

# -BOARD OF VARIANCE-

**Agenda** for the Board of Variance Meeting of the Village of Pemberton to be held Wednesday, February 26, 2020 at 5:00 PM at 7400 Prospect Street.

1		Page
1.	CALL TO ORDER	
2.	MINUTES	
	Minutes of the May 2, 2019 meeting	2
	Minutes of the June 18, 2019 meeting	5
3.	1358 Greenwood Street – Lot 1, DL 8097, Plan 34826	7
	Report to Board of Variance:	
	To reduce the minimum required front setback from 6 m to 5 m to facilitate the	
	siting of a semi-detached garage.	
4.	1311 Eagle Drive – Lot 2, DL 202, Plan EPP64969	19
	Report to BoV:	
	To reduce the minimum required front setback from 6 m to 5m to facilitate the siting	
	of a detached dwelling.	
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- 5. NEXT MEETING
- 6. ADJOURNMENT



# **BOARD OF VARIANCE MINUTES**

**Minutes** for the Board of Variance of the Village of Pemberton May 2, 2019 at 5:00pm at 7400 Prospect Street, Pemberton, B.C.

IN ATTENDANCE:	Niki Vankerk Drew Meredith
REGRETS:	AI LeBlanc
STAFF IN ATTENDENCE:	Lisa Pedrini, Senior Planner Faruq Patel, Chief Building Inspector Gwendolyn Kennedy, Building & Planning Clerk
APPLICANT/PUBLIC:	Andrew Lambrecht, Applicant Ryan Gold, Applicant

# 1) CALL TO ORDER

At 4:58 p.m. the meeting was called to order.

# 2) MINUTES

Moved/Seconded **THAT** the minutes of the Board of Variance meeting held April 10, 2019 be approved as circulated. **CARRIED** 

# 3) 1314 Eagle Drive (Lot 11, Benchlands – Phase 1C)

Variance Request: to reduce the minimum required front setback from 6 meters to 5 meters (a difference of 1.0 m) to facilitate the siting of a detached dwelling.

All properties within 100 meters of the lot were mailed details of the variance application. No responses were received.

Lisa Pedrini, Manager of Development Services provided details of the application, noting that the two applications to be presented at this meeting are similar to the application approved at the April 10, 2019 Board of Variance Meeting. Both lots are on the west side of Eagle Drive where the land slopes

steeply upward from the front of the lot to the back. The presence of bedrock increases the hardship. A relaxation in the front setback from 6 meters to 5 meters would significantly reduce the excavation needed.

Ms. Pedrini noted that the neighboring house on the north side at 1312 Eagle Drive conforms to the 5 meter front setback as it was built prior to adoption of the amendment to Zoning Bylaw No. 832, 2018 that increased the front setback in the R-1 Zone to 6 meters.

Board members examined the house plans and noted that the second storey over the garage is set back from the first, reducing the visual impact of the mass of the building when viewed from the street.

# RESOLUTION

Moved/Seconded

**THAT** the Board of Variance approve the request to decrease the front setback from 6.0 meters to 5.0 meters for 1314 Eagle Drive.

# CARRIED

# 4) 1320 Eagle Drive (Lot 8, Benchlands, Phase 1C)

Variance Request: to reduce the minimum required front setback from 6 meters to 5 meters (a difference of 1.0 m) to facilitate the siting of a detached dwelling.

All properties within 100 meters of the lot were mailed details of the variance application. No responses were received.

Ms. Pedrini noted that 1320 Eagle Drive is the last lot on the west side of Eagle Drive and there are no neighbours on the south side. No building permit has been received for the lot on the north side at 1318 Eagle Drive. The lot owners have been informed of this variance request.

Board members examined the house plans and observed that the master bedroom is sited at the 5 meter setback line and that there is a deck on this level.

# RESOLUTION

# Moved/Seconded

**THAT** the Board of Variance approve the request to decrease the front setback from 6.0 meters to 5.0 meters for 1320 Eagle Drive.

# CARRIED

Village of Pemberton Board of Variance Meeting May 2, 2019 3

# 5) NEW BUSINESS

There was no new business.

# 6) NEXT MEETING

Variance applications are expected to be received from the four lots located on the lower section of Eagle Drive. A meeting will be scheduled once the applications have been received.

# 7) ADJOURNMENT

Moved/Seconded THAT the Board of Variance meeting be adjourned. CARRIED

At 5:10 p.m. the meeting was adjourned.

This is a true and correct copy of a meeting of the Board of Variance of the Village of Pemberton, held May 2, 2019.

Chair



# **BOARD OF VARIANCE MINUTES**

**Minutes** for the Board of Variance of the Village of Pemberton June 18, 2019 at 5:00pm at 7400 Prospect Street, Pemberton, B.C.

BY TELEPHONE:	Drew Meredith Niki Vankerk
REGRETS:	Alan LeBlanc
STAFF IN ATTENDENCE:	Lisa Pedrini, Senior Planner Faruq Patel, Chief Building Inspector Gwendolyn Kennedy, Building & Planning Clerk
APPLICANT/PUBLIC:	2 (Applicant)

# 1. CALL TO ORDER

At 5:15 p.m. the meeting was called to order.

- 2. EAGLE DRIVE 1301, 1303, 1035 AND 1307 (BENCHLANDS LOTS 18, 17, 16 & 15)
  - a) 1301, 1303, 1307 Eagle Drive (LOTS 18, 17 & 15, DL 202, PLAN KAP76833)

To reduce the minimum required front setback on each lot from 6 m to 5m to facilitate the siting of a detached dwelling.

b) 1305 EAGLE DRIVE (LOT 16, DL 202, PLAN KAP76833)

To reduce the minimum required front setback from 6 m to 3 m to facilitate the siting of a detached dwelling.

# RESOLUTION

## Moved/Seconded

**THAT** the Board of Variance approve the request to reduce the minimum required front setback on the lots located at 1301, 1303 and 1307 Eagle Drive from 6 m to 5m to facilitate the siting of a detached dwelling.

**AND THAT** the Board of Variance approve the request to reduce the minimum required front setback on the lot located at 1305 Eagle Drive from 6 m to 3m to facilitate the siting of a detached dwelling.

# 3. ADJOURNMENT

Moved/Seconded THAT the Board of Variance meeting be adjourned. CARRIED

At 5:16 p.m. the meeting was adjourned.

This is a true and correct copy of a meeting of the Board of Variance of the Village of Pemberton, held May 2, 2019.

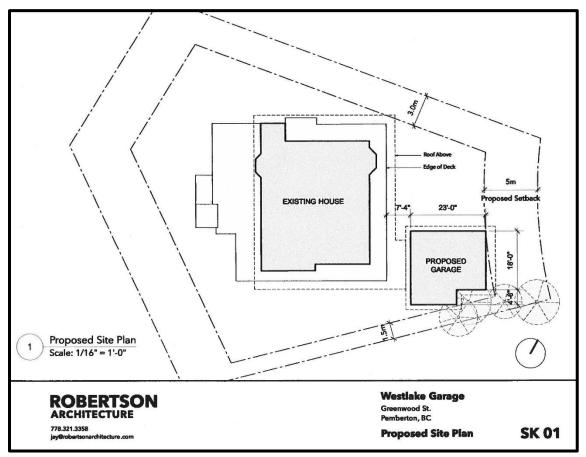
Chair

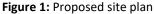


Date:	February 26, 2020
From:	Joanna Rees, Planner
Subject:	1358 Greenwood Street- Front Setback Variance Request
Applicant:	Jeff Westlake

## **PURPOSE**

This report provides an overview for the Board of Variance of an application submitted by Jeff Westlake, owner of the property located at 1358 Greenwood Street. The applicant is requesting a relaxation from the required minimum front lot line setback in Zoning Bylaw No. 832, 2018 from six (6) metres to five (5) metres to facilitate the siting of a semi-detached garage. The proposed site plan is shown below in Figure 1. The application is attached as **Appendix A**.





Board of Variance 1358 Greenwood Street February 26, 2020 Page 2 of 3

#### **SITE DESCRIPTION**

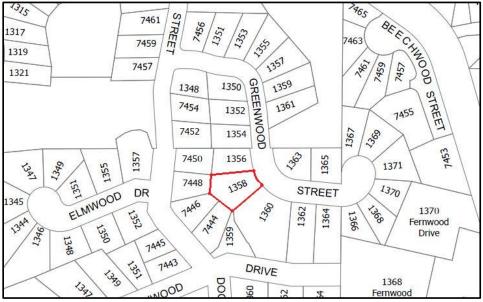


Figure 2: Location of the subject lands indicated in red.

The subject lands, Lot 1 DL 8097 LDP 34826, are known municipally as 1358 Greenwood Street. The location of the subject lands is shown above in Figure 1. The subject land contains an existing single-detached dwelling. Adjacent lands are residential.



**Figure 3:** Photo of the subject lands (07/02/20)

#### Board of Variance 1358 Greenwood Street February 26, 2020 Page 3 of 3 BACKGROUND

The subject lands are designated Residential in the Official Community Plan. The subject lands are zoned Residential 1 (R-1) as per Village of Pemberton Zoning Bylaw No. 832, 2018 and have a required front yard setback of six (6) metres.

The single detached dwelling located on the property was constructed in 2002 and was subject to Zoning Bylaw No. 466, 2001. At the time of construction, the required front yard set back was five (5) metres. The Village of Pemberton Zoning Bylaw was updated in 2018 and the minimum front yard setback was increased from five (5) metres to six (6) metres in the R-1 zone to provide additional space for parking.

# COMMUNICATIONS

A notice regarding this application has been mailed to all adjacent properties. At the time of writing this report, the Village had received no comments from any of the neighbouring property owners.

# **OPTIONS**

The Board of Variance in their consideration of the application for 1358 Greenwood Street to vary the front lot line setback from six (6) to five (5) m has the following options:

- (i) Approve the variance;
- (ii) Approve the variance with conditions; or
- (iii) Reject the variance.

The decision of the majority of the membership shall be the decision of the Board. Village Staff shall, within seven (7) days of a decision, send by mail or otherwise deliver the written decision of the Board to the applicant, all persons who made representation at the hearing, and the local government Building Inspector. Village Staff shall, within seven (7) days of the decision, enter that decision in the record maintained at the local government office.

# ATTACHMENTS :

Appendix A: Application Package

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APPLICATION CHECK	LIST:						
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# Appendix A

### **TITLE SEARCH PRINT**

File Reference: Jeff Declared Value \$110000 2019-12-31, 11:54:34 Requestor: Gwendolyn Kennedy

# **\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

Land Title District Land Title Office	Kamloops Kamloops
Title Number From Title Number	KR94093 KC20588
Application Received	2001-10-09
Application Entered	2001-10-11
Registered Owner in Fee Simple Registered Owner/Mailing Address:	GABRIELLE R

GABRIELLE ROSEMARY STAUBER, STORE MANAGER JEFFREY JOEL WESTLAKE, MAINTENANCE SUPERVISOR

PEMBERTON, BC VON 2L0 AS JOINT TENANTS

#### **Taxation Authority**

North Shore - Squamish Valley Assessment Area Pemberton, Village of

#### **Description of Land**

Parcel Identifier: 002-925-061 Legal Description: LOT 1 DISTRICT LOT 8097 LILLOOET DISTRICT PLAN 34826

Legal Notations		NONE
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Charges, Liens and Interests

Duplicate Indefeasible Title

NONE OUTSTANDING

Transfers

NONE

NONE

Pending Applications

NONE

January 4, 2020

**Dear Board of Variance:** 

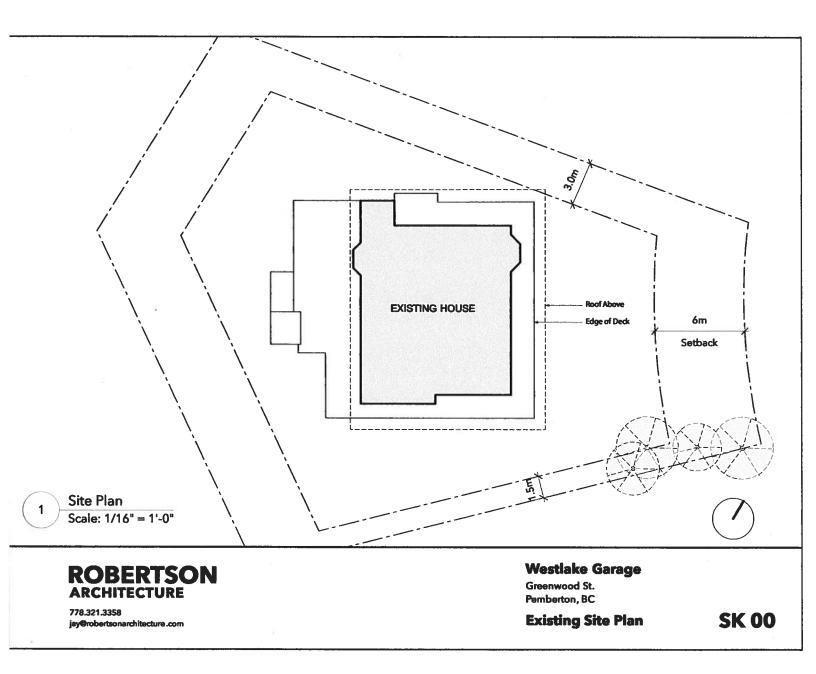
I am submitting an application, requesting relaxation of the minimum front setback from 6m to 5m at 1358 Greenwood St. My partner and I have thoroughly examined our options to avoid applying for a variance, however, based on a recent survey and architectural renderings we feel it's necessary to do so based on the following hardships.

