development Opportunities page.
- 3. Contact BC Builds <u>info@bcbuildshomes.ca</u> if you have any questions about a Property Opportunity Notice. *Please do not contact landowners directly. Doing could result in disqualification from the application process.*
- 4. Review the <u>BC Builds Rental Supply Framework</u>.
- 5. Applicants can present their submission in the form and format of their choice, with the option of using this capital and operating budget template. A development schedule and typical schematic design that includes drawings and site concept plan including massing, renderings, basic floor plans, and an indication of how the building(s) is located on the property is expected as part of the proposal submission. Total submission should include no more than 20 type-written pages. In addition to the type-written pages, schematic design that includes drawings and site concept plan including massing, renderings, basic floor plans etc may be added.
- 6. Letters of reference can be submitted to demonstrate experience in delivery of similar projects.
- 7. Proposals must be sent to <u>info@bcbuildshomes.ca</u> on or before the due date listed in the Property Opportunity Notice. Late proposals will not be reviewed.

Evaluation Process

General information

Evaluations will be conducted by BC Housing staff and any external parties identified by BC Housing in relation to the subject property. Each submission will be reviewed and scored against the stated evaluation criteria. Following this the evaluators will convene as a team to review scoring and determine the highest scoring proponent.

In the event of a tie score or the top two (2) highest scoring submissions being within five points of each other, BC Housing may elect to conduct a 60 minute presentation/interview with each of the two proponents to determine the successful proponent.

How long it takes

It should take several weeks (goal of 4 to 6 weeks) for BC Builds to review your project proposal and let you know if your proposal is approved. The successful proponent will be required to sign a Conditional Land Contribution agreement between the proponent, BC Builds and the landowner which lays out a 12-to-18-month timeline to securing funding, financing, Development Permit, Building permit and begin construction and a shared and collaborative approach to meeting or exceeding this timeline.

Cost

There is no cost to apply.

Additional Information

This PON is available to projects that meet and/or exceed the minimum requirements as outlined in the above criteria. Verification of project details and evaluation will determine whether a project is selected. Simply meeting the minimum requirements will not guarantee that a proposal will be selected. Applicants are responsible to provide sufficient documentation that will verify compliance with the eligibility requirements.

Note that BC Builds will consider all proposals but is under no obligation to approve any application and move forward with the PON if, in BC Builds' opinion, no suitable submissions are received.

Disclaimer

The PON is a non-binding document. BC Builds does not make any representation or provide any undertaking to prospective respondents other than to invite them to submit a proposal. This PON does not oblige BC Builds to negotiate or execute an agreement with any prospective respondents, nor

to grant rights of any sort to any prospective respondents and, BC Builds shall incur no liability to any prospective respondent as a result of responding this PON.

BC Builds will not be liable for, nor will it reimburse any prospective respondent for costs incurred in the preparation, submission, or presentation of any proposal, for interview or any other activity that may be requested as part of the PON process.

BC Housing reserves the right to limit the number of awarded projects any one proponent can be awarded in a geographic area and/or within a defined period of time.

APPENDIX A

Property Information Report

1180 Sun Peaks Rd

Parcel Description & Location

Legal Description:

LOT A DISTRICT LOT 5957 KAMLOOPS DIVISION YALE DISTRICT

PLAN EPP125011

Plan Number: EPP125011

Parcel Type (Class):

SUBDIVISION

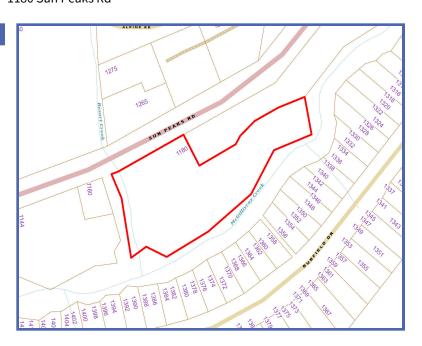
Lot Size(Calculated)(+/-5%):

Square Meter: Acre: Hectare: 11001.79 2.719 1.1

Community: Sun Peaks

Local Authority: Sun Peaks Mountain Resort Municipality

School District: Kamloops/Thompson



Planning & Zoning (For enquiries, contact the Local Authority)

Zoning Bylaw: 1400

Zoning: RC-1

Lakeshore Development Guidelines (Intersect): No

Lake Name: N/A Lake Classification: N/A Fringe Area: N/A

Floodplain Information: Refer to Local Government floodplain regulation.

Site Specific Zoning: 110 units/ha

Development Permit Area: Riparian Area DP

Official Community Plan Name: CONTACT LOCAL AUTHORITY

OCP Designation: Institutional/Multi-tourist Accommodation

Agriculture Land Reserve (Intersect): No Riparian Area (Source: TRIM)(Intersect): Yes Post-Wildfire Geohazard Risk Restrictions: No

Development Applications & Permits - from July 2009 to Present (For enquiries, contact the Local Authority)

Folio: Development Application Number: Development Application Type: Status:

Folio: File Number: Application Date: Issued Date: Completion Date: Status:

Type of Construction:

BC Assessment (For enquiries, contact BC Assessment Authority)

Folio: Land Title PID: Assess Year: Land: Improvement: Property Class:

544.03261.213 032-056-893 2024 \$110,000.00 \$0.00 1-Res

Folio: Actual Use: Manual class:

544.03261.213 2 ACRES OR MORE (VACANT) None





MEMO

Re: Parcel 74 Lot A (1180 Sun Peaks Road)

The Infrastructure Department has provided the following comments with respect to development at 1180 Sun Peaks Road.

General Comments:

- Given the development area's proximity to McGillivray Creek, which has seasonal high levels, a geotechnical investigation for foundation design and drainage is recommended
- A new sidewalk must be constructed along the roadside of the property line, and connect with existing walking trails. A second walking trail may be required at the rear of the lot
- The development may require the planting of native trees, to obscure the view of the property from the rear of the lot
- Landscaping must conform to Sun Peaks Landscape Design Guidelines and BC FireSmart guidelines
- The lot is serviced with a 250mm water main to the property line. A fire hydrant presently exists at the property line on the roadside, but further hydrant(s) will be required to service the proposed building and parking lot
- Gravity sanitary sewer service may not be achievable for all proposed units. The developer will be responsible for the cost of any required lift stations
- The developer must provide a site grading plan and drainage plan showing existing and final site elevations. The plan must show any retaining walls needed, including the wall heights. The nature and extent of any required retaining walls must be shown on the plan

Clint Burton, P.Eng, PMP, ENV SP.
Director of Infrastructure
Sun Peaks Mountain Resort Municipality

APPENDIX C

Date: February 11, 2008 Bridge Gate Developments

DESIGN GUIDELINES MULTI-FAMILY DEVELOPMENTS

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DESIGN GUIDELINES MULTI-FAMILY DEVELOPMENTS

1. PURPOSE

The purpose of these design guidelines is to ensure a standard of design, architecture, landscaping, amenities and use compatible with other developments in the resort area at Sun Peaks.

2. APPROVAL PROCESS

2.1 Plans and Specifications

Approval must be obtained by an owner ("Owner") from Sun Peaks Resort Corporation (the "Administrator") for any proposed Improvements. "Improvements" means and includes, but is not limited to, buildings and outbuildings appurtenant thereto, parking areas, storage areas, fences, walls, hedges, landscaping, plantings, poles and any structures of any type or kind located above or below ground, and includes the excavation or removal of any fill or ground cover and any land fill or deposit of any soil or other like substance for the purpose of preloading or otherwise.

In requesting approval by the Administrator, the following are the plans and specifications which, at a minimum, must be provided to the Administrator:

- (a) Site Plan at a scale not smaller than 1:100 clearly illustrating the footprint of all proposed structures and improvements, location of driveways, walkways and parking areas, front, rear and side yard dimensions and lot grading and drainage at 0.5m intervals;
- (b) Dimensioned floor plans for each level including parking levels, at a scale not smaller than 1:100, of each floor of all proposed improvements and structures;
- (c) Landscape Plan clearly illustrating the building footprint, roof overhang, existing and proposed grades, proposed treatment of hard surface areas, tree retention areas, site furnishings, planters, retaining walls, plant material and all other proposed landscape features;
- (d) Dimensioned elevation plans at a scale not smaller than 1:100 of all proposed improvements and structures clearly illustrating building size, height, exterior materials, finishes and colours, roof design, slope and materials;
- (e) Roof Plan indicating surface areas of all roof planes; and

(f) Construction Drainage Plan clearly illustrating method of runoff quality control during construction and location of fencing to preserve watercourse vegetation buffers where applicable.

For any multi family complex or development consisting of three or more separate residential units as part of a townhouse, apartment or condominium project, the following additional plans and specifications must be provided to the Administrator:

- (a) Site Servicing Plan indicating the proposed location of all services, utilities and connections to off site services;
- (b) Grading and Drainage Plan clearly illustrating proposed site elevations and method of runoff control with spot elevations specified in critical areas;
- (c) Three complete sets of the final set of the construction documentation and plans stamped by the appropriate professional and meeting all applicable standards and building codes, which plans must be received by the Administrator for its review and approval prior to making application to the Thompson-Nicola Regional District for a building permit; and
- (d) A copy of the building permit plan marked-up by the Thompson-Nicola Regional District must be submitted to the Administrator, and approval must be given by the Administrator, prior to the commencement of construction.

In addition to the foregoing, an Owner may, prior to obtaining approval for an Improvement, be requested to provide sample materials and/or colour samples. The Administrator will consider all plans and specifications submitted to it for compliance with these Design Guidelines and such other factors as the Administrator may in its discretion deem appropriate.

2.2 Notices and Delivery to Administrator

Plans and specifications and any related notices must be delivered to the Administrator personally or sent by pre-paid mail to:

Sun Peaks Resort Corporation 1280 Alpine Road Sun Peaks, BC V0E 5N0

Attention: Real Estate Development Manager

or to such other address as the Administrator may specify. Notice to an Owner may be given as the Owner may request or the Administrator may give any notice by delivering personally or by pre-paid mail to the address of the Owner as shown on title to a Lot.

Any communication will be considered to have been given and received on the day of actual delivery or in the case of communication sent by mail, on the date of actual receipt by the Administrator.

3. LANDS AND EXTERIOR

3.1 Grading

Buildings and driveways should be designed to fit into the natural terrain of the site with grading and excavation kept to a minimum.

The finished grade of a development must correspond to the grade of all adjacent properties. All slopes, retaining walls and embankments must be located within the property boundaries.

It is the Owner's responsibility to achieve a cut and fill balance within the Lot. Any surplus excavation material must be disposed of beyond the Resort Area boundaries at the Owner's expense unless written approval for disposal within the Resort Area is obtained from the Administrator. The Owner will be responsible for the cost of any fill that must be imported to the Lot.

Man-made grades cannot be steeper than 2:1(horizontal:vertical) without the incorporation of retaining walls. Where necessary, banks may be stabilized by the use of retaining walls constructed of rock stacks or timber cribbing. Retaining walls should be less than 3 metres in height.

3.2 Site Drainage

Owners will be required to submit a stormwater management plan for their development to BC Environment for approval. Depending on the proposed configuration of the development an internal storm drainage system may be required. Siltation traps, grass traps or sedimentation ponds may be required where storm drainage ditches, channels or outfalls leave the site. Direct discharge of Stormwater to existing watercourses is prohibited.

3.3 Walls & Fences

Walls and fences may be used to provide privacy or patio area screening. The placement of walls and fences should respect existing land forms, follow existing contours, and fit into existing land massing, rather than arbitrarily following Lot boundary lines. The design of fences and walls should harmonize with the site and the building on it in scale and appearance.

All fences and walls must be constructed of wood or natural stone. Chain link and wire fencing are prohibited, except where required to enclose outdoor recreation facilities such as tennis courts and swimming pools.

The maximum height for fences and hedges acting as fences is 1 metre in front set-backs and 2 metres in all other set-back areas, except for fencing enclosing tennis courts and swimming pools.

The use of landscaping and lattice work in lieu of fences is encouraged.

3.4 Access Roads, Driveways and Parking Lots

It is the Owner's responsibility to obtain a valid access permit from the public road to their development from the British Columbia Ministry of Transportation and Highways (MoTH).

All access roads, driveways and parking areas must be paved in asphalt, concrete unit pavers or concrete with either a broom or exposed aggregate finish. The maximum permitted slope for access roads from the public road is 6% for the first 10 metres and 15% beyond.

Culverts installed under driveway crossings of the roadside ditch must be constructed with headwalls and must be sized to pass the design storm flow as specified by MoTH. The headwalls must be faced in either natural stone or stone veneer.

The layout of access roads and parking areas should incorporate site design features to maximize the efficient use of snow removal equipment. Adequate areas for snow storage and drainage must be provided. These may be combined with islands of planting to break up large areas of paving.

3.5 Landscaping

The Owner is encouraged to retain and enhance the natural trees and ground cover on portions of the Lot. Areas of tree preservation must be identified on the Landscape Plan and protected during construction.

