A. APPROVAL OF AGENDA


   (Opportunity for Introduction of Late Items)

   **RECOMMENDATION 1**
   That the Agenda of the November 25, 2015 Advisory Planning Commission Electoral Area “C” meeting be approved as presented.

B. ADOPTION OF MINUTES

1. Advisory Planning Commission Electoral Area “C” – August 26, 2015

   **RECOMMENDATION 2**
   That the minutes of the August 26, 2015 Advisory Planning Commission Electoral Area “C” meeting be adopted as circulated.

C. DELEGATIONS

D. UNFINISHED BUSINESS

E. NEW BUSINESS

1. Liquor Licence Referral Application
   Silver Star Ski Resort Ltd. c/o Jesse Crockett [15-0428-CSS-LIQ]

2. Development Permit with Variances Application
   Silver Star Ski Resort Ltd. [15-0261-CSS-DP / 15-0268-CSS-DVP]

F. BUSINESS ARISING FROM DELEGATIONS

G. REPORTS
H. ADJOURNMENT
CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

APPROVAL OF AGENDA

Advisory Planning Commission Electoral Area “C” – August 26, 2015

Moved and seconded by Randy McDermid and Ray Ivey
That the Agenda of the August 26, 2015 Advisory Planning Commission Electoral Area “C”
meeting be approved as presented.

CARRIED

ADOPTION OF MINUTES


Moved and seconded by Cliff Day and Randy McDermid
That the minutes of the July 29, 2015 Advisory Planning Commission Electoral Area “C”
meeting be adopted as circulated.

CARRIED

NEW BUSINESS

Development Variance Permit Application
MALLORY [15-0274-C-DVP]

Leanne and Margaret Mallory gave a brief overview of their application.
- The road running behind the garage is not a maintained road and is not used by many
  people.
- The potential safety issues of Glenhayes road mentioned in the report is not correct. In
  the last 30 years, there has not been an accident on this road.
- MoTI inspected the retaining wall and road and stated that the wall is holding up the road
  and that the wall couldn’t be removed without compromising the road. MoTI also stated
  that if they developed the road it would have to be changed.
- Reasons for building after original DVP was denied:
  - Overrun with mice and wanted vehicles stored inside.
  - Mother has arthritis and wanted a warmer place for vehicles.
  - The foundation was already there.
  - There are no other suitable locations on the property.

The Commission reviewed the application and discussed the following matters:
- Concerned with the fact that they proceeded without the Board of Directors approval.
- Stated that there may be an inaccuracy in the report about a safety issue on Glenhayes Road.
- Would like more information about Glenhayes Road and clarification on the future and safety of the road.

Moved and seconded by Ray Ivey and Cliff Day
That the Advisory Planning Commission Electoral Area “C” not support the recommendations contained in the Planning Department Report dated August 11, 2015, that upon consideration of input from adjacent landowners, a Development Variance Permit not be issued for the property legally described as Lot 22, Sec 25, Twp 8, ODYD, Plan 1956 and located at 7909 Glenhayes Road, Electoral Area “C” to vary Section 701.9.a of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 by reducing the north and east exterior side yard setbacks of an accessory residential building (detached garage) from 5.0 m to 0.3 m and 0.45 m respectively and as shown on the site plan and building elevations until more information and clarification is brought forward by staff regarding Glenhayes Road.

CARRIED

Development Variance Permit Application
PETERSON [15-0158-C-DVP]

Don and Lorraine Peterson provided a brief overview of their application:
- The trailer was originally bought to travel in but Mr. Peterson became sick and had to leave it on their property.
- Stated they were told they could put a septic tank in and install power by someone at RDNO office and was that it has been inspected by IHA.
- They stated that they believe our zoning bylaw is outdated and that there are many longer trailers being purchased and stored on properties.

The Commission reviewed the application and discussed the following matters:
- Acknowledged that our zoning bylaw is 30 years old and may need to be reviewed and adjusted.
- Concerned with setting a precedence with approval of the DVP.

Moved and seconded by Cliff Day and Randy McDermid
That the Advisory Planning Commission Electoral Area “C” not support the recommendations contained in the Planning Department Report dated July 16, 2015, that upon consideration of input from adjacent landowners, a Development Variance Permit not be issued for the property legally described as Lot 1, Sec 25, Twp 8, ODYD, Plan 40112 and located at 7857 Glenhayes Road, Electoral Area “C” to vary Section 801.10.f.ii of the Regional District of North Okanagan Zoning Bylaw No. 1888, 2003 by increasing the maximum length of a travel trailer to be stored (unenclosed) on the subject property from 10 m to 13.08 m; and further,

That upon consideration of input from adjacent landowners, a Development Variance Permit not be issued for the property legally described as Lot 1, Sec 25, Twp 8, ODYD, Plan 40112 and located at 7857 Glenhayes Road, Electoral Area “C” to vary Section 305.4 of the Regional District
of North Okanagan Zoning Bylaw No. 1888, 2003 by increasing the maximum length of a trailer to be used on the subject property from 9 m to 13.08 m.

CARRIED

Referral Application
District of Coldstream Official Community Plan  [15-0353-B-REF]

Director Macnabb provided an overview from the Open House he attended. The Commission accepted the referral for information.

NEXT MEETING

The next meeting is scheduled for September 30, 2015.

ADJOURNMENT

There being no further business, the meeting was adjourned at 7:50 p.m.

Certified Correct:

________________________________________  __________________________________________
Chair                                            Recording Secretary
Re: Liquor License application for Silver Star Resort, Electoral Area “C”

We enclose a copy of the above application for review and comments from the Advisory Planning Commission. The Commission is requested to review the application at their earliest convenience and advise Marnie Skobalski at this office of any concerns they may have with respect to the proposed development. Also enclosed is the Information Report, which contains the Planning Department recommendation concerning the application.

The application will be considered by the Board of Directors at their meeting to be held on Wednesday, December 9, 2015 at 4:00 p.m.

Yours truly,

Ashley Bevan
Executive Assistant

/ab
Enclosures
July 13, 2015

Regional District of North Okanagan  
9848 Aberdeen Road  
Coldstream, BC V1B 2K9  

RE: Temporary Use Area Endorsement Application PART 9: Local Government Sign Off  

To whom it may concern:  

Please find enclosed the application for a Temporary Use Area Endorsement for Food Primary at a Ski Hill. Part 9 on Page 4 requires Local Government consultation.  

Please instruct on the next steps regarding the RDNO approval process.  

Kind regards,  

Jesse Crockett  
Hospitality Director  
Silver Star Mountain Resort  
250-558-6003  
jcrockett@skisilverstar.com
Temporaty Use Area Endorsement
LP & FP at a Ski Hill or Golf Course Only
Application for Permanent Change
Liquor Control and Licensing Form LCLB051

Eligibility:
• ONLY Liquor Primary and Food Primary establishments at a downhill ski business or golf course may apply.

Instructions:
Complete all applicable fields then submit with payment as outlined in Part 11 of this form.
• If you have any questions about completing this application, call Liquor Control and Licensing Branch (LCLB) toll-free at: 1 866 208-2111.
• LCLB forms and supporting materials which may be referred to in this document can be found at: www.pssg.gov.bc.ca/lclb
• Note: Applications may take 5 to 7 months to process.

PART 1: Application Contact Information
The applicant authorizes the person below to be the primary contact for the duration of the application process only.

