



BOARD REPORT

TO:**Chair and Directors**

| | |
|-----------------|-------------------------|
| File No: | BL 701-89 PL20170174 |
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SUBJECT:

Electoral Area C: South Shuswap Zoning Amendment (Ron Lindblad)
Bylaw No. 701-89

DESCRIPTION:

Report from Dan Passmore, Senior Planner, dated October 11, 2017.
#1 to #6, 1541 Blind Bay Road, Blind Bay.

RECOMMENDATION:

THAT: "South Shuswap Zoning Amendment (Ron Lindblad) Bylaw No. 701-89" be read a first time this 16th day of November, 2017.

AND THAT: the Board utilize the simple consultation process for Bylaw No. 701-89, and it be referred to the following agencies and First Nations:

- Area C Advisory Planning Commission;
- Interior Health Authority;
- Ministry of Environment;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development;
- Ministry of Forests, Lands, Natural Resource Operations and Rural Development – Archaeology Branch;
- CSRD Operations Management; and
- All relevant First Nations.

SHORT SUMMARY:

The owners of Strata Plan EPS162 have applied for a rezoning amendment to address several illegal non-conforming issues, as a result of bylaw enforcement action. The property is currently regulated by a special regulation within the CH2 - Cluster Housing 2 Zone, which does not reflect on the current site development.

VOTING:

Unweighted
Corporate

☐

LGA Part 14
(Unweighted)

☒

Weighted
Corporate

☐

Stakeholder
(Weighted)

☐**BACKGROUND:****APPLICANT:**

Ron Lindblad, representing all strata owners

ELECTORAL AREA:

C

LEGAL DESCRIPTION:

Strata Lots 1 to 6, Section 15, Township 22, Range 11, West of the 6th Meridian, Kamloops Division, Yale District, Strata Plan EPS162

CIVIC ADDRESS:

#1 to #6, 1541 Blind Bay Road

SURROUNDING LAND USE PATTERN:

North = Shuswap Lake

South = Blind Bay Road/Vacant/Single Family Dwelling

East = Robertson Road Community Park (CSRD)/Single Family Dwelling

West = Single Family Dwelling

CURRENT USE:

6 single family dwellings

PARCEL SIZE:

0.215 ha (0.53 ac)

DESIGNATION:

RR – Rural Residential

ZONE:

CH2 – Cluster Housing 2 Zone (subject to special regulation 14.3.12)

POLICY:**Electoral Area C Official Community Plan Bylaw No. 725****2.3 Shoreline Environment***2.3.2 Policies*

.2 Land owners must not alter the natural habitat and shoreline processes unless specifically authorized. The placement of fill and the dredging of aquatic land are not generally acceptable.

3.4 Residential*3.4.1 Policies*

- .1 New residential development will be directed to the Village Centre and Secondary Settlement Areas identified on Schedules B and C. Outside these areas, residential development is discouraged unless co-located with an agricultural use.
- .2 Residential development is subject to the following land use designations, housing forms and maximum densities:

| Land Use Designation | Housing Form | Maximum Density |
|--------------------------------|-------------------------|--|
| Medium Density (MD) | Detached | 5 units/ac (1 unit/0.2 ac) 12 units/ha (1 unit/0.08 ha) |
| | Semi-detached | 8 units/ac (1 unit/0.13 ac) 20 units/ha (1 unit/0.05 ha) |
| | Townhouse | 12 units/ac (1 unit/0.13 ac) 30 units/ha (1 unit/0.03 ha) |
| Neighbourhood Residential (NR) | Detached, Semi-detached | 2 units per 1 acre (1 unit/0.2 ha) |
| Country Residential (CR) | Detached, Semi-detached | 1 unit per 1 acre (0.4 ha) |
| Rural Residential (RR) | Detached, Semi-detached | 1 unit per 2.5 acres (1 ha) |
| Rural Residential 2 (RR2) | Detached, Semi-detached | 1 unit per 5 acres (2 ha) |

| | | |
|----------------------|-------------------------|------------------------------|
| Small Holdings (SH) | Detached, Semi-detached | 1 unit per 10 acres (4 ha) |
| Medium Holdings (MH) | Detached, Semi-detached | 1 unit per 20 acres (8 ha) |
| Large Holdings (LH) | Detached, Semi-detached | 1 unit per 25 acres (10 ha) |
| Rural Holdings (RH) | Detached, Semi-detached | 1 unit per 148 acres (60 ha) |

- .3 Cluster forms of development are encouraged within the Sorrento Village Centre and Secondary Settlement Areas to reduce the amount of land affected by residential growth when the permitted number of units is clustered on part of the site, and the remaining area is protected in a natural state. Where cluster developments are located near natural features, such as waterbodies, the cluster development should be directed away from the natural features. Areas near the features should be protected common or public areas.

3.6 Waterfront Development

3.6.1 Objective

- .1 To maintain the near shore areas of Shuswap Lake, White Lake and Little White Lake ecologically intact by focusing development away from the shoreline and by minimizing impacts from moorage facilities.

3.6.2 Policies

- .1 New waterfront development will only be supported if it:
- a) Is residential in nature;
 - b) Has maximum densities of:
 - i. 1 unit / 1 ha (1 unit /2.47 ac) on the waterfront in Secondary Settlement Areas and the Sorrento Village Centre; or
 - ii. 1 unit / 2 ha (1 unit / 4.94 ac) in all other areas;
 - c) Creates lots each with a minimum of 30 m of water frontage;
 - d) Is located a minimum of 50 m away from the natural boundary of Shuswap Lake, White Lake and Little White Lake: Development Permit Areas may apply, see Section 12 of this plan; and
 - e) Provides adequate moorage subject to the moorage policies in Section 3.7.
- .2 Development on waterfront parcels should be clustered to minimize impact on the landscape and preserve natural open space. Applications that do not include Section 219 covenants to prohibit additional subdivision, protect natural areas from further development and address other site specific considerations will not be supported.

South Shuswap Zoning Bylaw No. 701

CH 2 – Cluster Housing 2 Zone

Purpose

The purpose of the CH2 zone is to recognize existing cluster housing arrangements as of March 16, 1995 but not to recognize any new cluster housing arrangements which were not existing on this date.

Permitted Uses

14.1 The following uses and no others are permitted in the CH2 zone:

- .1 single family dwelling;
- .2 cottage; permitted only on parcels greater than 4,000m²
- .3 home business;
- .4 accessory use.

Regulations

14.2 On a parcel zoned CH2, no building or structure shall be constructed, located or altered and no plan of subdivision approved which contravenes the regulations established in the table below in which Column I sets out the matter to be regulated and Column II sets out the regulations.

| COLUMN I MATTER TO BE REGULATED | COLUMN II REGULATIONS |
|--|---|
| .1 Minimum Parcel Size for New Subdivisions | 10 ha |
| .2 Maximum height for: <ul style="list-style-type: none"> • Principal buildings and structures • Accessory buildings | <ul style="list-style-type: none"> • 10 m (32.81 ft.) • 6 m (19.69 ft.) |
| .3 Minimum Setback from: <ul style="list-style-type: none"> • front parcel line • exterior side parcel line • interior side parcel line • rear parcel line | <ul style="list-style-type: none"> 5 m 4.5 m 2 m 5 m |
| .4 Maximum Coverage | 70% |
| .5 Maximum Number of Single Family dwellings | 1 |
| .6 Maximum Number of Cottages | 1 |

14.3.12 This special regulation applies to Lot 2, Plan KAP62863, Section 15, Township 22, Range 11, W6M as shown on the map below.

- .1 Notwithstanding Section 14.2 the maximum density of single family dwellings is 32.6 /ha.
- .2 Notwithstanding Section 14.2 the maximum parcel coverage is 23%.

Proposed Amendments Bylaw No. 701

The following amendments are proposed to reflect the current development on the property:

- 1. Density is proposed to be a total of 6 single family dwellings at 27.9 units/ha.;
- 2. Parcel coverage is proposed to be 24.79%;

3. Setbacks as follows:

| | |
|---------------------------|--------|
| Front parcel line | 5.0 m |
| Exterior side parcel line | 0.66 m |
| Interior side parcel line | 1.24 m |
| Rear parcel line | 4.07 m |
4. Maximum height for principal buildings, as follows:

| | |
|--------------|---------|
| Strata Lot 2 | 10.35 m |
| Strata Lot 3 | 10.07 m |
5. Eaves and Gutters from 1.0 m from exterior side parcel line to:

| | |
|--------------|--------|
| Strata Lot 2 | 0.08 m |
| Strata Lot 3 | 0.03 m |
| Strata Lot 4 | 0.06 m |
6. Floodplain Specifications for setback and flood construction level to be as follows:

| | |
|--------------------------|----------|
| Floodplain Setback | |
| Strata Lot 4 | 10.33 m |
| Strata Lot 5 | 13.62 m |
| Strata Lot 6 | 10.02 m |
| Flood Construction Level | |
| Strata Lot 2 | 350.91 m |
| Strata Lot 3 | 349.55 m |
| Strata Lot 4 | 349.57 m |
| Strata Lot 5 | 348.84 m |
| Strata Lot 6 | 348.83 m |

FINANCIAL:

The rezoning is the result of bylaw enforcement action. If the Board does not adopt the proposed amending bylaw, the Board may then wish to direct staff to seek a legal opinion regarding possible court action. Costs for the legal opinion and possible court action, although partially recoverable through Court, could nonetheless be substantial. Staff involvement in legal action is not recoverable.

KEY ISSUES/CONCEPTS:

Bylaw No. 701-36

Bylaw No. 701-36 was adopted by the Board at the February 15, 2007 regular meeting. The rezoning amendment introduced the set of special regulations under sub-section 14.3.12 (included above) allowing greater density and limiting parcel coverage on the site. The owners applied for the amendment to include the special regulation when it was revealed to them that the adoption of the new South Shuswap Zoning Bylaw No 701 did not recognize the existing development on the property and, therefore, the existing development (7 single family dwellings, and a mobile home, which was removed from the property through the course of the rezoning application) was non-conforming with respect to the existing use.

DVP 701-32

Subsequent to the adoption of Bylaw No. 701-32, (the month after adoption) the owners applied for a Development Variance Permit (DVP) to correct some non-conformities with respect to siting of the

existing development on the property, prior to some proposed renovations and expansions of the existing cabins. This DVP 701-32, in addition to correcting exterior parcel line setbacks also purported to provide relief from Floodplain Specifications.

Initially, the applicant was advised that the DVP 701-32 could not be processed as some 3 buildings actually encroached onto Robertson Road, an unconstructed Highway Right-of-way, access to Shuswap Lake. The owners were also advised that Provincial Riparian Area Regulations had recently come into effect and a Riparian Area Assessment Report (RAAR) would be required to support the DVP application.