All new planting shall be to British Columbia Society of Landscape Architects/British Columbia Nursery Trades Association standards and must be designed and stamped by a landscape architect registered in the Province of British Columbia or other qualified professional approved in advance by the Administrator or a designer approved in advance by the Administrator.

All planting materials installed along the edges of retained natural vegetation buffers should be native or indigenous plant material as specified in Exhibit A.

The Owner must replant and landscape those areas that have been cleared or depleted of trees.

All landscape elements adjacent to areas which require snow clearing by machinery must be designed to resist damage by incorporating durable materials, rounded edges and eliminating unnecessary protrusions.

If the landscaping cannot be completed before the end of a building season, the Owner must provided adequate erosion protection to the exposed surface during the winter and spring run-off.

3.6 Lighting

Illumination levels should be of sufficient intensity to provide security but not overpower the nightscape. Illumination should be low level and low glare.

The development plans should contemplate security lighting where necessary.

The Owner may design lighting may to highlight entryways and landscaped areas.

No flashing, blinking, neon or coloured lighting is permitted (except as part of a Christmas display). Incandescent or other warm coloured lighting is preferred.

3.7 Exterior Storage of Large Items

No temporary structures, trailers or residences shall be permitted on any Lot except for use during a period of construction not to exceed one (1) year except with the prior written approval of the Administrator.

No house trailer, travel trailer, mobile home, camper, recreational vehicle or similar vehicle capable of providing overnight accommodation and no unlicensed vehicles, commercial trucks, boats or machinery are permitted to be located, kept or stored on any Lot except within enclosed roofed buildings or garages, or in any area with adequate screening as approved by the Administrator.

Satellite dishes are prohibited unless they are smaller than 1 metre in diameter and adequately coloured and screened to shield their view from neighbours and the public.

3.8 Waste Storage and Disposal

Each Owner shall remove at its own expense any waste (which for the purpose of this Building Scheme includes any rubbish, trash or garbage) of any character which may accumulate upon, or which originates from a Lot. All waste shall be disposed of in accordance with all applicable bylaws, ordinances and restrictions of any authority of competent jurisdiction.

A proposed waste disposal plan must be forwarded to the Administrator for consideration and approval in consultation with Sun Peaks Improvement District with respect to sufficiency of storage and access for garbage removal.

Secure, enclosed bear proof containers must be provided on-site within each development for the use of units.

No building waste or materials used in construction of an improvement will be allowed to become unsightly or untidy. Neither shall such waste or material be a nuisance or obstruction, no matter how slightly, on highways or pathways.

4. BUILDING DESIGN

4.1 Building Siting

The placement of buildings should respect existing land forms by fitting into the contours and existing land massing. Attempts should be made to retain existing vegetation and minimize soil erosion.

It is the intent of the Design Guidelines that the development of a site appears as a collection of buildings that have been constructed over time rather than a series of identical units. Variation of architectural features such as window shapes, roof forms and facade colours should be used to achieve differentiation of the units.

4.2 Roof Design

4.2.1 Shape Roof shape is a major element of building form. It should be clear, when looking at the building, that the function of the roof is to provide covering for the building rather than appearing to Form Part of the side wall or support structure. Roofs that descend close to the ground (i.e. A-Frames, Gothic Arches) are not permitted.

Roof forms should be broken up with the use of dormers. The ridge line should not be continuous but should be varied in height or broken with chimneys and other architectural features.

Generous roof eaves or overhangs are encouraged to provide protection to walls and openings from wind and snow. The minimum overhang width is 0.6 metres.

- **4.2.2 Slope** Roofs must be designed to carry the snow load with slopes between 3 in 12 and 7 in 12 (vertical to horizontal). Flat roofs are prohibited.
- **4.2.3 Materials** All roof materials must be approved in advance by the Administrator. The use of wood shake roofs will be prohibited because of their inherent fire risk. Permitted roof materials are textured, stamped or patterned metal and slate or cement tiles and certain types of high profile asphalt or asphalt-composite shingles. Certain other materials may be approved by the Administrator in its sole discretion. The four permitted roof colours are slate grey, terra cotta red, brown and light green.
- **4.2.4** Roof Appurtenances Roof-top vent shafts, mechanical equipment etc. shall be confined within the roof and within roof dormers and shall not protrude from the roof visibly. Satellite dishes are not permitted on the roof top.

Skylights must be placed flush against the roof.

Chimney exteriors must be finished with stucco, stone, brick or wood. A flat top is preferred with side venting of the flue (with a flat cap and spark arrester). Exposed metal or concrete block chimneys are not permitted.

4.3 Exterior Walls

The exterior facade should convey a rural rather than urban character. Rough outdoor construction is encouraged

4.3.1 Materials The exterior walls of a building should be surfaced in one or more of the following materials:

Stone or cultured stone; Wood siding, logs or shingles; Stucco.

The following exterior surface treatments are prohibited:

Brick (except as an accent);
Plastic Siding;
Vinyl Siding;
Aluminum or metal siding;
Asphalt siding;
Exposed concrete (except for foundations);
Exposed masonry block (except for foundations).

If stucco is selected as the primary exterior material it must not exceed 90% of the facade area (excluding windows but including window trim). The balance of the area should be treated with wood or natural stone accents. Wood accents and trim may be used for up to 30% of the area (excluding windows) of the facade. The base of the building may be clad in natural stone or river rock.

4.3.2 Colours Exterior wall colours should harmonize with the site and surrounding buildings. Accent colours on wall surfaces can enliven buildings. However, their location should be confined to entries and gathering points, which do not disrupt the overall harmony of the area.

If wood or stone is used as the primary material, the predominant tone should tend toward warm, earthy hues - whether in the natural patina or weathered colour of the wall surface itself or the colour of the paint, stain or other coating. Bright and dramatic colours can be used for accent on exterior wall areas.

If stucco is used as the primary exterior wall finish, the colours should be selected from an approved colour palette available from the Administrator.

Colour variation from unit to unit is encouraged.

4.4 Sprinklers Automatic fire suppression sprinkler systems are required for:

- a) all public facilities including restaurants, shops, assembly areas; and
- b) all accommodation units within a TNRD Tourist Accommodation zoning area.

The use of sprinkler systems in all private accommodation units is recommended.

4.5 Signs

All signs must be approved in advance by the Administrator. The following types of signs are likely to be permitted and all other signs are likely to be prohibited:

- **4.5.1 Permanent Free Standing** A single freestanding sign on each Lot with a maximum surface area of 1.0 m² to identify the name of the project or development, street address, management and vacancies with a maximum height of 2.4 m. The total area must be less than 2.0 m² including all supporting structures and surrounding framework. Each freestanding sign may have signs on two sides only, each side complying with the regulations of this section. Signs must be constructed of wood with either a wood frame or stone clad base. Freestanding signs must be located in a landscaped area or planter at least twice as large as the permitted area of the sign.
- **4.5.2 Permanent Facia Sign** A facia sign with a maximum area of 1.0 m² to identify the name and address of the building, the management, and vacancies to a maximum of one such facia sign per building. Facia signs must be constructed of wood.
- **4.5.3** Traffic Signs Signs designed to promote the safe and expedient flow of pedestrian and vehicular traffic on a Lot are permitted provided they are less than 0.4 m² in area and do not contain corporate logos, business identification or other information other than that required for the direction of traffic. Reflective materials are permitted for traffic signs.
- **4.5.4** Temporary Real Estate Signs Only one large real estate sign advertising property "for sale" or "for rent" or "for lease" is permitted on each Lot and if any Lot is further subdivided then this restriction shall apply to the subdivided Lots collectively. The maximum permitted area of a large real estate sign is 3.0 m² and the maximum permitted height is 2 m. This type of sign must be removed within two weeks from the sale, rental or lease of the Lot or if it is otherwise taken off the market.

One "open house" sign with a maximum area of 0.6 m² and maximum height of 2 m is permitted on the Lot to which the sign relates and one "directional arrow" with the same size restrictions is permitted at the interSection to the public road. These signs may only be displayed during the hours the Lot to which they relate is open to the public for inspection and must otherwise be removed.

One small real estate sign with a maximum surface area of 0.3 m² will be permitted on each strata lot or other subdivided Lot created by subdivision of an existing Lot.

4.5.5 Temporary Contractors' Signs A maximum of one contractor's sign per Lot which gives the name of the building, Owner, financial backers, architects and consultants, contractors and subcontractors, may be erected on the site of a building under construction. The maximum permitted area of the sign is 3.0 m² and the maximum height of the sign is 2.4 m. All contractors' signs must be removed upon issuance of the occupancy permit by the Thompson-Nicola Regional District.

4.6 Building Construction

All buildings shall be constructed on the Lot and shall be permanent in nature. Only new materials may be used, except for used bricks, beams or siding and the like if an integral Part of the architecture of the building.

Owner builders must observe the following:

- a) The Owner and the Owner's contractor must arrange a meeting with the Administrator to coordinate access for construction purposes due to possible conflicts with utility installation and road paving.
- b) No Owner shall carry on construction in a manner that is deemed by the Administrator to create a nuisance or hazard to any other property within the Resort.
- c) No construction may commence before 7 a.m. or continue later than 10 p.m. local time without the written consent of the Administrator and/or other bodies having competent jurisdiction.
- d) The Owner is responsible for site security and safety. The Administrator may require hoarding if it is deemed necessary to protect the public.
- e) All building debris, cartons and packing materials must be removed from the site or else stored in proper containers.
- f) Dust must be completely controlled by keeping disturbed soil adequately watered.
- g) Road allowances must be swept clear of any soil or debris from the constructions site.

4.7 Utilities

4.7.1 Water Each building must be connected to a community water system operated by Sun Peaks Utilities Co., Ltd. No individual water wells or systems shall be permitted or allowed on any Lot. No water from any stream, culvert, ditch or pond shall be diverted, damned, drained or tampered with without the written consent of the Administrator and other bodies having competent jurisdiction.

Owners will be required to install, at their cost, a water meter in the water service line immediately downstream of the point the water service line enters the structure and upstream of any water fixtures. The make and model of the water meter must meet the specifications of Sun Peaks Utilities Co., Ltd. and include a remote readout located on the exterior of the building.

The Owner must provide 48 hours written notice to Sun Peaks Utilities Co., Ltd. to arrange for an inspection and connection to the community water system.

4.7.2 Sewer Each building must be connected to a community sewer system operated by Sun Peaks Utilities Co., Ltd.

It is the Owner's responsibility to verify the sewer service elevation prior to establishing the building elevations.

Connection of any roof, foundation, parking garage or surface drains to the community sewer system is strictly prohibited.

The Owner must provide 48 hours written notice to Sun Peaks Utilities Co., Ltd. to arrange for an inspection and connection to the community water system.

- **4.7.3** Electricity The electrical service is provided from underground conduits in the road right of way by way of overhead transmission lines along Tod Mountain Road near the north property boundary. Owners must make application to BC Hydro for hook-up and service. No overhead power lines are permitted to be installed on any Lot.
- **4.7.4 Telephone** The telephone service is provided from underground conduits in the road right of way. Owners must make application to BC Tel for hook-up and service. No overhead telephone lines are permitted to be installed on any Lot.
- **4.7.5 Propane Gas** Propane service will be provided from underground distribution mains located in the road right of way. Owners must make application to Sun Peaks Utilities Co., Ltd. for hook-up and service. The cost of the propane meter will be the responsibility of the Owner.

5. WATER AND ENERGY CONSERVATION

5.1 Water Conservation

Water supply and sewage treatment systems have been sized based on the use of water conserving plumbing fixtures including ultra low flush (ULF) toilets and low flow taps and shower heads. The use of this type of plumbing fixtures is mandatory and will be a condition of connection to the community water and sewer system.

Plumbing fixtures must comply with the following specifications:

- a) Toilets Ultra Low Flush (ULF) Maximum of 6.0 litres per flush
- b) Shower Nozzles Low Flow Maximum flow rate of 9.5 litres per minute
- c) Lavatory Taps Low Flow Maximum flow rate of 8.3 litres per minute
- d) Garburetors not permitted.

5.2 Fireplaces, Wood Stoves and Furnaces

To preserve air quality in the Resort Area, wood burning fireplaces and wood stoves are prohibited. Propane or natural gas fireplaces and furnaces certified by the Canadian Standard Association or the United States Environmental Protection Agency as **clean burning** are an acceptable alternative.

5.3 Electrical Energy Conservation

Owners, wherever possible should incorporate the latest energy efficient design and construction techniques. BC Hydro, through its Power Smart division offers various incentive programs for the installation of energy conserving features in new construction. Designers are advised to contact BC Hydro directly to determine which program is applicable to their development.

6. SNOW MANAGEMENT

The effects of snow and ice build-up, if improperly handled, can be destructive to buildings, pose risks to pedestrians and vehicles, and impose high on-going snow removal and maintenance costs. Designers not thoroughly familiar with snow country design should retain an expert consultant early in the design process.

6.1 Owner's Responsibility

Snow management is the responsibility of each Owner. The basic building Form must be conducive to snow management. Consider snow management from the earliest building concepts through to the detailed and working drawings.