Name: JANE CANN
Phone number: (250) 863-9650
Fax number: (250) 58-1031
E-mail address: JUCANN@ski SIlVEsTAR.COM

PART 2: Licensee Information
Licence #: 103690

Licensee Name [as shown on licence(s)]: THE SALOON
Establishment Name [as shown on licence(s)]: THE SALOON

Establishment Address:
Street: 418 SILVER LODGE LANE
City: VERNON
Province: BRITISH COLUMBIA
Postal Code: V1B 3M1

Contact Name: STEPHANIE WORTHINGTON-WHITE
Title/Position: ACCOUNTING MANAGER
Business Telephone: (250) 58-1031
Business Fax: (250) 58-1031
Business E-mail: SWHITE@ski SILVEsTAR.COM

PART 3: Type of Change Requested
Please check (✓) appropriate box(es) below:

<table>
<thead>
<tr>
<th>Sub- Job Number</th>
<th>Office Use ONLY</th>
<th>Application Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ New Temporary Use Area (TUA) (CI-LIC)</td>
<td>$330</td>
<td></td>
</tr>
<tr>
<td>○ Change to existing Temporary Use Area (CI-LIC)</td>
<td>$330</td>
<td></td>
</tr>
</tbody>
</table>

Part 4: Eligibility Criteria
Golf course licensees are eligible to apply for a Temporary Use Area (TUA) endorsement on their LP or FP licence, but not both. Only one licence per property can be endorsed. The TUA locations must be on the same property as the golf course. TUA can overlap the licensed playing area but an area eligible for permanent licensing cannot be considered for a TUA. TUA operate under the existing terms and conditions of the licence that applies for the endorsement.

In the case of a downhill ski, there must be some common ownership between the entity that holds the LP or FP licence and the entity that owns the ski hill. The LP or FP must be in the vicinity of the ski hill. TUA must be located on the downhill ski property. TUA operate under the existing terms and conditions of the licence that applies for the endorsement. Only one licence per downhill ski property can be endorsed.

TUA locations must be outdoors and may operate no later than 10 PM (earlier if there are concerns about community disturbances). There is no limit on the number or size of the TUs that you can apply for, however, they are subject to Local Government-First Nation consideration and public input.


LCLB051 (Created 9 December 2014) 1 of 5

Temporary Use Areas Endorsement
Part 5: Required Information and Documentation

Section A: Golf Courses

If you are located at a golf course, complete this section.

1. Attach a copy of the golf course site map that details the following:
   - Each hole by number (1-9, 18, 27 holes)
   - All buildings located on the golf course property
   - All businesses and residential areas surrounding the golf course property (N, S, E and W)
   - Exact size (in square metres) of each TUA location (1, 2, 3...)
   - The exact location of the TUA areas listed in #2 (below) on the site map

2. Complete the following:

<table>
<thead>
<tr>
<th>TUA</th>
<th>Maximum number of persons</th>
<th>Size in square metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td></td>
<td></td>
</tr>
<tr>
<td>02</td>
<td></td>
<td></td>
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<tr>
<td>03</td>
<td></td>
<td></td>
</tr>
<tr>
<td>04</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: If you are applying for more than four TUAs, attach a separate sheet with this information.

3. Complete Part 6: Property Ownership Acknowledgement and Declaration Statements

Section B: Downhill Ski Property

If you are located at a downhill ski property, complete this section.

1. Attach a copy of the downhill ski property site map that details the following:
   - The exact location of the FP or LP applying for the endorsement
   - All nearby businesses and residential areas near the TUA locations (N, S, E and W)
   - Exact size (in square metres) of each TUA location (1, 2, 3...)
   - The exact location of the TUA areas listed in #2 (below) on the site map

2. Complete the following:

<table>
<thead>
<tr>
<th>TUA</th>
<th>Maximum number of persons</th>
<th>Size in square metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>499</td>
<td>1250</td>
</tr>
<tr>
<td>02</td>
<td>499</td>
<td>1250</td>
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<tr>
<td>03</td>
<td>499</td>
<td>1250</td>
</tr>
<tr>
<td>04</td>
<td>499</td>
<td>1250</td>
</tr>
</tbody>
</table>

Note: If you are applying for more than four TUAs, attach a separate sheet with this information.

3. Complete Part 6: Property Ownership Acknowledgement and Declaration Statements

Part 6: Property Ownership Acknowledgement and Declaration Statements

Section A: Licensee at a golf course

If you are the licensee of an establishment located at a golf course, complete this section.

☐ I confirm there is some common ownership between the entity that holds the LP or FP licence and the entity that owns the golf course property.

☐ Name the individual(s) involved in the ownership of both the golf course property and the licensed establishment at the golf course:

Name and signature of licensee confirming the above:

(Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below)

<table>
<thead>
<tr>
<th>Name:</th>
<th>Signature:</th>
</tr>
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<tbody>
<tr>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Name:</th>
<th>Signature:</th>
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<td></td>
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</tbody>
</table>

LCLB0841 2 of 5

Temporary Use Areas Endorsement

Page 7 of 60
Section B: Owner of Downhill Ski Business

If you are an authorized individual who is involved in the ownership of the downhill ski business, complete this section.

As only one licence located on the downhill ski hill property may apply and be endorsed for a TUA endorsement, please confirm by checking the boxes below:

- [x] I confirm that I am the owner or partial owner of the downhill ski business.
- [x] I confirm there is some common ownership between the entity that holds the LP or FP licence and the entity that owns the ski hill property.
- [x] I understand that only one licence may apply for a TUA endorsement on the ski hill property and acknowledge this selection as being the only one.

1. Provide the full name, position and signature of an individual authorized to sign on behalf of the downhill ski business owners:

   Name: [CANN, JANE, NICOLE]  
   Position: [PRESIDENT]  
   Date: [___]  
   (Format: day/month/year)

2. Name of the legal entity that owns the downhill ski business: [SILVER STAR SKI RESORT LTD.]

3. Common name of the downhill ski property: [SILVER STAR SKI RESORT LTD.]

Section C: Licensee at a Downhill Ski Property

If you are a licensee in the vicinity of a downhill ski property, complete this section.

- [ ] I confirm there is some common ownership between the entity that holds the LP or FP licence and the entity that owns the ski hill property.
- [ ] Name the individual(s) involved in the ownership of both the downhill ski business and the licensed establishment:

   [JANE CANN]

Name and signature of licensee confirming the above:

(Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below)

Name: [CANN, JANE, NICOLE]  
Position: [PRESIDENT]  
Date: [___]  
(Format: day/month/year)

PART 7: General Security Assessment

Only complete this section if the total number of persons in all TUAs is 500 or greater.

1. Describe what type of bounding (fencing, stanchions, etc.) will surround the TUAs noted above to control access/egress during their use:

2. How will the entrances to the liquor service area be supervised?

3. Minors - Describe what measures will be put in place to prevent minors from consuming alcohol. (For example, describe procedures for checking identification to confirm the age of patrons, placing signs about the requirements for proof of age, use of wrist bands to identify minor patrons, etc.)

4. Removal of intoxicated patrons - You must not permit intoxicated patrons to remain in the licensed area. What arrangements will you make to ensure that intoxicated patrons are removed from the event and get to a safe location?

5. Respect for neighbours - What actions will you take to ensure participants do not unduly disturb the neighbourhood during the event as well as when the event ends?
PART 8: Applicant Instructions

1. Fill out applicable sections of this form.
2. Request your Local Government/First Nation sign and date Part 9 of the original form.
3. Provide a photocopy of this form and the site map to the Local Government/First Nation and request that a resolution be provided within 90 days and sent directly to the Liquor Control and Licensing Branch, Victoria Head Office.
4. Send the original form and application fee to the branch.

The Liquor Control and Licensing Branch will follow up with the Local Government/First Nation if a resolution has not been received by the Branch within 90 days of the Local Government's receipt of your request.

Your Local Government/First Nation may decide that it does not wish to provide comment on this application. However, they must still provide a resolution or letter stating this decision to the Liquor Control and Licensing Branch.

For more information on resolutions regarding B.C. liquor licences, please visit the LCLB website publication index to consult the guide Role of Local Government and First Nation at http://www.pssg.gov.bc.ca/lclb/index.php?limit=1under "Publications, Legislation & Resources".

PART 9: Local Government/First Nation Confirmation of Receipt of Application

This is to be filled out by your Local Government/First Nation office. (Applies to Liquor Primary or Food Primary licences only.)

Local Government/First Nation (name): ________________________

Name of Official: ________________________ Title/Position: ________________________

Email: ________________________ Phone: ________________________

Signature of Official: ________________________ Date of receipt of application: ________________________

This application serves as notice from the Liquor Control and Licensing Branch that an application for a permanent change to a liquor licence is being made within your community. The Liquor Control and Licensing Branch (LCLB) requests that a resolution commenting on the application be sent to the LCLB Victoria Head Office within 90 days of the above date of receipt.