- 1. We constructed our house in 2002 pre-Benchlands Subdivision. At that time, we were not in a position to construct a garage, we did however, want to ensure that there was sufficient space for a semi-detached garage in the future, as such, we positioned the house according. At the time, the setback was 5m from the front property line and this allowed for a garage of 18' wide by 23' deep with a 5' space between the garage and the existing house. Roughly a year ago, zoning bylaw 832, 2018 was adopted, which increased the minimum front setback from 5m to 6m. Had we know that the setbacks were going to change we would have moved the house further back on the lot in 2002. Moving the house back 1m prior to construction in 2002 would have been quite easy but obviously it's not feasible at this point.
- 2. We have commissioned Jay Robertson Architectural to design the garage, in conjunction with an updated survey. During the design phase we were made aware of the challenges posed by the increased setback which essentially creates a conflict with the overhangs of the house and garage as seen in the architectural rendering. Marrying the two roof lines would require complicated design work and significant alterations to the front of the existing house if it could be done at.

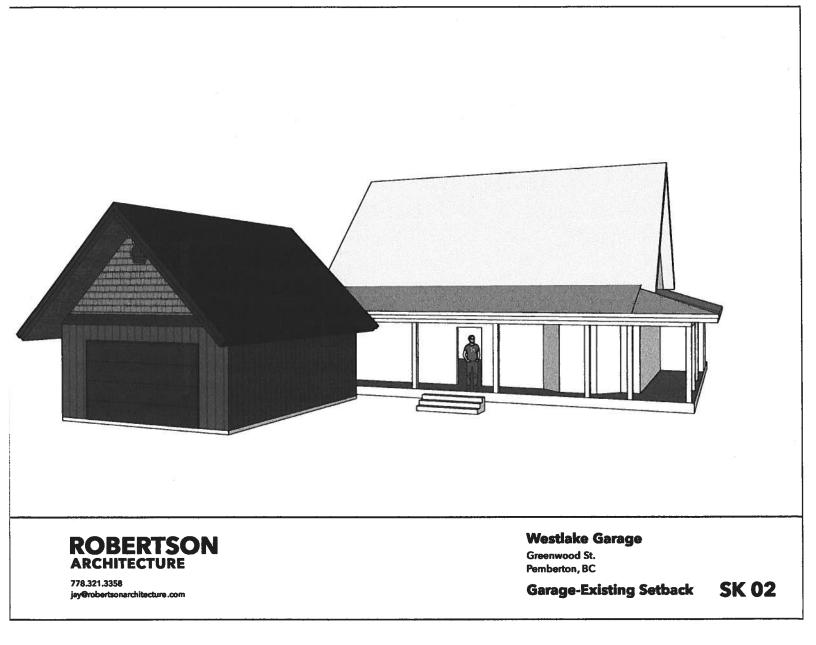
In summary, we hope the Board will grant a variance based on the above points. I would be happy to meet onsite to review the issues if any of the Board members wish to see the location first hand. If there is any other information that would be helpful in making a decision please let me know. Thank you for your consideration in this matter.

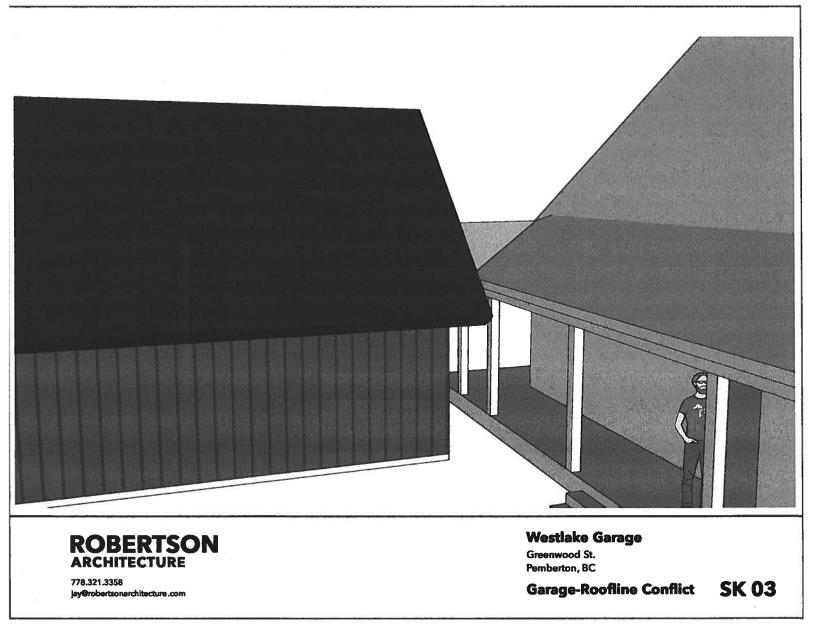
Kind Regards,

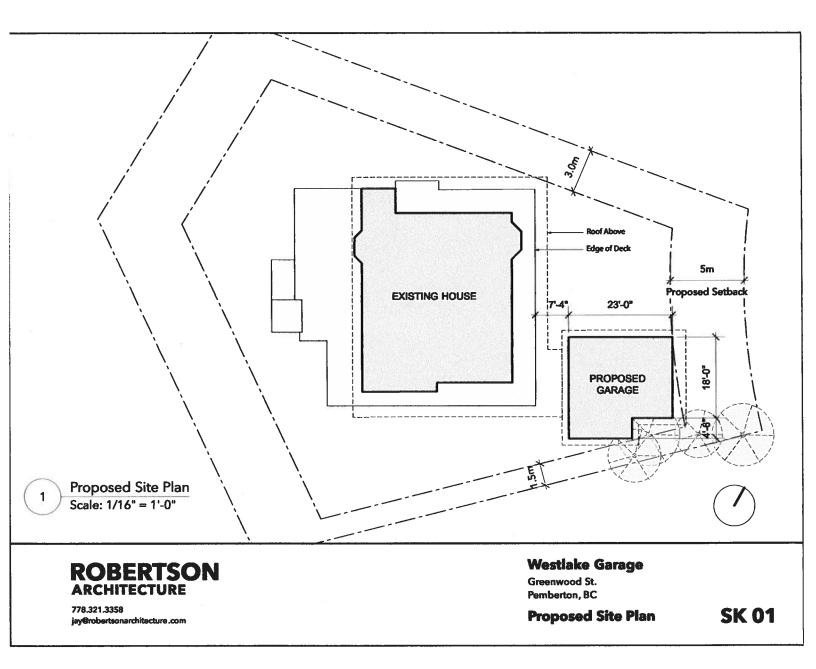
Jeff Westlake



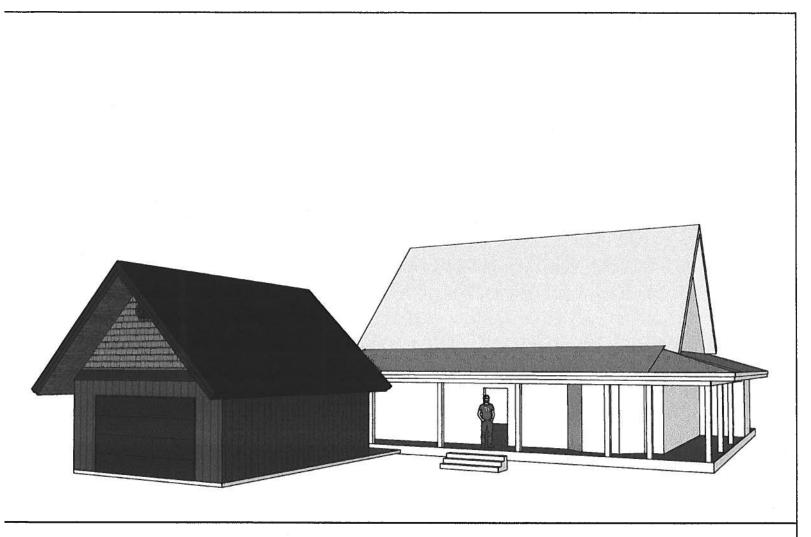
Appendix A







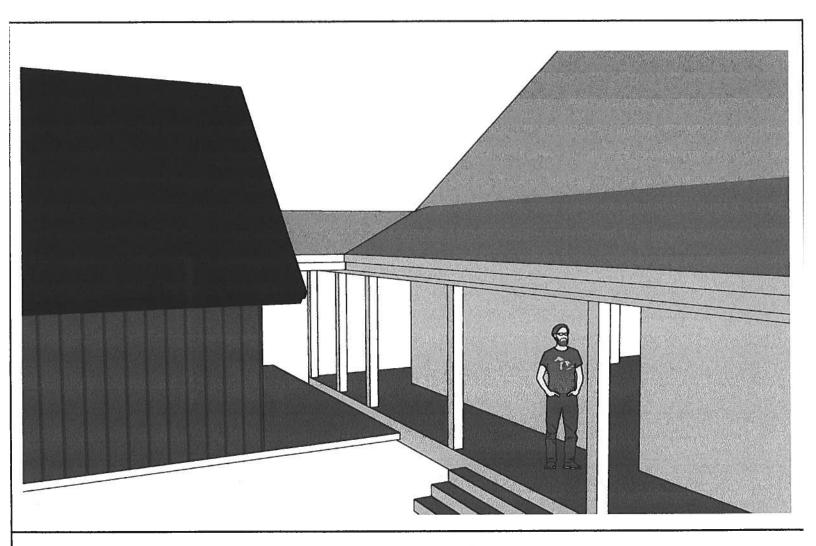
Appendix A





778.321.3358 jsy@robertsonarchitecture.com Westlake Garage Greenwood St. Pemberton, BC

Garage-Proposed Setback SK 04





778.321.3358 jey@robertsonarchitecture.com Westiake Garage Greenwood St. Pemberton, BC

Garage-Roofline Resolved SK 05



Date:	February 26, 2020
From:	Joanna Rees, Planner
Subject:	1311 Eagle Drive- Front Setback Variance Request
Applicant:	Josh Lyons

# **PURPOSE**

This report provides an overview for the Board of Variance of an application submitted by Josh Lyons, owner of the property located at 1311 Eagle Drive. The applicant is requesting a relaxation from the required minimum front lot line setback in Zoning Bylaw No. 832, 2018 from six (6) metres to five (5) metres to facilitate the siting of a single detached residential dwelling. The application is attached as **Appendix A**.

# SITE DESCRIPTION

The subject lands, Lot 2 DL 202 LDP EPP64969, are known municipally as 1311 Eagle Drive. The location of the subject lands is shown below in Figure 1. The subject lands are vacant. Adjacent land uses include residential and Al Staehli public park.

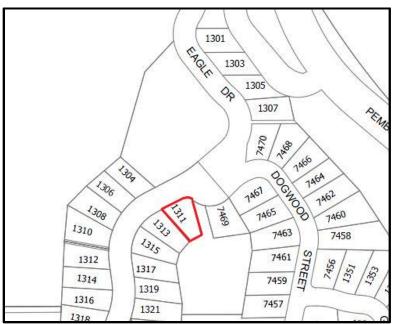


Figure 1: Location of the subject lands indicated in red.

# BACKGROUND

The subject lands are designated Residential in the Official Community Plan. The subject lands are zoned Residential 1 (R-1) as per Village of Pemberton Zoning Bylaw No. 832, 2019 and have

Board of Variance 1311 Eagle Drive February 26, 2020 Page 2 of 2

a required front lot line setback of six (6) metres. The subject lands are currently vacant. The applicant has submitted a building permit application for a single detached residential dwelling.