Finally, staff noted that the buildings did not comply with floodplain specifications. Staff advised the applicant that floodplain issues could be dealt with within the DVP 701-32 as long as the applicant had provided a report from a qualified professional with experience in assessing flood risk.

The applicant provided the necessary information, as follows, after considerable delay:

- RAAR dated December 31, 2007, by Michele Trumbley, R.P.Bio., of Trumbley Environmental Consulting Ltd.
- Flood Assessment Report, dated May 14, 2007, by Alan Bates, P.Eng., of Streamworks Unlimited
- Arborist Report, dated August 8, 2007, by Irene Palmer, Certified Arborist, of Horizon Tree Service Ltd.
- Letter Regarding On-Site Sewerage System, dated April 18, 2007, by Dick Bartel, P.Eng., of Point One Engineering.
- Encroachment Permit, (No. 02-131-17011) issued February 2, 2006, by Ministry of Transportation and Infrastructure (MoT).

The DVP 701-32 was issued by the Board at the August 21, 2008 regular meeting.

Provisions within the Local Government Act do not allow a Development Variance Permit to vary Floodplain Specifications.

Staff have attached the report to the Board from August, 2008 with attachments, for the Board's information.

Capri Cabins – Subsequent Development

On February 12, 2009, the Provincial Ministry of Environment accepted the RAAR report and authorized the approvals. On March 26, 2009, the Interior Health Authority authorized repair of an existing Type 3 on-site sewerage system for 14 bedrooms with 479.4 m² of total living area. On December 15, 2009, a plan for deposit of a building strata subdivision was registered in the Land Title Office. The plan of strata subdivision showed that 6 lots were created. Registration for a building strata plan typically happens when the buildings are framed up completely to lock-up stage.

What had occurred on the site was that rather than renovation and expansion of the existing 7 cabins on the site, the owner had demolished all of the existing units and had constructed 6 new single family dwellings on the site. The new buildings are located closer to the natural boundary, and other parcel lines than the old cabins. There are also some units that violate maximum height restrictions.

The impact of this is that the reports which both the rezoning bylaw and the subsequent DVP were based on, were invalidated, because they reflected the old development, which was demolished.

In 2010, the CSRD pursued a bylaw enforcement complaint against the construction on the property. A letter was sent to the owners on June 15, 2010. A subsequent letter from the CSRD, dated June 22, 2010 advised the owners that the development of the 6 new cabins was in violation of DVP 701-32. Through the Bylaw Enforcement process, and many additional letters, it has taken until 2017 for the owners to understand the various issues and to apply to rezone the property to correct the situation.

RAR Issues

The owners of Capri Cabins had a RAAR performed by Michele Trumbley, R.P.Bio. to support the DVP. The RAAR dealt with the existing cabins and development on the site and did not contemplate the new configuration of the new units, which in some cases were sited closer to the Lake. However, development of the site occurred prior to the adoption of Electoral Area C Official Community Plan Bylaw No. 725, which instituted a requirement for a RAR DP when it was adopted. So a RAR DP for the new replacement development was not required.

The RAAR submitted to and accepted by the Provincial Government advises that additions are proposed to the 3 lakeshore cabins, but that these additions will occur to their south sides away from the Lake.

The demolition of the existing cabins and the construction of the new single family dwellings, did not require any approval from the CSRD at the time. It would have been a requirement for a revised RAAR, had any approvals been required, such as a building permit, or a subdivision.

As such, the new single family dwellings have been constructed within the SPEA defined in the original RAAR. But this occurred at a time when no approvals were required. The current rezoning application seeks to amend the zoning bylaw to sanction the current siting, but does not constitute development under RAR. Nevertheless, staff intend to send a referral to Ministry of Environment to give them an opportunity to provide their guidance.

Floodplain Issues

The original Flood Assessment Report dealt with flood hazards with respect to the existing cabins. The demolition of those 7 cabins and the construction of 6 new single family dwellings invalidated that report, because the new structures were placed closer to the natural boundary of Shuswap Lake. The owners have provided a new report, dated September 25, 2017 from Alan Bates, P.Eng., of Streamworks Consulting Inc., which addresses the new single family dwellings.

The report advises that new units have been constructed including new foundations and excavated basements with changed setback distances and floor elevations. The report advises that the 3 buildings constructed closer to Shuswap Lake (Units No. 4, 5, and 6) are in violation of the floodplain setback of 15.0 m, requiring an exemption.

In addition to this, the report advises that of the excavated basements, only Unit No. 1 complies with the flood construction level of 351.0 m geodetic. Units 2 to 6 all fall under the flood construction level requirement, however main floor elevations do comply. The report advises that the basements are unfinished and are not used for living space, but that they do house furnaces and hot water tanks for the units. The report advises that it is the understanding of Mr. Bates that these mechanical components have been constructed on above floor platforms of some unspecified height, which may or may not comply with the flood construction level. Mr. Bates did not do a site examination to verify this information.

Mr. Bates reports that foundation walls are likely close to the flood construction level, so the danger of floodwaters overtopping the foundation walls is unlikely. To mitigate the risk of inundation the owners have installed sump pumps in each cabin. Again Mr. Bates has not verified this information through a site visit.

Mr. Bates concludes his report by indicating that the new development on the site has not significantly increased the risk of flood damage on the property and has stated that the site may continue to be used safely. However, the caveat is added that the owners must not use the basements for living space or for the storage of valuables.

The Board had previously dealt with the issue of floodplain specifications in DVP 701-32, albeit for the previously existing buildings on the property, and in a DVP, which did not comply with the Local Government Act at the time. Rather than propose an exemption which is the usual vehicle for floodplain issues, and which would require a further application, and considering the Zoning Bylaw is the vehicle for establishing floodplains and their specifications, staff are proposing that the exemption to floodplain specifications incorporated into the zoning for this property based on the revised Engineer's report was a more efficient approach to the issue.

Covenant KM95490

Registered against the title of the parent property, Lot 2, Plan KAP62863, as a condition of subdivision approval in August 1998. The covenant is in favour of the Department of Fisheries and Oceans (DFO) and restricts the removal of vegetation from the site within 15.0 m of the 348.3 m contour. A review of the RAAR and the attached arborists report indicate that tree removal within this area was anticipated by the development but that planting of 29 other new trees would mitigate this loss. It is unknown if the owners approached DFO for approval to remove trees or planted the replacement trees.

Covenant LB5664 – Sewerage System

Registered against the title of the parent property, in favour of the CSRD at the time of the rezoning Bylaw No. 701-36. This covenant was offered by the owners in response to CSRD concerns regarding the efficacy of the existing on-site sewerage system. It was also offered to address public concerns raised at the Public Hearing. The covenant restricts the use of the property and the buildings thereon. The main provision is that the Owners would not construct, build, renovate, alter or reconfigure any of the existing dwellings to contain more than 2 bedrooms each. The covenant also restricts any increase in building area unless the owners have provided an inspection report by a qualified professional advising that the on-site sewerage system is in good working order and capable of handling the then-current amount of sewage generated on the site.

As reported earlier, a filing submitted by a qualified Engineer for a repair of the existing Type 3 system was approved for construction by the IHA at or around the time of reconstruction on the site. The filing was for 14 bedrooms, and a total of 479.4 m² of living space. A review of the strata plan of subdivision registered on the site indicates that the 6 new single family dwellings constitute a total of 1,210.6 m². This figure includes basement areas, excluding basement areas leaves 824.9 m². Staff are unaware of the number of bedrooms constructed, and have asked the applicant for this information.

The applicant has further advised that the number of bedrooms within the entire complex is 12, which means that the current filing for the sewerage system is adequate, regardless of the floor area change.

Water Supply

Information provided by the owners during the first rezoning application in 2007 indicate that the property is serviced by Shuswap Lake intake. It is unknown if there is a single intake for the entire property or if each unit has its own intake. If it is a single intake, the system is a water supply system and must be approved by the Interior Health Authority.

The applicant has provided staff with a copy of a Permit to Operate a Drinking Water System, as issued by the IHA under Facility No. 14-097-00185, dated April 1, 2009, and a Waterworks Construction Permit, No. TC-660, issued August 20, 2009, both of which predate the demolition of the existing units, and the construction of the new units. Again, staff will refer the bylaw to the IHA for their perspective. Staff will provide the Board with further information during consideration of future readings of the bylaw.

Ministry of Transportation and Infrastructure – Encroachments onto Robertson Road

As noted earlier, the Ministry of Transportation and Infrastructure (MoT) issued an encroachment permit for Capri Cabins in 2006. However, this permit was for the previously existing buildings. The applicant had applied for a renewed encroachment permit, which was issued (Permit No. 2017-05825), September 22, 2017 for the new site development.

Robertson Road – CSRD Park

The Electoral Area C Parks Plan was amended in 2010 to include Robertson Road, and a License of Occupation for the foreshore area and road was obtained from MFLNRORD and MoT in 2012 for a swim area.

Electoral Area 'C' OCP Bylaw No. 725

The current OCP designation RR Rural Residential allows for a density of 1 unit per ha. The current zoning and the existing development of 6 units on a 0.215 ha property do not comply with this designation. Current policies regarding infrastructure indicate that existing development must connect to a community sewer system to protect Shuswap Lake water quality.

Foreshore Development

At some point in the past the owners have installed an extensive retaining wall structure within Shuswap Lake. Stairs lead from the top of the retaining wall down onto the beach. The installation of the retaining wall effectively reclaimed landscaped area from the Crown which owns the land below the natural boundary. If this type of structure were contemplated to be constructed now, the owner would need to apply for a tenure from the Lands Branch (Front Counter BC), as well as receive a permission under Section 11 of the Water Sustainability Act. It is unlikely the owners have obtained the required permissions from the Provincial Government for these structures. Staff will forward a referral to the Ministry for their advice in this regard.

SUMMARY:

The applicant has applied to amend the current special regulation within the CH 2 – Cluster Housing – 2 Zone which regulates the subject property. The subject property was rezoned to a special regulation within the CH 2 zone and a DVP was issued to allow what was existing on the site at that time. Subsequent to this, the owners demolished all of the existing development on the site and re-developed in violation of the zone and the DVP. This application is a response to bylaw enforcement action, and, if supported by the Board would sanction all of the illegal non-conforming elements of the new development.

Staff are recommending that the Board consider the background in that context, give Bylaw No. 701-89 first reading, and consider directing staff to forward the bylaw and background information to referral agencies and First Nations.

IMPLEMENTATION:

As per CSRD Policy No. P-18 regarding Consultation Processes-Bylaws, staff recommends the simple consultation process. Neighbouring property owners will first become aware of the application for zoning amendments when a notice of development sign is posted on the property.