If more than 90 days is required to provide a resolution, please contact the branch to make a request to the general manager for an extension. If the Local Government/First Nation decides not to provide comment, a resolution or letter indicating this decision must be provided to the branch.

All of the items outlined below in points (a) through (d) must be addressed in the resolution in order for the resolution to comply with section 53 of the Liquor Control and Licensing Regulation. Any report presented by an advisory body or sub-committee to the council or board may be referenced in and attached to the resolution. Minutes of the council meeting are also helpful.

(a) The potential for noise if the application is approved (provide comments).
(b) The impact on the community if the application is approved (provide comments).
(c) If the amendment may affect nearby residents, the local government or first nation must gather the views of residents in accordance with 11.3(2)(c) of the Act.
   - If the local government or first nation gathered the views of residents, they must provide:
     (i) the views of the residents
     (ii) the method used to gather the views of the residents, and
     (iii) its comments and recommendations respecting the views of the residents.
   (Residents includes residents and business owners)
   - If the views of residents were not gathered, provide reasons.
(d) Its recommendation with respect to whether the amendment should be approved.

For more information on TUAs, please see Policy Directive 14-16 at http://www.pssg.gov.bc.ca/lclb/docs-forms/policy-directive-2014-16.pdf
PART 10: Declaration of Signing Authority

I solemnly declare that the information in this application is true.

(Signature of any shareholder of a private corporation, signing officer of a public corporation or society, sole proprietor or all individuals in a partnership is required below):

Note: An agent, lawyer, resident manager or third party operator may not sign the declaration on behalf of the applicant.

Name of Official: CANN JANE NICHOL (last / first / middle)  Position: PRESIDENT  Date: 23/04/2015  (Day/Month/Year)

Signature: [Signature]

Name of Official: [Name]  (last / first / middle)  Position: [Position]  Date: [Date]  (Day/Month/Year)

Signature: [Signature]

Section 15(2) of the Liquor Control and Licensing Act states: "A person applying for the issue, renewal, transfer, or amendment of a licence who fails to disclose a material fact required by the form of application or makes a false or misleading statement in the form of application commits an offence".

PART 11: Application Fees - Payment Options

Payment is by (check (E) one):

☐ Cheque, payable to Minister of Finance (if cheque is returned as non-sufficient funds, a $30 fee will be charged)

☐ Money order, payable to Minister of Finance

☐ Credit card: ☐ VISA ☐ MasterCard ☐ AMEX

☐ I am submitting my application by email and I will call with my credit card information. I will call Victoria Head Office at 250-652-5787 or 1-866-209-2111 and understand that no action can proceed with my application until the application fee is paid in full.

☐ I am submitting my application by mail and have given my credit information in the space provided at the bottom of the page.

Note: To ensure legibility, this application and supporting material cannot be faxed to the branch.

Contact Information

Liquor Control and Licensing Branch
Location: 4th Floor, 3350 Douglas St., Victoria BC V8Z 3L1
For Mail Only: PO Box 9292 Stn Prov Govt Victoria, BC V8W 9J8
Phone: 250 952-5787  Web: www.pssg.gov.bc.ca/lclb  E-mail: liquor.licensing@gov.bc.ca

Note: Your application can take 5 months to process.
Temporary Use Area Endorsement

Map Notes:
Sheet 3-2

Note 1) Snowbird Lodge, Distance from TUA 1 is 25 meters
Note 2) Vance Creek Hotel, Distance from TUA 1 is 30 meters
Note 3) Townhall Restaurant, TUA 1 will start next to this establishment
Date: November 24, 2014

To: All LCLB staff
   National Golf Course Owners Association
   Canada West Ski Areas Association
   All Local Governments, First Nations, and Police Agencies

Re: Temporary Use Area (TUA) Endorsements for licensees (Food Primary (FP) and Liquor Primary (LP) Licences) who operate a golf course or ski hill

Introduction
Licensees who operate ski hills or golf courses may apply for an endorsement to extend their licensed activities to outdoor areas on their property up to 26 times a year. The new Liquor Control and Licensing Regulation sections 13.001-13.004 outline the criteria for eligibility and use of the Temporary Use Area (TUA) Endorsement.

First a licensee must apply for a TUA Endorsement. Once a licensee has a TUA Endorsement, they may submit online requests for Authorization to activate their TUA Location(s) up to 26 times a year.

Eligibility and Application
The TUA Endorsement requires application to the Branch and is available to qualifying FP and LP licensees who operate golf courses or ski hills. Applications require public input and are subject to Local Government / First Nation comments.

Golf Courses
Only one licence on the property can be endorsed. TUA Locations must be outdoors on the same property as the golf course, and owned or leased by the licensee. TUAs can overlap the licensed playing area at a golf course.

Ski Hills
Only one licence per ski hill can be endorsed (Whistler-Blackcomb will be considered two separate hills). There must be common ownership between the entity that holds the licence and the entity that owns the downhill ski business. The licence must be located in the same vicinity as the ski hill\(^1\). TUA Locations must be outdoors on the ski hill property. The legal entity that owns the ski hill business is required to sign the licensee application to confirm they support the specific licence applying for the TUA Endorsement.

\(^1\) Original wording was revised on January 15, 2015 to clarify eligibility requirements for the entity that holds the liquor licence.
All Properties
The applicant must identify proposed TUA Location(s) on a property map submitted with the application and state the maximum number of people that would occupy each area (official 'occupant load' is not required). A TUA Location cannot overlap an area eligible for permanent licensing such as a patio adjacent to the licensed interior of the establishment. The applicant may seek multiple TUA Locations on the property but the Branch will determine which will be endorsed.

The Local Government / First Nation will be asked to gather public input and provide LCLB with a resolution, commenting on the proposed TUA Endorsement. Under section 53 of the Liquor Control and Licensing Regulation, these comments must speak to (4)(a) the potential for noise... and (4)(b) the impact on the community...

When issuing a TUA Endorsement on a FP or LP licence, the Branch may impose specific terms and conditions, such as:
- Hours of operation,
- Limitations on the type of events and activities,
- Conditions regarding noise, such as no amplified music.
And these may be imposed for certain TUA Locations, on certain days, at certain times, or under certain circumstances.

The licensee may use the form "Application for a Temporary Use Area Endorsement" (LCLB051) to apply at http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB051.pdf. This form may also be used to request a change to an existing TUA Endorsement.

The Branch will begin accepting applications on December 9, 2014.

Operating with a TUA Endorsement
Once a licence has a TUA Endorsement, the licensee may submit online requests to activate their TUA Location(s) via Branch Authorization – using OneStop – up to 26 days per calendar year. These can be taken all in a row, or spread across the year, but each day that a TUA activation is in effect counts against the annual total of 26. A TUA Authorization may serve to activate multiple TUA Locations for use at different points (and for different groups) throughout the day; this counts as only one activation day, but all groups' attendance counts must be included in the total capacity number and security plans handled accordingly. A single online request may generate a single TUA Authorization that provides, for example, 3 consecutive activation days.

The terms and conditions of the TUA are in effect during the times indicated on the Authorization. Unless otherwise specified, TUA Authorizations are subject to the same terms and conditions as the primary licence (e.g. Hours; FPs must have a food-focus; Family Food Service Endorsement for LPs; Patron Participation Endorsement for FPs); however, TUA Authorizations may also have specific terms and conditions, including specific rules or restrictions for each endorsed TUA Location. All TUAs are outdoors and may operate no later than 10pm (or earlier if required by community bylaws).
Activated TUA Locations must be appropriately bounded and staffed so that the liquor service and consumption area is clearly visible to ensure that liquor stays within the licensed boundaries and unauthorized individuals cannot enter the area.

TUA Authorization uses an existing LCLB online notification system called “OneStop” (http://onestop.gov.bc.ca/lclb.htm). Starting December 9, 2014, endorsed licensees are required to set up their LCLB profile to use this system. This requires attaining and controlling the appropriate digital credentials, such as a “BN9”, “BCeID”, “PIN code”, etc.