Snow from roofs may not be dumped onto adjoining streets or properties.

6.2 Snow Accumulation

Snow must be positively shed or positively retained. Consider the effect of snow diverters, snow retainers, roof pitch and roof materials on snow retention. Snow diverters or snow retainers should be designed as an integral Part of the roofscape. Snow retainers are the preferred solution.

6.3 Entrances

Entrances must be protected from shedding snow by dormers, angled roofs, canopies or other means.

Designers should consider the potential hazard of icicles dropping onto entrances.

Access to garages should be protected from snow shed to ensure they will be functional in harsh winter conditions. These areas should be protected from snow and ice accumulation.

6.4 Building Projections

Roofs dumping snow onto a series of lower roofs or onto a lower roof from great height can cause extreme snow loads or impact loads respectively.

The effect of heavy snow dump or sliding snow on projections such as balconies or eaves should be dealt with in the design. Buildings should be planned so that the balconies are covered or recessed.

6.5 Roof Detailing

Snow splitters must be substantial, and fitted to all projections on sloped roofs which are not located close to the roof ridge (e.g. chimneys, vents, skylights, etc.).

Adequate roof ventilation is key to the "cold roof" concept. Convective ventilation, consisting of continuous vents at the eaves and "exhaust" vents at gable ends or the ridge line is preferred. These vents present decorative opportunities as Part of the building form.

6.6 Roof Design

Roof design must establish effective snow management including consideration for the effects of slope, materials, construction, projections and slope/flat distribution on snow shedding/retaining characteristics. The design should also include consideration for the freeze-thaw cycle and its impact on snow shed, snow retention, roof drip, icicle management, ice dams and water infiltration.

6.7 Snow Shed Areas

If snow is shed from roofs to areas below, the design must ensure that there is sufficient snow storage area for the anticipated volume of snow. The snow should not encroach onto windows, doors, patios, walkways, driveways or neighbouring streets or properties. Adequate drainage for meltwaters should be provided.

7. ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

7.1 Purpose

McGillivray Creek is a fish bearing stream and an important water resource running through the Sun Peaks Resort Area. As well, unnamed tributary streams of McGillivray Creek (permanent and intermittent) run through some of the development parcels.

Eroded sediments or other water transported materials such as concrete slurry or vehicle oils and fuels have the potential to damage the McGillivray Creek water resource. Owners are advised that the federal Department of Fisheries and Oceans and BC Environment are concerned that fish habitat is protected during construction.

7.2 Requirements

Owners must comply with and obtain all required approvals from municipal, provincial and federal officials for all contemplated work. This may include the submission of erosion, sediment control and stormwater management plans to BC Environment and the federal Department of Fisheries for approval. In addition, the following requirements must be complied with:

a) Open streams should be preserved in their existing channels whether natural or man-made unless diversion is approved by BC Environment and the Department

- of Fisheries and Oceans. Bank stabilization will be required when the design flow velocities of new or existing channels exceed 1 metre per second.
- b) flowing streams and 7 m from intermittent streams. A set-back of 30 m from McGillivray Creek to any building is required.
- c) Land disturbing activities such as site regrading should be timed to occur during dry periods.
- d) Any required retention areas of natural vegetation and buffer zones shall be fenced off with protective construction fencing to guarantee that these areas are not accessed during construction.
- e) At building completion all earthworks should be stabilized against erosion. Acceptable stabilization methods include low retaining walls, grass sod, erosion blankets, hydro seeding and various landscape mulches.
- f) Run-off from parking lots containing greater than 20 vehicles shall be directed through an oil/grease separation device which is regularly maintained.
- g) Deleterious substances such as concrete slurry, fuels, paint chemicals, etc. shall not be placed so as to allow migration to water courses. The storage of gasoline, oil and other environmentally hazardous materials must be located at least 30 metres away from all drainage channels, and be stored in an catchment that can retain the entire volume of the stored hazardous materials if leakage or spillage should occur.
- h) All excavated material not removed from the site must be covered with plastic during the construction period to avoid erosion related problems.
- i) Boulders suitable for future rockwork must be stockpiled.
- j) Removed topsoil must be stockpiled on site for future use.
- k) Trees cannot be felled onto any vegetative buffer zones around watercourses, or any public open space outside the property.
- Water soluble herbicide and pesticides should not be used. Slow release fertilizers should be used if composted manure is not available. The use of soil sterilants is prohibited.
- m) BC Environment or the Federal Department of Fisheries and Oceans may require the presence of an Environmental Monitor on site during certain phases of the construction. The Owner will be responsible for retaining an Environmental Monitor satisfactory to the approval authorities.

EXHIBIT "A"

NATIVE PLANT MATERIALS FOR SUN PEAKS RESORT

TREES	BOTANICAL NAME	COMMON NAME
Evergreen:	Abies Lasiocarpa Larix Occidentalis Picea Engelmanii Picea Glauca	Alpine Fur Western Larch Englemann Spruce White Spruce
	Juniperous Scopularum Pinus Monticola Tsuga Heterophylla Tsuga Mertensiana	Rocky Mountain Juniper Western White Pine Western Hemlock Mountain Hemlock
	Pseudotsuga Menziesii	Douglas Fir
Deciduous:	Acer Glabrum Alnus Crispa Betula Papyrifera Populus Tremuloides Prunus Emarginata	Douglas Maple River Alder Paper Birch Trembling Aspen Bitter Cherry
SHRUBS	BOTANICAL NAME	COMMON NAME
Evergreen:	Juniperus Communis Ledum Groenlandicum Mahonia Aquifolium (sheltered areas)	Common Juniper Labradortea Ledum Oregon Grape Holly
Deciduous:	Amelanchier Alnifolia Cornus Sericea Elaeagnus Commutata Potentilla Fruticosa Ribes Sanginneum Sorbus Sitchensis Vaccinium Myrtilloides Vaccinium Parvifolum Rosa Sp. Rubus Parviflorous Viburnum Trilobum Vaccinium Deliciousum	Saskatoon Serviceberry Red-Osier Dogwood Silverberry Shrubby Cinquefoil Red Currant Silka Mountain Ash Canada Blueberry Red Huckleberry Wild Rose Thimbleberry High-Bush Cranberry Blue Huckleberry
GROUND- COVERS	BOTANICAL NAME	COMMON NAME
	Arctostaphyloc Uva-Ursi Cornus Canadensis Blechnum Specant	Bearberry Bunchberry Deer Fern

GROUND- COVERS	BOTANICAL NAME	COMMON NAME
	Gaultheria Procumbens	Wintergreen
	Vaccinium Vitis Idaea	Lingenberry
	Rosa Sp.	
	Pyrola Asarifolia	Common Pink Wintergreen
	Smilacina Stellata	Star Flowered Solomon's Seal
	Osmunda Cinnamomea	Cinnamon Fern
	Osmunda Regalix	Royal Fern

APPROVED NATIVE LIKE PLANT MATERIALS

TREES	BOTANICAL NAME	COMMON NAME
Evergreen:	Picea Abies Picea Pungens Tsuga Canadensis	Norway Spruce Colorado Spruce Eastern Hemlock
Deciduous:	Sorbus Aucuparia Acer Ginnala Acer Rubrum Acer Saccharinum Betula Pendula Acer Platanoides	European Mountain Ash Amur Maple Red Maple Silver Maple European Birch Norway Maple
SHRUBS	BOTANICAL NAME	COMMON NAME
	Azalea - Deciduous Varieties Cornus Stolonifera Flaveramea Kalmia Angustifolia Pinus Mugo Pinus Mugo Var. Mugo Ribes Alpinum Rhododendron - Hardy varieties in	Yellowtwig Dogwood Sheep Laurel Mugo Pine Dwarf Mugo Pine Alpine Current
	shaded locations Rosa Woodsii Rosa Rugosa Sp. Andromeda Polifolia Lonicera Sp. Spiraea Sp. Viburnum Burkwoodii	Wild Rose Shrub Rose Bog Rosemary Honeysuckle Spirea Burkwood Viburnum

END OF DOCUMENT

APPENDIX D

SCHEDULE OF RESTRICTIONS

- 1. <u>Definitions.</u> For the purposes of this Building Scheme the following words or phrases shall have the following meanings:
 - "Administrator" means Sun Peaks Resort Corporation which may from time to time appoint a committee for the exercise of its authority and duties hereunder;
 - "Authority" means any municipal, provincial or other governmental authority having jurisdiction over the use and development of the Lands including without limitation the Thompson-Nicola Regional District;
 - "Building Scheme" means this Declaration of Building Scheme and includes the Design Guidelines;
 - "Design Guidelines" means the design guidelines attached as Exhibit "A" to this Building Scheme;
 - "Force Majeure" means if an owner is bona fide delayed or hindered in or prevented from the performance of any covenants or acts required in accordance with this Building Scheme by reason of strike or labour dispute, inability to procure materials or services, failure of power, riots, insurrection, sabotage, rebellion, war, act of God or other reason of a like nature which is not the fault of the owner and not a delay caused by lack of funds or other financial reason;
 - "Improvements" means and includes, but is not limited to, buildings and outbuildings appurtenant thereto, parking areas, storage areas, fences, walls, hedges, landscaping, plantings, poles and any structures of any type or kind located above or below ground, and includes the excavation or removal of any fill or ground cover and any land fill or deposit of any soil or other like substance for the purpose of preloading or otherwise;
 - "Lands" means the Lands as defined in the Building Scheme to which these Restrictions are attached;
 - "Lot" or "Lots" means in the singular or plural any one or more of any portion of the Lands constituting a single legally subdivided area in accordance with the requirements of the Land Title Act;
 - "Owner" means a person registered as owner of a Lot, whether as a representative owner or not;
 - "Plans and Specifications" means those plans and specifications required to be submitted by the Owner of a Lot to the Administrator in accordance with Section 4 together with such additional plans, specifications and materials as the Administrator may require

- 2. Objective and Purpose. The Lands and each and every Lot into which the Lands may be subdivided is subject to the following conditions, covenants, restrictions and reservations all of which shall be deemed to run with the Lands and each and every Lot thereof, and all of which constitute a part of this Building Scheme to ensure the proper use and appropriate development and improvement of the Lots so as to:
 - (a) protect the owners of the Lots against improper development and use of the surrounding lots that would depreciate the value and use of their Lots;
 - (b) prevent the erection on the Lands of any Improvements constructed of improper or unsuitable materials or with improper quality and methods of construction;
 - (c) ensure a standard of exterior architectural appearance and landscaping compatible with a mountain resort community and the design concept for the Lands as described and set out in the Design Guidelines;
 - (d) encourage and ensure the erection of attractively designed permanent Improvements appropriately located within the Lands and to generally promote the welfare and safety of the owners of the Lots.
- 3. <u>Restriction on Improvements.</u> No person shall commence any Improvements and no Improvements are permitted to be constructed or to exist on any Lot or the Lands without:
 - (a) ensuring that the Improvement complies with the provisions of all applicable zoning, land use and building bylaws and regulations and the restrictions in this Building Scheme and the Design Guidelines attached hereto; and
 - (b) obtaining the approval of the Administrator to the Improvement in accordance with this Building Scheme.
- 4. Request for Approval. Any person proposing an Improvement on a Lot or any exterior modification thereto shall first submit three copies of the following Plans and Specifications to the Administrator.
 - (a) Site Plan at a scale not smaller than 1:200 clearly illustrating the footprint of all proposed structures and improvements, location of driveways, walkways and parking areas, front and rearside yard dimensions and lot grading and drainage at 0.5m intervals;
 - (b) Dimensioned floor plans at each floor, floor level of all proposed improvements and structures:
 - (c) Landscape Plan showing location of tree preservation areas, retaining walls, fences and proposed plants and trees;

- (d) Dimensioned elevation plans at a scale not smaller than 1:100 of all proposed improvements and structures clearly illustrating building size, height, exterior materials, finishes and colours, roof design, slope and materials;
- (e) Roof Plan indicating surface areas of all roof planes;
- (f) Construction Drainage Plan clearly illustrating method of runoff quality control during construction and the location of fencing to preserve watercourse vegetation buffers where applicable.
- 5. <u>Consideration by Administrator.</u> The Administrator shall consider all Plans and Specifications submitted to it for compliance with the Design Guidelines and such other factors as the Administrator may in its discretion, acting reasonably, deem appropriate.
- 6. <u>Decision by Administrator.</u> Within 30 days of receipt by the Administrator of the Plans and Specifications together with such additional information as the Administrator may require, the Administrator shall give written notice to the applicant of its approval or refusal to give approval to the Plans and Specifications with reasons in the case of a refusal.
- 7. <u>Construction of Improvements.</u> If any person commences any Improvements on any of the Lots after complying with the restrictions herein contained, such person shall not discontinue the construction of the Improvements but shall continue diligently to complete the same in all respects within one year of starting construction and in accordance with the approved Plans and Specifications provided that the owner of such Lot shall not be in breach of this restriction if the construction is interrupted by reason only of Force Majeure.
- 8. <u>Maintenance of Improvements.</u> The Owner of each of the Lots from time to time shall:
 - (a) construct, maintain, replace and repair all Improvements strictly in compliance with the requirements hereof;
 - (b) maintain, replace and repair any such Improvements including, without limitation, any landscaping thereon, in such manner as would a prudent, conscientious and responsible owner of the same in order to maintain a clean and tidy appearance;
 - (c) repair or reapply any preservative finish on those parts of the exterior finish of any buildings and other Improvements as may be required to maintain the exterior finish and appearance of the Improvements in a first class manner as would be expected in a resort community.
- 9. <u>Inspection by Administrator.</u> Each owner of a Lot shall allow the Administrator, its employees, agents and licensees, to enter upon the Lot or any portion of the Lands upon reasonable notice to inspect any Improvements and landscaping and to determine compliance with this Building Scheme.