Referral Process

The following list of referral agencies is recommended:

- Area 'C' Advisory Planning Commission;
- Interior Health Authority;

- Ministry of Environment;
- Ministry of Forests, Lands, Natural Resource Operations, and Rural Development;
- Ministry of Forests, Lands, Natural Resource Operations, and Rural Development - Archaeology Branch;
- CSRD Operations Management; and
- All relevant First Nations.
 - Adams Lake Indian Band
 - Little Shuswap Indian Band
 - Neskonlith Indian Band.

COMMUNICATIONS:

If the bylaw is given first reading it will be forwarded to the referral agencies. Agency comments will be provided with a future Board report. The applicant will be required to post a Notice of Development sign on the subject property in accordance with Development Services Procedures Bylaw No. 4001.

DESIRED OUTCOMES:

That the Board endorse staff recommendation.

BOARD'S OPTIONS:

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:

1. MoT Encroachment Permit No. 2017-05825, dated September 22, 2017.
2. Electoral Area C Official Community Plan Bylaw No. 725.
3. South Shuswap Zoning Bylaw No. 701.
4. CSRD Letter November 9, 2015.

Report Approval Details

| | |
|----------------------|--|
| Document Title: | 2017-11-16_Board_DS_BL701-89_Lindblad.docx |
| Attachments: | <ul style="list-style-type: none">- 2008-08_Board_DS_DVP701-32.pdf- BL701-89-First.pdf- Letter to M Lindblad re Capri Cabins Flood Hazard Assessment - Streamworks Sep 2017.pdf- CSRD_letter_2015-11-09_BL701-89.pdf- Maps_Plans_Photos_BL701-89.pdf |
| Final Approval Date: | Nov 8, 2017 |

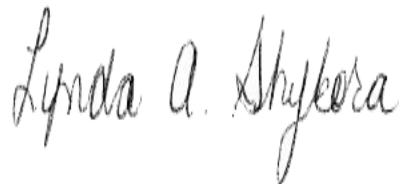
This report and all of its attachments were approved and signed as outlined below:



Corey Paiement - Nov 6, 2017 - 11:29 AM



Gerald Christie - Nov 7, 2017 - 7:59 AM



Lynda Shykora - Nov 7, 2017 - 4:12 PM



Charles Hamilton - Nov 8, 2017 - 8:49 AM

EAD-BBA1.

MEMORANDUM

TO: Chair and Directors **DATE: 2008 08 12**
FROM: Scott Beeching, Senior Planner II **FILE: DVP 701-32**
Development Services
SUBJECT: Development Variance Permit No. 701-32

RECOMMENDATIONS

1. THAT:

as recommended in the memorandum from the Senior Planner II, dated 2008 08 12, the Board support the proposed Streamside Enhancement and Protection Area (SPEA) variance for the proposed development based upon the professional opinion of Michele Trumbley, R.P.Bio and QEP stated in her report dated December 31, 2007;

AND THAT:

the Columbia Shuswap Regional District's support of the variance is contingent upon the report prepared by Michele Trumbley, R.P.Bio being submitted and accepted by the Ministry of Environment and the Department of Fisheries and Oceans Canada and any mitigation measures required by the report being the responsibility of the property owner and QEP.

2. THAT:

in accordance with Section 922 of the Local Government Act Development Variance Permit No. 701-32 for Lot 2, Plan KAP62863, Sec 15, Twp 22, Rge 11, W6M KDYD be issued.

INFORMATION SHEET

OWNER OF PROPERTIES: Ben Cunliffe
Ronald Ray Lindblad
Richard William Renard
Michael John Lindblad
Nicole and Lance Nikolic

APPLICANT: Ben Cunliffe

ELECTORAL AREA: 'C' (Sorrento)

LEGAL DESCRIPTION: Lot 2, Plan KAP62863, Sec 15, Twp 22, Rge 11, W6M KDYD

...2

JB YKG

ADDRESS: 1541 Blind Bay Road

SIZE OF PROPERTY: .215 ha (.531 acres)

SURROUNDING LAND USE

PATTERN: NORTH: Shuswap Lake
SOUTH: Blind Bay Road
EAST: Robertson Road, Residential Lots
WEST: Residential Lots

CURRENT USE: 7 Single Family Dwellings

PROPOSED USE: 7 Single Family Dwellings

CURRENT ZONING: Cluster Housing 2 (CH2)
Special Regulation 14.3.12

CURRENT OCP
DESIGNATION Country Residential 0.5 (CR.5)

PROPOSAL

The proposal is to renovate and expand the existing cabins on the property. For the most part the renovations and expansions will occur on the existing development footprint. The attached drawing demonstrates where the renovations and expansion will occur. Three dwellings are within the 15 m (49.2 ft) floodplain setback and 3 cabins are within the 4.5 m (14.76 ft) exterior side parcel line setback.

The applicant is requesting a development variance permit to vary the minimum setback from the floodplain from 15m (49.2 ft) to 10.92 m (35.83 ft), 14.2 m (46.58 ft), and 9.7 m (31.82 ft) for three cabins. The proposal is also to vary the minimum setback from the exterior side yard from 4.5 m to 0.71 m along Robertson Road right of way (east side) to accommodate three cabins. Robertson Road is an undeveloped right-of-way providing utility access to the lake.

DEVELOPMENT VARIANCE PERMIT

Shuswap Lake forms the northern boundary of the property. The deck of the Cabin #6-Ko Ko Mo is 9.7 m (31.82 ft) from the high water mark. A portion of Cabin #5-Key-Largo is 14.2 m (46.58 ft) from the high water mark. The deck of Cabin #4-Montego is 10.92 m (35.83 ft) from the high water mark.

Robertson Road forms the eastern boundary of the property, portions of the Cabin #4-Montego and Cabin #3-Jamaica are currently within .71m of the property line and the Cabin #2-Aruba is .71m from the property boundary. The owners are proposing to renovate and move the cabins so all three are .71m from the property line.

The following variances have been applied for:

1) Section 3.16.2.1

- The Floodplain Setback from 15.0 (49.2 ft) to 10.92 m (35.83 ft) for cabin #4-Montego.
- The Floodplain Setback from 15.0 (49.2 ft) to 14.2 m (46.58 ft) for cabin #5-Key Largo.
- The Floodplain Setback from 15.0 (49.2 ft) to 9.7 m (31.82 ft) for cabin #6-Ko Ko Mo.

2) Section 14.2.3

- Exterior side parcel line setback from 4.5 m (14.76 ft) to 0.71m (2.33 ft) for cabin #2-Aruba.
- Exterior side parcel line setback from 4.5 m (14.76 ft) to 0.71m (2.33 ft) for cabin #3-Jamaica.
- Exterior side parcel line setback from 4.5 m (14.76 ft) to 0.71m (2.33 ft) for cabin #4-Montego.

SOUTH SHUSWAP ZONING BYLAW NO. 701

The subject property is currently zoned Cluster Housing 2 (CH2). The maximum density of single family dwellings is regulated through the use of special regulations. Special Regulation 14.3.12 applies to the subject property and reads as follows:

"The maximum density of single family dwellings permitted on Lot 2, Plan KAP62863 Sec 22, Rge 11 W6M, KDYD is 32.6/ha."

"The maximum parcel coverage is 23%."

The proposed uses and additions for the cabins comply with Bylaw No. 701.

RIPARIAN AREAS REGULATION

A Local Government (in this case the CSRD) cannot approve any development within 30 m of any watercourse (as defined in the RAR) without a report from a Qualified Environmental Professional (QEP) being submitted and accepted by the Ministry of Environment (MOE) Ecosystems Branch. A typical RAR report would identify a Streamside Enhancement and Protection Area (SPEA) that is to be maintained in its natural state to provide or protect fish habitat. If for some reason it is not possible to maintain the SPEA there is an option to "vary" the SPEA. In order to consider a variance of the SPEA a letter of support from the Local Government is required.

A report prepared by Trumbley Environmental Consulting Ltd, December 31, 2007, is attached. In the report, Michele Trumbley, the QEP, identifies a Streamside Protection and Enhancement Area (SPEA) of 30 m. Three cabins are currently within the 30m SPEA, therefore a SPEA variance is required.

In the report the QEP identifies a number of mandatory actions, including the erection of a barrier during construction, planting of native species and monitoring the use of the SPEA, which will be required as mitigation during the development of the property. It is recommended that adherence to the mandatory actions as required in the QEP report will be a condition of issuing the permit.

If the Board supports the SPEA variance and the measures necessary to protect the SPEA as determined in the report, a letter of support will be sent to the QEP. This letter will be submitted by the QEP as part of the RAR report and submitted to MOE Ecosystems Branch for review, acceptance and eventual approval.

GEOTECHNICAL REPORT

When considering a variance to the setbacks from the floodplain, Policy P-19 requires that a professional report from a professional engineer or geoscientist that states the land may be used safely for the use intended.

The report prepared by Alan Bates, P. Eng, Water Resources Engineer of Streamworks Unlimited, May 14, 2007, (attached) states that the existing cabins' site is suitably protected from flood damage or erosion and may continued to be used safely. There are no mitigative measures considered necessary.

SEWER

There is a restrictive covenant on the property. Prior to any alterations to the existing 7 dwellings that would increase the gross square footage of the dwellings, the sewage disposal system must be inspected by a Professional Engineer. The Engineer must deem the disposal system to be in good working order and capable of handling the current amount of sewage generated and any increase that may be generated as a result of the alterations.

The covenant requires that if there is any evidence that the disposal system(s) are not in good working condition, the repairs must be completed prior to any alterations or an alternate solution must be found. The covenant limits the number of bedrooms in each building to two. The number of bedrooms is one of the criteria Interior Health requires Registered Onsite Wastewater Practitioners to consider when assessing potential septic effluent.

Correspondence from Ivor Norlin, Interior Health Public Health Inspector and Dick Bartel, Point One Engineering, is attached.

Dick Bartel submitted a letter, dated December 18, 2006 stating the sewage disposal system is in good working order. Mr. Norlin replied with a letter, dated December 29, 2006 concluding that Mr. Bartel's letter does not indicate whether the existing system meets the current Sewerage System Standard Practice Manual or whether the sewage

...5

system meets current health standards. Mr. Bartel submitted a letter dated January 8, 2007 stating that the proposed increase in building square footage will not have a negative impact on public or private health. Mr. Norlin responded with a letter dated, January 26, 2007, stating again that the Mr. Bartel has not stated that the septic system complies with the Sewerage System Standard Practice Manual.

In his letter (attached) dated April 18, 2007, Dick Bartel, Point One Engineering, indicates the system is in good working order. The letter states that the system will have no impact on public or private health. The letter states that the system meets the Standards of current Sewerage System Regulation Standard Practice Manual and is capable of handling the current wastewater being generated and the increases as proposed.