There are two scenarios for submitting “TUA event” activation requests in OneStop, depending on the total daily number of people expected to attend the event(s):

Notification (“small” <500 persons): In order to receive Authorization for TUA activation, the licensee must submit an online request to the Branch – by using OneStop – at least 7 days in advance and provide details, including:

- Date and Hours of TUA activation
- Type, Description (e.g. public/ticketed/invite-only, wedding/concert/etc.)
- Capacity (proposed maximum attendance number, within prescribed limits)
- TUA Locations (identify which areas will be activated if there is more than one)

Authorizations for these events are automatically sent to the licensee for posting at the activated site(s). The inspector receives a copy of the request for review, which allows him/her to confirm approval and determine whether the event(s) should be inspected. The inspector may decide to intervene and contact the licensee, either to impose any additional terms and conditions and re-issue a new Authorization, or – working with their Regional Manager – cancel the activation altogether.

Approval (“large” 500+ persons): For TUA activation Authorizations where the licensee will host 500 or more people, the licensee must submit their online request to the Branch – by using OneStop – AT LEAST 21 days in advance. This request must include all the same information items listed above (for small “notification events”). In addition, the licensee must email their inspector an event specific security plan. Finally, copies of all these materials need to be submitted to their local police.

It is recommended that licensees planning large events submit their online requests to the branch – using OneStop – even earlier than 21 days in advance, in order to ensure additional time for any extra permissions required for major events (e.g. police/fire/etc.). A larger event may also require a risk assessment by the inspector in the same way as other large licensed events in B.C.

All events: Depending on the nature of the TUA activation, an inspector may impose additional terms and conditions to the Authorization, including, but not limited to:

- Dictating how the TUA Location(s) must be bounded and staffed during activation (e.g. based on public access, temporary bars, stages, geography, landscaping...)
- Restricting the types of entertainment or activities that can take place, or restricting minors, at certain times or locations during the activation.
• Limiting the attendance in an area if there is a risk that use of the area will have a negative impact on the surrounding community or public safety.

• Further limit the hours for which activated areas may be used in order to mitigate the impact on the surrounding community. (Most communities will also have existing noise bylaws, etc., which a licensee must comply with as well).

Cancellation or alteration of a TUA activation: If the licensee wishes to cancel an activation (e.g. for inclement weather), the licensee must advise their inspector at least 24 hours before the start time listed on the Authorization.

A cancelled activation does not count against the total of 26 days per year.

If a licensee wants to amend an issued Authorization, the licensee must contact the inspector to obtain approval for the changes and to be reissued a new Authorization. This should be done with the same lead time as making original requests: 7 days for small activations; 21 days for large activations. This CANNOT be done online using OneStop.

Fees
There is an application fee of $330 for a TUA Endorsement. An annual renewal fee is currently being considered.

Further Information
Further information regarding liquor control and licensing in British Columbia is available on the Liquor Control and Licensing Branch website at http://www.pssg.gov.bc.ca/lclb/.

If you have any questions regarding these changes, please contact the Liquor Control and Licensing Branch toll free in Canada at 1-866-209-2111 or 250 952-5787 if calling from the Victoria area.

Original signed by:

Douglas Scott
Assistant Deputy Minister and General Manager
LIQUOR LICENCE REFERRAL APPLICATION

DATE: November 16, 2015
FILE NO.: 15-0428-CSS-LIQ
APPLICANT: The Saloon at Silver Star Ski Resort c/o Jesse Crockett
LEGAL DESCRIPTION: Lot B, DL 1355, ODYD, Plan KAP70786
P.I.D.#: 025-332-864
CIVIC ADDRESS: 148 Silver Lode Lane
ZONING: Village Commercial (VC) and Resort Use (RU)
O.C.P. DESIGNATION: Commercial and outside Silver Star OCP boundary
PROPOSED USE: Temporary Use Area (TUA) Endorsement: To extend the liquor licence activities of The Saloon to three outdoor areas at Silver Star Ski Resort

PLANNING DEPARTMENT RECOMMENDATION:

That the Board of Directors support the Temporary Use Area Endorsement application submitted by Silver Star Ski Resort Ltd. to extend the liquor licence activities of The Saloon to three outdoor areas at Silver Star Ski Resort; and further

That the Board of Directors advise the Liquor Control and Licensing Branch that the views of residents were not gathered as the Board deems that the potential for noise would likely not increase beyond acceptable levels and nearby residents and the community in general would not be negatively impacted.

BACKGROUND:

This report relates to a Liquor Licence Referral which proposes to extend the liquor licence activities of The Saloon to three outdoor areas at Silver Star Ski Resort. Liquor licensees who operate at ski hills may apply to the Liquor Control and Licensing Branch (LCLB) for an endorsement to extend their licensed activities to outdoor areas on their property. TUA Endorsement applications are required to be referred for comments to the local government within which the use would be located. If approved, a licensee may submit online requests to the LCLB to activate their approved location(s) up to 26 times per year. Only one TUA licence per ski hill can be endorsed and the legal entity that owns the ski hill business must sign the licensee’s application to confirm they support the application for a TUA Endorsement.
Site Context and the Proposal

A TUA Endorsement Application has been submitted to the LCLB by Silver Star Ski Resort Ltd. on behalf of The Saloon (the liquor Licensee) and referred to the Regional District for comment. Approval of the Temporary Use Area Endorsement would allow The Saloon to extend licensed activities to three outdoor areas on the ski hill property up to 26 times per year. The proposed location, size and occupancy limit of each TUA is presented below:

<table>
<thead>
<tr>
<th>Temporary Use Area (TUA)</th>
<th>Location</th>
<th>Size</th>
<th>Max. No. Persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>TUA #1</td>
<td>Village, beside Townhall</td>
<td>1250 m²</td>
<td>200</td>
</tr>
<tr>
<td>TUA #2</td>
<td>Rockstar Terrain Park</td>
<td>1250 m²</td>
<td>200</td>
</tr>
<tr>
<td>TUA #3</td>
<td>Top of Summit Chair</td>
<td>128 m²</td>
<td>99</td>
</tr>
</tbody>
</table>

The following aerial photo submitted by the applicant illustrates the locations of the three proposed Temporary Use Areas.

Proposed TUA #1 is located within an area zoned Village Commercial (VC) and designated in the Official Community Plan as Commercial. Proposed TUAs #2 and #3 are zoned Resort Use (RU) and are outside of the Silver Star Official Community Plan area boundary.
LIQUOR CONTROL AND LICENCING BRANCH (LCLB) REGULATIONS:

As part of the Liquor Policy Review the province recently implemented changes intended to provide new opportunities for B.C. businesses and the hospitality industry by simplifying and increasing flexibility around licensing. With one application, eligible Licensees who obtain a Temporary Use Area Endorsement will be able to hold licensed outdoor events at designated locations up to 26 times per year. In accordance with the LCLB’s Eligibility Criteria, only Liquor Primary or Food Primary establishments at a downhill ski hill or golf course may apply. An approved TUA would be subject to the same terms and conditions as the primary licence.

With respect to the subject application, Silver Star Resort is the land owner and The Saloon is the holder of a Food Primary Liquor Licence. As the local government within which Silver Star is located, the Liquor Control and Licensing Act requires that notification of this application to amend The Saloon’s Food Primary Licence to allow for Temporary Use Areas be referred to the Regional District of North Okanagan for comment.

If the Regional District Board wishes to provide comments on this application, the Board must take into account, and provide written comments addressing, the following criteria:
   a) the potential for noise; and
   b) potential impact on the community.

If the Board is of the opinion that the Temporary Use Areas may affect nearby residents, the Board must gather the views of residents within the area deemed to be affected by:
   a) receiving written comments in response to a public notice of the TUA application;
   b) conducting a public hearing in respect of the TUA application;
   c) holding a referendum; or
   d) any other similar method determined by the Regional District.

In addition, if the views of residents were gathered, the following must be provided to the LCLB in writing:
   a) the residents’ views;
   b) the method(s) used to gather the residents’ views; and
   c) the Board’s comments and recommendations respecting the residents’ views.

Lastly, if the Board wishes to provide comments, the Board must provide a recommendation with respect to whether the amendment should be approved and the reasons for the recommendation.

If the Board does not wish to provide comment, it is recommended that a resolution indicating this decision be provided to the Branch in response to this referral.