While each application should be based on its individual merit, several properties on Eagle

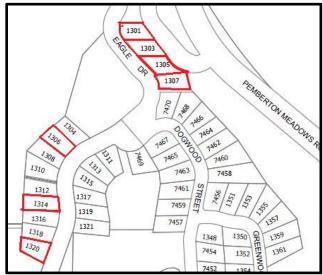
Drive have applied and been granted a reduction in front lot line setback.

The following properties were granted variances from the Board of Variance to reduce their setback from 6m to 5m:

- 1306 Eagle Drive (April 10, 2019)
- 1314 Eagle Drive (May 2, 2019)
- 1320 Eagle Drive (May 2, 2019)
- 1301 Eagle Drive (June 18, 2019)
- 1303 Eagle Drive (June 18, 2019)
- 1307 Eagle Drive (June 18, 2019)

The following property was granted a variance to reduce their setback from 6m to 3m:

• 1305 Eagle Drive (June 18, 2019)



**Figure 2:** Lots on Eagle Drive which received a relaxation to the front yard setback indicated in red.

# COMMUNICATIONS

A notice regarding this application has been mailed to all adjacent properties. At the time of writing this report, the Village had received no comments from any of the neighbouring property owners.

# **OPTIONS**

The Board of Variance in their consideration of the application for 1311 Eagle Drive to vary the front lot line setback from six (6) to five (5) m has the following options:

- (i) Approve the variance;
- (ii) Approve the variance with conditions; or
- (iii) Reject the variance.

The decision of the majority of the membership shall be the decision of the Board. Village Staff shall, within seven (7) days of a decision, send by mail or otherwise deliver the written decision of the Board to the applicant, all persons who made representation at the hearing, and the local government Building Inspector. Village Staff shall, within seven (7) days of the decision, enter that decision in the record maintained at the local government office.

# ATTACHMENTS :

Appendix A: Application Package

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## **BOARD OF VARIANCE APPLICATION CHEKLIST**

#### **Pre-Application**

- Meet with the Manager of Development Services to review: bylaws, policies, regulations, and any special restrictions (Land Use Contract, development permits, restrictive covenants, etc.)
- M Review driveway access, road widening, service connection, etc. with a Certified Professional Engineer.
- X Have a clear understanding of the required variance being appealed to the Board.

# Application

- Complete Board of Variance Application form (can be obtained from the Village office or online (www.pemberton.ca)
- Letter addressed to the Board (photos optional)
- NN Floor plan (for existing and proposed) showing space uses and door and window locations
- Elevation plans
- Certificate of Tile (not older than 30 days) may be obtained from the Village office for a \$20.00 fee
- R Any documents registered on the title, covenants, easements, rights-of-ways, building schemes, or design guidelines
- M Letter of Authorization (if required)
  - Copy of the Strata Council's approval for the proposed structure (for strata-owned properties)
  - A non-refundable application fee of \$250.00, payable to the Village of Pemberton Site Plan, showing requested variance
    - Lot measurements, width, length and area of lot
    - Building envelope (based on the zoning bylaw required setbacks)
    - Identify adjacent roads, lanes streets, etc.
    - Identify all tree locations, size and species
    - North arrow indicator

#### AIG For All Existing Buildings

XX

- Detailed dimensions of exterior width and length
- Area of each floor and number of floors

## For All Proposed Buildings

- Detailed dimensions of exterior width and length
- Area of each floor and number of floors
- **XINIXI** Exterior stairs
- Heights (showing requested variance, if height variance is requested)
- Area of accessory buildings
- Include distance from any buildings, decks, garages, carports and sheds to all lot lines

## ot Coverage (in percentages)

- Lot coverage allowed
- Lot coverage required for existing structure
- Lot coverage required for proposed structure
- Total lot coverage

Board of Variance Village of Pemberton Box 100, 7400 Prospect Street Pemberton, B.C

February 6, 2020

To the Board of Variance,

On behalf of my client Josh Lyons, the owner of Lot 2 at the Benchlands, we are seeking a variance to reduce the front yard setback for this property from 6m to 5m.

Lot 2 is situated on a corner and thus has a triangular configuration with the rear of the lot being significantly narrower than the front of the lot. The proposed house is placed as far north to the site as possible within the triangular configuration in order to provide maximum southern exposure as well as to maximize privacy and distance to Lot 3, which is immediately to the south. The parcel of land to the north is unoccupied and contains a footpath. The reduction of the front yard setback to 5m helps to more comfortably situate the building according to the above principle and within the triangular shape of the lot.

As the proposal has a garage entered from the side, the required parking is easily and comfortably achieved within the proposed setback.

Kind regards,

Allie Shiell (on behalf of Josh Lyons)

### TITLE SEARCH PRINT

1 20

File Reference: BP 1925 Declared Value \$289900

# Appendix A

2020-02-10, 09:41:26 Requestor: Gwendolyn Kennedy

# **\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

Land Title District	Kamloops
Land Title Office	Kamloops
<b>Title Number</b>	CA6773220
From Title Number	CA5931839
Application Received	2018-05-01
Application Entered	2018-05-03

## **Registered Owner in Fee Simple**

Registered Owner/Mailing Address:

SAMANTHA ANGÈLA LYONS, REGISTERED NURSE JOSHUA JUSTINE LYONS, CARPENTER

#### AS JOINT TENANTS

### **Taxation Authority**

North Shore - Squamish Valley Assessment Area Pemberton, Village of

# Description of Land

Parcel Identifier: 030-163-528 Legal Description: LOT 2 DISTRICT LOT 202 LILLOOET DISTRICT PLAN EPP64969

**Legal Notations** 

#### NONE <sup>1</sup>

# **Charges, Liens and Interests**

Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks:

UNDERSURFACE RIGHTS KV141323 2003-11-14 14:38 THE CROWN IN RIGHT OF BRITISH COLUMBIA INTER ALIA SEE KV141322 SEC 50 LAND ACT PART FORMERLY BLOCK E DL 202, 2705, 8556, 8680 LD EXCEPT KAP76833 AND KAP88526

TITLE SEARCH PRINT

# Appendix A

2020-02-10, 09:41:26 Requestor: Gwendolyn Kennedy

Declared Value \$289900 Nature: Registration Number: Registration Date and Tim

**TITLE SEARCH PRINT** 

File Reference: BP 1925

Registration Date and Time: Registered Owner: Remarks:

Nature: Registration Number: Registration Date and Time: Registered Owner: Remarks:

#### Nature:

1.4.5

Registration Number: Registration Date and Time: Remarks:

#### Nature:

Registration Number: Registration Date and Time: Registered Owner: Remarks:

#### Nature:

Registration Number: Registration Date and Time: Registered Owner:

Remarks:

**Duplicate Indefeasible Title** 

Transfers

**Pending Applications** 

UNDERSURFACE RIGHTS KV141326 2003-11-14 14:38 THE CROWN IN RIGHT OF BRITISH COLUMBIA INTER ALIA SEE KV141324 SEC 50 LAND ACT

COVENANT KV141327 2003-11-14 14:38 THE CROWN IN RIGHT OF BRITISH COLUMBIA INTER ALIA

STATUTORY BUILDING SCHEME KV141328 2003-11-14 14:38 INTER ALIA

STATUTORY RIGHT OF WAY LA173939 2006-12-19 09:55 BRITISH COLUMBIA HYDRO AND POWER AUTHORITY INTER ALIA

STATUTORY RIGHT OF WAY LA173940 2006-12-19 09:55 TELUS COMMUNICATIONS INC. INCORPORATION NO. A55547 INTER ALIA

NONE OUTSTANDING

NONE

NONE

s: Registered	19 4 M.J	Doc #: KV141327	RCVD: 20	Appendix A 03-11-14 RQST: 2020-02-10 09.
LAND TI	ILEACI	NOV 2003 14 38	KV141327	Ċ
[Section 233 Province of * British Colu	mbia	KAMLC	in the second	1200
GENERA 1. APPLI	L INSTRUMENT -	C, address, phone number and signature of ag	Land Title Office use)	PAGE 1 OF 12 Pages
FRAS Barris 1500 Vance	ER MILNER CASGRAIN ters & Solicitors - 1040 West Georgia Stree ouver, British Columbia V hone (604) 687-4460	1.1.1 <sup>2</sup> 5E 4118 sigu	nature of applicant, applicant's solicit clic L. Dwyer	or or agent
2. (a)		(S) AND LEGAL DESCRIPT	ION(S) OF LAND:*	
	(PD) NPA	(LEGAL DESCRIPTION) BLOCK E, DISTRIC DISTRICT	T LOTS 202, 2705, 8556	5 and 8680, LILLOOET
3 3	NPA	BLOCK F, DISTRICT	LOTS 202, 8556 and 8680, LI	LLOOET DISTRICT
	NPA		LOT 202, LILLOOET DISTR	
DESC	JRE OF INTEREST:* RIPTION TION 219 COVENANT	DOCUMENT REFERENCE (page and paragraph) Entire Document	PERSON ENTITLED	TO INTEREST
S S E			01115-05 ED	/11/14 14:44:29 01 KL 685
ACT INC.	<ul> <li>(a) Filed Standard Charg.</li> <li>(b) Express Charge Term.</li> <li>(c) Release</li> <li>(c) selection of (a) includes any additional selection.</li> </ul>		D.F. No. XXX Annexed as Part 2 There is no Part 2 of t tem 7 or in a schedule annexed to the in	his instrument
	NSFEROR(S):* PEMBERTON BENCH	LANDS HOUSING CORP.	(Inc. #0668014)	
]	HER MALESTY THE	ding occupation(s), postal address(es QUEEN IN RIGHT OF THE hister of Sustainable Resource X4	PROVINCE OF BRITISH	COLUMBIA Idings, Victoria,
		<u></u>		

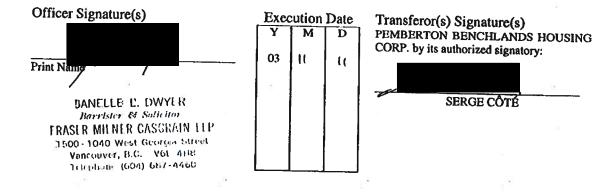
# **GENERAL INSTRUMENT - PART 1**

PAGE 2

#### 7. ADDITIONAL OR MODIFIED TERMS: \*

NONE

8. EXECUTION(S):\*\* This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.



OFFICER CERTIFICATION:

OPPICER CERCTIFICATION:
 Your signature constitutes a representation that you are solicitor, notary public or other person authorized by the Evidence Act. R.S.B.C. 1996, c. 124, to take affidavits for use in British
 If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.
 If space insufficient, continue executions on additional page(s) in Form D.

313127-000002-469803v5

Village of Pemberton Board of Variance Meeting Page 2 of 12 February 26, 2020 27

#### Doc #: KV141327

Page 3

#### TERMS OF INSTRUMENT — PART II

#### COVENANT FOR SUBDIVISION CONDITIONS (SECTION 219 LAND TITLE ACT)

THIS AGREEMENT made the 14th day of November, 2003

#### **BETWEEN:**

**<u>PEMBERTON BENCHLANDS HOUSING CORP.</u>** (Inc. #0668014) having an office at Suite #1 - 1443 Vine Road, Pemberton, British Columbia VON 2L1

(hereinafter called the "Covenantor")

#### **OF THE FIRST PART**

AND:

# HER MAJESTY THE QUEEN IN THE RIGHT OF THE

**PROVINCE OF BRITISH COLUMBIA**, as represented by the Minister of Sustainable Resource Management, Parliament Buildings, Victoria, British Columbia, V8V 1X4

(hereinafter called the "Covenantee")

#### OF THE SECOND PART

#### WHEREAS:

A. The Covenantor is the registered owner of ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Village of Pemberton, in the Province of British Columbia, and more particularly known and described as follows:

PID: NPA Block E, District Lots 202, 2705, 8556 and 8680, Lillooet District ("Block "E")

PID: NPA Block F, District Lots 202, 8556 and 8680, Lillooct District ("Block F")

PID: NPA Block G, District Lot 202, Lillooct District ("Block G")

(Block E, Block F and Block G are collectively hereinafter called the "Lands").

313127-000002-469803v6

B. Section 219 of the *Land Title Act* provides, *inter alia*, that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of the land or the use of a building or to be crected on land, in favour of a Municipality or the Crown.

C. A covenant registrable under Section 219 of the *Land Title Act* may include provisions that land is not to be subdivided unless in accordance with the covenant.