The owners have stated verbally and in a letter dated August 1st, 2008, that the existing sewage system will be upgraded pending further development of the property. A letter from Point One Engineering, dated June 2, 2007, is attached. The letter includes details and design of the proposed upgrades.

WATER

The northern boundary of the subject property borders on Shuswap Lake. The dwellings on the subject property receive their drinking water directly from lake water intakes. The applicant is working with Interior Health to become fully compliant with the *Drinking Water Act and Regulations*, has initiated Source Approval and will be seeking Engineering Approval for the current system.

REFERRALS

The Area 'C' Advisory Planning Commission recommended denial of this application because the application infrastructure is not adequate and there is a risk to Shuswap Lake. The minutes of the May 13, 2008 meeting are attached.

Interior Health recommends approval conditional to the installation of the proposed upgrade to the on-site sewage disposal systems as designed by Dick Bartel and connection to the community system as soon as it is available.

There was no response from the Ministry of Transportation and Infrastructure. However there is a permit to reduce the building setback to less than 4.5 metres from a property line fronting a highway dated February 1, 2006. The permit allows the buildings to extend within 0.16 m of the property line in common with Robertson Road.

There was no response from the Ministry of Environment or the Department of Fisheries and Oceans.

PUBLIC INPUT

Some members of the Advisory Planning Commission chose to submit additional information after the meeting was adjourned. The additional information consists of a Development Proposal Evaluation Form and an Addendum which are attached. The

...6

additional information was not discussed at the meeting and was not reflected in the minutes. Development Services staff recommends that the additional information be considered as public input.

The Development Proposal Evaluation Form assesses and rates the application based upon the following criteria: preservation of the natural environment and lake water quality, provision of adequate infrastructure, compatible with the neighbourhood community character, consideration of natural hazard and compliance with appropriate regulations, effect on local residential traffic and parking, and input from the neighbourhood. The summary stated "Despite 5 letters from neighbours, this high-density proposal is in contradiction of the general views of the community."

The Addendum dated May 14, 2008 reiterates that the Area 'C' APC is opposed to the DVP because of serious concerns about the potential and recognized problems with 7 homes on a septic system on .53 acre of lakeshore. The Addendum then provides further observations and an analysis of correspondence related to the file including letters from George Clarke, Bulldog Excavating, Ivor Norlin, Interior Health and Dick Bartel, Point One Engineering.

In his letter dated August 1st, 2008, Ron Lindblad, the applicant, addresses some of the information contained in the Addendum. Mr Lindblad has also included a drawing demonstrating the location of the immediate neighbours who submitted letters of support.

Seven letters, from the adjacent landowners, in support of the Development Variance Permit are attached.

SUMMARY

Seven cabins exist on the property.

A septic system that was inspected by a Professional Engineer and deemed to be in good working order and not a risk to private or public health exists on the property. The owners have stated that they will improve the existing system and would like to eventually connect to a community system.

A geotechnical engineer has stated that the cabins are safe and are sufficiently protected from flood and erosion.

The QEP identified a 30m SPEA from the boundary of Shuswap Lake. Three of the cabins are currently within the 30m SPEA. Adherence to the mitigative measures as recommended in the QEP report will improve the SPEA.

The immediately adjacent landowners support the DVP.

The Area 'C' APC does not support the variances to the setbacks from the side yard setback and the floodplain setback.

A variance of the side yard setback and the floodplain setback will allow the owners to improve the cabins, improve the SPEA and improve the septic system which will further protect Shuswap Lake.

...7

The proposal is to renovate and expand the existing cabins on the property. For the most part the renovations and expansions will occur on the existing development footprint. The attached drawing demonstrates where the renovations and expansion will occur. Three dwellings are within the 15 m (49.2 ft) floodplain setback and 3 cabins are within the 4.5 m (14.76 ft) exterior side parcel line.

The applicant is requesting a development variance permit to vary the minimum setback from the floodplain from 15m (49.2 ft) to 10.92 m (35.83 ft), 14.2 m (46.58 ft), and 9.7 m (31.82 ft) for three cabins. The proposal is also to vary the minimum setback from the exterior side yard from 4.5 m to 0.71 m along Robertson Road right of way (east side) to accommodate three cabins.

Respectfully submitted,



Scott Beeching
Senior Planner II

COLUMBIA SHUSWAP REGIONAL DISTRICT
DEVELOPMENT VARIANCE PERMIT NO. 701-32

1. OWNERS: Ben Cunliffe
Ronald Ray Lindblad
Richard William Renard
Michael John Lindblad
Nicole and Lance Nikolic

2. This permit applies only to the land described below:

Lot 2, Plan KAP62863, Sec 15, Twp 22, Rge 11, W6M KDYD
which property is more particularly shown on the map attached hereto
as Schedule 'A'.

3. The South Shuswap Zoning Bylaw No. 701, as amended, is hereby varied as follows:
 - a) Section 3.16.2.1 is varied by decreasing the floodplain setback from 15.0 (49.2 ft) to 10.92 m (35.83 ft) for cabin #4-Montego as shown on Schedule B.
 - b) Section 3.16.2.1 is varied by decreasing the floodplain setback from 15.0 (49.2 ft) to 14.2 m (46.58 ft) for cabin #5-Key Largo as shown on Schedule B.
 - c) Section 3.16.2.1 is varied by decreasing the floodplain setback from 15.0 (49.2 ft) to 9.7 m (31.82 ft) for cabin #6-Ko Ko Mo as shown on Schedule B.
 - d) Section 14.2.3 is varied by decreasing the exterior side parcel line setback from 4.5 m (14.76 ft) to 0.71m (2.33 ft) for cabin #2-Aruba as shown on Schedule B.
 - e) Section 14.2.3 is varied by decreasing the exterior side parcel line setback from 4.5 m (14.76 ft) to 0.71m (2.33 ft) for cabin #3-Jamaica as shown on Schedule B.
 - f) Section 14.2.3 is varied by decreasing the exterior side parcel line setback from 4.5 m (14.76 ft) to 0.71m (2.33 ft) for cabin #4-Montego as shown on Schedule B.

4. The permit is issued on the condition that:
 - a) The report prepared by Michele Trumbley, R.P.Bio being submitted and accepted by the Ministry of Environment and the Department of Fisheries and Oceans Canada.

5. This permit is NOT a building permit.

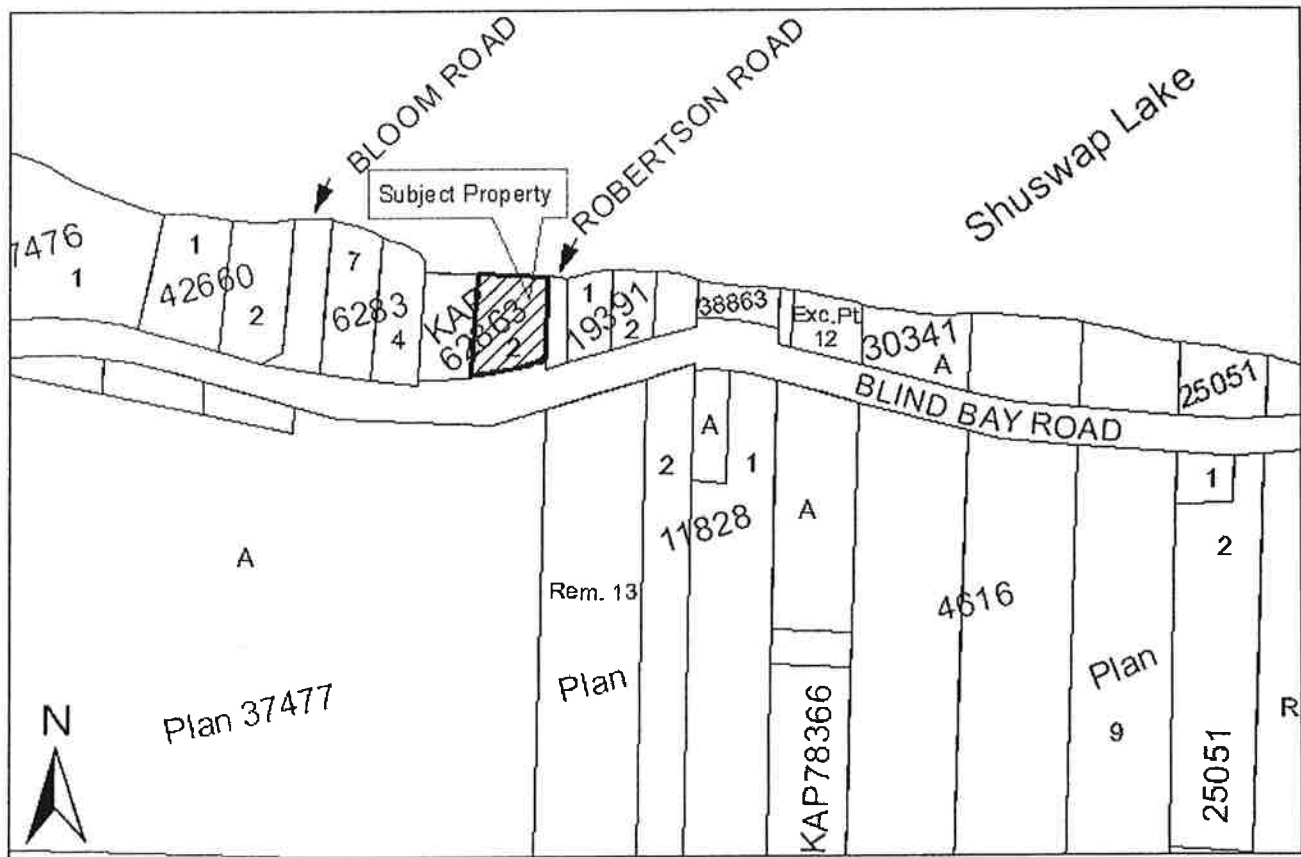
AUTHORIZED AND ISSUED BY RESOLUTION NO.

MANAGER OF CORPORATE
ADMINISTRATION SERVICES (SECRETARY)

NOTE: Subject to Section 926(1) of the Local Government Act, if the development of the subject property is not substantially commenced within two years after the issuance of this permit, the permit automatically lapses.

