

Dan Passmore

From: DA Salmon Arm TRAN:EX <DA.SalmonArm@gov.bc.ca>
Sent: Friday, February 22, 2019 4:07 PM
To: Dan Passmore
Subject: FW: DVP 701-88 (Finz) MoT file(s) 2017-04749 & 2017-06413
Attachments: 701-88 APCreport.pdf; Revised Access Permit-Finz Resort.pdf; 2017 Oct 3 (Finz) Site plan by Franklin Eng.pdf; 2017-06413 Commercial Access Permit for Finz

Hi Dan,

Sorry for the delay in responding. Thank you for the referral email, I will add this to our existing files:
2017-04749 – CSRD Bylaw Text amendment
2017-06413 – commercial access permit (revised permit & plan attached to permit AND fyi original permit & plan attached)

All new structures must be located outside of the provincial setback of the 4.5m from the road/property line. Any existing structures located within this setback must submit a *Provincial Public Highway Permit Application*
<http://www.th.gov.bc.ca/permits/Apply.asp>
Information <http://www.th.gov.bc.ca/permits/Structures%20Permits.asp>

It is the land owners responsibility to contact the Ministry and submit a revised proposal for an access permit should the land use or layout be different then the existing Permit. The land owner must ensure they receive an access permit for the intended land use.
Information <http://www.th.gov.bc.ca/permits/Highway%20Access%20Permits.asp#Commercial%20Access>

Please ensure your applicant is advised of the ministry requirements.

Thanks, Tara

If you have any questions please feel free to contact either
Tara Knight 250-833-3374
Elizabeth Keam 250-833-7404

Salmon Arm Development Approvals Team | BC Ministry of Transportation & Infrastructure
850C - 16 Street NE | Box 100 Salmon Arm BC V1E 4S4 | T: 250-503-3664 | F: 250-833-3380
E: DA.SalmonArm@gov.bc.ca | W: http://www.th.gov.bc.ca/Development_Approvals/home.htm

From: Dan Passmore [mailto:dpassmore@csrd.bc.ca]
Sent: Thursday, January 31, 2019 2:41 PM
To: Keam, Elizabeth TRAN:EX; Knight, Tara TRAN:EX
Subject: DVP 701-88

Good Afternoon;
I have attached a brief report on a development variance permit application we have received from Finz Resort. You will note that the DVP is to reduce the front parcel line setback along the west side of Eagle Bay Road, for the existing store to 4.0 m.
I wonder if you could provide referral comments on this DVP proposal.

Regards

Dan Passmore | Senior Planner


Development Services

Columbia Shuswap Regional District

T: 250.833.5915 | F: 250.832.3375 | TF: 1.888.248.2773

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PERMIT TO CONSTRUCT, USE, AND MAINTAIN ACCESS TO A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.

BETWEEN:

The Minister of Transportation and Infrastructure
Salmon Arm Area Office
Bag 100
850C – 16th Street NE
Salmon Arm, BC V1E 4S4

("The Minister")

AND:

Finz Resort Inc.
2001 Eagle Bay Road
Blind Bay, BC V0E 1H1

("The Permittee")

WHEREAS:

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:

The installation, operation, and maintenance of two (2) nine metre commercial accesses for a 45 site campground on the east side of Eagle Bay Road and two (2) 9 metre "restricted" commercial accesses for 9 RV Sites, 110 slip Marina and 214 Seat Restaurant/Patio on the west side of Eagle Bay Road to serve property legally described as Lot 1, Sec. 17 & 20, Tp.22, R.10, W6M, KDYD, Plan EPP51931 located at 2000 and 2001 Eagle Bay Road, as shown on drawing 16-134 SP-01 Rev. 1., dated October 3, 2017, prepared by Franklin Engineering Ltd.

- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. The Minister shall designate an official ("the Designated Ministry Official") who shall act as the Minister's agent in the administration of this permit in the manner hereinafter set out.
2. The Use shall be carried out according to the reasonable satisfaction of the Designated Ministry Official.
3. The Permittee will at all times indemnify and save harmless Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Transportation and Infrastructure, and the employees, servants, and agents of the Minister from and against all claims, demands, losses, damages, costs, liabilities, expenses, fines, fees, penalties, assessments and levies, made against or incurred, suffered or sustained by any of them, at any time or times (whether before or after the expiration or termination of this permit) where the same or any of them are sustained in any way as a result of the Use, which indemnity will survive the expiration or sooner termination of this permit.
4. The Permittee shall make diligent attempts to determine if there are other users of the right of way in the vicinity of the Permittee's location whose use may be affected. It shall be the responsibility of the Permittee to contact any such users before exercising any of the rights granted hereunder and to attempt to reach an accommodation.
5. The Minister shall take reasonable care to do as little damage or interference, as possible, to any Use authorized by this permit in the carrying out of the construction, extension, alteration improvement, repair, maintenance or operation of any work adjacent thereto, but the Minister shall not be responsible for any damage regardless.



6. The Minister at the absolute discretion of the Minister may, at any time, cancel this permit for any reason upon giving reasonable notice; provided, however, that in the case of default by the Permittee or in the case of an emergency no notice shall be necessary. The Minister shall not be liable for any loss incurred as a result of permit cancellation.
7. Placing of speed arresters on the access (or accesses) or in the Permittee's property without the prior consent in writing of the Designated Ministry Official shall render the permit void.
8. The Permittee shall be responsible for replacing any survey monuments that may be disturbed or destroyed by the Use. Replacement must be by a British Columbia land surveyor at the Permittee's expense.
9. The Permittee shall remove any mud, soil, debris, or other foreign material tracked onto the highway from the access authorized herein. Such removal shall be at the Permittee's expense and shall be done at any time the material unduly inconveniences traffic and, in any event, daily.
10. The Permittee acknowledges that the issuance of this permit by the Minister is not a representation by the Minister that this permit is the only authority needed to carry out the Use. The Permittee shall give deference to any prior permission given for use of the right of way in the vicinity of the permit area, shall obtain any other permission required by law, and shall comply with all applicable laws regardless of their legislative origin.
11. At the end of the term of this permit, or when the permit is cancelled or abandoned, the Permittee shall, if so requested by the Minister, remove all installations and shall leave the site as near as reasonably possible in the condition it was in before this permit was issued or such other condition as shall reasonably be required by the Designated Ministry Official. If the Permittee refuses to comply with these obligations, the Minister may perform them as required and the Permittee shall be liable to the Minister for the costs of doing so.
12. The rights granted to the Permittee in this permit are not assignable without the consent of the Minister.
13. As a condition of this permit, the permittee unconditionally agrees with the Ministry of Transportation and Infrastructure that the permittee is the prime contractor or will appoint a qualified prime contractor, as described in Section 118 of the Workers Compensation Act, for the purposes of the work described by this permit, at the work location described in this permit, and that the permittee or designated prime contractor will observe and perform all of the duties and obligations which fall to be discharged by the prime contractor pursuant to the Workers Compensation Act and the Occupational Health and Safety Regulation.
14. The permittee is advised and acknowledges that the following hazards may be present at the work location and need to be considered in co-ordinating site safety: overhead hazards, particularly electrical or telecommunications lines; buried utilities, particularly electrical, telecommunication, and gas lines; traffic, danger trees, falling rocks, and sharp or infectious litter.
15. Any works within the Ministry right-of-way that fall within the scope of "engineering" under the Engineers and Geoscientists Act will be performed by a Professional Engineer, and shall comply with this Ministry's "Engineer of Record and Field Review Guidelines". The Guidelines can be viewed on the Ministry's website at <http://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/engineering-standards-and-guidelines/technical-circulars/2009/t06-09.pdf>
16. The permittee is responsible for preventing the introduction and spread of noxious weeds on the highway right-of-way as defined by the British Columbia Weed Control Act and Weed Control Regulation.
17. The Use shall be carried out according to the following drawings and specifications, which are attached and shall be considered to be part of this permit:

Drawing 16-134 SP-01 Revision 1, dated October 3, 2017 prepared by Franklin Engineering and Sketch Plan submitted on May 10, 2018.
18. (a) The rights granted under this permit shall not be exercised before June 4, 2018.
(b) The Construction and Installations must be completed on or before September 4, 2018.