10. <u>Notice to Administrator.</u> Any notice or Plans and Specifications to be delivered to the Administrator shall be delivered personally or sent by pre-paid registered mail to:

Sun Peaks Resort Corporation 1280 Alpine Road Sun Peaks, BC V0E 1Z1

Attention: General Manager

Any communication will be considered to have been given and received on the day of actual delivery or in the case of communication sent by mail, on the date of actual receipt by the Administrator.

- 11. <u>Deemed Nuisance.</u> Every violation or breach of this Building Scheme or any part thereof is hereby declared to be and to constitute a nuisance and every public or private remedy allowed therefor by law or equity against an owner of a Lot is applicable against every such violation or breach and may be exercised by the Administrator at its discretion.
- 12. Right to Action. The conditions, covenants, restrictions and reservations contained in this Building Scheme run with the Lands and each and every Lot thereof, and are binding upon and enure to the benefit of the owners of every Lot comprising the Lands. These conditions, covenants, reservations and restrictions may be enforced by the Administrator acting for itself and as trustee on behalf of all of the owners of the Lots. Each owner, by acquiring an interest in a Lot appoints irrevocably the Administrator as its attorney in fact for such purposes. If a Lot owner notifies the Administrator of a violation of these conditions, covenants, restrictions and reservations and the Administrator fails to act within 45 days after receipt of the notification, then, and in that event only, an owner of a Lot may separately, at its own cost and expense, enforce the conditions, covenants, restrictions and reservations herein contained. Violation of any condition, covenant, restriction or reservation gives to the Administrator the right to enter upon the Lot wherein the claimed violation or breach exists and to summarily abate and remove at the expense of the owner of the Lot any Improvement or part thereof that may be or exists contrary to the intent and meaning of the provisions of this Building Scheme, or to prosecute a proceeding at law or in equity against the person or persons who have violated or who are attempting to violate any of these conditions, covenants, restrictions and reservations to enjoin or prevent them from doing so and to cause the violation or breach to be remedied and recovered damages.
- 13. <u>Legal Fees.</u> In any legal or equitable proceeding for the enforcement, or to restrain the violation, of this Building Scheme or any provision hereof, the defaulting party or parties shall pay the reasonable legal fees of the prevailing party or parties in the amount as may be fixed by Court in such proceedings. All remedies provided herein or at law or in equity are cumulative and not exclusive.
- 14. <u>Failure to Enforce</u> A delay in or the failure of the Administrator or of an owner of a Lot to enforce any of the conditions, covenants, restrictions or reservations herein contained is not a waiver of the right to do so for any violation or any subsequent violations, or of the right to enforce

any other conditions, covenants, restrictions or reservations, and the Administrator is not liable therefor.

- 15. <u>Non-Liability of Administrator</u>. The Administrator is not liable in any way whatsoever, for any damages, whether direct or consequential, or any damages, whether caused by negligence or otherwise in relation to its exercise or non-exercise of its duties hereunder.
- 16. Assignment of Administrator's Rights and Duties. Any and all of the rights, powers and duties of the Administrator herein may be assigned by the Administrator to any person (including a statutory body) which will assume any or all of the duties of the Administrator hereunder and upon any such person evidencing its consent in writing to accept such assignment, the assignee shall, to the extent of the assignment, assume the Administrator's duties hereunder, have the same rights and powers and be subject to the same obligations and duties as are given and assumed by the Administrator herein.
- 17. <u>Severability.</u> All of the conditions, covenants, restrictions and reservations contained in this Building Scheme shall be construed together, but if a court of competent jurisdiction shall at any time decide or declare that any one of the conditions, covenants, restrictions or reservations, or any part thereof, is invalid, or unenforceable, no other part of this Building Scheme shall thereby be affected or impaired and such invalid or unenforceable part shall be severed from the rest of this Building Scheme.
- 18. <u>Exemption by Grantor.</u> Pursuant to section 216(3) of the <u>Land Title Act</u>, Sun Peaks Resort Corporation as the grantor of this Building Scheme, hereby reserves the right to exempt that part of the land remaining undisposed of at the time of the exemption from all or any of the restrictions and benefits in this Building Scheme.
- 19. <u>Liability Subsequent to Sale.</u> Upon the sale of a Lot by the owner thereof, the owner so selling shall not have any further liability for obligations thereon which accrue against the Lots sold after the date of the registration of the conveyance provided however, that nothing herein shall be construed so as to relieve an owner of any Lot from the liabilities or obligations incurred prior to such sale pursuant to this Building Scheme. Furthermore, any such sale shall not enlarge or extend the obligation to diligently proceed with the construction of any Improvements and any subsequent owner shall have the obligation to continue such construction.
- 20. <u>Benefits and Burden.</u> The terms and provisions contained in this Building Scheme shall bind and enure to the benefit of the Administrator, the owners of all Lots located within the Lands and their respective heirs, executors, administrators, successors and assigns.
- 21. <u>Notice to Lot Owner.</u> Any notices required or permitted herein to be given to an owner of a Lot may be either delivered personally or be mailed, postage prepaid by registered mail to a Lot owner at the address of the Lot if improved by a dwelling intended for residential occupation and if the Lot is not so improved, to the address of the owner of the Lot as set forth on the title to the Lot as maintained by the Kamloops Land Title Office. Notice shall be deemed to have been given and

received on the day of actual delivery or in the case of a communication sent by mail, on the third Business Day after posting.

- 22. Gender and Number. Words in one gender include all genders, and words in the singular include the plural and vice versa as the context may require or allow.
- 23. Governing Law and Jurisdiction. This Building Scheme will be governed by and construed in accordance with British Columbia law and applicable Canadian law.

EXHIBIT "A"

DESIGN GUIDELINES

DESIGN GUIDELINES - SUNDANCE ESTATES

SINGLE FAMILY RESIDENTIAL LOTS

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1 PURPOSE

The purpose of these design guidelines is to ensure that a high standard of architectural appearance and landscaping compatible with a mountain resort community is maintained in the Sundance single family subdivision at Sun Peaks Resort. These Design Guidelines are not intended to be exhaustive, and imaginative design solutions are encouraged provided they meet the general intent and purpose stated above.

2 SITE DEVELOPMENT

2.1 Building Siting

The Owner/Builder shall inspect the lot to assess its specific potentials and constraints (natural features and man made conditions). It is the Owner/Builder's responsibility to identify the location of easements and rights-of-ways (R.O.W.) and to comply with the setback requirements of the Thompson-Nicola Regional District.

The placement of buildings should respect the site by fitting into the existing topography. Building siting should respond to the following:

Topography and lot shape
Geological/soil conditions
Hydrology, flood elevations, and drainage systems
Existing vegetation
Views into and out of the site
Solar exposure
Access and circulation
Snow management
Parking and driveway grading

The design and siting for a proposed building must respond to the existing and/or future planned development on adjacent lots. The proposed project must take into consideration its effect on privacy, view lines and overshadowing of the neighbouring properties.

2.2 Lot Clearing

In keeping with the objective of creating a subdivision that blends into the surrounding topography, every effort should be made to maintain areas of natural vegetation within each lot.

The site plan must indicate areas where natural vegetation is to be preserved (tree preservation zones) and these areas must be protected with snow fencing prior to the start of construction. No trees are to be removed from tree preservation zones without the approval of the Administrator.

Excess excavation material must be disposed of outside the boundaries of the resort or at a dumping location directed by the Administrator.

2.3 Grading and Drainage

Buildings and driveways should be located carefully on the site with every effort made to minimize grading and excavation. All proposed grading must be shown on the site plan submitted for approval.

Grading and drainage requirements of a lot must be resolved within the property boundary and all cuts and fill must blend into the existing site conditions.

Man-made slopes cannot be steeper than 2:1(horizontal:vertical) without the incorporation of retaining walls. Where necessary, banks may be stabilized by the use of retaining walls constructed of rock stacks or an approved manufactured concrete or stone retaining wall system. Retaining walls are limited to 1.5 metres in height.

New construction and grading within the lot must not interrupt the subdivision drainage patterns or cause the discharge of water onto adjacent lots.

Run-off from roofs, ground pavement, and snow storage areas must be collected and directed to natural or improved drainage systems within the lot. Connection to the sanitary sewer system is prohibited. Roof leaders from Lots 9 to 16 should be connected to the storm sewer stubs provided by the developer. The storm sewer is a green 100 mm diameter PVC pipe.

2.4 Walls and Fences

Walls and fences may be used to provide privacy or patio area screening. The placement of walls and fences should respect existing land forms, follow existing contours, and fit into existing land massing, rather than arbitrarily following parcel boundary lines. The design of fences and walls should harmonize with the site and the building on it in scale and appearance.

All fences and walls must be constructed of wood or natural stone. Chain link and wire fencing are prohibited.

The maximum height for fences and hedges acting as fences is 1 metre in front set-backs and 2 metres in all other set-back areas.

The use of landscaping and lattice work in lieu of fences is encouraged.

2.5 Driveways

It is the Owner/Builder's responsibility to obtain a valid access permit for their driveway from the British Columbia Ministry of Transportation and Highways (MoTH).

All driveways must be paved in asphalt or concrete unit pavers within one year of occupancy. Concrete is an acceptable material if it has either a broom or exposed aggregate finish.

The maximum permitted driveway slope is 15%.

2.6 Landscaping

The landscape design for the lot should integrate new planting with existing vegetation on the lot. All planting materials installed along the edges of retained natural vegetation buffers should be native or indigenous plant material as specified in Exhibit B.

The grouping of trees and shrubs is encouraged to avoid a scattered appearance. Ornamental planting is discouraged except in protected areas. Planting in "snow dump" areas must be able to survive the impact of heavy snow build-up.

No proposed site planting should block the sun or interrupt major view lines from adjacent lots.

Landscaping must be completed within one year of receipt of occupancy from the Thompson-Nicola Regional District.

2.7 Utilities

The developer shall provide underground utilities to the boundary line of each lot. The cost of connection to these services and all connection or inspection fees levied by the utility suppliers are the responsibility of the lot owner. Owners must apply to each utility supplier and comply with their regulations regarding connection procedures.

2.7.1 Water Each building must be connected to the community water system operated by Sun Peaks Utilities Co., Ltd. No individual water wells or systems shall be permitted or allowed on any Lot.

No water from any stream, culvert, ditch or pond shall be diverted, damned, drained or tampered with without the written consent of the Administrator and BC Environment.

Owner/Builders will be required to install, at their cost, a water meter in the water service line immediately downstream of the point the water service line enters the structure. The make and model of the water meter must meet the specifications of Sun Peaks Utilities Co., Ltd. and include a remote readout located on the exterior of the building.

2.7.2 Sanitary Sewer Each building must be connected to the community sewer system operated by Sun Peaks Utilities Co., Ltd.

The geodetic elevations of the **invert** of the sanitary sewer service pipe at the Lot line on Lots 1 to 8 on Sundance Drive are as specified below. Owner/Builders on Lots 1 to 8 must design their buildings so that the sewer works will drain by gravity to the elevations at the Lot line or alternatively, Owner/Builders must install and maintain sewage pumps at their cost.

Lot 1			1,299.97 metres
Lot 2			1,300.38 metres
Lot 3	•:	_	1,301.19 metres
Lot 4			1,302.13 metres
Lot 5			1,303.20 metres
Lot 6			1,303.67 metres
Lot 7			1,304.66 metres
Lot 8			1,305.32 metres

- 2.7.3 Electricity The electrical service is provided by way of underground conduit to the Lot boundary. No overhead power lines are permitted to be installed on the Lots.
- <u>2.7.4 Telephone</u> The telephone service is provided by way of underground conduit to the Lot boundary. No overhead telephone lines are permitted to be installed on the Lots.
- 2.7.5 Propane Gas A propane gas line and meter will be supplied by Sun Peaks Utilities Co., Ltd. at the Owner's cost. Owners must submit an application for propane service including a copy of their approved building plans to SPUCL to arrange for installation of the service.
- 2.7.6 Cable Television The cable television service is provided by way of underground conduit to the Lot boundary. No overhead lines are permitted to be installed on the Lots.