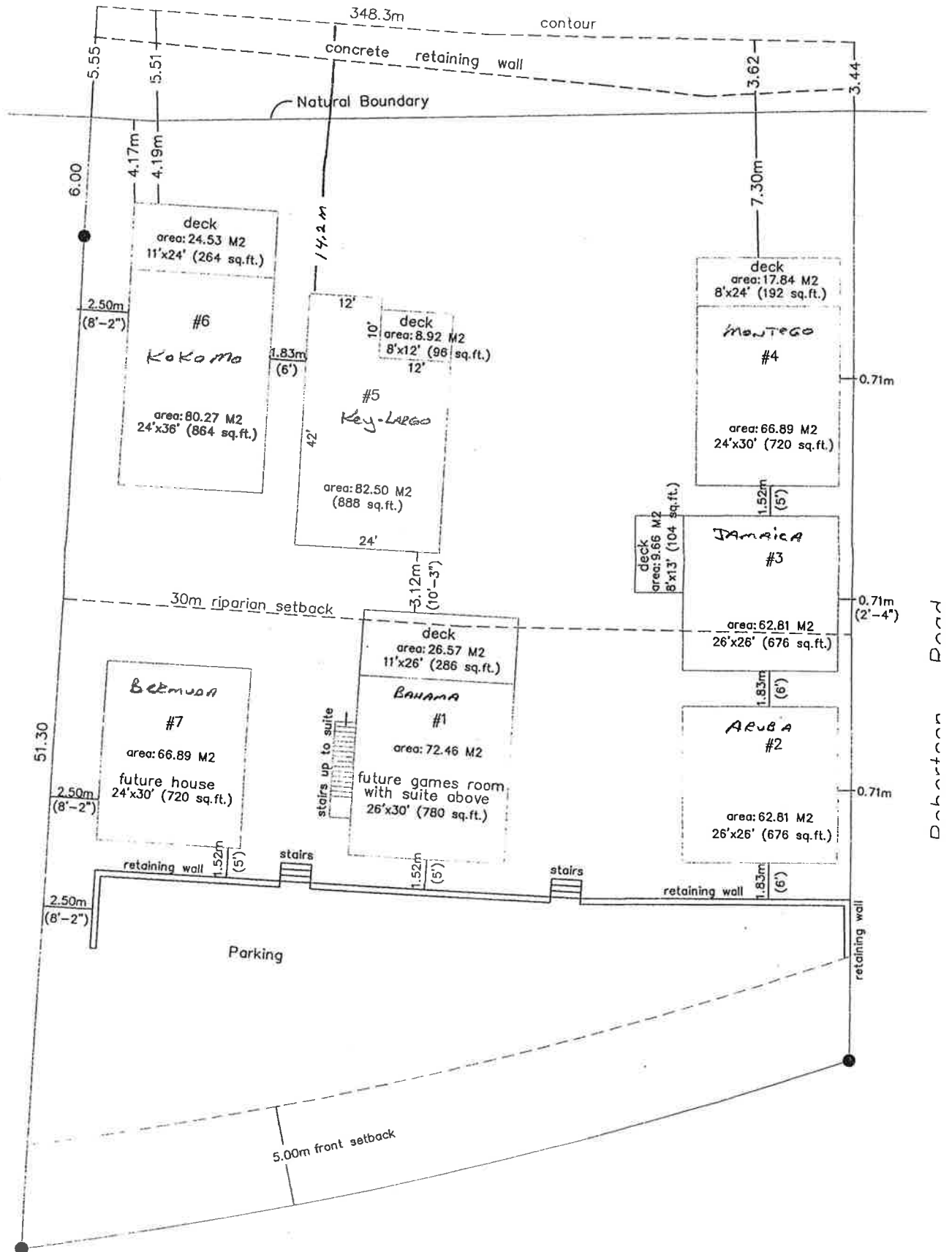
SCHEDULE A

DEVELOPMENT VARIANCE PERMIT
NO. 701-32

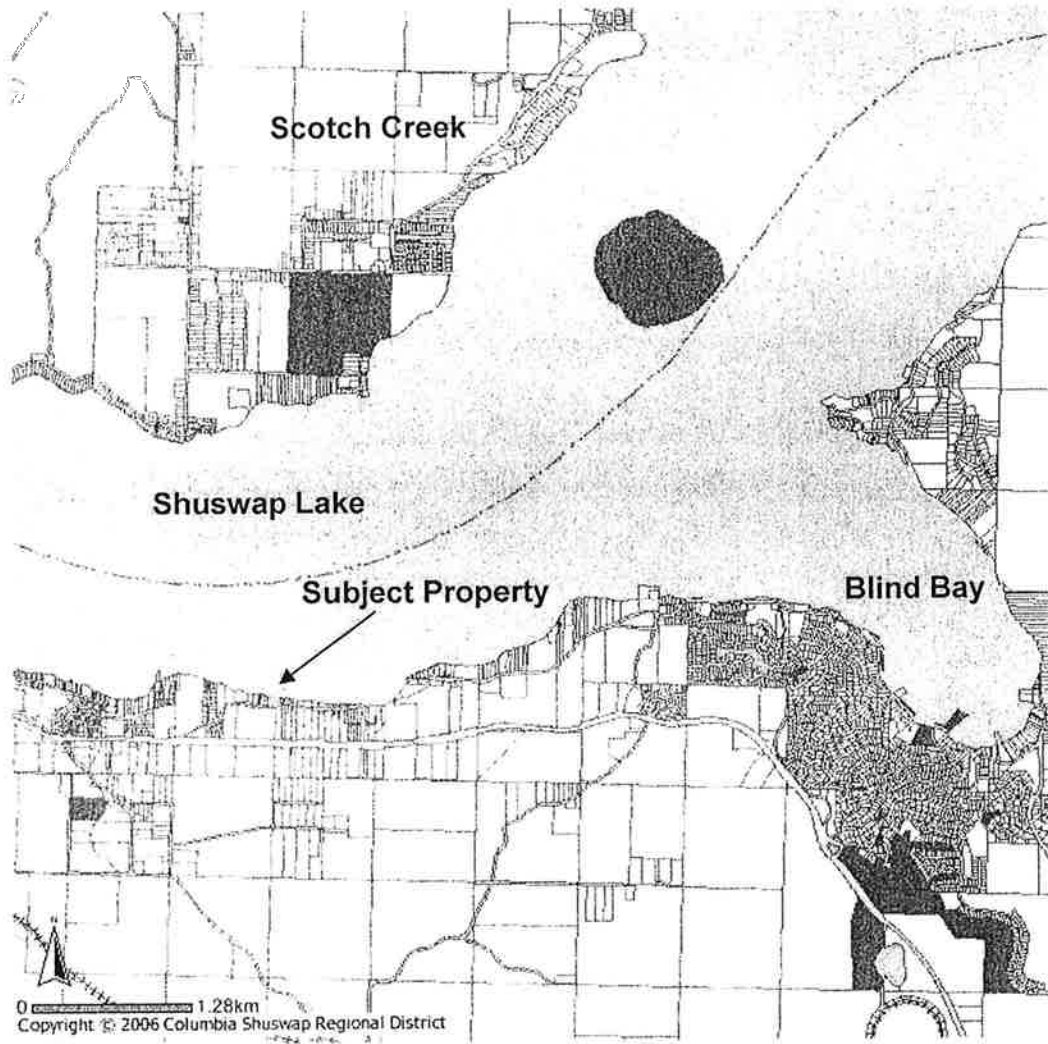


SCHEDULE B

DEVELOPMENT VARIANCE PERMIT NO. 701-32



Location



New Cabin
Areas as Drawn

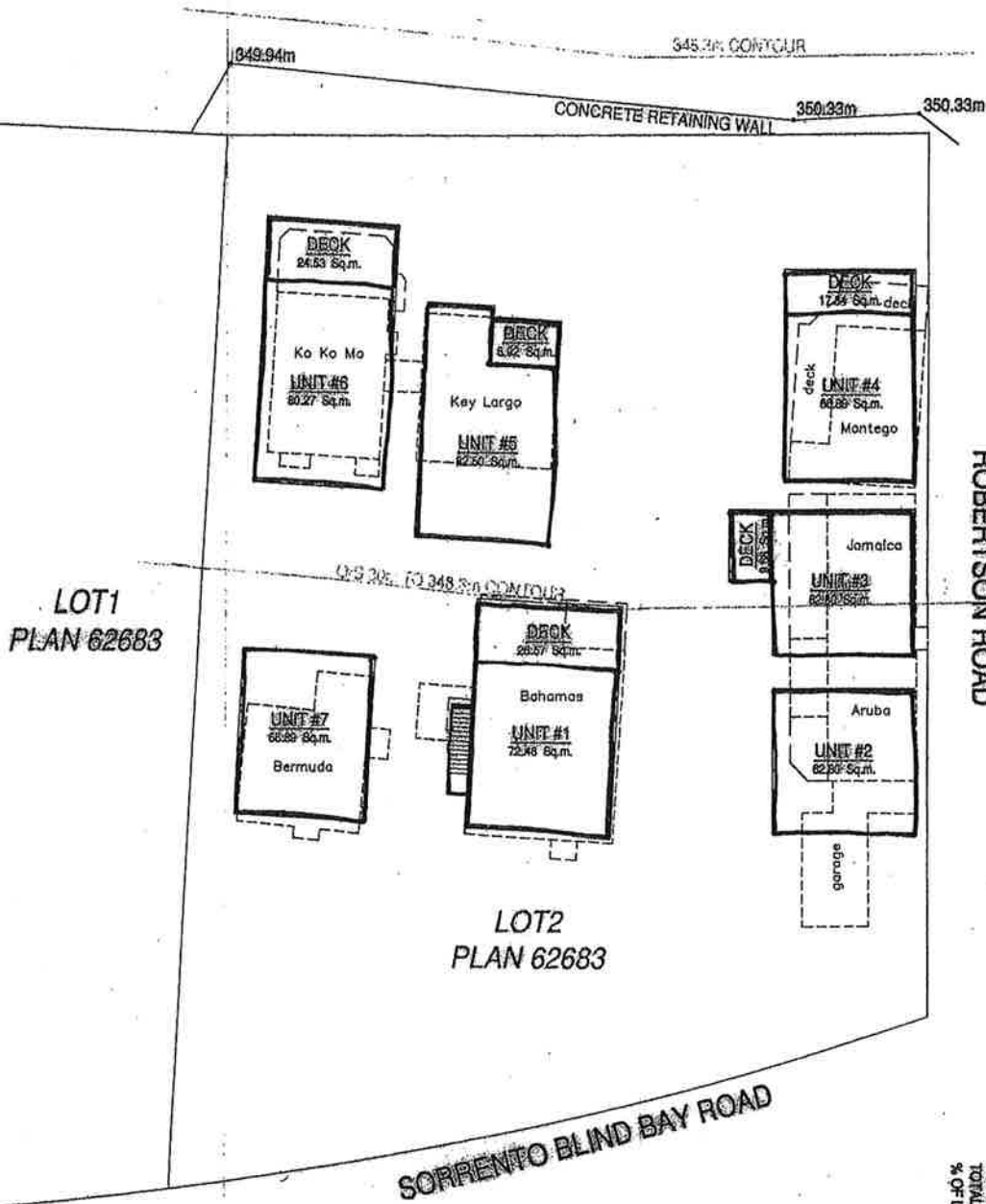
| | |
|----------------------------------|----------|
| <u>#2 Aruba</u> LANCE | 62.81 m2 |
| <u>#3 Jamaica</u> MIKE | 62.81 m2 |
| <u>#4 Montego</u> BEN | 66.89 m2 |
| <u>#5 Key Largo</u> RICK | 82.50 m2 |
| <u>#6 Ko Ko Mo</u> RON | 80.27 m2 |
| <u>#7 Bermuda</u> HOUSE | 66.89 m2 |
| <u>#1 Bahamas</u> GAMES/SUITE | 72.46 m2 |

Lot Area: 2152 m2 (23164 sq.ft.)