D. The Covenantor has agreed to buy and the Covenantee has agreed to sell the Lands pursuant to an Offer to Purchase executed by the Covenantee on March 20, 2003, as amended March 31, 2003 (the "Offer to Purchase"). As a condition of the Covenantee completing the sale of the Lands to the Covenantor, the Covenantor has agreed to enter into this Covenant with the Covenantee.

NOW THEREFORE THIS AGREEMENT WITNESSETII that pursuant to Section 219 of the Land Title Act, and in consideration of the sum of One Dollar (\$1.00) now paid to the Covenantor by the Covenantee (the receipt and sufficiency whereof is hereby acknowledged), the parties hereto hereby covenant and agree each with the other as follows:

J. that:

- THE COVENANTOR COVENANTS AND AGREES with the Covenantee
- (a) any subdivision of the Lands shall be substantially in accordance with the "Phase 1 Proposed Subdivision Plan" prepared by R.F. Binnie & Associates Ltd. for Pemberton Benchlands Housing Corporation and numbered drawing no. 03-097-LL1, dated August 13, 2003, a reduced copy of which is attached as Schedule "A" hereto, the Tentative Approval to such subdivision granted by the Village of Pemberton dated February 25, 2003, as may be amended by the Village of Pemberton, or in such other manner as may be approved by the Covenantee;
- (b) any subdivision or development of the Lands shall be conducted in compliance with guidelines set out in this Covenant including without limitation those set out as Schedule "B" hereto;
- (c) the Covenantor shall transfer to the Village of Pemberton for nominal consideration the Community Reserve (as defined in and in accordance with the Offer to Purchase) being that portion of the Lands containing 1.37 ha (more or less) as shown on Schedule "C" hereto, as may be amended and approved by the Village of Pemberton, concurrently with any subdivision of the Lands, subject only to the Permitted Encumbrances as set out in Schedule "D" hereto (and more specifically, not subject to this Covenant and any other statutory building scheme which may be registered against the Lands);
- (d) no lot into which the Lands are subdivided may be further subdivided; and

(c) this Covenant is in addition to and not in substitution for the requirements for any subdivision of the Lands to be approved by the Village of Pemberton or its approving officer.

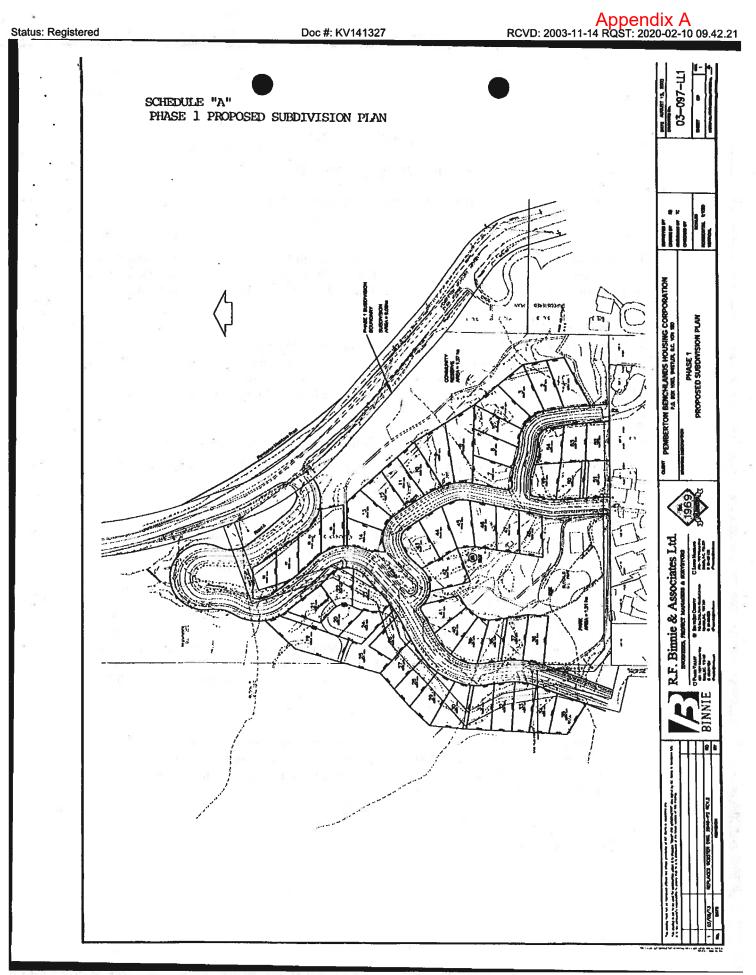
2. IT IS MUTUALLY UNDERSTOOD AND AGREED by and between the parties here that:

- (a) nothing contained or implied herein shall prejudice or affect the rights and powers
  of the Covenantee in the exercise of its functions under any public and private
  statutes, by-laws, orders and regulations, all of which may be fully and effectively
  exercised in relation to the Lands as if this Agreement had not been executed and
  delivered by the Covenantor;
- (b) the covenants set forth herein shall charge the Lands pursuant to Section 219 of the Land Title Act and shall be covenants the burden of which shall run with the Lands. It is further expressly agreed that the benefit of all covenants made by the Covenantor herein shall accrue solely to the Covenantee and that this Agreement may only be modified or discharged by agreement of the Covenantee, pursuant to the provisions of Section 219 of the Land Title Act;
- (c) notwithstanding anything contained herein, the Covenantor shall not be liable under any of the covenants and agreements contained herein where such liability arises by reason of an act or omission occurring after the Covenantor ceases to have any further interest in the Lands;
- (d) wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require;
- (c) the Covenantor and its successors and assigns shall at all times indemnify and save harmless the Covenantee from and against all claims, demands, actions, suits, loss, costs, fines, penalties, charges, damages, and expenses including legal fees and litigation expenses whatsoever which the Covenantee may incur, suffer or be put to arising out of or in connection with any breach of any covenant or agreement on the part of the Covenantor contained in this Agreement;
- (f) the covenants and agreements on the part of this Covenantor and herein provided for have been made by the Covenantor as contractual obligations as well as having been made pursuant to Section 219 of the *Land Title Act* and as such will be binding on the Covenantor;
- (g) nothing herein provided for shall be deemed to constitute waivers of any lawful requirements with which the Covenantor would otherwise be obligated to comply with;
- (h) if any provision provided for in this Agreement is for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or

unenforceability will not affect any other provisions of this Agreement which shall be construed as if such invalid, illegal, or unenforceable provision had never been contained therein and such other provisions shall be enforceable to the fullest extend permitted by law;

- (i) this Agreement shall endure to the benefit of and be binding upon the parties hereto, their respective successors and assigns; and
- (j) the parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.

IN WITNESS WHEREOF the Covenantor has executed this Agreement as set out in Part I of this instrument.



#### **SCHEDULE "B"**

#### SUBDIVISION GUIDELINES

#### PEMBERTON BENCHLANDS PHASE 1

#### Vision

The development of the Lands should result in a residential development on a mountain that strives to be in harmony with its natural environment by preserving, within reason, the existing character of the building sites, by visually and physically adapting each building to its site.

#### **Purpose of Guidelines**

The purpose of these guidelines is to achieve the highest quality of design and development for the enjoyment of the residents of the Lands, and to ensure that the marketing and the value of subsequent phases of the Covenantee's development of nearby Crown lands are not impaired. These guidelines are meant to help the Covenantor achieve a high standard of design within budget.

#### Subdivision Construction and Development Guidelines for the Developer

These guidelines focus on land development, site servicing, and road construction activities on the Lands and under the Covenantor's control.

#### **General Requirements**

- 1. The development of the Lands should follow the best practices embraced by professional development engineers, urban designers, architects, landscape architects, and environmental biologists.
- 2. The subdivision and development of the Lands is under the development control of the Village of Pemberton. Subdivision, development, and building approvals are at the discretion of the Village of Pemberton. However, prior to applying for subdivision and development approval the Covenantor must obtain the approval of the Covenantee to any substantive revisions to the Tentative Approval to the subdivision of the Lands granted by the Village of Pemberton dated February 25, 2003. This approval will not be withheld or delayed unnecessarily. The contact person for the Covenantee will be the Project Manager of Land and Water British Columbia Inc. (the "Project Manager").
- 3. Copies of subdivision plans and engineering drawings submitted for approval to the Village of Pemberton, development agreements, and development schedules shall be delivered to the Project Manager for the Covenantee's record, as master planner of the Pemberton Benchlands development.

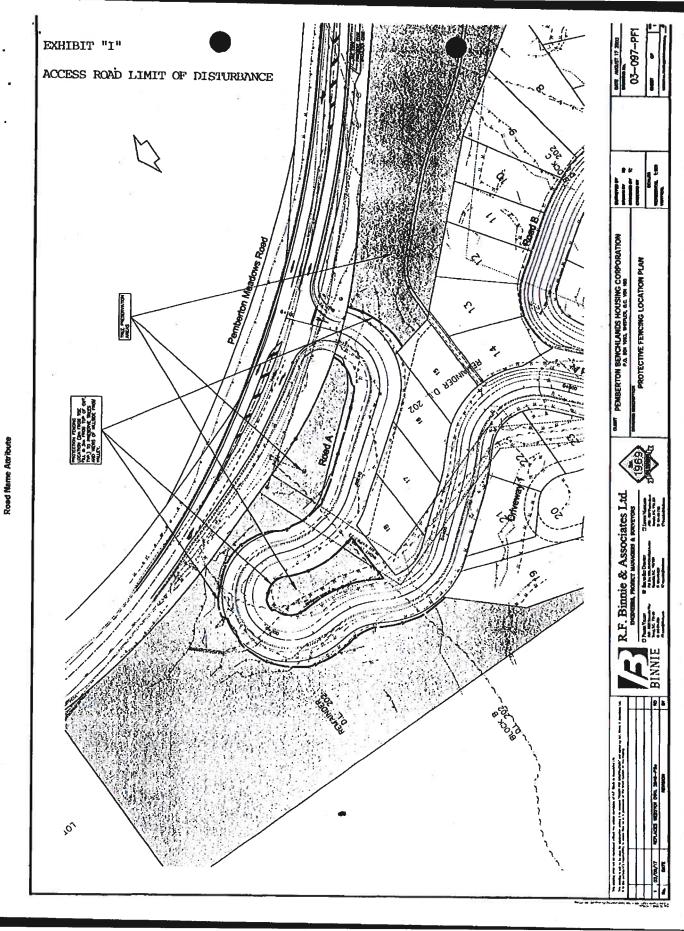
#### Specific Rules Applicable to the Lands

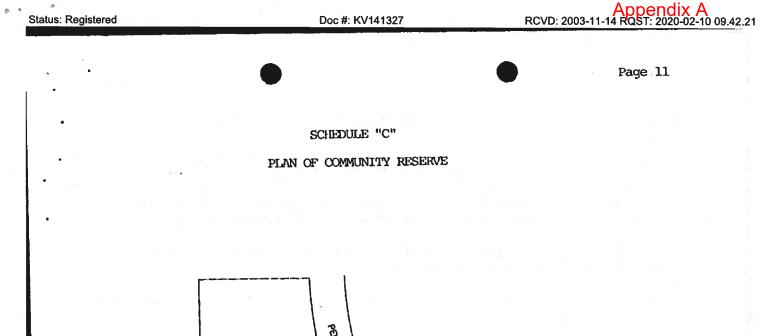
The Covenantor must ensure that:

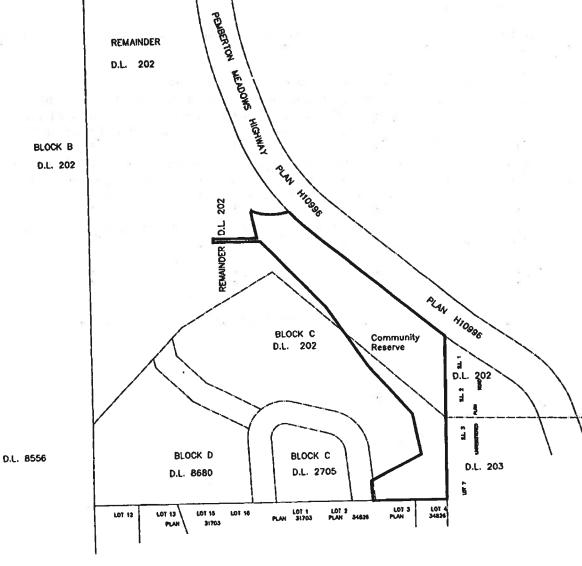
1.