2.8 Signs

No Owner/Builder is permitted to erect a sign on a Lot unless the sign is either a wood sign no larger than 0.2 square metres which states either the last name of Lot owner(s), the street number or name of the property or a combination of the above, or a non-illuminated sign of less than 0.3 square metres advertising the sale or lease of the Lot or improvements thereon. All other signs are prohibited.

2.9 Exterior Storage of Large Items

No temporary structures, trailers or residences shall be permitted on any Lot except for use during a period of construction not to exceed one (1) year except with the prior written approval of the Administrator.

No house trailer, travel trailer, mobile home, camper, recreational vehicle or similar vehicle capable of providing overnight accommodation and no unlicensed vehicles, commercial trucks, boats or machinery are permitted to be located, kept or stored on any Lot except within enclosed roofed buildings or garages, or in any area with adequate screening as approved by the administrator.

Satellite dishes are prohibited except for the digital type which are less than 600 mm in diameter. Any satellite dish must be mounted in an area that is adequately screened from the view from the street, the ski hill and adjoining lots.

The Administrator reserves the right to remove, without notice, any non-conforming elements on any Lot at the expense of the owner.

2.10 Waste Storage and Disposal

Each owner of a Lot shall remove at its own expense any waste (which for the purpose of this Building Scheme includes any rubbish, trash or garbage) of any character which may accumulate upon, or which originates from the Lot. All waste shall be disposed of in accordance with all applicable by-laws, ordinances and restrictions of any authority of competent jurisdiction.

No building waste or materials used in construction of an improvement will be allowed to become unsightly or untidy. Neither shall such waste or material be a nuisance or obstruction, no matter how slightly, on streets, highways or pathways.

2.11 Prohibited Uses

No poultry, swine, sheep, horses, cows, cattle, goats, chickens, roosters or other farm animals or livestock are permitted to be kept on any Lot except only domesticated household pets, provided however that no such domesticated household pets may be kept for sale or kept in a way which in the opinion of the Administrator, may be or become an annoyance or nuisance to the owner of any Lot.

3 BUILDING DESIGN

3.1 Building Massing and Proportion

A certain degree of varied massing is encouraged in the building design to create interesting streetscapes. Two storey block shaped buildings without variation in massing will not be approved. Extremely free form structures with no sense of unity are also not acceptable.

No building design can be repeated within a three lot radius.

3.2 Roof Design

- 3.2.1 Shape Roof shape is a major element of building form. It should be clear, when looking at the building, that the function of the roof is to provide covering for the building. A unified composition of sloping roofs is recommended. A minimum of four roof planes on the principal dwelling (excluding the garage) are required. Roofs that descend close to the ground (i.e. A-Frames, Gothic Arches) are not permitted.
- 3.2.2 Slope Roofs must be designed to carry the snow load with slopes between 3 in 12 and 7 in 12 (vertical to horizontal). Variations in roof slopes are encouraged between roof planes.
- 3.2.3 Materials Acceptable roofing materials are patterned metal, clay or concrete tiles, slate and composite wood products such as Cemwood or Permatek. Wood shake roofs will be prohibited because of their inherent fire risk. All types of asphalt shingles are prohibited. The four acceptable colour finishes for roof materials are: slate grey, terra cotta red, brown and light green.
- 3.2.4 Roof Details The thoughtful placement and design of roof elements such as dormers, clerestories, skylights, chimneys, gable and eave details contribute greatly in creating an interesting roofscape.

Dormers may have shed, gable or hip roofs with a slope that varies from the main roof. They can be located at the edge or within the field of the main roof. There should be adequate space between dormers (and other roof features) to avoid snow bridging.

Generous roof eaves or overhangs are encouraged to provide protection to walls and openings from wind and snow. The minimum overhang width is 0.9 metres.

Deep, layered and well detailed facia boards reflect the importance of the roof and are the preferred design aesthetic.

Acceptable soffit finish materials are tongue and groove wood boards or panels and textured stucco or other materials approved in advance by the Administrator. The finish material should complement or be the same as the exterior wall finishes. Soffit colour must be

approved. Soffit vents and vents in gable ends should be designed from an aesthetic as well as functional point of view.

All flashing and roof stacks or vents must be in a prefinished colour or painted to match the roof colour.

3.2.5 Roof Appurtenances Roof-top vent shafts, mechanical equipment etc. shall be confined within the roof and within roof dormers and shall not protrude from the roof visibly.

Satellite dishes are not permitted on the roof top.

Chimneys and chases on the roof should be located near the ridge to reduce their required height and minimize the potential damage from sliding snow.

Chimney exteriors must be finished with stucco, stone, brick or wood. A flat top is preferred with side venting of the flue (with a flat cap and spark arrester). Exposed metal or concrete block chimneys are not permitted.

3.3 Exterior Facades

The exterior facade should convey a rural rather than urban character. Rough outdoor construction is encouraged.

Walls should be heavily articulated with recesses, balconies, bay windows, etc. Large areas of unbroken wall which are highly visible are not acceptable.

3.3.1 Materials The exterior walls of a building should be surfaced in one or more of the following materials:

Stone or cultured stone and stone veneer, river rock look preferred Wood siding, logs or shingles
Pastel Coloured Stucco

The following exterior surface treatments are prohibited:

Brick (except as an accent)
Plastic Siding
Vinyl Siding
Aluminium or metal siding
Asphalt siding
Exposed concrete (except for foundations)
Exposed masonry block (except for foundations)

The lower wall surface (up to 1.2 metres above finished grade) should be protected from extreme weathering and staining resulting from snow accumulation. Wall finishes such as textured concrete, heavy timber or stone veneer are recommended.

Acrylic (pre-coloured) or painted stucco is an acceptable material for upper walls provided that it is used in combination with wood detailing such as window trims and frames, soffit trim boards, balcony guard rails etc. Large unbroken areas are not acceptable. It is encouraged that no more than 85%, excluding windows, of one material (e.g. stucco) comprise the exterior facade.

Peeled or shaped logs, board and batten, shingles or horizontal, vertical or diagonal wood siding are all acceptable wood finishes. The proposed pattern including board width and profile must be submitted for approval. Narrow boards that give a clapboard profile will not be approved.

The use of glass block as a wall element is acceptable only in areas which are not visible to the street or the ski hill.

The exterior finishes should be continuous around the building or terminate at a logical juncture in the wall. (i.e. at an inside rather than an outside corner.)

3.3.2 Colours Exterior wall colours should harmonize with the site and surrounding buildings. Accent colours on wall surfaces can enliven buildings. However, their location should be confined to entries and gathering points, which do not disrupt the overall harmony of the area.

If wood or stone is used as the primary material, the predominant tone should tend toward warm, earthy hues - whether in the natural patina or weathered colour of the wall surface itself or the colour of the paint, stain or other coating. Bright and dramatic colours can be used for accent on exterior wall areas.

If stucco is used as the primary exterior wall finish, the colours must be selected from an approved colour palette available from the Administrator.

3.3.3 Windows, Doors and Balconies Windows, doors, porches, decks and balconies form an important part of a building's character and appearance. They should be well placed individual units. When used in combination, care should be taken to unify the composition and fit the scale of the building facade.

The use of feature windows such as bay, box, arched, ecker or triangular, recessed or chamfered is encouraged. The street facade must contain a minimum of one feature window.

Windows with very large expanses of uninterrupted glass (i.e. no mullions or montan bars) are discouraged.

Window frames should be wood (painted or stained) or wood clad with vinyl or metal (prefinished colour to be approved). The Administrator may consider the use of metal or solid vinyl frames on a case by case basis, after reviewing the window specifications. Preference will be given to window frames, casings, sills and trim which most resemble wood windows.

Window glazing may be clear or blue/green solar tint. Stained, etched and frosted glass is allowed. Solid coloured glass and reflective or mirrored glazing is not permitted.

Lower level windows should be at least 0.6 metres above ground to prevent blockage from snow in winter.

Windows located in dormers must allow for snow build up on the roof.

Exterior doors should be solid wood (painted or stained) or other material approved in advance by the Administrator. Window side lights around the main entrance are encouraged.

Overhead sectional garage doors should be wood or high quality metal (colour to be approved). Designs which incorporate windows and raised panels are encouraged as they break up the large expanse of the door. The building face around the door should be well articulated (recess door, introduce columns or brackets, etc.) to reduce the visual impact of the door and connect it to the architectural character of the house.

Balconies should be recessed and/or have large overhanging roofs to protect them from snow build up. Drainage from balconies should be designed to prevent unsightly staining of walls below. The visible underside of balconies should be painted or stained or finished in soffit material appropriate to the rest of the building.

3.2.4 Decks, Terraces and Exterior Stairs These are transitional elements which connect the building to the surrounding landscape. Care should be taken to make this connection as strong as possible. Natural building materials should be used in their construction.

Decks must be of pressure treated wood construction (floor and guard-rails) and should be connected to the ground with massive supports such as stone, substantial sized log or large pressure treated wood posts. Guard-rails may include tempered glass or plexiglass provided the supports are wood.

Terraces and stairs should be constructed of stone, concrete or brick pavers (alone or in combination). Large areas of concrete should have a non slip surface such as exposed aggregate or broom finish and be broken into smaller sections by pressure treated wood dividers.

Exterior stairs over 0.6 metres high should be incorporated into the overall form of the building.

3.4 Water Conservation

In order to minimize the impact of the development on the environment, the water supply and sewage treatment systems at Sun Peaks Resort have been sized to meet the needs of a community which uses water conserving plumbing fixtures including ultra low flush (ULF) toilets and low flow taps and shower heads in all buildings in the resort. The use of this type of plumbing fixtures is mandatory for all construction within the Resort Area and will be a condition of connection to the community water and sewer system.

Plumbing fixtures must comply with the following specifications:

(i) Toilets - Ultra Low Flush (ULF) - Maximum of 6.0 litres per flush

Avg Flas L V Same 3. 8 lytra (ii) Shower Nozzles - Low Flow - Maximum flow rate of 9.5 litres per minute

(iii) Lavatory Taps - Low Flow - Maximum flow rate of 8.3 litres per minute

(iv) Garburetors - not permitted.

3.5 **Electrical Energy Conservation**

Owner/Builders, wherever possible should incorporate the latest energy efficient design and construction techniques. BC Hydro, through its Power Smart division offers various incentive programs for the installation of energy conserving features in new construction. Designers are advised to contact BC Hydro directly to determine which program is applicable to their development.

3.6 Fireplaces and Furnaces

Since there are frequent temperature inversions in the Resort Area which could trap fireplace emissions, solid fuel (wood, coal, pellets, etc.) burning fireplaces, stoves and furnaces are prohibited. Only propane or natural gas burning appliances (fireplaces, stoves and furnaces) certified as clean burning will be permitted. Electric baseboards, furnaces or heat pumps are an acceptable alternative.

4 SNOW MANAGEMENT

The effects of snow and ice build-up, if improperly handled, can be destructive to buildings, pose risks to pedestrians and vehicles, and impose high on-going snow removal and maintenance costs.

4.1 Owner/Builder's Responsibility

Snow management is the responsibility of each Owner/Builder. The basic building form must be conducive to snow management. The principals of snow management should be considered at the conceptual design through to the preparation of final building plans.

Snow from roofs must not shed onto adjoining streets or properties.

4.2 Snow Accumulation

Snow must be positively shed or positively retained. Consider the effect of snow diverters, snow retainers, roof pitch and roof materials on snow retention. Snow diverters or snow retainers should be designed as an integral part of the roofscape. Snow retainers are the preferred solution.

4.3 Entrances

Entrances must be protected from shedding snow by dormers, angled roofs, canopies or other means.

Consider the potential hazard of icicles dropping onto entrances.

Ensure access to garages are protected from snow shed, and will be functional in harsh winter conditions. Protect these areas from snow and ice accumulation.

4.4 Building Projections

Roofs dumping snow onto a series of lower roofs or onto a lower roof from great height can cause extreme snow loads or impact loads respectively.

Consider the effect of heavy snow dump or sliding snow on projections such as balconies or eaves. Buildings should be planned so that the balconies are covered or recessed.

4.5 Roof Detailing

Snow splitters must be substantial, and fitted to all projections on sloped roofs which are not located close to the roof ridge (e.g. chimneys, vents, skylights, etc.).

Eavetroughs or built-in gutters should be large enough and strong enough to handle snow build-up and should be designed to incorporate heat tracers underneath. Alternatively gutters may be omitted in favour of direct shedding of snow and water off the roof provided drain rock is placed on the ground below to handle the run-off from the roof. Consider the installation of heat tracers along the roof surface of overhanging eaves.

Rain water leaders or exposed down pipes should be large enough to handle run-off from melting snow and should discharge to landscaped areas or a storm sewer. They should be heated to prevent freeze up or be open at the front to allow for expansion and ice build up.

Adequate roof ventilation is key to the "cold roof" concept. Convective ventilation, consisting of continuous vents at the eaves and "exhaust" vents at gable ends or the ridge line is preferred. These vents present decorative opportunities as part of the building form.

4.6 Roof Design

Roof design must establish effective snow management.