A. LOCATION

19. Finz Resort - Lot 1, Sec. 17 & 20, Tp.22, R.10, W6M, KDYD, Plan EPP51931 located at 2000 and 2001 Eagle Bay Road.

B. CONSTRUCTION AND INSTALLATIONS:

20. The Permittee shall take all reasonable precautions to attempt to ensure the safety of the public in connection with the Use. In particular, but not so as to limit this obligation, the Permittee shall, if so required by the Designated Ministry Official on reasonable grounds, prepare and implement a traffic control plan. The contents of the plan and the manner in which it is implemented must meet the reasonable satisfaction of the Designated Ministry Official.
21. The Permittee shall, at his cost, supply, erect, and maintain standard traffic control devices in accordance with the Ministry of Transportation and Infrastructure Traffic Control Manual for Works on Roadways and Occupational Health and Safety Regulation.



22. That before opening up any highway or interfering with any public works, written notice of intention to do so must be given to the Designated Ministry Official at least two (2) weeks before the work is begun.
23. The accesses on the west side of Eagle Bay Road shall be graveled to an extent satisfactory to the Designated Ministry Official to prevent the tracking of mud and soil onto the highway surface.
24. The access to the east side of Eagle Bay Road shall be paved to the satisfaction of the Designated Ministry Official.
25. The access (or accesses) shall be constructed with a 450mm culvert pipe (if and when required) manufactured to CSA or ASTM standards and laid at ditch invert elevation. Maintenance and periodic cleaning of this culvert is the responsibility of the Permittee.
26. The profile of the access (or accesses) shall not exceed 2% grade from the ditchline for a distance of at least 10 metres as measured away from the highway along the centerline of the access.
27. The Permittee shall provide off-street parking in the amount of 159 stalls.
28. Access to be constructed at 90 degrees to the highway for a distance of 10 metres from the highway shoulder.

C. AUTHORIZED ACTIVITIES

The accesses on the west side of Eagle Bay Road shall be restricted to the following movements only – **Right In Only (north access) and Right/Left Out Only (south access)** and the Permittee shall construct and erect all necessary channelization, signs, and other traffic-control devices at his cost.