Page 9

- Debris and trash is to removed from the Lands. Excavation materials is removed from the Lands. No dumping, stockpiling, or burning occurs on adjacent Crown land. No dumping down slope occurs on the Lands.
- 2. Care is exercised in construction to prevent wildfires.
- 3. No rock, soil, or gravel, or tree, shrub or other plant material is removed from adjacent Crown land or any other Crown land.
- 4. No trespassing occurs on Crown land (including the nearby rifle range).
- 5. Access is maintained to adjacent Crown land, including to the Crown land on which the nearby rifle range and communications towers are located.
- 6. Construction signage is crected in appropriate locations on the Lands.
- 7. Signs showing the Master Plan of the Pemberton Benchlands are erected by the Covenantor at the entrances to Lands and at the boundary of Lands and on the access road to future phases of the Covenantee's Pemberton Benchlands development in accordance with the Village of Pemberton's bylaws.
- 8. Signs are crected notifying buyers of the existence, now or in the future, of nearby multifamily sites, parks, trail entrances, reservoirs, and of the school site.
- 9. All signage on the Lands has coordinating design features: this includes entrance signs, directional signs, and informational signs. Builder, sub-trade and realtor signs also must be design coordinated; and the number of signs should be limited.
- 10. The Covenantor assumes all liability for and maintains appropriate insurance and other coverages in respect of the risks associated with blasting, dust, noise, and all other safety matters, including all workplace and construction safety matters.
- 11. Property damage repairs or restorations are carried out expeditiously and at the Covenantor's expense.
- 12. No permanent house, mobile home, or other building is transported onto or otherwise located on any part of the Lands including any lot into which the Lands are subdivided.
- 13. Protective fencing is installed along Road A as shown in Exhibit "I" hereto being the drawing titled "Access Road Limit of Disturbance" dated August 17, 2003, prepared by R.F. Binnie & Associates Ltd. for Pemberton Benchlands Housing Corporation and numbered drawing no. 03-097-PF1 prior to construction of that road. Such fencing must meet the specifications set out in, and be installed in accordance with, the specifications and requirements shown in Exhibit "I" hereto. Such fencing must be installed in the locations specified by dotted lines adjacent to Road A in Exhibit "I" hereto.







#### SCHEDULE "D"

#### PERMITTED ENCUMBRANCES

Statutory Right of Way No. 232217 issued to Canadian Broadcasting Corporation over that portion of Block D District Lots 202, 2705 and 8680 Lillooet District on Plan C18487;

Lease No. 236876 for park purposes issued to the Village of Pemberton over Block D, District Lots 202, 2705 and 8680, Lillooet District; and

All subsisting exception and reservations of interests, rights, privileges and titles contained in any previous Crown grant of the Land.

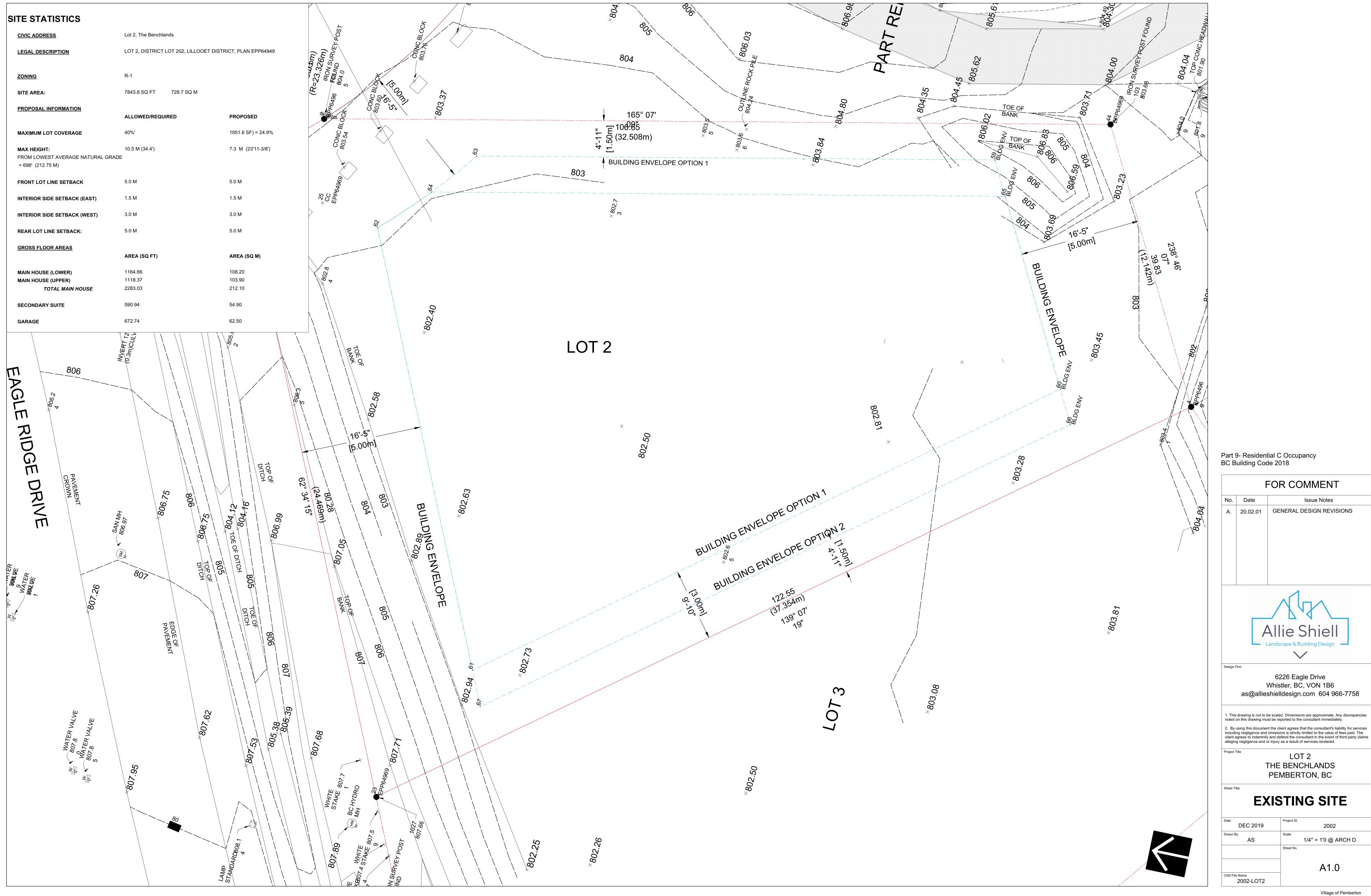
All the interests, rights, privileges and titles contained in section 50 of the Land Act (British Columbia).

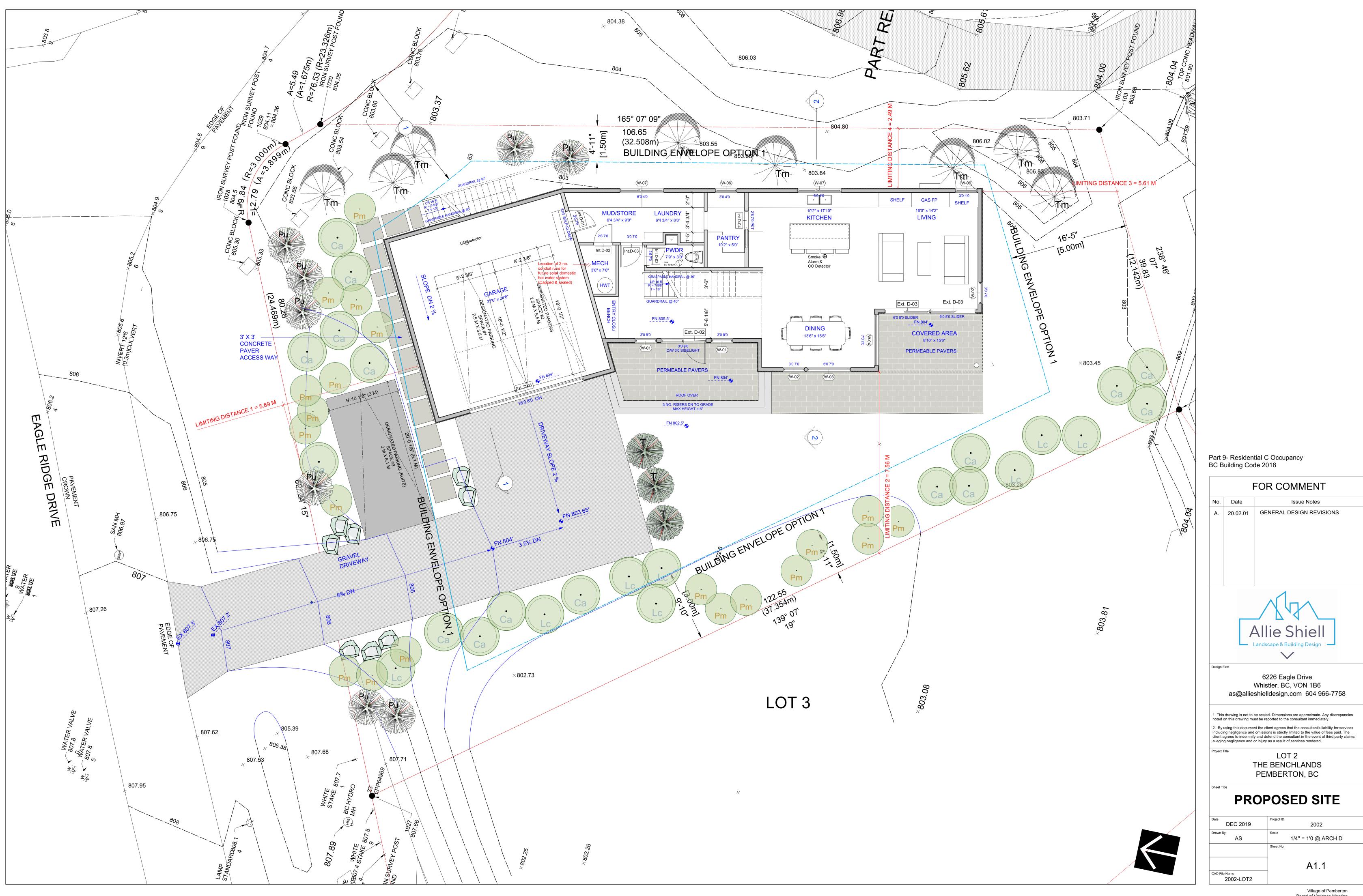
Any conditional or final water licence or substituted water licence issued or given under the *Water Act*, or any prior or subsequent enactment of the Province of British Columbia of like effect, and to the rights of the holder of it to enter on to the Land and to maintain, repair and operate any works permitted on the Land under the licence at the date of the Crown Grants.