Consider the effects of slope, materials, construction, projections and slope/flat distribution on snow shedding/retaining characteristics.

Consider the freeze-thaw cycle and its impact on snow shed, snow retention, roof drip, icicle management, ice dams and water infiltration.

Roof valleys which could accumulate large amounts of snow should be constructed with a substantial area of exposed flashing and should be fitted with heat tracers.

4.7 Snow Shed Areas

If snow is shed from roofs to areas below, ensure that there is sufficient snow storage area for the anticipated volume of snow. The snow should not encroach onto windows, doors, patios, walkways, driveways or adjoining properties or streets.

Provide adequate drainage for meltwaters.

5 BUILDING CONSTRUCTION

All buildings shall be constructed on the Lot and shall be permanent in nature. Only new materials may be utilized, except for used poles, beams or siding and the like if an integral part of the architecture of the building.

Owner/Builders must observe the following:

- (i) No Owner/Builder shall carry on construction in a manner that is deemed by the Administrator to create a nuisance or hazard to any other property within the Resort.
- (ii) No construction may commence before 8 a.m. or continue later than 10 p.m. local time.
- (iii) All building debris, cartons and packing materials must be removed from the site on a daily basis or else stored in proper containers on the site.

- (iv) Dust must be completely controlled by keeping disturbed soil adequately watered or with the use of an approved dust control compound.
- (v) Roadways, walkways and road allowances must be swept clear of any soil or debris from the construction site on a daily basis.

6 ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

6.1 Purpose.

McGillivray Creek is an important water resource running through the Sun Peaks Resort Area. As well, tributary streams of McGillivray Creek such as Sundance Creek run through some of the development parcels. Sun Peaks Resort Corporation have been working closely with the Ministry of the Environment and the Department of Fisheries and Oceans to ensure a high standard of environmental responsibility is maintained throughout the resort.

Eroded sediments or other water transported materials such as concrete slurry or petro chemical fluids have the potential to damage the McGillivray Creek water resource. Owner/Builders are advised that the federal Department of Fisheries and Oceans or BC Environment may levy fines if fish habitat is damaged.

6.2 Requirements

- 1. BC Environment may require the submission and approval of erosion and sediment control plans for each lot.
- 2. Open streams should be preserved in their existing channels whether natural or manmade unless diversion is approved by BC Environment and the Department of Fisheries and Oceans.
- 3. Deleterious substances such as concrete slurry, petro chemicals, paint chemicals, etc. shall not be placed so as to allow migration to water courses. The storage of gasoline, oil and other environmentally hazardous materials must be located at least 30 metres away from all drainage channels, and be stored in an impermeable drain pan that can retain the entire volume of the stored hazardous materials if spillage should occur.
- 4. Water soluble herbicide and pesticides should not be used. Slow release fertilizers should be used if composted manure is not available. The use of soil sterilants is prohibited.
- 5. At building completion all earthworks should be stabilized against erosion.
- 6. Land disturbing activities such as site grading should be timed to occur during dry periods.

- 7. Any required retention areas of natural vegetation and buffer zones shall be fenced off with protective construction fencing to guarantee that these areas are not accessed during construction.
- 8. All excavated material not removed from the site must be covered with plastic to avoid erosion related problems.
- 9. Boulders suitable for future rockwork must be stockpiled on the lot or at a site approved by the Administrator.
- 10. Removed topsoil must be stockpiled on site for future use.
- 11. Trees cannot be felled onto any vegetative buffer zones around watercourses, or any public open space outside the Lot.

EXHIBIT "B" Native Plant Materials for Sun Peaks Resort

TREES	BOTANICAL NAME AND THE SAME	COMMONNAME
Evergreen:	Abies Lasiocarpa	Alpine Fur
	Larix Occidentalis	Western Larch
	Picea Engelmanii	Englemann Spruce
	Picea Glauca	White Spruce
	Juniperous Scopularum	Rocky Mountain Juniper
	Pinus Monticola	Western White Pine
	Tsuga Heterophylla	Western Hemlock
	Tsuga Mertensiana	Mountain Hemlock
	Pseudotsuga Menziesii	Douglas Fir
Deciduous:	Acer Glabrum	Douglas Maple
	Alnus Crispa	River Alder
	Betula Papyrifera	Paper Birch
	Populus Tremuloides	Trembling Aspen
	Prunus Emarginata	Bitter Cherry
	_	_
SHRUBS	BOTANICAL NAME	COMMON NAME
Evergreen:	Juniperus Communis	Common Juniper
	Ledum Groenlandicum	Labradortea Ledum
	Mahonia Aquifolium (sheltered areas)	Oregon Grape Holly
Deciduous:	Amelanchier Alnifolia	Saskatoon Serviceberry
	Cornus Sericea	Red-Osier Dogwood
	Elaeagnus Commutata	Silverberry
	Potentilla Fruticosa	Shrubby Cinquefoil
	Ribes Sanginneum	Red Currant
	Sorbus Sitchensis	Silka Mountain Ash
	Vaccinium Myrtilloides	Canada Blueberry
9.	Vaccinium Parvifolum	Red Huckleberry
	Rosa Sp.	Wild Rose
	Rubus Parviflorous	Thimbleberry
	Viburnum Trilobum	High-Bush Cranberry
	Vaccinium Deliciousum	Blue Huckleberry
GROUNDCOVERS	BOTANICAL NAME	COMMONINANTE
CYCOLINCOAEK		COMMON NAME
	Arctostaphyloc Uva-Ursi	Bearberry
	Cornus Canadensis	Bunchberry

7.		BOTANICAL NAME	1.70	COMMON NAME
GROUNDC	OVERS cont'd			-
	I	Blechnum Specant		Deer Fern
	İ	Gaultheria Procumbens		Wintergreen
		Vaccinium Vitis Idaea		Lingenberry
	İ	Rosa Sp.		98
	•	Pyrola Asarifolia		Common Pink Wintergreen
•		Smilacina Stellata		Star Flowered Solomon's Seal
		Osmunda Cinnamomea		Cinnamon Fern
		Osmunda Regalix		Royal Fern

Approved Native Like Plant Materials

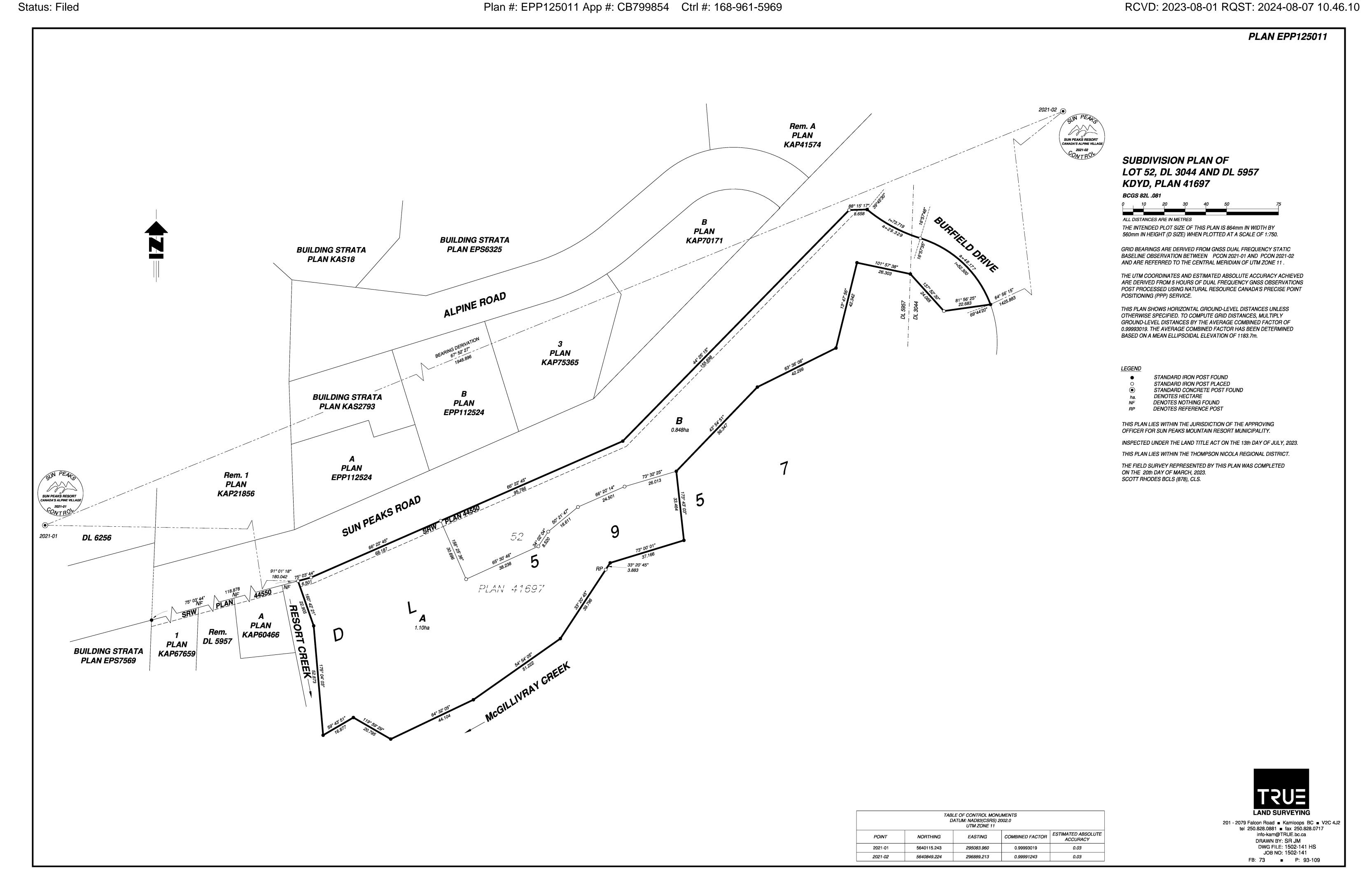
TREES	BOTANICAL NAME	COMMON NAME
Evergreen:	Picea Abies	Norway Spruce
	Picea Pungens	Colorado Spruce
	Tsuga Canadensis	Eastern Hemlock
Deciduous:	Sorbus Aucuparia	European Mountain Ash
	Acer Ginnala	Amur Maple
	Acer Rubrum	Red Maple
	Acer Saccharinum	Silver Maple
	Betula Pendula	European Birch
	Acer Platanoides	Norway Maple
		٠.
SHRUBS	公务的任何,但是否是一个解释,并不是	The Parallet State of the State
	Azalea - Deciduous Varieties	
	Cornus Stolonifera Flaveramea	Yellowtwig Dogwood
	Kalmia Angustifolia	Sheep Laurel
	Pinus Mugo	Mugo Pine
	Pinus Mugo Var. Mugo	Dwarf Mugo Pine
	Ribes Alpinum	Alpine Currant
	Rhododendron - Hardy varieties in shaded locations.	
	Rosa Woodsii	Wild Rose
	Rosa Rugosa Sp.	Shrub Rose
	Andromeda Polifolia	Bog Rosemary
	Lonicera Sp.	Honeysuckle
9.	Spiraea Sp.	Spirea
	Viburnum Burkwoodii	Burkwood Viburnum

ADDENDUM TO PROPERTY OPPORTUNITY NOTICE - October 8, 2024

Q1: Can the Sun Peaks Municipality provide any of the following documents?

- a) Legal Land Survey
- b) Topographical Survey
- c) Property Title with a copy of all registered covenants
- d) Geotechnical Reports

A1: The Legal Land Survey and Property Title documents are attached. There is no topographical survey nor any geotechnical reports.