ZONING BYLAW:

The location of proposed TUA #1 is zoned Village Commercial (VC) in the Silver Star Zoning Bylaw. Uses permitted in the Village Commercial (VC) zone include accommodation uses, food service and drinking place uses, retail trade uses, transportation uses, community services uses, and arts, entertainment and recreation service uses. The uses listed under food service and drinking place includes restaurants with or without entertainment, bars, beer and wine gardens, cabarets, cocktail lounges, pubs, and night clubs. Restaurants with entertainment and drinking place uses are not permitted on a parcel that abuts a parcel in a Residential zone.
The locations of proposed TUA #2 and TUA #3 are zoned Resort Use (RU). Uses permitted in the Resort Use (RU) include skiing and other all-season outdoor recreational activities, limited-service eating places and mobile food services, resource use, storage yards, and parking garages and lots. Limited-service eating places and mobile food services must be incidental to skiing or other outdoor recreational activities and may or may not include the serving of alcoholic beverages. These food services do not include full-service restaurants.

REGIONAL DISTRICT POLICIES:

Regional District Policy No. GR-006 - Liquor Licences

Regional District Policy No. GR-006 was established in 2001 to define requirements and a process for the Regional District to respond to liquor licence referrals from the LCLB. The Policy states that the Regional District will not process a Liquor Licence referral until a complete referral has been received and a fee has been paid. A referral must contain a floor plan, site plan and building elevations.

The applicant has submitted the required fee and a site plan in the form of an aerial photo showing the proposed location, size, and occupancy limit of the three proposed Temporary Use Areas. A floor plan and elevations are not required to process this referral as no buildings are proposed.

The Policy further states that the Regional Board may call a public information hearing to solicit input from adjacent property owners and the general public. The Policy states that the Board may require that the applicant retain a qualified independent contractor, at the applicant's expense, to conduct a door-to-door survey to record the views and concerns of both owners and occupiers within a 400 m radius of the subject parcel or a greater distance in more rural areas as determined by the Board.

Where the Board deems a public hearing or a door-to-door survey is not warranted, the Board may resolve to recommend to the LCLB alternative means to consider the views of residents. The Regional Board may, in the public interest, provide a resolution of ‘support’ or ‘non-support’ on the proposed Liquor Licence amendment. If the Board wishes to provide a resolution, the Board must adhere to the criteria and requirements of the LCLB Regulations outlined above.

SILVER STAR OFFICIAL COMMUNITY PLAN

The Silver Star Official Community Plan designates the land use of the location for proposed TUA #1 as Commercial. The following OCP Policies are applicable to proposed TUA #1:

- Land for current and future commercial uses is designated as Commercial on OCP Map Schedule B.
- Except for Neighbourhood Commercial uses as listed in the Zoning Bylaw, the Regional District supports the concentration of commercial uses around or in the vicinity of the existing Village and Upper Village areas and the new Village West and Silver Woods commercial development area.

The locations for proposed TUA #2 and TUA #3 are not within the Silver Star Official Community Plan area boundary.
PLANNING ANALYSIS:

The Regional District Liquor Licence Policy No. GR-006 specifies that it is not mandatory to hold a public hearing for a liquor licence referral. In this regard, the Board may decide to comment on the TUA Endorsement application without gathering views of area residents.

The Planning Department recommends that the Board of Directors support the application for Temporary Use Area Endorsement submitted by Silver Star Resort Ltd. for the following reasons:
1. While there may be some potential for noise, it is not likely to disturb residents as TUA #2 and TUA #3 would be situated on the ski hill at least 800 m from any residences, and proposed TUA #1 would be located within the commercial core area of the Village where it would be well integrated with an existing concentration of commercial uses including restaurants, licensed establishments, entertainment, retail businesses, and visitor accommodations. In addition, as stated in LCLB Policy Directive No. 14-16, all TUAs would be permitted to operate no later than 10 PM; and
2. The proposed Temporary Use Areas would be in accordance with the uses permitted in the Village Commercial (VC) and Resort Use (RU) zoning which currently applies to the three proposed TUA locations; and
3. The community at Silver Star is not likely to be negatively impacted by the proposed TUAs as current land use regulations and long-range planning have been implemented to regulate and plan for a broad range of commercial operations oriented to resort visitors and residents.

As two of the three proposed TUAs would be at considerable distance from the nearest residence and one proposed TUA would be within the commercial core area of the Silver Star Village where some degree of noise from existing licensed establishments is generally accepted by the resort community, staff also recommend that the Board of Directors advise the Liquor Control and Licensing Branch that the views of residents were not gathered as the Board deemed that the potential for noise would likely not impact nearby residents.

Alternatively, if the Board desires that the views of Silver Star residents be gathered regarding the proposed amendment to the Saloon liquor licence to allow for outdoor Temporary Use Areas, the Board could pass a resolution to:
- receive written comments in response to a public notice of the application; and/or
- conduct a public hearing in respect of the licence application; and/or
- require that an impartial door-to-door survey be conducted,
in accordance with Board Policy GR-006 and at the applicant’s expense.

SUMMARY:

Silver Star Ski Resort Ltd. has applied to the Liquor Control and Licensing Branch for a change to The Saloon’s Food Primary Liquor Licence to permit three outdoor Temporary Use Areas to be endorsed. The LCLB is required to give the local government notice of the proposed licence amendment and the local government must, if it wishes to provide comments, address specific criteria as outlined in the Liquor Control and Licensing Act and Regulations. In this regard the Planning Department has forwarded this referral to the Board of Directors for consideration.
Liquor Licence Referral
15-0428-CSS-LIQ (Silver Star Ski Resort Ltd. c/o Jesse Crockett)

The Planning Department recommends that the Board of Directors support the Temporary Use Area (TUA) Endorsement application by Silver Star Ski Resort Ltd. which, if approved would amend the Food Primary Liquor Licence held by The Saloon and to allow for outdoor licensed events to be held up to 26 time a year at three locations at Silver Star Ski Resort.

In addition, it is recommended that the Board of Directors advise the Liquor Control and Licensing Branch that the views of residents were not gathered as the potential for noise would likely not increase beyond acceptable levels and nearby residents and the community in general would not be negatively impacted.

REFERRAL COMMENTS:

The application has been referred to the following for their review and comment:
1. Electoral Area "C" Director
2. Electoral Area "C" Advisory Planning Commission
3. Building Inspection Department
4. Silver Star Fire Department

Submitted by:

Marnie Skobalski, MCIP, RPP
Planner

Reviewed by:

Greg Routley
Deputy Planning Manager

Endorsed by:

Rob Smalies, MCIP, RPP
General Manager, Planning and Building

Approved for Inclusion:

Dàvid Sewell
Chief Administrative Officer
SILVER STAR MOUNTAIN
LIQUOR LICENCE AMENDMENT APPLICATION
SUBJECT PROPERTY MAP

File: 15-0428-CSS-LIQ
Applicant: Silver Star Ski Resort Ltd.
Location: SILVER STAR SKI RESORT
November 20, 2015

[X] Director Macnabb
[X] Advisory Planning Commission, Area "C"

Re: Development Permit with Variances Application for the property legally described as Lot A, District Lots 1355 and 5279, ODYD, Plan KAP76316 and located at 150 Main Street, Electoral Area “C”

We enclose a copy of the above application for review and comments from the Advisory Planning Commission. The Commission is requested to review the application at their earliest convenience and advise Caren Walker at this office of any concerns they may have with respect to the proposed development. Also enclosed is the Information Report, which contains the Planning Department recommendation concerning the application.

The application will be considered by the Board of Directors at their meeting to be held on Wednesday, December 9, 2015 at 4:00 p.m.