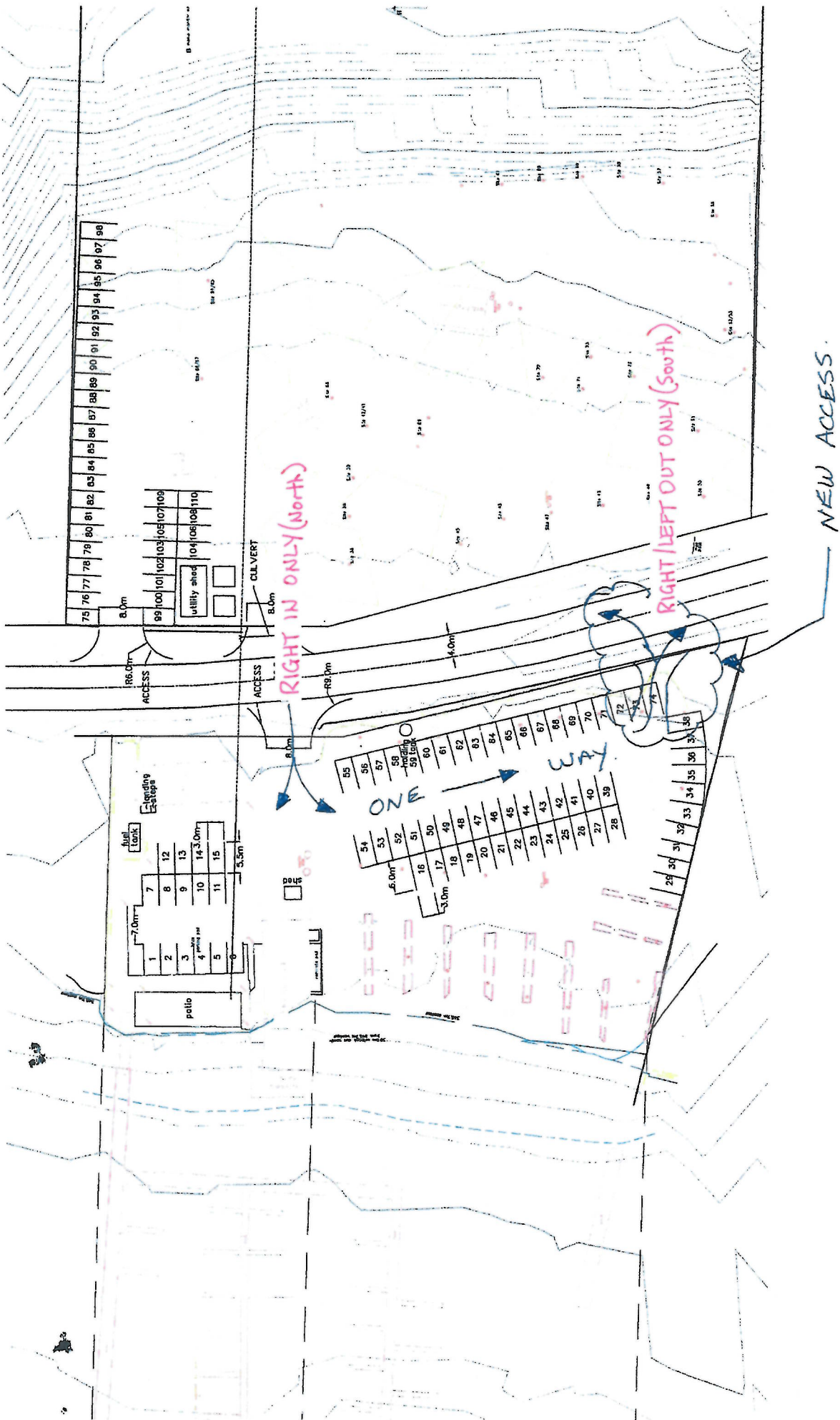
D. OPERATION AND MAINTENANCE

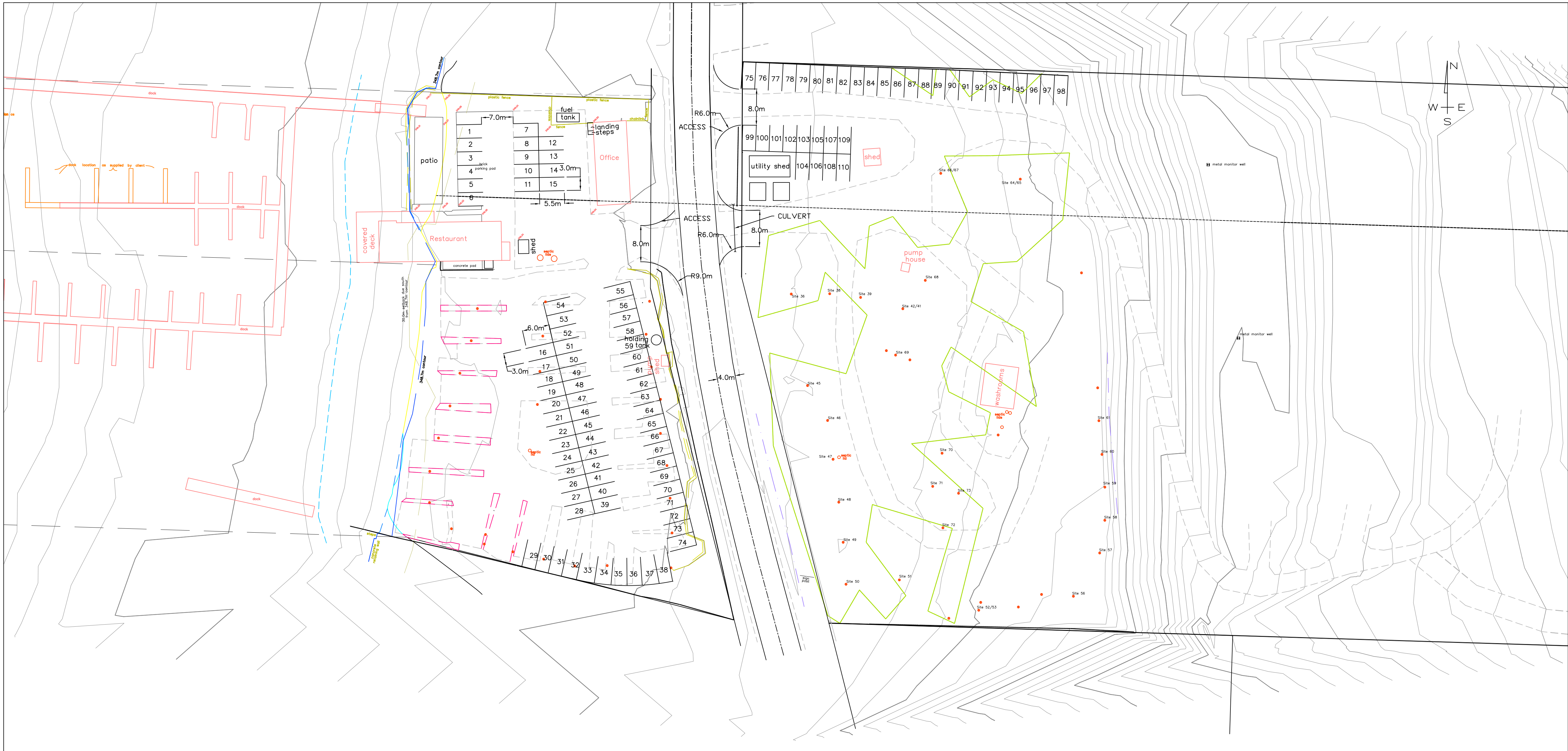
29. The Permittee will ensure that the works do not, impair, impede or otherwise interfere with;
 - I. public passage on the Highways;
 - II. the provision of highway maintenance services by the Province, or by its servants, contractors, agents or authorized representatives of the Province in connection with the Highways; or
 - III. the operation of the Highways;
30. That where the said works are in the proximity of any bridge, culvert, ditch or other existing work, such work shall be properly maintained and supported in such manner as not to interfere with its proper function, and on the completion of the said works any bridge, culvert, ditch or other existing work interfered with shall be completely restored to its original condition.
31. That when necessary all excavations, materials, or other obstructions are to be efficiently fenced, lit, and watched, and at all times every possible precaution is to be taken to ensure the safety of the public.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Salmon Arm, British Columbia, this 4th day of June, 2018