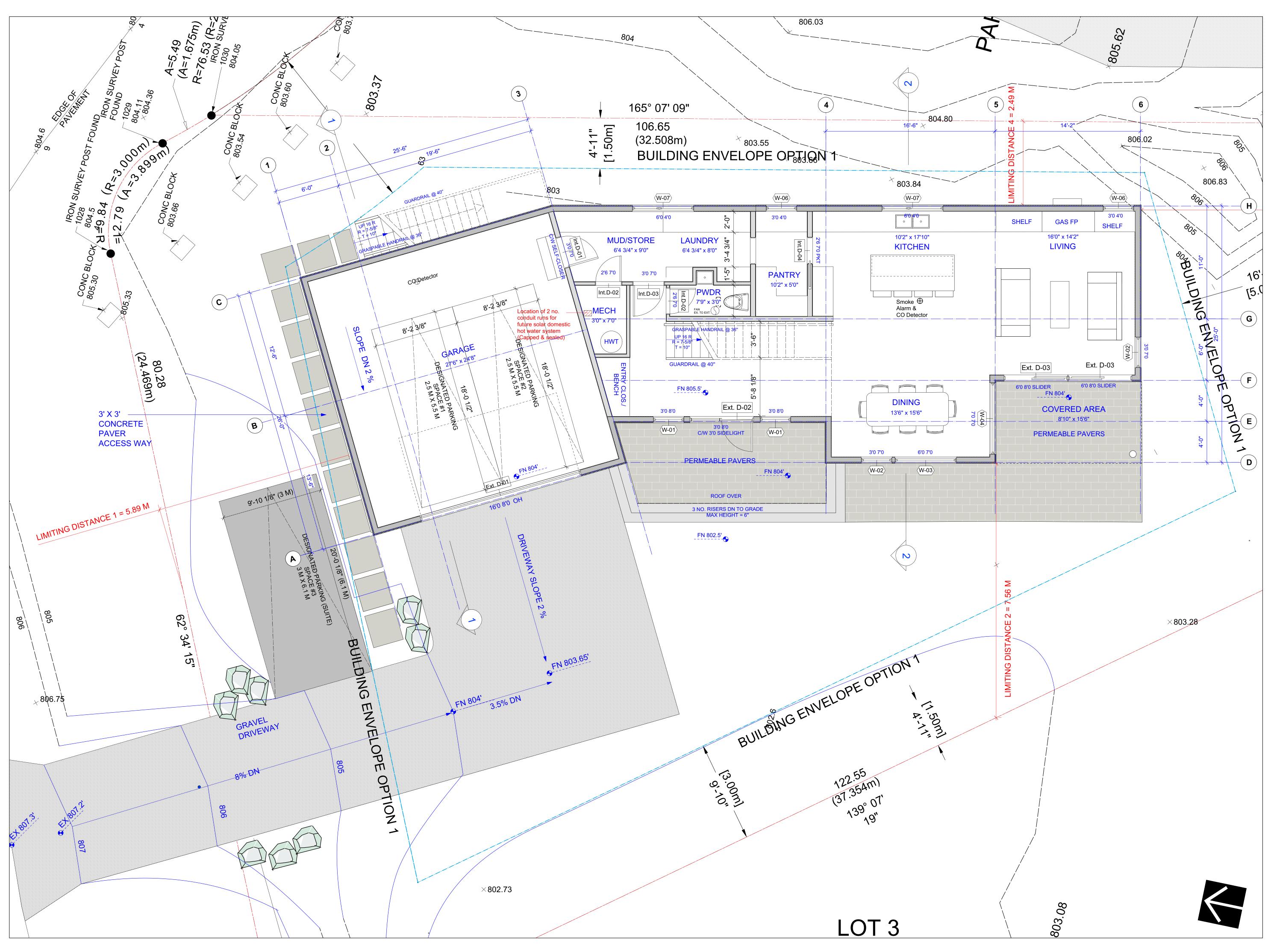
All subsisting grants to or subsisting rights of any person made or acquired under the *Mineral Tenure Act, Coal Act* or *Petroleum and Natural Gas Act* or under any prior or subsequent enactment of the Province of British Columbia of like effect.

All notations and endorsements noted as "Legal Notations" on the title, if any, to the Land or any parcel from which the Land may be created.

#### END OF DOCUMENT

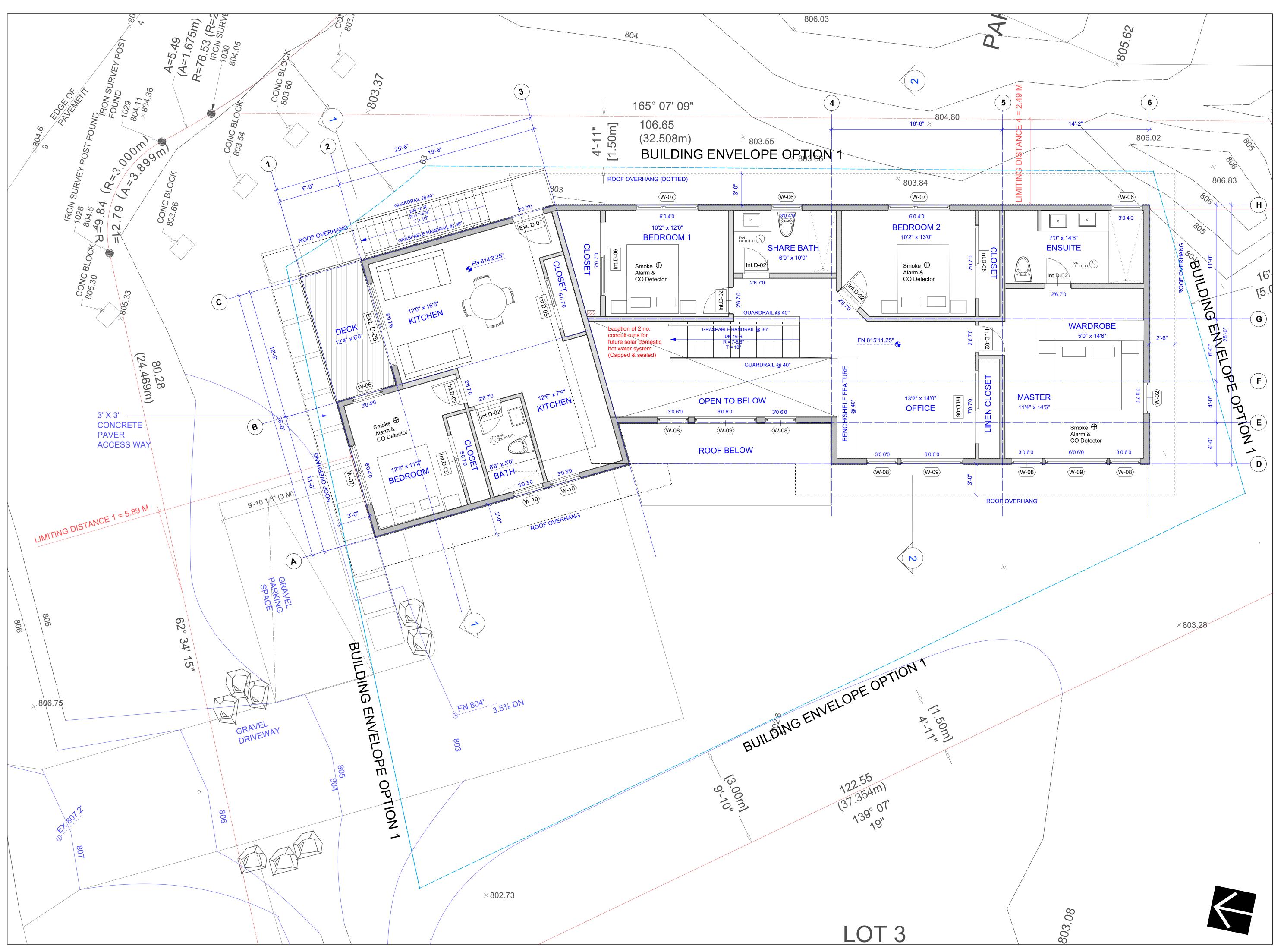






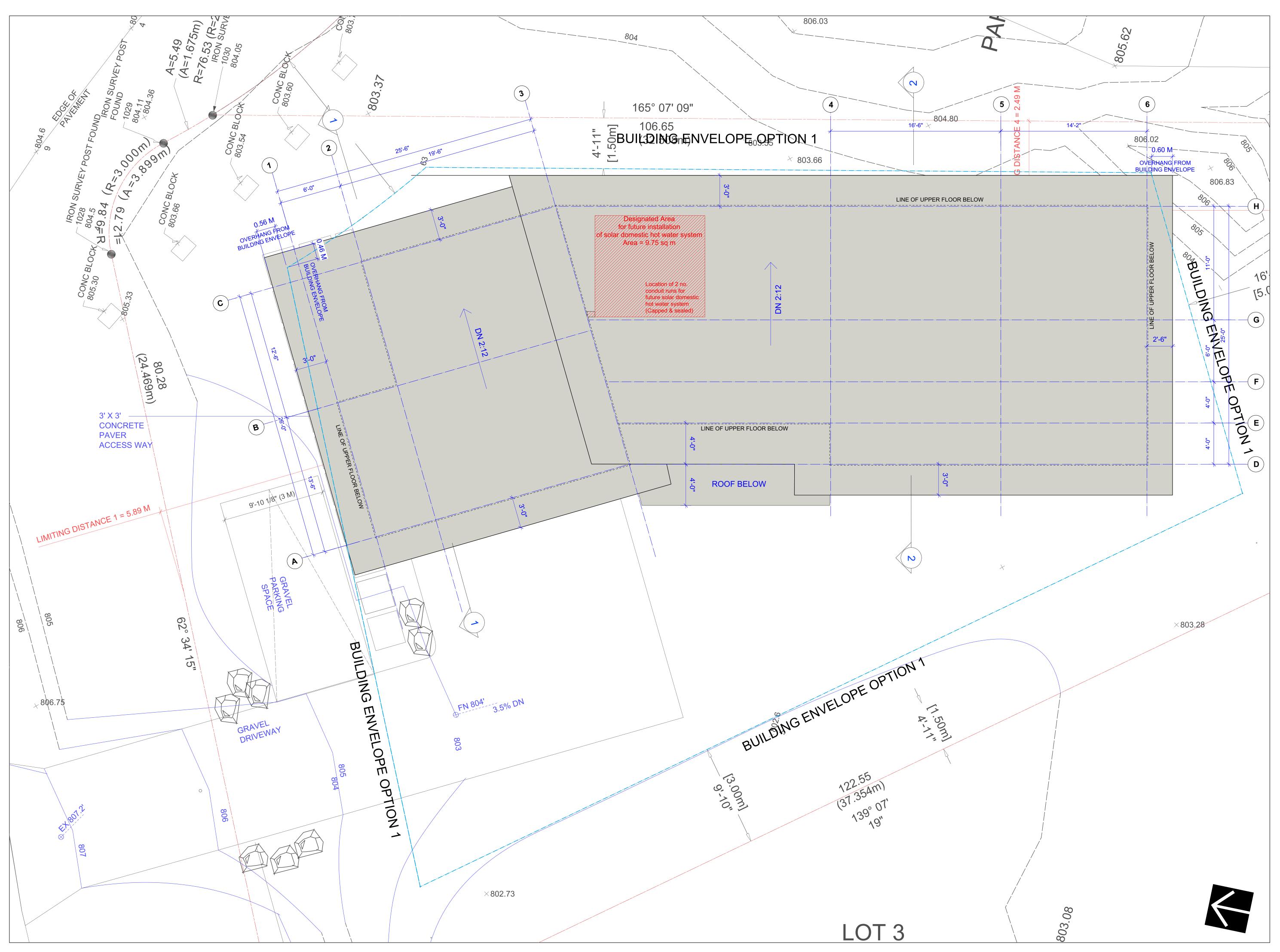
# Part 9- Residential C Occupancy BC Building Code 2018

FOR COMMENT							
No.	Date	Issue Notes					
A.	20.02.01	GENERAL DESIGN REVISIONS					
Design F	Design Firm						
noted 2. By includi client a	<ul> <li>Whistler, BC, VON 1B6 as@allieshielldesign.com 604 966-7758</li> <li>1. This drawing is not to be scaled. Dimensions are approximate. Any discrepancies noted on this drawing must be reported to the consultant immediately.</li> <li>2. By using this document the client agrees that the consultant's liability for services including negligence and omissions is strictly limited to the value of fees paid. The client agrees to indemnify and defend the consultant in the event of third party claims</li> </ul>						
alleging negligence and or injury as a result of services rendered. Project Title LOT 2 THE BENCHLANDS PEMBERTON, BC							
Sheet Ti	Sheet Title						
Date	DEC 2019	Project ID 2002					
Drawn B	AS	Scale 1/4" = 1'0 @ ARCH D					
CAD File Name 2002-LOT2							