Yours truly,

Ashley Bevan
Executive Assistant

Enclosures
SCHEDULE A.4
RDNO Application/File No. 15-0261-C55-DP
attached to and forming part of RDNO Development Application Procedures and Administrative Fees Bylaw No. 2315, 2008 CONSOLIDATED

Regional District of North Okanagan
9848 Aberdeen Road
Coldstream, BC V1B 2K9
Tel: (250) 550-3700 / Fax: (250) 550-3701 / info@rdno.ca

APPLICATION FOR PERMIT

FOR OFFICE USE ONLY:
APPLICATION FEE OF $ 1100 RECEIVED BY: CW
RECEIPT NO.: 
DATE: May 19/15
PRELIMINARY REVIEW BY: CW

I/We hereby make application under the provisions of Part 26 of the Local Government Act for a: (check where applicable)

- Development Variance Permit
- Development Permit – circle one or more of the following:
  - Form & Character: Wildfire; Floodplain; or Protection of the Natural Environment
  - Temporary Commercial and Industrial Permit
  - Temporary Use Permit
  - Development Permit Minor Amendment

To permit the proposed development as described in the attached form upon (legal description of property):

LOT A, PLAN KAP 76316, DL 1355, 5979, ODYO
PID: 026-058-196

and located at (street address or general location):

150 Main Street
Silent Star Mountain, BC

[Signature]
Date: May 6, 2015
Applicant's Signature

THIS APPLICATION IS MADE WITH MY FULL KNOWLEDGE AND CONSENT:

[Signature]
Date: May 6, 2015
Registered Owner's Signature

Where the applicant is NOT the REGISTERED OWNER(S), the Application must be signed by the REGISTERED OWNER(S), or his AUTHORIZED AGENT (use a separate sheet if necessary)
PERMIT INFORMATION FORM

THE INFORMATION REQUESTED IN THIS FORM IS REQUIRED TO EXPEDITE THE APPLICATION AND ASSIST THE STAFF IN PREPARING A RECOMMENDATION.

The form is to be completed in full and submitted with all requested information, Permit Application, Application Fee, and Title Search or Certificate of Indefeasible Title for the subject property.

1. Applicant and Registered Owner(s)

Applicant's Name(s): Silver Star Ski Resort Ltd.

Address: Box 3002 Silver Star Mtn, BC Postal Code: V1B 3M1

Phone No. (home): 250-542-0224 Phone No. (work): Fax No.: 250-542-1236 Email: star0ski@silverstar.com

Registered Owner's Name(s): AS ABOVE

Address: Postal Code:

Phone No. (home): Phone No. (work):

Fax No.: Email:

A copy of a Title Search, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application, must accompany the application as a proof of ownership.

Agent Authorization (if applicable) must accompany this application form.

2. Subject Property and Development

a. Size of property (area, number of parcels): APPROX 5200 M² OVER 2 PARCELS

b. Present Zoning: VILLAGE - COMMERCIAL (VC)

c. Description of Existing Use/Development (use a separate sheet if necessary):

LOT A - COMMERCIAL (RETAIL, F&B, RESORT USE) BLOCK X - UNDEVELOPED (Ski Over/Bike Over Now) AS UNDEVELOPED PROPERTY

Page 30 of 60
d. Full Description of the Proposed Use/Development (use separate sheet if necessary):

Continued Village Commercial Use, Addition to Townhall & The Den Restaurants, Patio Areas, Catered Patio Events & Functions, Future Office Space (Resort Use).

---

e. Proposed Variation and/or Supplementation to Existing Regulations (use separate sheet if necessary)

Same use as existing.

---

3. Reasons in Support of Application

Reasons and comments in support of the application (use separate sheet if necessary):

To service ever growing wedding, event, function requests & business levels.

---

May 5, 2015
Date

Applicant's Signature
4. **Required documents to accompany application form**

At the time of providing Application and Information Form to the applicant, the Regional District of North Okanagan Development Services Department shall indicate which of the following attachments are required or not required for this application. The Development Services Department may also require additional information.

a. A copy of a Title Search, or a copy of a Certificate of Indefeasible Title, dated no more than thirty (30) days prior to submission of the application.

   **REQUIRED:** Yes ☑

b. A dimensioned Sketch Plan showing the parcel(s) or part of the parcel(s) to be developed and the location of existing buildings, structures, and uses.

   **REQUIRED:** Yes ☐ No ☑

c. A dimensioned Site Development Plan showing the proposed use, buildings and structures, highway access, parking, etc.

   **REQUIRED:** Yes ☐ No ☑

d. A Contour Map (Plan), if warranted by the topographic condition of the subject site.

   **REQUIRED:** Yes ☐ No ☑

e. A dimensioned Sketch Plan of the proposed subdivision, where subdivision (small or large) is contemplated.

   **REQUIRED:** Yes ☐ No ☑

**FOR OFFICE USE ONLY:**

a. Water course/body within 30 metres:

   Yes ☐ No ☑

b. Within the Agricultural Land Reserve:

   Yes ☐ No ☑

c. Affected by Controlled Access Highway:

   Yes ☐ No ☑

d. Major Grid Road other than Controlled Access Highway:

   Yes ☐ No ☑

e. Consent of Ministry of Transportation Required* for Development Permit:

   Yes ☐ No ☑

   *Yes, if proposed building is larger than 4 500 m²
<table>
<thead>
<tr>
<th>f. Referral to:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>APC Chairman</td>
<td></td>
<td></td>
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<tr>
<td>Director</td>
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<td>Interior Health Authority</td>
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<tr>
<td>Other</td>
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<tr>
<td>Other</td>
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</tr>
</tbody>
</table>

FORMS DULY COMPLETED, RECEIVED:

DATE: ________________________________ (signature)

Consolidated Copy: amended by Bylaw:
No. 2454, 2010 – September 1, 2010
No. 2533, 2012 – August 15, 2012
EXPLANATORY PLAN OF CONSOLIDATION OF:
LOT 2, PLAN 36603, D.L. 1355, O.D.Y.D.,
BLOCK X, D.L. 1355 & D.L. 5279, O.D.Y.D.

Pursuant to Section 700 of the Land Title Act

B.C.G.S. No. 82L 035
SCALE 1: 1000
(all distances are in metres and decimals thereof)

LEGEND

- Property
- Road
- Crown Land
- Subject Property
- Survey
- National Grid

CERTIFIED COPY: 15TH DAY OF AUGUST, 2004

RUSSELL N. SHORRIT
British Columbia Land Surveyor

PLAN No. KAP

PLAN LIES IN Regions of Okanagan.

Witness: J.R. Shortt, B.C.L.S.

Page 37 of 60
DEVELOPMENT PERMIT WITH VARIANCES APPLICATION

DATE: November 19, 2015

FILE NO.: 15-0261-CSS-DP / 15-0268-CSS-DVP

APPLICANT: Silver Star Ski Resort Ltd.

LEGAL DESCRIPTION: Lot A, District Lots 1355 and 5279, ODYD, Plan KAP76316

P.I.D.#: 026-038-196

CIVIC ADDRESS: 150 Main Street

PROPERTY SIZE: 0.32 ha (0.79 acres)

SERVICING: Community water and sewer systems

ZONING: Village Commercial (V.C)

O.C.P. DESIGNATION: Commercial / Development Permit Area for Form and Character of Commercial Development and for the Protection of Development from Hazardous (Wildfire) Conditions

PROPOSAL: Construct an addition to an existing building (Town Hall)

PROPOSED VARIANCES: Front yard setback, parking and loading requirements

PLANNING DEPARTMENT RECOMMENDATION:

That a Development Permit with Variances be granted for the property legally described as Lot A, District Lots 1355 and 5279, ODYD, Plan KAP76316 and located at 150 Main Street, Electoral Area “C” subject to the following:

1. an Encroachment Permit being issued by the Ministry of Transportation and Infrastructure to allow for the stairs from the elevated boardwalk to project into the road right-of-way;

2. Prior to Building Permit issuance, registration of a Restrictive Covenant on the title of the subject property identifying it as being subject to Wildfire Hazardous area conditions and contains an indemnity clause that saves the Regional District harmless from any damages or losses due to a wildfire; and

3. the dimensions, siting and form and character of the addition to the building on the land shall be in general accordance with the site plan attached to the Planning Department Information Report dated November 19, 2015.
That upon consideration of input from adjacent landowners, a Development Permit with Variances be issued for the property legally described as Lot A, District Lots 1355 and 5279, ODYD, Plan KAP76316 and located at 150 Main Street, Electoral Area “C” to vary the following sections of the Silver Star Zoning Bylaw No. 1926, 2004:

1. Section 401(8) for a building to be setback on the pedestrian mall from 10 m to 0 m;
2. Section 804(1)(f) for the off street parking standards related to a 314 m² office addition from six parking spaces to zero (0);
3. Section 804(5) which requires two-thirds of all parking spaces for a commercial use to be provided in an indoor parking garage to zero (0);
4. Section 804(7) for 50% of the outdoor parking area to be located on another parcel to zero (0);
5. Section 804(8) for the off street parking standards related to Food Services, Drinking Place Uses and Retail Trade uses from five parking spaces to zero (0);
6. Section 805(2) for the off-street commercial loading standards from one space to zero (0);
7. Section 805(4) for the off-street commercial loading spaces to be on the subject parcel where the building is located to be waived.