@ 23% lot coverage = 494.96 m2 (5327.7 sq.ft.)

| | | |
|-----------------------------|------------------|---------------|
| Total Cabin Areas | <u>494.63 m2</u> | (5324 sq.ft.) |
| Un-allocated area available | .33 m2 | (3.7 sq.ft.) |

SHUSWAP LAKE



ROBERTSON ROAD

SORRENTO BLIND BAY ROAD

LOT1
PLAN 62683

LOT2
PLAN 62683

TOTAL AREA OF LOT 2: 2151.52m
TOTAL AREA OF PROPOSED LOT COVERAGE = 494.61m
% OF LOT PROPOSED COVERAGE = 23%

| | | | |
|---|---|-----------------------|--------|
| CLIENT: RON LINDEAD | PROJECT: BAHAMIAN SETBACK LOT2, S15, TP22, R14, R15, PLAN 62683 | DATE: 1/1/2000 | 1 of 1 |
| The location of the buildings certified by this plan have been determined from aerial photography and ground survey and are shown in accordance with the provisions of the Planning and Building Act, 1990. | | DRAWN BY: [Signature] | |



Interior Health

HEALTH PROTECTION

Less Risk – Better Health

RECEIVED

COLUMBIA SHUSWAP
REGIONAL DISTRICT

August 7, 2008

AUG 11 2008

Scott Beeching, Senior Planner II
Columbia Shuswap Regional District
781 Marine Park Drive NE
Box 987
Salmon Arm, BC
V1E 4P1

MEETING.....
STAFF.....
CC.....

RE: Development Variance Permit No. 701-32 (Capri Cabins)

Our office has received additional information regarding Development Variance Permit No. 701-32 referral package. This additional information has been reviewed and I have the following comments:

Interior Health has received plans for an upgrade to the on-site sewage disposal system at the subject property. This upgrade is an improvement to the on-site sewage disposal system at this location.

As the Liquid Waste Management Plan (LWMP) process is currently under way in Area C of the Columbia Shuswap Regional District (CSRD), it is our recommendation the CSRD ensure the development connect to the LWMP community sewer system once available.

Work is underway to bring the drinking water system into compliance with the *Drinking Water Protection Act and Regulation*.

With that said, the new information provided to Interior Health provides indication of a net benefit to public health and therefore I **recommend approval conditional** to the installation of the proposed upgrade to the on-site sewage disposal system as designed by Dick Bartel and connection of the development to community as soon as it is available.

Should you have any questions regarding the above please contact our office at (250)-833-4100.

Sincerely,

Tanya Mrowietz, A.Sc.T., B.Tech., CPHI(C)
Public Health Inspector

\\Dc1serv4\data\$\PH\HealthProt\Public\TCS\PH\Staff Folders\Tanya Mrowietz\2008\Land Use\CSRD DVP\DVP 701-32 (Capri Cabins)-revisited.doc

cc: applicant.

RL 701-36
DVP 701-32

POINT ONE Engineering

2 – 8844 Michael Dr.
Vernon, BC
V1B 2B9
Ph: 250-549-3506
Fax: 250-549-5108

April 18, 2007

Mr. Scott Beeching
Planner II
Columbia Shuswap Regional District
781 Marine Park Drive NE
Box 978
Salmon Arm, B.C.
V1E 4P1

RECEIVED
COLUMBIA SHUSWAP
REGIONAL DISTRICT

APR 23 2007

MEETING.....
STAFF.....
CC.....

SB/MA

RE: Lot 2, Plan KAP62863, Sec. 15, Twp. 22, R11, W6M, K.D.Y.D. – Capri Cabins – Existing On-Site Sewer System.

Attn: Mr. Beeching:

Now that snow is gone, we visited the subject site on April 12th to conduct a further site review.

The previous description of the On-Site Sceptic Tank treatment and Seepage Bed dispersal sytem installed were confirmed. The installed system is in good working order and meets the Standards of the current Sewerage System Regulation – Standard Practice Manual – Type 1

In our judgment there will be no impact on private or public health, and the environment, by the installed Type 1 Wastewater Treatment System, nor any increased flow that may be produced by the proposed increase in building square footage.

Sincerely,



Dick Bartel, P.Eng.

cc: Mr. Ron Lindblad – Cabin Owner
Mr. George Clarke, ROWP – Bulldog Excavating Ltd
Mr. J. Ivor Norlin, MSc. RPBio., CPHI(C)



Interior Health

January 26th, 2007

Scott Beeching
Planner II, Columbia Shuswap Regional District
781 Marine Park Drive NE
Box 978
Salmon Arm, BC, V1E 4P1

RECEIVED
COLUMBIA SHUSWAP
REGIONAL DISTRICT

JAN 29 2007

MEETING.....
STAFF.....
CC.....

Dear Mr. Beeching,

Re: POINT ONE Engineering letter regarding development on Lot 2, Plan KAP62863, Sec. 15, Twp. 22, R. 11, W6M, KDYD (Capri Cabins) (Addendum)

This letter is a response to Mr. Bartel's (POINT ONE Engineering) letter dated December 29th, 2006 (see attached). –

To clarify, the BC Sewerage Regulation does not qualify Public Health Inspectors as authorized persons unless registered through ASTTBC as a planner, installer, maintenance provider and/or private inspector. To facilitate my role under the Sewerage System Regulation, I rely on authorized persons (Professional Engineers or Registered Onsite Wastewater Practitioners) to determine if onsite sewage disposal systems meet current standards and/or are operating as per their intended design.

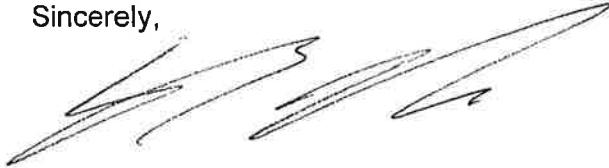
In this particular case, Mr. Bartel has indicated that in his professional opinion the system serving the above mentioned lot is capable of accommodating the proposed expansion without contributing to a health hazard or impacting the environment. However, in neither in his original letter dated December 18th, 2006 (see attached), nor in his second letter dated January 8th, 2007 has he stated that the existing conventional septic tank and seepage bed comply with the *Sewerage System Standard Practice Manual* or current engineering best practice. It is my opinion as a Public Health Inspector/Drinking Water Officer the information provided to date is inadequate to make that determination.

It is my understanding the covenant on the above mentioned lot is intended to prevent any further expansion (vertical or horizontal) without the upgrading of the existing on-site sewerage works to meet current health standards. By taking action to ensure sewerage systems are upgraded to meet current standards on this and other sites in the Blind Bay area, the regional district and Interior Health mean to mitigate cumulative impacts of high density development on local water sources (i.e. Shuswap Lake).

As Mr. Bartel has not indicated this system meets current health standards, I must again conclude that his support letter does not meet the requirements of the covenant for allowing expansion beyond the existing cabins on the above mentioned lot.

If you have any further questions, please feel free to contact me at the number or address listed below.

Sincerely,



J. Ivor Norlin MSc., RPBio., CPHI(C)
Environmental Health Officer/Public Health Inspector

cc:

- POINT ONE Engineering, 2-8844 Michael Dr., Vernon, BC, V1B 2B9
- Joe Rowlett, Senior Public Health Inspector, Interior Health

Attach:

- Letter from POINT ONE Engineering, December 18th, 2006
- Letter from J. Ivor Norlin, December 29th, 2006
- Letter from POINT ONE Engineering, January 8th, 2007

POINT ONE Engineering

**2 – 8844 Michael Dr.
Vernon, BC
V1B 2B9
Ph: 250-549-3506
Fax: 250-549-5108**

January 8, 2007

Mr. Scott Beeching
Planner II
Columbia Shuswap Regional District
781 Marine Park Drive NE
Box 978
Salmon Arm, B.C.
V1E 4P1

RE: Interior Health Letter, December 29th, 2006.

Attn: Mr. Beeching:

We have reviewed the subject letter and provide the following:

Our sealed letter requires no change. The existing Seepage Beds were constructed with the appropriate materials.

In our professional judgement as a professional engineer, and a qualified professional, as defined by Part 3 – Sewerage Systems, Section 7 (3) of the Sewerage System Regulation, there will be no impact on private or public health, an the environment, by the installed Type 1 Wastewater Treatment System, nor with any increased flow, that may be produced by the proposed increase in building square footage.

Review of Engineer's sealed documents on a professional subject are to be done when founded upon adequate knowledge (design and installation experience), per the Professional Engineers Code of Ethics.

We would be receptive to reviews of sealed documents and sealed design system drawings by individuals who meet the above criteria or who meet the criteria of :

Sewage System Regulation,

Part 3, Section 7 (3) A person is qualified to act as a professional if the person

- (a) has, through education or experience, training in soil analysis and sewerage system (design) construction and maintenance, and

- (b) is registered as a fully trained and practising member in a professional association that
- (i) is statutorily recognized in British Columbia, and
 - (ii) has, as its mandate, the regulation of persons engaging in matters such as supervision of sewerage system construction and maintenance.

We are qualified; both as a Professional Engineer and as a Qualified Professional, with significant experience of design, construction requirements and maintenance procedures. We have designed systems with flow from 1,135 LPD to 110 m³/day, completing 150 On-Site Wastewater Systems during the last 9 years.

Sincerely,



Dick Bartel, P.Eng. P.E.

cc: Mr. Ron Lindblad – Cabin Owner

J. Ivor Norlin, Environmental Health Officer, Public Health Inspector ✓

Joe Rowlett, Senior Public Health Inspector, Interior Health



Interior Health

COPY

December 29th, 2006

Scott Beeching
Planner II, Columbia Shuswap Regional District
781 Marine Park Drive NE
Box 978
Salmon Arm, BC, V1E 4P1

RECEIVED
COLUMBIA SHUSWAP
REGIONAL DISTRICT

JAN 03 2007

MEETING
STAFF
CC: JSB
21

Dear Mr. Beeching,

Re: POINT ONE Engineering letter regarding development of Lot 2, Plan KAP62863, Sec. 15, Twp. 22, R. 11, W6M, KDYD (Capri Cabins)

The intent of this letter is to provide comment on the letter provided by Mr. Dick Bartel, P.Eng., POINT ONE Engineering dated December 18th, 2006 (see attached). Specifically, it is intended to address your question as to whether Mr. Bartel's letter indicates that the existing system at the above mentioned property is capable of meeting current health standards based on existing and/or increased sewerage flows.