TITLE SEARCH PRINT 2024-10-03, 16:01:20

File Reference: Requestor: Nicky Jonsson

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Land Title District KAMLOOPS
Land Title Office KAMLOOPS

Title Number CB1579542 From Title Number CB799857

Application Received 2024-09-06

Application Entered 2024-09-11

Registered Owner in Fee Simple

Registered Owner/Mailing Address: SUN PEAKS MOUNTAIN RESORT MUNICIPALITY

106-3270 VILLAGE WAY

SUN PEAKS, BC

V0E 5N0

Taxation Authority Kamloops Assessment Area

Sun Peaks, Mountain Resort Municipality

Description of Land

Parcel Identifier: 032-056-907

Legal Description:

LOT B DISTRICT LOTS 3044 AND 5957 KAMLOOPS DIVISION YALE DISTRICT

PLAN EPP125011

Legal Notations NONE

Charges, Liens and Interests

Nature: UNDERSURFACE RIGHTS

Registration Number: X239514

Registration Date and Time: 1988-02-08 14:54

Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH

COLUMBIA

Remarks: INTER ALIA

SEE X239508 SEC. 47 LAND ACT PART FORMER BLK A DL 3044 KDYD

TITLE SEARCH PRINT 2024-10-03, 16:01:20

File Reference: Requestor: Nicky Jonsson

Nature: COVENANT Registration Number: KC65308

Registration Date and Time: 1989-08-21 11:47

Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH

COLUMBIA

THOMPSON-NICOLA REGIONAL DISTRICT

AS REPRESENTED BY THE MINISTRY OF ENVIRONMENT

Remarks: INTER ALIA

SECTION 215(2)(A) LAND TITLE ACT

WITH PRIORITY OVER KB14524, KC65304, KB32961 AND

KC65303

Nature: STATUTORY RIGHT OF WAY

Registration Number: KE8349

Registration Date and Time: 1991-02-06 15:09

Registered Owner: SUN PEAKS MOUNTAIN RESORT MUNICIPALITY

Transfer Number: CA9350827 Remarks: INTER ALIA

PART SHOWN ON PLAN KAP44550

Nature: STATUTORY BUILDING SCHEME

Registration Number: CA7383029
Registration Date and Time: 2019-03-07 11:50

Remarks: INTER ALIA

Nature: COVENANT Registration Number: CB799854

Registration Date and Time: 2023-08-01 16:21

Registered Owner: SUN PEAKS MOUNTAIN RESORT MUNICIPALITY

Remarks: INTER ALIA

Nature: COVENANT Registration Number: CB799859

Registration Date and Time: 2023-08-01 16:21

Registered Owner: SUN PEAKS MOUNTAIN RESORT MUNICIPALITY

Nature: COVENANT Registration Number: CB799860

Registration Date and Time: 2023-08-01 16:21

Registered Owner: SUN PEAKS MOUNTAIN RESORT MUNICIPALITY

Duplicate Indefeasible TitleNONE OUTSTANDING

Transfers NONE

Pending Applications NONE

Title Number: CB1579542 TITLE SEARCH PRINT Page 2 of 2

ADDENDUM TO PROPERTY OPPORTUNITY NOTICE - October 17, 2024

- Q1: The existing RC-1 zoning for the site notes a maximum density of 0.9 FAR and 55 units per hectare, as per section 25.3 of the zoning bylaw 1400. This would equal a maximum of ~60 units on this site. However, the property opportunity notice indicates a maximum density of 110 units per hectare, which would equal 121 units on this site. Can you please confirm which density maximum is correct?
- A1: The consolidated version of our zoning bylaw on the website is not up to date and needs to be updated to reflect a site-specific zoning amendment (zoning amendment bylaw No. 0211, 2024 adopted by Council) to increase the density to 110 units per hectare. The information in the property opportunity notice is accurate.

ADDENDUM TO PROPERTY OPPORTUNITY NOTICE - October 21, 2024

- Q1: The RC-1 zone allows for a variety of development types, including hostel-type developments. Does the housing authority have a preferred form of development that they would like to see for this project? Does the housing authority have a preference for self-contained, apartment-style development, or is a hostel-type development preferred?
- **A1:** We are looking for a self-contained apartment style residential rental development.
- **Q2:** Is parking still staying at 2 stalls per unit or has this been amended?
- **A2:** The parking is still currently 2 stalls per unit as outlined in the zoning bylaw, this has not been amended
- **Q3:** Will the Municipality consider a parking relaxation from the 2 stalls per dwelling unit required for residential use, as per section 25.6 of the zoning bylaw?
- **A3:** The Municipality would consider a parking variance

ADDENDUM TO PROPERTY OPPORTUNITY NOTICE - November 15, 2024

- **Q1:** We are running into a critical roadblock in the conceptual design on our BC Builds Sun Peaks Proposal. The issue is related mainly to the two creeks that cross the site, and is summarized below:
 - There are two creeks that cross the site Resort Creek and McGillivray Creek
 - We cannot accurately identify the top of bank, as a topographic survey was not provided, and the site is largely forested, limiting our ability to obtain further site elevation data.
 - Furthermore, we are unable to accurately determine the setback requirement. The GIS data available runs a generic 30m wide setback on all streams, but McGillivray creek appears to be treated as either an S1 (50m setback) or an S2 (30m setback) depending on the location.
 - Resort creek appears to be either an S2 (30m setback) or S3 (20m setback).

Can you please provide information on the top of bank location and setback requirements for both creeks? There also appears to be a well on site that is right in the building pocket. Can you confirm the status of this well?

A1: Re: setbacks – please see attached report.

Re: the well: no property is hooked up to the well and there would be no allowance in the future for any connections to the well and we don't see it posing any problems to development.

- **Q2:** What are the prescribed requirements (%) for the contingency in perspective to the overall budget? This would in respect to Class C, B and A budgets.
- **A2:** BC Builds does not prescribe a contingency amount. Proponents should provide the assumptions that inform their budget, including any risks identified and a quantification of risks that inform the contingency amount in the proposed budget.





Date: November 12, 2024

Reference: Document #K5185

Sun Peaks Resort Municipality 3270 Village Way, Sun Peaks, BC V0E 5N0

Attn: Mr. Randy Lambright, Planning Services

Re: Riparian Setbacks – 1180 Sun Peaks Road, Sun Peaks, BC

Sun Peaks Resort Municipality (SPRM) contacted Triton Environmental Consultants Ltd. (Triton) to confirm riparian area setbacks and elevations for future development at 1180 Sun Peaks Road (the Property). The Property is associated with two watercourses:

- McGillivray Creek (WSC 129-175200-76800). Stream widths in McGillivray Creek in the stream section adjacent to the Property averages 6.5 m and stream gradient averages 2.5%. The stream exhibits a riffle/pool stream morphology. Stream substrates are dominated by cobbles and boulder with lower percentages of gravels and fines. There is a competent riparian community composed of trembling aspen, balsam fir, spruce, birch, Salix sp., alder as well as understory of Devils club. twinberry, cow parsnip, gooseberry, and ferns1.
- Resort Creek (WC 129-175200-76800-34900) is a tributary of McGillivray Creek which flows along the west side of the Property. It is a 1st order stream of approximately 1 km in length. It has an average width of 1.94 m and an average gradient of 6.33 % in the reach associated with the development property. It has a cascade pool stream morphology with substrate dominated by cobbles and boulders with lower concentration of gravel and fines.¹

The Property will be subject to the riparian area setbacks 'standards of today' which involves the provincial Riparian Area Protection Regulation (RAPR). The province has placed a 30m setback from the highwater mark (stream boundary) of all waterbodies within the province. During development proposals, these setbacks may be adjusted when a Qualified Professional can provide an opinion in an Assessment Report that the development will not result in a harmful alteration of riparian fish habitat.

The Property, at this time, has a 30m riparian setback from the creeks' highwater marks (both banks). With proposed development, a QEP will be able to reduce these setbacks to 3x the average channel widths with a minimum of 10m. Therefore, with the provincial setback regulation, the setbacks for both creeks would be:

¹ Personal communication: Bill Rublee, Triton Environmental Consultants Ltd., 2023.

- McGillivary Creek: 19.2m setback from the creek's highwater mark (stream boundary) for both banks.
- Resort Creek: 10m setback from the creek's highwater mark (stream boundary) for both banks.

In terms of building elevation, the Property's lowest elevation point is 1204m (Google Earth², Sun Peaks Topographic Map³). The TNRD Floodplain Management Bylaw No. 2828⁴ outlines that both McGillivray and Resort Creek are not identified with in the TNRD Schedule 1 waterbodies and therefore each would have a 1.5m vertical flood construction level from the creeks' natural boundary. Also, according to the TNRD Floodplain Bylaw, the horizontal floodplain setback would be 15.0m from the natural boundary⁴.

It is Triton's hope that this QEP letter outlining the riparian setbacks will satisfy the proponents involved in any future development of the Property. Please do not hesitate to contact me if you have any questions or concerns.

Sincerely,

Triton Environmental Consultants Ltd.

Mille

Bill Rublee, R.P.Bio

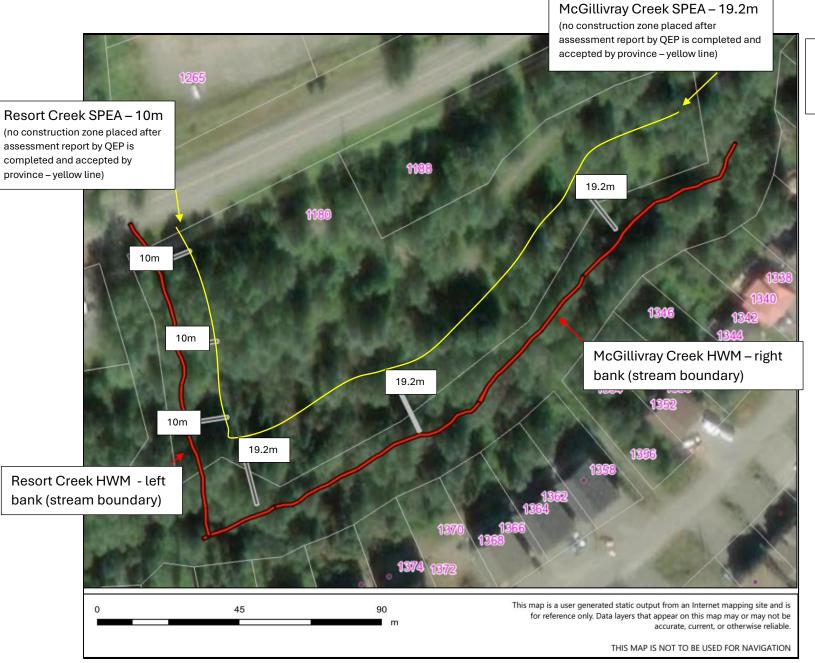
Senior Biologist – Project Manager, QEP



² Google Earth (n.d.). [Google Earth Sun Peaks area], retrieved November 12, 2024.

³ Sun Peaks Topographic Map, 2024. Accessed at: <u>Sun Peaks topographic map, elevation, terrain</u>

⁴ TNRD, unknown date. TNRD Floodplain Management Bylaw No 2828. Accessed at: Microsoft Word - Floodplain Management Bylaw 2828



30m Riparian Assessment Area -

placed on all waterbodies in province before assessment report by QEP is completed and accepted by province

ADDENDUM TO PROPERTY OPPORTUNITY NOTICE - November 25, 2024

Q1: <u>\$225K per unit grant</u>: Could you please clarify regarding how the grant should be applied. My understanding is that the maximum per unit is \$225,000. However, the grant can only be applied to the loss of rental income for bringing 20% of the units 20% below market rent for 35years? Is that correct?

I also was unclear if you could apply more grant to bring 30% of units 20% below market rent, for example, or do you need to find a different source of funding to go beyond 20% of units 20% below market?

A1: Re: the first part of the question, this is correct, the grant amount is calculated based on dropping 20% of the units to 20% below market for a period of 35 years. The lower the grant amount, the higher the score the proponent will receive in that category (out of 15 points).

Re: the second part of the question, the BC Builds per unit grant can be used to drop 20% of the units to 20% below market. This is the baseline for the program. Proposals that hit this baseline of 20% of units at 20% below market will not be awarded points in that category. To go beyond 20% of units at 20% below market proponents need to find a different source of funding or cost savings that can be translated into deeper affordability.