BACKGROUND:

This report relates to an application for a Development Permit with Variances for the property located at 150 Main Street. The applicant proposes to construct an addition to the existing building located on the property which is commonly known as the Silver Star Ski Resort Town Hall. The Silver Star Official Community Plan requires that the building addition receive the approval of a Development Permit for Form and Character of Commercial Development and for the Protection of Development from Hazardous (Wildfire) Conditions. As the proposal does not meet the minimum front yard setback, parking and loading requirements of the Silver Star Zoning Bylaw, variances are also required.

Previous Development Applications

In 2006, the Board of Directors granted a Development Permit with Variances for a similar addition to the Town Hall. Variances were approved to allow the front yard setback of the building addition to be reduced from 3 m to 0 m and to waive the requirement for on-site parking. As a condition of approving the Permit, the applicant was required to register a covenant to restrict a number of parking stalls located in one of the Silver Star Ski Resort parking areas for the use of the occupants of the Town Hall addition. The number of required parking stalls was to be determined prior to the issuance of a Building Permit for the proposed building addition. A covenant was also required to be registered to indemnify the Regional District from any losses or damages caused by wildfire. To date, the above noted covenants have not been registered and the building addition has not occurred. As such, the Development Permit with Variances has expired.

Site Context

The subject property is located in the Silver Star Ski Resort at the southeast corner of Main Street and Shorts Road, both of which are used for pedestrian purposes only. The building on the property, which is commonly known as the Town Hall, is located in the northwest portion of the property.
The properties to the northwest (across Main Street) and southwest (across Shorts Road) are occupied by commercial buildings. The adjacent property to the southeast is occupied by buildings used for Resort functions. The land to the east is comprised of the Resort’s crown lease area and is also used for Resort functions.

The subject and surrounding properties to the northwest, southwest, southeast are zoned Village Commercial (V.C) and are designated in the Silver Star Official Community Plan as Commercial. The land to the east is zoned and designated Resort Use.

The following orthophoto of the subject and surrounding properties was taken in 2013.

The Town Hall contains services associated with the operation and administration of the Silver Star Ski Resort as well as retail shops and drinking and eating establishments. The property does not contain on-site parking. Pedestrian access to the property is gained from the Silver Star Ski Resort parking areas via Main Street and Shorts Road.

There is a covenant on the land title that restricts building construction without approval from the Province.
The Proposal

Silver Star Mountain Resort proposes to construct a 1561 m² three storey addition to the northeast side of Town Hall for the purposes of providing outdoor catered patio events on covered and uncovered deck areas. The roof top deck area will include an office addition; a gazebo; elevator access; a covered area adjacent to a barbeque area and a large clock on the exterior of a the northeast stairwell roof. The lower and main floor exterior decks additions are each 415.7 m² which include a 93 m² expansion to the Cafeteria on the main floor and a small storage room for The Den Restaurant on the lower floor. The existing walking path at the rear and east side of the building will be relocated farther east and be surfaced with crushed rock and grass on either side.

The Resort has requested a zero lot line setback variance to continue the street level elevated boardwalk on Main Street. The Resort has also requested variances to the on-site parking and loading regulations of the Zoning Bylaw suggesting that six off-site parking spaces and twenty loading spaces will be made available within the Shorts Road right-of-way and that visitor parking is available within Resort controlled parking lots for 795 vehicles.

BUILDING BYLAW:

The Building Bylaw requires, among other things such as proof of services, that a Snow Shed Design Plan be included with a Building Permit application. Plans for flat-roofed buildings may be waived. A Snow Shed Design Plan should include:

- a site plan showing parking areas, driveways, walkways, exterior walls, doors, windows and eaves relative to the property lines and any adjacent buildings;
- a means of access to the roof to facilitate roof maintenance and snow removal;
- engineering calculations showing where and how the roof will shed snow;
- the plan shall demonstrate that snow shedding:
  - will be retained within the confines of the subject property;
  - will not obstruct pedestrian or vehicular access and egress from the proposed building or any other building;
  - will not affect any other building.

ZONING BYLAW:

The subject property is zoned Village Commercial (V.C). Uses permitted in the Village Commercial zone include accessory buildings and structures, accommodation, food service and drinking place uses, transportation, community service, arts, entertainment and recreation facilities. The Zoning Bylaw regulates parking, loading, landscaping, and screening. In this regard, landscaping for commercial properties in the Village core encourage retention of existing trees and shrubs where possible and practical and be landscaped with grass, shrubs and trees suitable for the high-elevation climate and pedestrian traffic. Walking paths constructed of suitable materials consistent with adjacent parcels shall be identified to access commercial establishments along the pedestrian mall and to provide linkages to adjacent parcels.

Setback Exceptions, Signage, Parking and Loading Requirements

The Zoning Bylaw requires or permits that:
• steps, eaves, canopies, balconies and open porches to project into the front and rear year setbacks by up to 1.0 m. Such projections are not permitted to encroach into side yard setbacks;
• facia/wall signs not larger than 3.5 m²;
• consideration of all uses in the subject building and their parking requirements shall be required and implemented where the value of a renovation exceeds 60% of the current assessed value;
• a minimum of two-thirds of all parking spaces for a commercial use shall be provided in an indoor parking garage;
• all commercial parking areas shall be provided on the parcel where the subject building or use is situated, however 50% of an outdoor parking area may be located on another parcel where this bylaw has applicability and where an Easement or Right-of-Way has been registered to favour the parking use and a legal instrument such as a Covenant is provided to the Regional District to prevent the discharge of this agreement;
• Village Commercial zoned properties shall be exempted from parking requirements under Food Services, Drinking Place Uses and Retail Trade Uses except that each legal title shall provide a minimum of 5 parking spaces dedicated and signed for non-accommodation use;
• one off-street loading space shall be provided for every 2000 m² of commercial uses in a building or combination of commercial establishments involving the receipt and delivery of goods and every fractional unit shall require the addition of one loading space; and
• all loading spaces shall be provided on the parcel where the subject building or use is situated.

The proposal as compared to the Village Commercial (V.C) zone requirements is as follows:

<table>
<thead>
<tr>
<th>CRITERIA</th>
<th>PROPOSAL</th>
<th>ZONE REQUIREMENTS</th>
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<tbody>
<tr>
<td>Building Height (max.)</td>
<td>13.7 m</td>
<td>16.0 m</td>
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<tr>
<td>Setbacks (min.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Front</td>
<td>0.0 m</td>
<td>10.0 m</td>
</tr>
<tr>
<td>- Rear</td>
<td>5.3 m</td>
<td>3.0 m</td>
</tr>
<tr>
<td>- Side (east)</td>
<td>10.0 m</td>
<td>0.0 m</td>
</tr>
<tr>
<td>- Side (west)</td>
<td>0.0 m</td>
<td>0.0 m</td>
</tr>
<tr>
<td>Loading Stalls</td>
<td>0</td>
<td>1 space per 2000 m²</td>
</tr>
<tr>
<td>Parking Stalls (min.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Office</td>
<td>0</td>
<td>1 space per 60 m² (6)</td>
</tr>
<tr>
<td>- Food/Drinking/Retail uses</td>
<td>0</td>
<td>5</td>
</tr>
</tbody>
</table>

OFFICIAL COMMUNITY PLAN:

The Official Community Plan designates the land use of the subject property as Commercial and being within Form and Character and Wildfire Interface Development Permit Areas. The following OCP Policies are applicable to the application:

Commercial Guidelines for Form and Character

In the absence of a Statutory Building scheme endorsed by the Regional District, the objective for commercial properties is to adhere to and expand upon the current Victorian era character of the community while considering the following guidelines:
• building character should have larger building facades supported with minor elements such as stone, brick or cobblestone
• use of accentuated lintels often of another material or colour
• creative use of other building materials, surface textures and different colours on the upper storeys
• mixture of elaborate detailing and trim over the building
• exteriors of natural materials or stucco
• extreme freeze/thaw cycles should be considered when choosing building materials
• mixtures of materials, colours and patterns with limited if any natural surface finishes
• landscaping to retain where feasible and practical, existing natural vegetation
• landscaping shall be planned and developed in accordance with the landscaping regulations of the Zoning Bylaw.