In his letter, Mr. Bartel states that in the opinion of POINT ONE Engineering the existing on-site sewage disposal system is capable of accommodating current and proposed sewerage flows without adversely impacting private or public health or the environment. Mr. Bartel does not, however, indicate whether the existing system meets the current Sewerage System Standard Practice Manual (SSSPM) requirements or current engineering best practice.

Based on Mr. George Clarke's May 2006 assessment and the information provided in Mr. Bartel's letter, the above mentioned site is serviced by a conventional septic tank with a seepage bed for disposal. A cursory review of the standards for seepage beds in the current SSSPM indicates that receiving soils must be coarse sand to sandy loam in texture. None of the information provided to date by Mr. Bartel indicates this system has been assessed to determine if it meets this requirement, nor any of the other requirements for seepage beds set out in Sect. 12 of the current SSSPM.

Based on the observations noted above I must conclude that Mr. Bartel's letter **does not** indicate that the existing sewerage system at the above mentioned property meets current health standards.

If you have any further questions, please feel free to contact me at the number or address listed below.

Sincerely,



J. Ivor Norlin MSc., RPBio., CPHI(C)
Environmental Health Officer/Public Health Inspector

cc:

- POINT ONE Engineering, 2-8844 Michael Dr., Vernon, BC, V1B 2B9
- Joe Rowlett, Senior Public Health Inspector, Interior Health

Attach:

- Letter from POINT ONE Engineering, December 18th, 2006

SCOTT
Does this work? your input please! *Ken*

COPY

POINT ONE Engineering

2 - 8844 Michael Dr.
Vernon, BC
V1B 2B9
Ph: 250-549-3506
Fax: 250-549-5108

RECEIVED
COLUMBIA SHUSWAP
REGIONAL DISTRICT

December 18, 2006

DEC 19 2006

Mr. Scott Beaching
Planner II
Columbia Shuswap Regional District
781 Marine Park Drive NE
Box 978
Salmon Arm, B.C.
V1E 4P1

MEETING
STAFF
CC: *Ken*

RE: Lot 2, Plan KAP62863, Sec. 15, Twp. 22, R11, W6M, K.D.Y.D. -- Capri Cabins -- Existing On-Site Sewer System.

Attn: Mr. Beaching:

We have been retained to review the existing on site wastewater (sewer) system.

Design flow from Standard Practice Manual, Table 4-1: Minimum design flow for residences -- One (1) and Two (2) bedroom unit up to 150 m² [1,600 ft²] equals 1,136 LPD [250 IGPID]. There are 7 cabins/residences on the site which results in a minimum design flow of 7,952 LPD [1,751.5 IGPID]. Also, the aggregate square footage allowed, per this table, is 1,050 m² [11,200 ft²].

The treatment system for these cabins is a Type 1 (septic) system, with an aggregate of 2,700 IG of septic tanks installed. This provides a 1.34 days retention time, which is a normal, adequate, period for the septic tank renovation process. All tanks have been pumped within the last year and are hydraulically sound. Records kept of the septic tank pumping frequency indicates regular maintenance of the system.

We were unable to observe any soil pits as the ground was covered with snow on the day of our attendance at the site. However, a Registered On-Site Wastewater Planner, George Clarke, did a system, soil review and system assessment as reported in the attached letter, dated May 2, 2006. We have worked with Mr. Clarke on several new Type 2 On-Site Wastewater Systems and find him to be knowledgeable, experienced and a competent observer and recording of Soil Profiles of Soil Pits condition. He noted, in his report, that pits have shaley, (texture type) sharp rock and beech rubble debris. Based on our previous experience designing On-Site Wastewater Systems in the general vicinity of this site, we would have expected the conditions found by Mr. Clarke.

The dispersal system used at the site consists of Seepage Beds. There are two (2) Seepage Beds at the site and these are operating in an acceptable manner, according to Mr. Clarke. Mr. Clarke comment, 'found them to be in perfect working order with no level of effluent present'. Based on the size and the soil characteristics, and system maintenance conducted at the site, we expected this to be the situation.

The system is in good working order, functioning as designed and capable of handling the current wastewater being generated.

It is our understanding that an application has been made to increase the building square footage at the site by approximately 25%. The existing septic sewerage system is capable of treating any additional wastewater that may be created by this square footage increase. Existing square footage is approximately 37 % of the allowable square footage noted by the Standard Practice Manual, Table 4.1, increasing this to 46.2 % will have little or no effect on the installed system.

In our judgment there will be no impact on private or public health, and the environment, by the installed Type 1 Wastewater Treatment System, nor any increased flow that may be produced by the proposed increase in building square footage.

Sincerely,



Dick Bartel, P.Eng.



Interior Health

April 4, 2006

J. Scott Beeching
Planner, Development Services
Columbia Shuswap Regional District
Box 978, Salmon Arm, BC V1E 4P1

RECEIVED
COLUMBIA SHUSWAP
REGIONAL DISTRICT

APR 12 2006

MEETING.....
STAFF.....JSB, SB
CC.....

Dear Mr. Beeching:

**Re: Zoning Amendment (CUNLIFFE) Bylaw 701-36
Lot 2, Plan KAP62863, Section 15, Township 22, Range 11, W6M, KDYD.**

There are no objections to be made regarding this application for a zoning amendment on the above named property; ***Subject to the following conditions:***

1. The Maximum Building Site Coverage (as per the legal survey drawing certified by Browne Johnson on January 3rd 2006 – File: 775-05) does not increase.
2. The existing sewage disposal systems are assessed by a Registered Onsite Wastewater Practitioner (ROWP) and deemed to be in good working order and capable of handling the current amount of sewage generated by the 7 dwellings. I was unable to find permits for all of the existing dwellings on this property. If there is any evidence that the disposal system(s) are not in good working condition, the repairs must be completed before the zoning amendment is completed.
3. The applicant should provide evidence of the availability of a legal, safe, potable, and adequate water supply for each of the current dwellings. This will involve either **private water systems** (individual lake intakes for each dwelling) or a **waterworks system**. All requirements of the *BC Drinking Water Protection Act and Regulations* apply to systems with two or more connections. I have included a copy of the Interior Health Guidelines for the Approval of Water Supply Systems.

I have concerns regarding the long term sustainability of the sewage disposal on this site. This lot is only 0.53 of an acre and currently has 7 small cabins on it. If in the future larger Single Family Dwellings are built on the property or the sewage disposal system(s) begins to fail; there will not be enough undisturbed land to safely dispose of the effluent. ***With that said, I feel that the proposed Special Regulation is an improvement on the existing situation.***

If you have any questions please call me direct at (250) 833 - 4170.

Sincerely,

Courtney Zimmerman., B.Tech., C.P.H.I.(C)
Public Health Inspector

PUBLIC HEALTH PROTECTION - Salmon Arm Health Unit

Mailing Address: P.O. Box 627, Salmon Arm, BC V1E 4N7

Physical Address: 851 – 16 St N E.

Web: interiorhealth.ca

Bus: (250) 833-4100

Fax: (250) 832-1714

Email: Courtney.zimmerman@interiorhealth.ca

George Clarke
3608 McBride Road
Blind Bay, B.C.
V0E 1H1



Cell (250)804-9646
Fax (250)675-5370
Home (250)675-5369

May 2, 2006

Interior Health Authority
851 - 16th Street N.E.
Salmon Arm, BC

ATTN: Courtney Zimmerman

RE: Septic Systems of the CAPRI, 1541 Blind Bay Road

Last spring I was called by the owners of the Capri Cabins to repair their septic system. Upon close inspection, it was discovered that a sewer line had been broken by the electrical contractor who had been hired to bury the overhead power lines. At this time we also reviewed the entire septic system with the owners. We advised that, due to the small size of the existing septic tank (approximately 300 gallons), changing the existing septic tank into a pump-out chamber and installing a larger, 1,000 gallon septic tank with filter would improve the efficiency of the system and extend the life of their field.

They agreed and the repair and improvements were completed in May of 2005.

There was no permit taken out as this repair was required immediately and occurred right in the middle of the change over of regulations and Interior Health was not accepting any applications for repair or new installations.

We excavated and inspected the seepage bed and found it to be in perfect working order with no level of effluent present. After our inspection we found the only back-up area available would be in the U-shaped driveway area where a sand mound and treatment plant could be installed in the approximately 70 X 30 foot area. Test holes were dug to approximately 3 1/2 feet and were found to have shaley, sharp rock and beach rubble debris.

My evaluation of the current septic system of Capri at 1541 Blind Bay Road is as follows:

The current system is working fine, however, should the system fail, the alternatives are a sand mound field with an appropriate sized treatment plant with field installed in the upper grassy area as noted above or the owners would need to obtain land across the road to install the additional field.

We trust this fulfills your requirements. Should you have any further questions, please contact me.

Yours truly,

George Clarke
Bulldog Excavating Ltd.

ROWP - PLANNER
INSTALLER

250-804-9646



PERMIT TO RE PLACE BUILDING SETBACK
(LESS THAN 4.5 METRES FROM
PROPERTY LINE FRONTING A HIGHWAY)

Highway District

Okanagan Shuswap

File/Permit Number

02-131-17011

The Minister of Transportation has approved, subject as to the conditions as set out in this permit, the construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely:

The construction and use of two existing wood frame cabins. Said buildings to extend to within 0.16 metres of the property line of Robertson Road #956, as shown on drawing prepared by Browne Johnson Land Surveyors, submitted with application.

Location of the structure is on that part of Lot 2, Plan KAP62863, Section 15, Township 22, Range 11, W6M, K.D.Y.D.

Application signed by: Ben Cunliffe, November 30, 2005.

Permit issued in the name of:

Ben Cunliffe

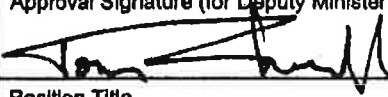
PO Box 53

Sorrento, B.C.

V0E 2W0

This permit may be terminated at any time at the discretion of the Minister of Transportation, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.

This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.

| | |
|--|---|
| Approval Signature (for Deputy Minister of Transportation)  | Print Name Tom D. Chernenkoff |
| Position Title District Development Technician | Date (yyyy/mm/dd) 2006-02-01 |

cc.