On Behalf of the Minister of Transportation & Infrastructure





PARKING REQUIREMENTS		
FUNCTION	CSRD (REQUIRED)	DESIGN
RESTAURANT	1 per 10 m2 gross leasable area = 45 spots (446 m2).	55
MARINA	1 per 2 berths = 55 spots (110 berths).	55
CAMPING	1 per site = 48 spots (spot included in campsite).	48
TOTAL	148	159

LEGEND

EXISTING

HYDRO/TELEPHONE POLE

HYDRO/TELEPHONE POLE C/W DAVIT

TELEPHONE POLE

HYDRO POLE

HYDRO POLE C/W TRANS.

POST TOP STREET LIGHT

GUY

STORM MANHOLE

CATCH BASIN

GATE VALVE

SANITARY SEWER

FORCE MAIN

WATER MAIN

GAS

UNDERGROUND TELEPHONE

FENCE

DECIDUOUS/EVERGREEN

HEDGE

ELEVATION

PROPOSED ELEVATION

SANITARY MANHOLE

STORM MANHOLE

CATCH BASIN

GATE VALVE

STM INSPECTION CHAMBER

SANI INSPECTION CHAMBER

SANITARY SEWER

STORM SEWER

WATER MAIN

GAS

TEL & CABLE TV

HYDRO

FIRE HYDRANT

FORCE MAIN

END CAP

WHEEL CHAIR RAMP

DRIVEWAY LETDOWN

SIGN BASE

CANADA POST MAIL BOX

BLOW OFF VALVE

WATER RUNOFF PATH

NO.

DATE

DESCRIPTION

BY

APP'D

REVISIONS

DESIGN:

DMC

DRAWN:

DMC

DATE:

OCT 3 2017

CHECKED:

JJF

SEAL

P.ENG:

JAYME FRANKLIN

SCALE:

0

HORIZ. = 1:500

25.0

FRANKLIN

ENGINEERING LTD.

250.832.8380 ■ www.franklinengineering.ca

FINZ

PROPOSED PARKING

PRELIMINARY SITE PLAN

LOT 1, PLAN EPP51931

PROJECT No.

16-134

SHEET

1

OF

1

DWG. No.

SP-01

REV. No.

1