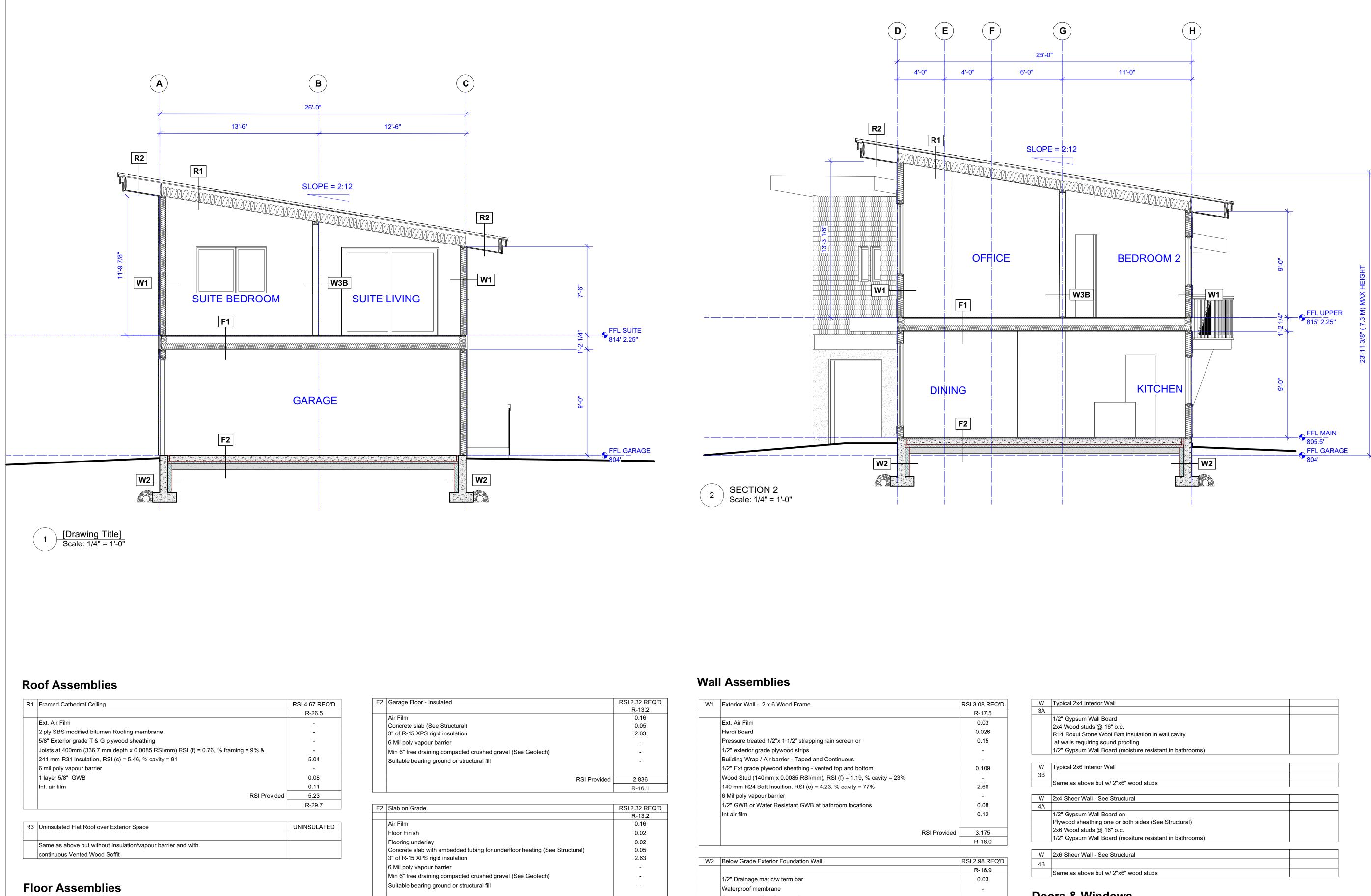
Part 9- Residential C Occupancy
BC Building Code 2018

FOR COMMENT				
No.	Date	Issue Notes		
Α.	20.02.01	GENERAL DESIGN REVISIONS		
Allie Shiell Landscape & Building Design				
Design Firm 6226 Eagle Drive Whistler, BC, VON 1B6 as@allieshielldesign.com 604 966-7758				
<ol> <li>This drawing is not to be scaled. Dimensions are approximate. Any discrepancies noted on this drawing must be reported to the consultant immediately.</li> <li>By using this document the client agrees that the consultant's liability for services including negligence and omissions is strictly limited to the value of fees paid. The client agrees to indemnify and defend the consultant in the event of third party claims alleging negligence and or injury as a result of services rendered.</li> </ol>				
Project 1	- Fitle	LOT 2		
	٦	THE BENCHLANDS		
PEMBERTON, BC				
Sheet Title				
Date	DEC 2019	Project ID 2002		
Drawn B	AS	Scale 1/4" = 1'0 @ ARCH D		
		Sheet No.		
CAD File	Name 2002-LOT2	A2.1		



# Part 9- Residential C Occupancy BC Building Code 2018

FOR COMMENT				
No.	No. Date Issue Notes			
Α.	20.02.01	GENERAL DESIGN REVISIONS		
Design Firm 6226 Eagle Drive Whistler, BC, VON 1B6				
<ol> <li>as@allieshielldesign.com 604 966-7758</li> <li>This drawing is not to be scaled. Dimensions are approximate. Any discrepancies noted on this drawing must be reported to the consultant immediately.</li> <li>By using this document the client agrees that the consultant's liability for services including negligence and omissions is strictly limited to the value of fees paid. The client agrees to indemnify and defend the consultant in the event of third party claims alleging negligence and or injury as a result of services rendered.</li> </ol>				
Project 1	<b>Fitle</b>			
	т	LOT 2 THE BENCHLANDS		
THE BENCHLANDS PEMBERTON, BC				
ROOF				
Date DEC 2019 Project ID 2002				
Drawn B	AS	Scale 1/4" = 1'0 @ ARCH D		
		Sheet No.		
CAD File	• Name 2002-LOT2	A2.2		



R1	Framed Cathedral Ceiling	RSI 4.67 REQ'D
		R-26.5
	Ext. Air Film	-
	2 ply SBS modified bitumen Roofing membrane	-
	5/8" Exterior grade T & G plywood sheathing	-
	Joists at 400mm (336.7 mm depth x 0.0085 RSI/mm) RSI (f) = 0.76, % framing = 9% &	-
	241 mm R31 Insulation, RSI (c) = 5.46, % cavity = 91	5.04
	6 mil poly vapour barrier	-
	1 layer 5/8" GWB	0.08
	Int. air film	0.11
	RSI Provided	5.23
		R-29.7
R3	Uninsulated Flat Roof over Exterior Space	UNINSULATED

F2	Garage Floor - Insulated
	Air Film
	Concrete slab (See Structural)
	3" of R-15 XPS rigid insulation
	6 Mil poly vapour barrier
	Min 6" free draining compacted crushed gravel (See Geotech)
	Suitable bearing ground or structural fill
F2	Slab on Grade
	Air Film
	Floor Finish
	Flooring underlay
	Concrete slab with embedded tubing for underfloor heating (See Stru 3" of R-15 XPS rigid insulation
	6 Mil poly vapour barrier
	Min 6" free draining compacted crushed gravel (See Geotech)
	Suitable bearing ground or structural fill
F3	Typical Deck
	1-1/4" Decking
	Counter battens

Waterproof membrane

5/8" Exterior Grade T&G Plywood Sheathing

TJI Floor joists to 2% fall (See Structural)

1/2" continuously vented soffit

F1	Interior Floor w/ Sound Insulation	NOT REQ
	Sound Insulated	
	Int. Air Film	
	3/4" Floor Finish	
	3/4" Plywood sheathing glued & screwed - See structural	
	Sound absorbptive insulation	
	TJI Floor Joists (See Structural)	
	resilient metal channels spaced 600 mm o.c.	
	1 layer 5/8" type X GWB	

	RSI 2.32 REQ'D
	R-13.2
	0.16
	0.05
	2.63
	-
	-
	-
RSI Provided	2.836
	R-16.1
	RSI 2.32 REQ'D R-13.2
	0.16
	0.02
oturol)	0.02 0.05
ctural)	2.63
	2.05
	-
	-
	-
RSI Provided	2.876
	R-16.3
	NOT REQ'D

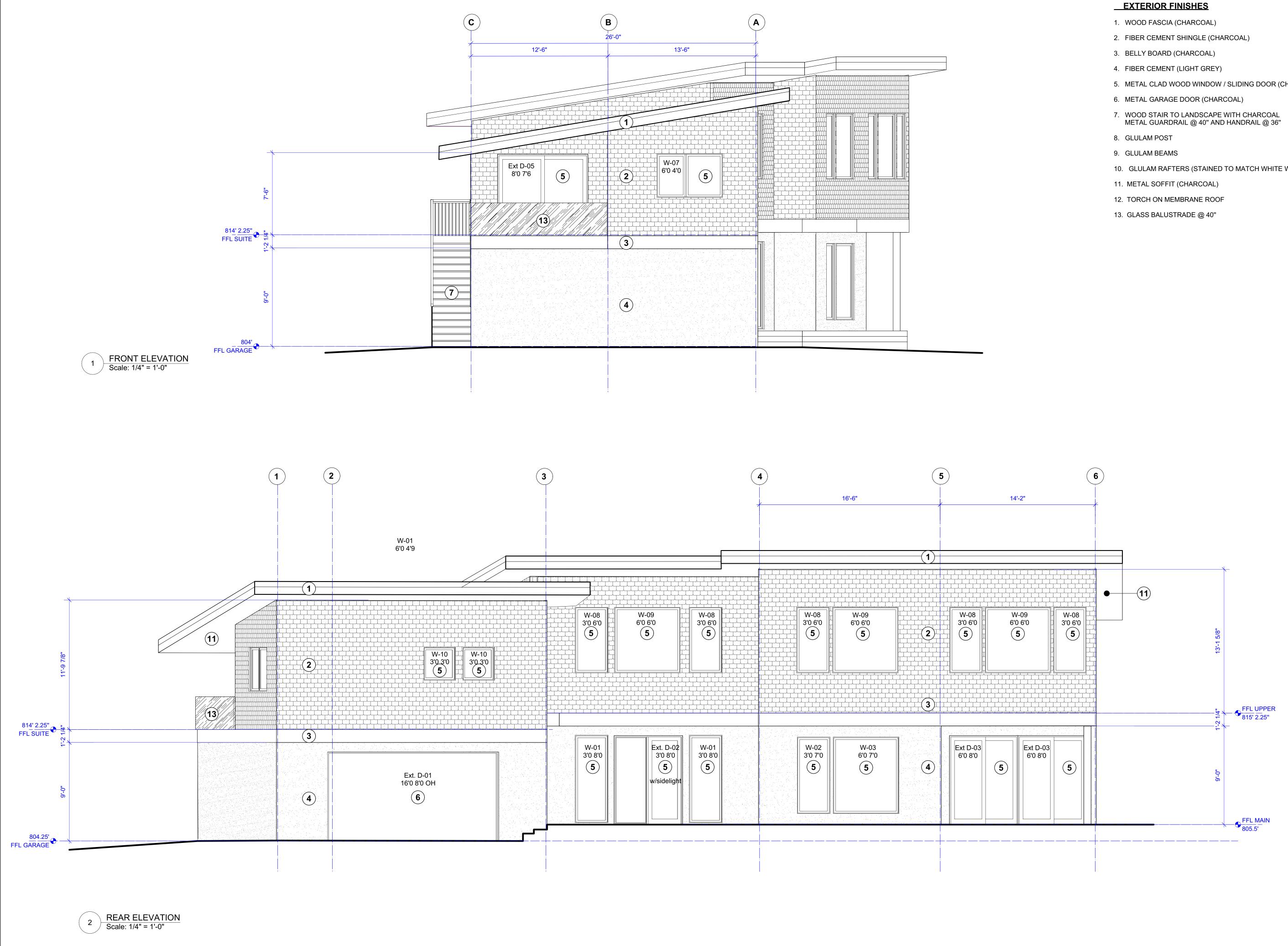
W1	Exterior Wall - 2 x 6 Wood Frame		RSI 3.08 REQ'D
			R-17.5
	Ext. Air Film		0.03
	Hardi Board		0.026
	Pressure treated 1/2"x 1 1/2" strapping rain screen or		0.15
	1/2" exterior grade plywood strips		-
	Building Wrap / Air barrier - Taped and Continuous		-
	1/2" Ext grade plywood sheathing - vented top and bottom		0.109
	Wood Stud (140mm x 0.0085 RSI/mm), RSI (f) = 1.19, % cavity = 23%		-
	140 mm R24 Batt Insultion, RSI (c) = 4.23, % cavity = 77%		2.66
	6 Mil poly vapour barrier		-
	1/2" GWB or Water Resistant GWB at bathroom locations		0.08
	Int air film		0.12
		RSI Provided	3.175
			R-18.0
W2	Below Grade Exterior Foundation Wall		RSI 2.98 REQ'D
			R-16.9
	1/2" Drainage mat c/w term bar		0.03
	Waterproof membrane		-
	Concrete wall (See Structural)		0.08
	4.5" Rigid insulation		3.17
		RSI Provided	3.28
			R-18.6

W	Typical 2x4 Interior Wall
ЗA	
	1/2" Gypsum Wall Board
	2x4 Wood studs @ 16" o.c.
	R14 Roxul Stone Wool Batt insulation in
	at walls requiring sound proofing
	1/2" Gypsum Wall Board (moisture resista
W	Typical 2x6 Interior Wall
3B	
	Same as above but w/ 2"x6" wood studs
W	2x4 Sheer Wall - See Structural
4A	
	1/2" Gypsum Wall Board on
	Plywood sheathing one or both sides (Se
	2x6 Wood studs @ 16" o.c.
	1/2" Gypsum Wall Board (mositure resista
	1
W	2x6 Sheer Wall - See Structural
4B	
	Same as above but w/ 2"x6" wood studs
_	
D۵	ors & Windows