Wildfire Hazard

The Official Community Plan contains policies with respect to the potential for hazardous conditions for wildfire and emergency access for all resort properties which requires that a Development Permit be issued at the time of subdivision or prior to building construction. A Development Permit may be exempted where there are none or few trees on the property and the fuel load on the property is non-existent or has been removed and where a Covenant has been registered on the property respecting matters related to the protection of property from a wildfire hazard and remedial measures have been undertaken. Where public access has or has not been established over development lands, access routes must be maintained to a standard to allow the safe passage of fire-fighting apparatus and to ensure water supplies are readily available. The guidelines relevant to the proposal are as follows:
• consideration of asphalt or fibrous cement roof shakes or tar and gravel covering for flat roofs;
• consideration of installing access to the roof;
• prior to Building Permit issuance, a site plan containing information concerning the movement of emergency vehicles though the subject lands and to lands beyond, as appropriate is required;
• local driveways should be properly designed and maintained to ensure no impediment to public access and the passage of emergency vehicles;
• snow storage areas of adequate size should be provided to accommodate snow removed from the driveway plus additional storage for snow removed from outdoor parking areas or adequate provision has been made for an alternative snow removal strategy;
• a Covenant should be registered to ensure proper maintenance of the common driveway to community-wide road maintenance standards as may be established by local government bylaw and in default of these standards, provisions shall be included in the Covenant whereby local government may after adequate Notice has been issued as provided by bylaw, enter and repair the common driveway with costs attributed to the owner;
• street lighting should be provided and maintained to enhance public access and the passage of emergency vehicles through participation in the community street lighting service including an access right-of-way for the installation, operation and maintenance of street lights;
• a local government access right-of-way should be provided for the installation, operation and maintenance of water utility service lines and appurtenances along the common driveway and to each building serviced by the water utility;
• emergency and fire lane signage should be installed including provisions for the execution of signage requirements as such authority may be established by local government bylaw.
PLANNING ANALYSIS:

The Planning Department recommends that the proposal be given favourable consideration as it complies with the Official Community Plan Policies for the Victorian era design character of the Village. The Planning Department recommends that support for the proposal include Development Permit conditions that address the Official Community Policies for Wildfire Hazard and for access for Fire Protection at the Building Permit stage as follows:

1. registration of a Wildfire Hazard Restrictive Covenant on the title of the subject property that:
   a. identifies it as being within a Wildfire Hazardous area;
   b. requires consideration of asphalt or fibrous cement roof shakes or tar and gravel covering for flat roofs;
   c. that installation of access to the roof is required for new construction;
   d. is registered as a priority over all other financial charges; and
   e. contains an indemnity clause that saves the Regional District harmless from any damages or losses to the Lands or improvements caused by a Wildfire; and

2. such reports as required by the Building Inspector and Fire Chief together with the General Manager of Planning and Building be submitted in order to conduct a joint review of the access for fire-fighting protection. The review may impose conditions of:
   a. provision of paved and dedicated fire lanes;
   b. dedication and construction of a fire truck turn-around; and
   c. an easement and restrictive covenant being registered on title of the subject property to allow for safe passage of fire-fighting apparatus;
   d. additional fire hydrants in accordance with the British Columbia Building and Fire Codes.

The Planning Department further recommends that upon consideration from adjacent landowners, conditional support specific to the setback variance request as well as the parking and loading variance requests are supported as follows.

Setback Variance

The request to extend the elevated boardwalk along Main Street from 10.0 m to a zero is supported as it maintains the Victorian theme of the Village and provides a covered area for walking in inclement weather. The Planning Department recommends that support for this variance be conditional of an Encroachment Permit being issued by the Ministry of Transportation to allow for the stairs from the elevated boardwalk to project into the road right-of-way.

Parking and Loading Variances

As buildings within the Village are located on the pedestrian only mall, variances for off-street parking are supported as there is a large common parking lot close-by. The Zoning Bylaw requires legal documents to protect off-site parking availability, however the Planning Department suggests that the lease agreement that the Resort has with the Province for the parking lots would prohibit such. The loading variance is supported as the Resort has allocated loading areas on Shorts Road whereby goods can be transferred by hand trucks or small snow vehicles to the building entrances.
SUMMARY:

This is an application for a Development Permit with Variances to construct a 1561 m² three storey addition to the existing Town Hall building located at the eastern end of the Village. The Planning Department recommends that conditional support be granted for the application as it is in general compliance with the Development Permit guidelines for the form and character of development. The Planning Department suggests that the proposed addition will enhance the outdoor recreation opportunities of Silver Star Village.

The Planning Department recommends that upon consideration from adjacent landowners, support for the setback variance be subject to an Encroachment Permit being issued for the staircases to project into the road right-of-way. Support for the parking and loading variances is offered as visitor parking is available adjacent to the Village and a designated loading area is located close to the building.

The Planning Department recommends that a Development Permit with Variances be granted with conditions prior to Building Permit issuance of a Wildfire Hazard Covenant being registered and completion of an ‘access for fire-fighting protection’ review by the Fire Chief and Building Inspector.

REFERRAL COMMENTS:

The application was referred for comments to the following:

   The Ministry has reviewed the application and has no concerns for the development.

2. Ministry of Transportation and Infrastructure
   As the proposed development is not greater than 4500 m², the Ministry of Transportation and Infrastructure approval is not required under Section 924(2) of the Local Government Act. The exterior staircases will require an Encroachment Permit to be issued. As similar staircases have been supported in the past, the Ministry is prepared to support such as long as they don’t block access. No other concerns are noted.

3. Silver Star Design Panel
   The Silver Star Design Panel reviewed the first and last draft of the plans and the Panel had no objection to the proposal as submitted.

4. Greater Vernon Water
   The Greater Vernon Water Utility commented that they have no concerns and the proposal must be developed to Greater Vernon Water Standards.

5. Silverhawk Utilities
   Silverhawk Utilities commented that the Resort must enter into an agreement with them in regards to the development. The proposed development will increase the capacity of the property within the sewer system due to expanded seating within the food service area. Details of the increased seating and their intended use will be needed for Silverhawk to properly determine the increase in pillow count. Once the applicant has entered into an agreement with Silverhawk Utilities to confirm sufficient capacity for the proposed project, Silverhawk Utilities can then proceed with granting approval.

6. Fire Department
   The Fire Chief states there are no concerns with the addition to Town Hall and that there appears to be adequate access to the interior and exterior.
7. **Building Inspection Department**

All buildings at Silver Star require Fire Sprinklers. This would include the covered deck areas. The Building Code requires adequate access to the building for fire-fighting equipment. During winter months this can be problematic due to snow and the unplowed and maintained roads. The owners should consider consulting a Building Code Consultant to develop an alternative solution instead of providing access to this building for fire-fighting equipment. These matters need to be addressed at the Building Permit stage but it would be prudent for the owner to explore options now.

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Submitted by:  
Caren Walker  
Planning Technologist

Reviewed by:  
Greg Routley  
Deputy Planning Manager

Endorsed by:  
Rob Smailes, MCIP, RPP  
General Manager, Planning and Building

Approved for Inclusion:  
David Sewell  
Chief Administrative Officer
SILVER STAR MOUNTAIN
DEVELOPMENT PERMIT WITH VARIANCE APPLICATION
SUBJECT PROPERTY MAP

File:  15-0261-CSS-DP
Applicant:  Silver Star Ski Resort
Location:  150 Main Street