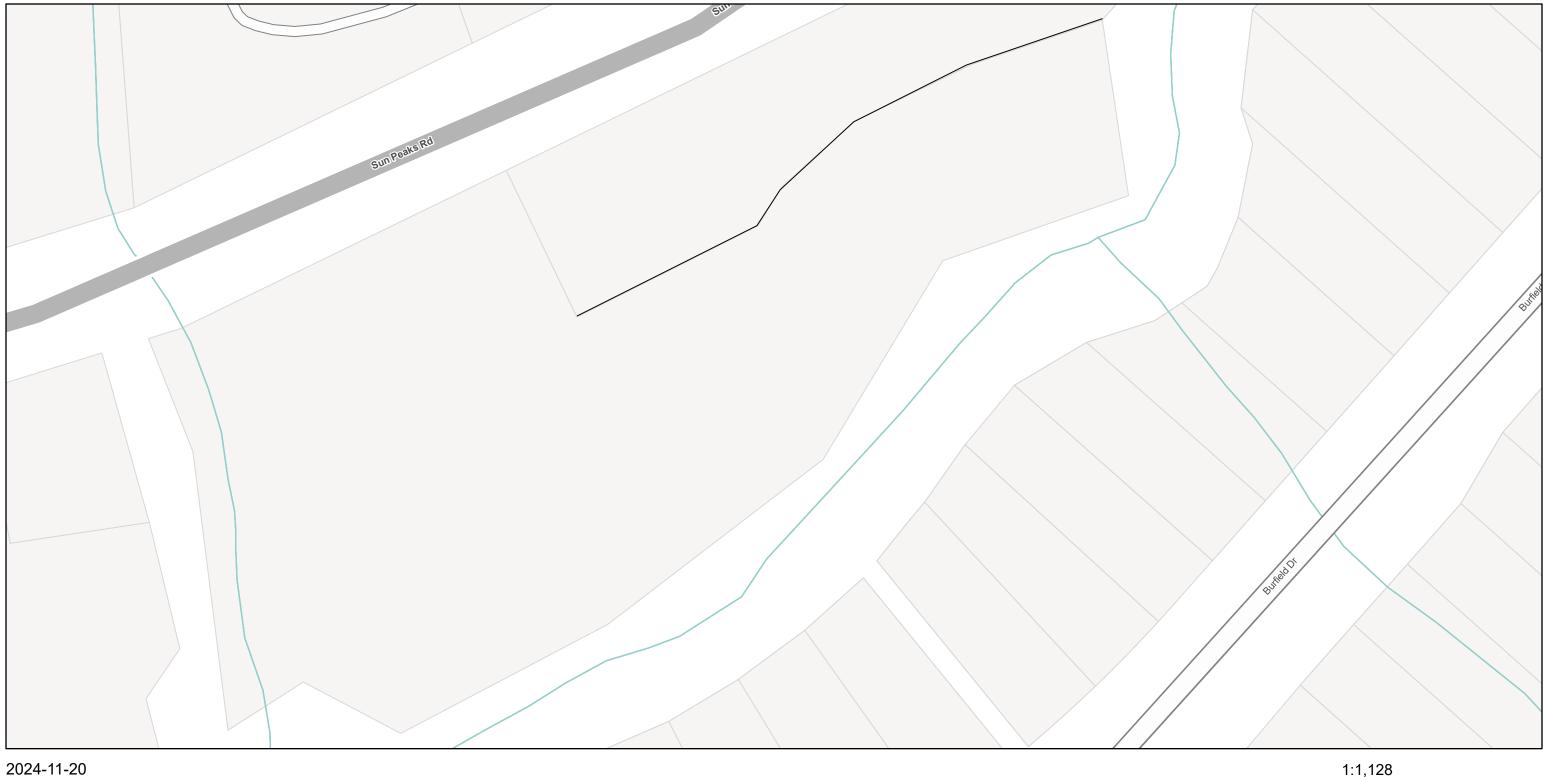
- **Q2:** <u>Interest calculation:</u> When calculating and repaying the interest fees on the interim construction finance loan is it safe to assume the interest does not need to be repaid until the conversion to the takeout loan or would you typically use the BC Builds grant equity to pay down the interest fees on the interim construction loan during construction?
- **A2:** The interest is repaid at the point of conversion to the takeout loan.
- **Q3:** Is there a culvert covering Resort Creek on the west side of the property?
- **A3**: Other than the culvert that runs under Sun Peaks Rd (which is to be expected), there is no other culvert in resort creek down to McGillvray Creek
- **Q4:** Attached is a picture of the property. Is the highlighted property line considered a front or side setback for the property? As the zoning bylaws would be significantly different depending on the definition.
- **A4:** The highlighted property line would be considered/evaluated as a side yard setback

Q5: As you may know, the term "apartment" is defined in Division 1 of the Sun Peaks Resort Area Zoning Bylaw No. 1400 as "a building containing three or more dwelling units, which has its principal access from a common entrance, and is not a townhouse." However, the land is designated as "Multi-Family Tourist Accommodation Units" under the Sun Peaks Mountain Resort Municipality Official Community Plan Bylaw No. 0034, 2014. This designation permits developments comprising both apartment-style and townhouses on the slopes surrounding the Village.

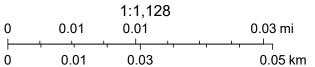
My question is: will the city consider a combination of apartment-style properties and townhouses as permitted under the OCP, or will they prioritize standalone apartment buildings in accordance with the zoning bylaw?

- **A5:** The Municipality will prioritize an apartment-style development, which is in keeping with the rental housing we are trying to achieve through the BC Builds program.
- **Q6:** Additionally, could you please advise on the maximum lot coverage? Would the city consider allowing lot coverage exceeding the 30% outlined in the zoning bylaw, up to 40%?
- **A6:** Given the environmental constraints (riparian area) and the narrowness of the site, a lot coverage variance to 40% is supportable.
- Q7: As disclosed on the November 15th Addendum, there is a well on the property. Our understanding is that this is an artesian wellhead and will require several different regulated methods of protection during construction. As we understand there are some site constraints such as foundation depth and egress to the existing wellhead that will need to be addressed through design. Can you please confirm if this information is still accurate or if mitigation efforts have taken place to limit these issues.
- A7: This well is known as MW05-1. We don't have many details on this well aside that it has been flowing artesian on and off over the years. This well could be properly decommissioned by a water well driller using some barite bentonite grout (to off set the flowing artesian pressure and seal the hole). If the Municipality decides to remove this well, it will be done so in accordance with regulation (well decommissioning must be signed off by a licenced water well driller). The Municipality is investigating this further, but in the meantime for any future development, we request that construction on the site minimizes ground disturbance in this area. Please also refer to the attached letter

Sun Peaks Setback Highlight



World Hillshade



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Esri Canada, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS,



March 31, 2023 Project 0527023

Sun Peaks Mountain Resort Municipality 106-3270 Village Way Sun Peaks, BC V0E 5N0

Attention: Lee Dodds, Approving Officer

Parcel 74 Proposed Development

This letter documents communications between BGC Engineering Inc. (BGC), Sun Peaks Mountain Resort Municipality (SPMRM), and A&T Project Developments (A&T) related to a proposed development at Parcel 74 of SPMRM. In these communications, BGC provided input to SPMRM on the potential impacts of the development on their nearby monitoring well. MW05-1. BGC also identified that MW05-1 is screened in a confined aguifer with artesian pressures that may be connected to the aquifer(s) screened by water supply wells PW1A and PW1B. This letter was drafted at the request of Peter Nixon of SPMRM (personal communications, email, March 16, 2023), with approval to proceed provided by Shane Bourke of SPMRM (personal communications, email, March 20, 2023). This letter was written under SPMRM Purchase Order (PO) number 1877.

BGC was made aware of the proposed development on October 19, 2022 (personal communications, email from Omar Butt of SPMRM). BGC responded by email on October 20, October 26, and October 31, and via a Microsoft Teams meeting held on October 28 with SPMRM (all dates in 2022). In this correspondence and associated meeting, BGC communicated to SPMRM that the proposed development is in an area of artesian groundwater conditions. BGC further identified that the proposed development may impact groundwater recharge (quality and quantity), and may intersect a confined aquifer, depending on the depth of excavation or installation. BGC recommended that 1) SPMRM require the developer to demonstrate that the proposed development will not negatively impact SPMRM's groundwater supply, and 2) that SPMRM should consider developing hydrogeological regulation(s) for developers to follow during the application process, and 3) that SPMRM develop a wellhead protection plan.

Following these initial communications, BGC was invited to, and virtually attended, a Microsoft Teams meeting on March 3, 2023. The meeting was organized by SPMRM and attended by BGC, SPMRM, and A&T. During the meeting, the following information was communicated by A&T:

- The maximum depth of excavation will be less than 2 m
- The closest infrastructure to MW05-1 will be a retaining wall located approximately 8 m away from the monitoring well
- The buildings themselves will be much greater than 8 m away from MW05-1
- Test pits that were dug in the approximate area of excavation and near MW05-1 were dry. The depth of the test pits was not specified during the meeting.

Based on the information listed above, it is considered unlikely that the proposed excavation (i.e., less than 2 m) will intersect the confined aquifer that MW05-1 is screened in. The offset between the proposed buildings and MW05-1 (i.e., much greater than 8 m), aligns with the Health Hazards Regulation (B.C. Reg. 186/2020), which specifies that wells must be located at least 6 m from any private dwelling [Division 3 - General, 8(1)].

BGC recommends that A&T take measures to physically protect the well head from damage during construction (e.g., using barriers or flagging), and maintain long-term access to the well, both on foot and for a drill rig. BGC further recommends that A&T follow all relevant regulatory requirements related to groundwater wells including, but not limited to, those specified in the Groundwater Protection Regulation (B.C. Reg. 39/2016), the Health Hazards Regulation (B.C. Reg. 186/2020), the Water Protection Act (RSBC1996, Chapter 484), and the Water Sustainability Act (SBC 2014, Chapter 15).

The potential impacts of the development on groundwater recharge (quantity and quality) were not discussed and have not been assessed by BGC. As mentioned above, BGC recommends that SPMRM develop hydrogeological regulations to guide future development applications, along with a wellhead protection plan.

Should you have any further questions, please do not hesitate to contact the undersigned.

Yours sincerely,

BGC Engineering Inc.

per:

Andrew Krentz, M.A.Sc. P.Eng. Senior Hydrogeological Engineer

AK/BM/bma/mm

BGC Engineering 2

ADDENDUM TO PROPERTY OPPORTUNITY NOTICE - November 29, 2024

- Q1: Is the applicant responsible for including financing fees as part of the construction budget? Or are they only required to be part of the operating budget as stated in the BC Builds Info Session September 16,2024.
- A1: The cost of construction financing should be included in the capital budget as is indicated in the Capital and Operating Budget Worksheet, which is also linked from page 10 the Property Opportunity Notice.
- **Q2:** We are wondering what the market rental rates in Sun Peaks are for one bedrooms, two bedrooms, and three bedroom units?
- **A2:** Proponents are responsible for determining the market rents in an area based on an appraisal or other means of determining market rents for the purposes of a submission.

ADDENDUM TO PROPERTY OPPORTUNITY NOTICE - December 09, 2024

- Q1: Can you please confirm that the per door credit will be available at the end of the project and will be used to reduce the amount required in take out financing?
- A1: The per door credit (BC Builds grant) will be available 50% at the start of construction, 40% at lock up* and 10% at substantial completion. This helps reduce borrowing costs during construction.

*Lock-Up is achieved when the construction of a building has reached full security, meaning easy access to the building is not available. Lock-up typically requires that:

- i. Roof and covering is fixed.
- ii. Windows are installed.
- iii. Exterior doors are installed.

Whether Lock-Up has been achieved will be based on the assessment of an appointed professional as part of the loan monitor scope of work for the project.

- **Q2:** Is there any payment-in-lieu waiver for parking variances? I was unable to find this in the City's bylaw.
- **A2:** There is no payment in-lieu waiver for parking variances.
- **Q3:** From my understanding of the Opportunity Notice, no amenity is required for the future building. Please clarify. If an amenity is required, and there is a payment-in-lieu option for the parking variance, is there any possibility to waive that charge by providing an amenity? (Similar to the Penticton Opportunity).
- **A3:** No amenity is required.
- **Q4:** We are looking for clarification as to why we would be providing financing and a capital budget. Based on the PON, we have the understanding that:
 - 1. Sun Peaks is the Owner and will be Operator for this building. If this is the case, shouldn't they be creating the capital and operating budget?
 - 2. Since Sun Peaks is the Owner/Operator, the applicant type requested is for "only a developer/builder to provide a turn-key building". If this is the case why would we need financing? Why would we need to create a capital budget. We will be providing the cost for the development and building construction cost to be inputted into the capital budget.

Applicant Type

Please indicate which of these apply to your site. Please check all that apply:

☐ Seeking a developer <i>and also</i> a housing owner/operator and willing to enter into a long-term lease (60 – 99 years) with successful proponent with a land cost of \$0.
\square Seeking a developer and also a housing owner/operator and willing to dispose of land to successful proponent at \$0.
\boxtimes Seeking only a developer/builder to provide a turn-key building to an operator you've preselected.
\square Owner/operator $\textit{must be}$ a non-profit society, co-op or First Nations development corporation.
\square Owner/operator must be a private developer.
☐ Owner/operator can be either a non-profit society, co-op or First Nations development corporation or a private developer.

A4: This is a competitive process with financial viability and sustainability worth 20 points, more than any other category. The successful proponent will be the development partner for the Sun Peaks Housing Authority. As such we are seeking proposals that are viable and would help the Sun Peaks Housing Authority in securing grants and financing from BC Builds. In order to assess the viability of proposals, an operating and capital budget is required from proponents.

ADDENDUM TO PROPERTY OPPORTUNITY NOTICE - December 13, 2024

- **Q1:** Given the development is a "Purpose Built Rental" and is entitled to receive GST waiver from the Federal Government, do we need to still consider GST in our budget just due to uncertainties associated with this policy?
- **A1:** Yes, GST should be included in the budget
- **Q2:** Please confirm that the building will not be required by the Sun Peaks Municipality to be stratified in the Covenant section 219.
- **A2:** There is no requirement for the building to be stratified.

ADDENDUM TO PROPERTY OPPORTUNITY NOTICE - December 17, 2024

Q1: For 1180 Sun Peaks Road, we found in the complex building section of the building regulations bylaw, we found the following.

8.3(F) - The length above which a dead-end portion of an access route requires turnaround facilities is 90m.

Are we allowed to apply for a variance for the above bylaw?

A1: We cannot provide a yes or no answer to this question. The section referenced in our bylaw is a BC Building Code requirement for a turnaround facility if the dead-end portion is greater than 90m. While there is an 'alternative solutions' process that is available in the code that allows an applicant to provide building specific engineered solutions that may not meet the exact requirements of the code, but that are proven to achieve at least the same level of performance, our building inspector and fire chief do not believe we would be willing to accept a longer dead end without a very thorough alternative solution.

We would likely not consider a variance this requirement