# Doors & Windows \*\*\* ALL DOORS AND WINDOWS TO MEET OR EXCEED USI 1.60 (U-0.28)

# Part 9- Residential C Occupancy BC Building Code 2018





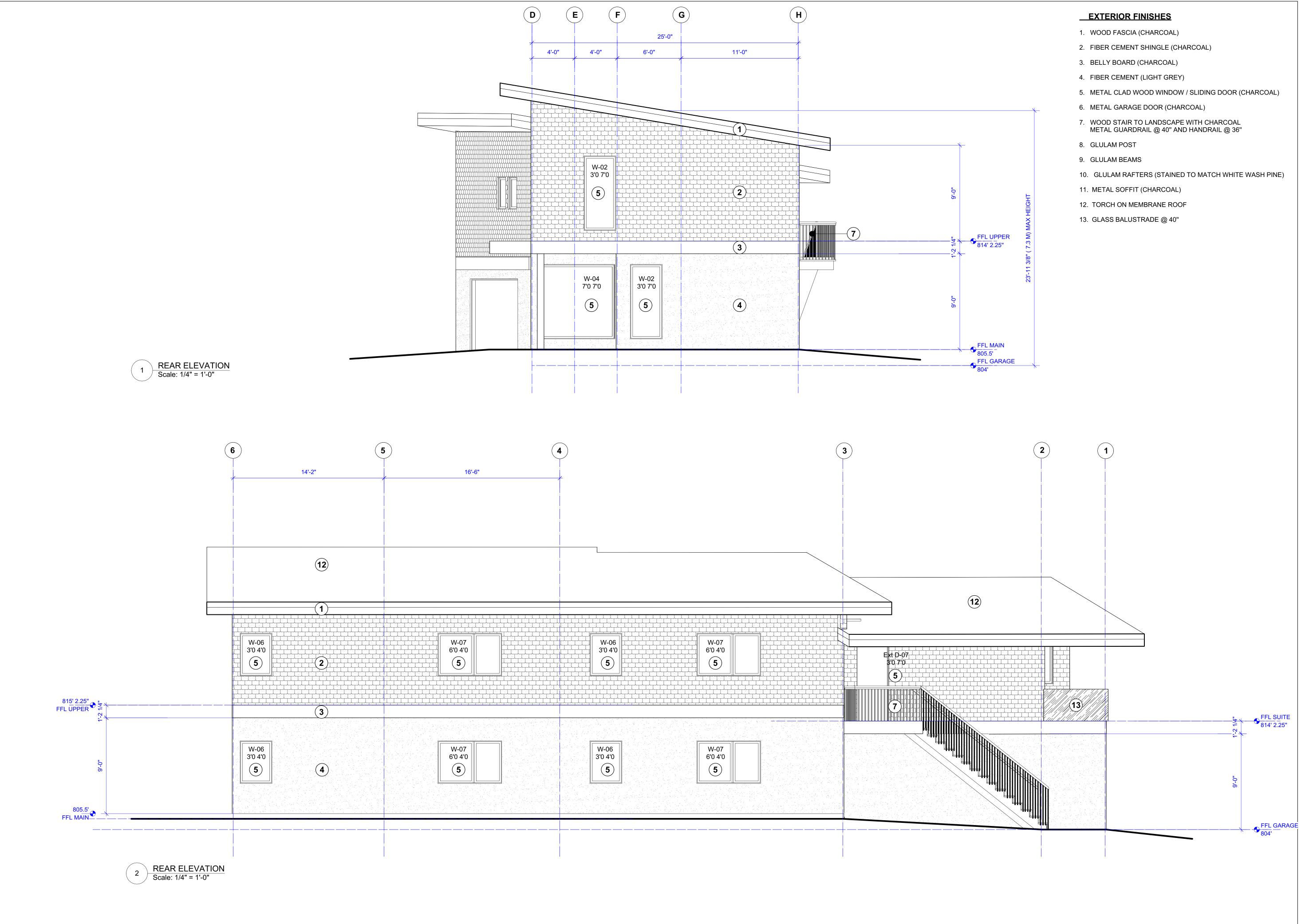
- 5. METAL CLAD WOOD WINDOW / SLIDING DOOR (CHARCOAL)

- 10. GLULAM RAFTERS (STAINED TO MATCH WHITE WASH PINE)

# Part 9- Residential C Occupancy BC Building Code 2018

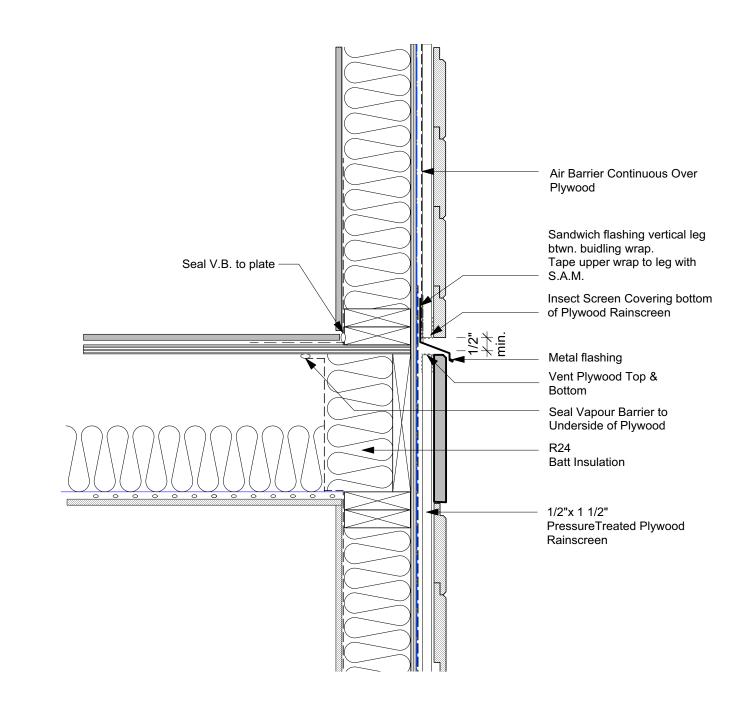
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FOR COMMENT		
No.	Date	Issue Notes
Α.	20.02.01	GENERAL DESIGN REVISIONS
		Allie Shiell andscape & Building Design
Design F		6226 Eagle Drive Whistler, BC, VON 1B6 shielldesign.com 604 966-7758
noted of 2. By a includin client a	on this drawing mu using this docume ng negligence and agrees to indemnif g negligence and ritte	be scaled. Dimensions are approximate. Any discrepancies ust be reported to the consultant immediately. In the client agrees that the consultant's liability for services of omissions is strictly limited to the value of fees paid. The y and defend the consultant in the event of third party claims or injury as a result of services rendered. LOT 2 THE BENCHLANDS PEMBERTON, BC
Sheet Title ELEVATIONS 1		
Dete Project ID 2002		
Drawn B	AS	Scale 1/4" = 1'0 @ ARCH D Sheet No.
CAD File	• Name 2002-LOT2	A4.0

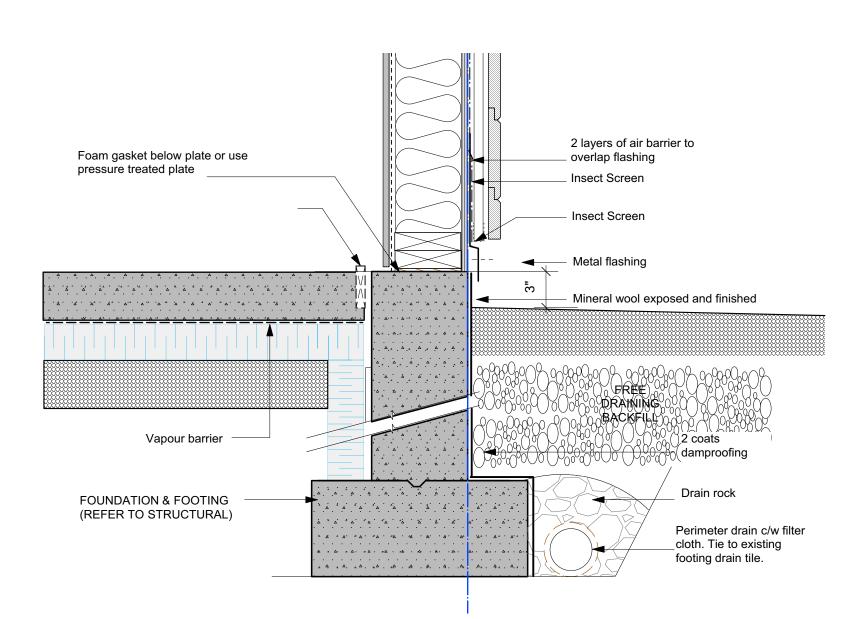


# Part 9- Residential C Occupancy BC Building Code 2018









DETAIL AT FOUNDATION Scale: 1 1/2" = 1'-0" 4

Vent Plywood Top & Bottom 1/2"x 1 1/2" PressureTreated Plywood Rainscreen Siding Lap Both Layers of Air Barrier Over Metal Flashing.

Window line membrane extend 2" past flashing. Insect Screen Covering bottom — of Plywood Rainscreen Metal Flashing 15 deg Slope,
 3" leg up wall, c/w end dams to extend 3/8"past jamb frame

Polyurethane sealant with backer rod, seal window frame to wood frame Caulk Vapour Barrier To Self Adhesive Flexible Membrane Pre-Flashing.

Polyurethane sealant Joint. Pre-Flash Window, Siding

with backer rod, seal window frame to wood frame

Caulk Vapour Barrier To Self Adhesive Flexible Membrane Pre-Flashing. Caulk Window Frame Seal VB to inside face of rough opening

LapSelfAdhesive Flexible Membrane 4" OverBoth Layers of Air Barrier

- 1/2"x 1 1/2" PressureTreated Plywood Rainscreen R24
 Batt Insulation



3 DETAIL AT WINDOW Scale: 1 1/2" = 1'-0"

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# Part 9- Residential C Occupancy BC Building Code 2018

FOR COMMENT					
No.	Date	Issue Notes			
Α.	20.02.01	GENERAL DESIGN REVISIONS			
Design F	Design Firm				
noted of 2. By including	Whistler, BC, VON 1B6 as@allieshielldesign.com 604 966-7758 1. This drawing is not to be scaled. Dimensions are approximate. Any discrepancies noted on this drawing must be reported to the consultant immediately. 2. By using this document the client agrees that the consultant's liability for services including negligence and omissions is strictly limited to the value of fees paid. The				
		and defend the consultant in the event of third party claims or injury as a result of services rendered.			
Project 1	Project Title LOT 2 THE BENCHLANDS PEMBERTON, BC				
Sheet Title DETAILS					
Date	DEC 2019	Project ID 2002			
Drawn B	AS	Scale 1/4" = 1'0 @ ARCH D			
CAD File	• Name 2002-LOT2	A5.0			



<u>GROSS FLO</u>

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SECONDAY

LOOR AREAS:		
USE (LOWER)	1164.7 sq ft	108.20 sqm
USE (UPPER)	1118.4 sq ft	103.90 sqm
OUSE GFA	2283.0 sq ft	212.10 sqm
AY SUITE	590.9 sq ft	54.90 sqm
	672.7 sq ft	62.50 sqm

# Part 9- Residential C Occupancy BC Building Code 2018

	F	FOR COMMENT
No.	Date	Issue Notes
Α.	20.02.01	GENERAL DESIGN REVISIONS
Design F	Firm	6226 Eagle Drive Whistler, BC, VON 1B6
2. By including	drawing is not to l on this drawing mu using this documen ng negligence and agrees to indemnify	shielldesign.com 604 966-7758 be scaled. Dimensions are approximate. Any discrepancies ist be reported to the consultant immediately. In the client agrees that the consultant's liability for services omissions is strictly limited to the value of fees paid. The y and defend the consultant in the event of third party claims or injury as a result of services rendered.
Project 1	Γitle	LOT 2
	-	THE BENCHLANDS
		PEMBERTON, BC
Sheet Ti	tle	AREAS
Date	DEC 2019	Project ID 2002
Drawn B	AS	Scale 3/16" = 1'0 @ ARCH D
		Sheet No.
CAD File	e Name 2002-LOT2	SK02