COPY

MINUTES

CSRD AREA "C" ADVISORY PLANNING COMMISSION

TUESDAY, MAY 13, 2008

Cedar Heights Hall, Sorrento, 7:00 p.m.

Present: Chair Ken Proctor, Secretary Edith Rizzi, Norm Fletcher, Ted Vlooswyk, Margot Hewitt, Hans Berls

Also in attendance - Director Ted Bacigalupo, Staff Scott Beeching, Applicants Ben Cunliffe, Richard Renard, Michael Lindblad and Sandra ?.

Meeting was called to ORDER

RE: Development Variance Permit No. 701-32

Discussion, questions.

MOVED by Ted Vlooswyk, **SECONDED** by Norm Fletcher, **THAT** the Area "C" APC recommend denial of this application. **CARRIED.**

Meeting Adjourned.

ED.

Attachments

DEVELOPMENT PROPOSAL EVALUATION**Reference:** South Shuswap Official Community Plan: Guiding Principles**Applicant's Proposal:** EXPANDED CABIN & RECREATIONAL FACILITIES**File #:** DEVELOPMENT
VARIANCE PERMIT # 701-3
1541 BLIND BAY RD.**Type of Application:** VARIANCE PERMIT**Date:** MAY 13/08**Affected Neighbourhood Community:** BLIND BAY RD. & LAKE SHORE**Criteria****Assessment*****Preservation of the natural environment
and lake water quality.**(-3) -2 -1 0 +1 +2 +3
HTT "**IMPACT:** INSUFFICIENT LAND FOR CURRENT SEWAGE DISPOSAL (SEE INTERIOR HEALTH
LETTER JAN. 26/07) CAN'T COMPLY WITH MANDATORY REQUIREMENTS OF RIPARIAN AREA
REGULATIONS.***Provision of adequate infrastructure.**(-3) -2 -1 0 +1 +2 +3
HTT "**IMPACT:** CONTRARY TO STANDARD SEWAGE SYSTEMS PRACTICE MANUAL P. 25 (SET-
BACK STANDARDS). TYPE ONE SEPTIC SYSTEM IS NOT ADEQUATE TO
THIS APPLICATION***Compatible with the neighbourhood
community character.**-3 -2 -1 (0) +1 +2 +3
HTT**IMPACT:** PRIMARILY SINGLE-FAMILY NEIGHBOURHOOD RESIDENTIAL AREA, ON
INDIVIDUAL LOTS FOR YEAR-ROUND RESIDENTS***Consideration of natural hazard and
compliance with appropriate regulations.**(-3) -2 -1 0 +1 +2 +3
HTT**IMPACT:** NOT IN KEEPING WITH TERMS OF GRANDFATHERING OF OLD OCP
REQUIREMENTS. SHOULD NOT HAVE BEEN RECOGNIZED! TOO CLOSE TO THE
LAKE. SEE P. 25 OF SEWAGE SYSTEMS STANDARD PRACTICE MANUAL***Effect on local residential traffic and parking.**(-3) -2 -1 0 +1 +2 +3
HTT**IMPACT:** PARKING SPACE IS INADEQUATE FOR RESIDENTS AND GUESTS. PARKING ON "BACK-UP" SEPTIC FIELD, ACCORDING
TO GEORGE CLARKE'S LETTER (BULLDOG EXCAVATING).***Input from the neighbourhood.**-3 -2 -1 (0) +1 +2 +3
HTT**IMPACT:** ACCORDING TO OTHER SIMILAR
ISSUES AND GENERAL PUBLIC COMMUNITY RESPONSE, THE COMMUNITY DOES
NOT WANT HIGH-DENSITY DEVELOPMENT ON OR NEAR WATERFRONT.**SUMMARY STATEMENTS:** DESPITE 5 LETTERS FROM NEIGHBOURS, THIS
HIGH-DENSITY PROPOSAL IS IN CONTRADICTION OF GENERAL VIEWS OF
COMMUNITY.

The Area C Advisory Planning Commission is opposed to the Development Variance Permit for the following reasons:

Observations at the site and detailed analysis of correspondence related to this file point to serious concerns about the potential and recognized problems with 7 homes on a septic system on .53 of an acre of lakeshore.

We present the following evidence:

1. Letter from Courtney Zimmerman, Interior Health Public Health Inspector April 4, 2006 states: "I have concerns about the long term sustainability of the sewage disposal on this site. ...if the system begins to fail, there will not be enough undisturbed land to safely dispose of the effluent"
2. Letter from George Clarke, Bulldog Excavating (RWOP) May 2, 2006- "After our inspection we found the only back-up area available would be in the U-Shaped driveway area where a sand mound and treatment plant could be installed... however, should the system fail, the alternatives are a sand mound field with an appropriate sized treatment plant with field installed in the upper grassy area...or the owners would need to obtain land across the road to install an additional field". *The owner has indicated that he had been unable to come to an arrangement with the owner of the land across the road. They have an arrangement with their neighbour to access increased area for a field if needed, but that property is also on the lakeshore. They did not present any technical information regarding the suitability of this land for a septic field.*
3. Two letters from Mr. Bartel of Point One Engineering, Dec. 18, 2006. "The current system is in good working order", 'according to Mr. Clarke' *even though he first viewed the property with snow on the ground. Mr. Bartel quotes George Clarke's findings, but does not include a technical report of his own. However he states that in his opinion there will be no negative impact from 'increased square footage'. The engineer does not mention that this is lakeshore property in any of his correspondence and has no comment as to how long it will take the effluent to reach the lake. He also does not comment on the lack of a back-up field should the system fail. He also has no comment on the fact that this seasonal property will now be used for more permanent residential use.*
4. Letter from Ivor Norlin, Interior Health Environmental Health Officer/Public Health Inspector dated Dec. 29th 2006 - "None of the information provided to date by Mr. Bartel (the engineer) indicates this system has been assessed to determine if it meets ...the requirements for seepage beds set out in the Sewerage System Standard Practice Manual. ...I must conclude that

Mr. Bartel's letter does not indicate that the existing sewerage system at the above mentioned property meets current health standards".

5. Letter from Ivor Norlin, Environmental Health Officer, Public Health Inspector, Interior Health dated Jan. 26th 2007 "the information provided to date is inadequate to make that determination" that the existing seepage bed and tank comply with the Sewerage System Standard Practice Manual.
6. On the two occasions that the APC visited the site, we observed that Robertson Road next to the property was boggy and wet. It appears to be a watercourse leading to the lake immediately adjacent to the lake, although the owners of the land do not know what the source of the water is. *Neither the report from the Qualified Environmental Professional (QEP) nor the letters from the engineer mentions this boggy area contiguous with the applicant's property. In a conversation with Mr. Joe Rowlette, Senior Public Health Inspector, Interior Health, he gave the opinion that a watercourse near a septic field should be investigated.*
7. Neither the QEP nor the Engineer refer to the required setback from fresh water 'for all sewerage systems' in the Sewerage System Standard Practice Manual (Page 25). A Type 1 Sewerage System should be 30 metres from the high water mark.
8. During one site visit, two of our members recall smelling the odour of septic coming from a ditch that was being dug on the property.

The community is well aware that this property was historically used for seasonal rental cabins. We are concerned about the increased use of the existing system of septic disposal for 7 permanent dwellings on half an acre of lakeshore. The APC is very concerned that the comments from two different Interior Health Inspectors appear to have been set aside.

The applicant is aware of our concerns and has indicated that they would like to hook up to a public sewer utility at the earliest possible date. Failing that, they are interested in upgrading their system to a treatment plant. However, at this point the Development Services Department has not required them to do so.

CSRD

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Aug.01/08

AUG 07 2008

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ATTN: Scott Beeching

Enclosed for your information are the documents we talked about.

Of course this is very important to us so we would value your input, please!?

Enclosed;

- we need the interior health letter of acceptance.
- 7 letters from "All" of our immediate and surrounding neighbours (see. Map & names)
- Engineering's Letter and new septic design
- our letter to the CSRD Board of Directors in response to the planning commission

It is very important that all involved know 4 things;

#1-if this minor variance does not happen it will only hinder the coverage ratio and the septic field and parking space.

#2-we also have reason to believe the road allowance was established after our buildings were already there, so the road allowance actually encroached on our buildings location. Our buildings have been there since the 1930's early 40's.

#3-The ministry of highways has no opposition to this request.

#4-"All" of our neighbours are in support.

Sincerely,



Ron Lindblad for Capri Group.

Ronald Lindblad
Salmon Arm, BC

August 1st, 2008

Columbia Shuswap Regional District
Box 978
781 Marine Park Drive
Salmon Arm, BC V1E 4P1

Attention: Board of Directors

Dear Sirs and Mesdames:

Re: Capri Cabins and Development Variance Permit No.701-32

We note that the APC for Area C resolved on May 13th, 2008 to oppose the minor variance sought by application 701-32. On May 14th, 2008 the APC gave written reasons for its opposition. We would like to respond to those reasons.

We note the following:

1. The APC opposed the application to rezone this property in 2007. The rezoning occurred in any event and essentially legalized the existing use of the property. The APC's opposition of May 13th, 2008 appears to be directed again at the property's land use and does not address how the minor variance sought will impact the site;
2. Most of the APC's criticisms are directed at the property's existing sewer system. The APC states that the CSRD has not required the existing system to be upgraded. On this point the APC is clearly wrong. It was a condition of 2007 rezoning that a restrictive covenant be registered against the property which required the upgrading of the existing system upon further development of the site. The restrictive covenant was registered and the existing system will be upgraded. The APC's opposition based on the adequacy of the existing therefore seems somewhat misdirected; and
3. The APC has observed on two occasions that Robertson Road was boggy and wet. The APC's conclusion that Robertson Road is a watercourse is blatantly absurd, and since then the broken water line on the easement

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going to the mobile home park has “again” been repaired and the area has totally dried up, and

In conclusion, the APC’s opposition to the minor variance sought is based on factors that are simply irrelevant. The opposition is based on:

1. The APC’s opposition to the current land use;
2. Their observation about the existing system is erroneous and will continue to serve the property until the covenant is used.
3. It’s erroneous conclusion that Robertson Road is a watercourse.

We urge the Board to consider the APC’s resolution of May 13th, 2008, for this minor variance in this light.

It is very important that all involved consider 4 things:

#1-If this minor variance does not happen it will only hinder the coverage ratio and the septic field and parking space from what it currently is.

#2-We also have reason to believe the road allowance was put in after our buildings were already there. So the road allowance actually encroached on our building locations. Our buildings have been there since the 1930’s early 40’s.

#3- The ministry of highways has no opposition to this request.

#4- “All 7 of our immediate & surrounding neighbours are in support”, and have sent letters of support.

Yours sincerely,

CAPRI CABINS



Per:

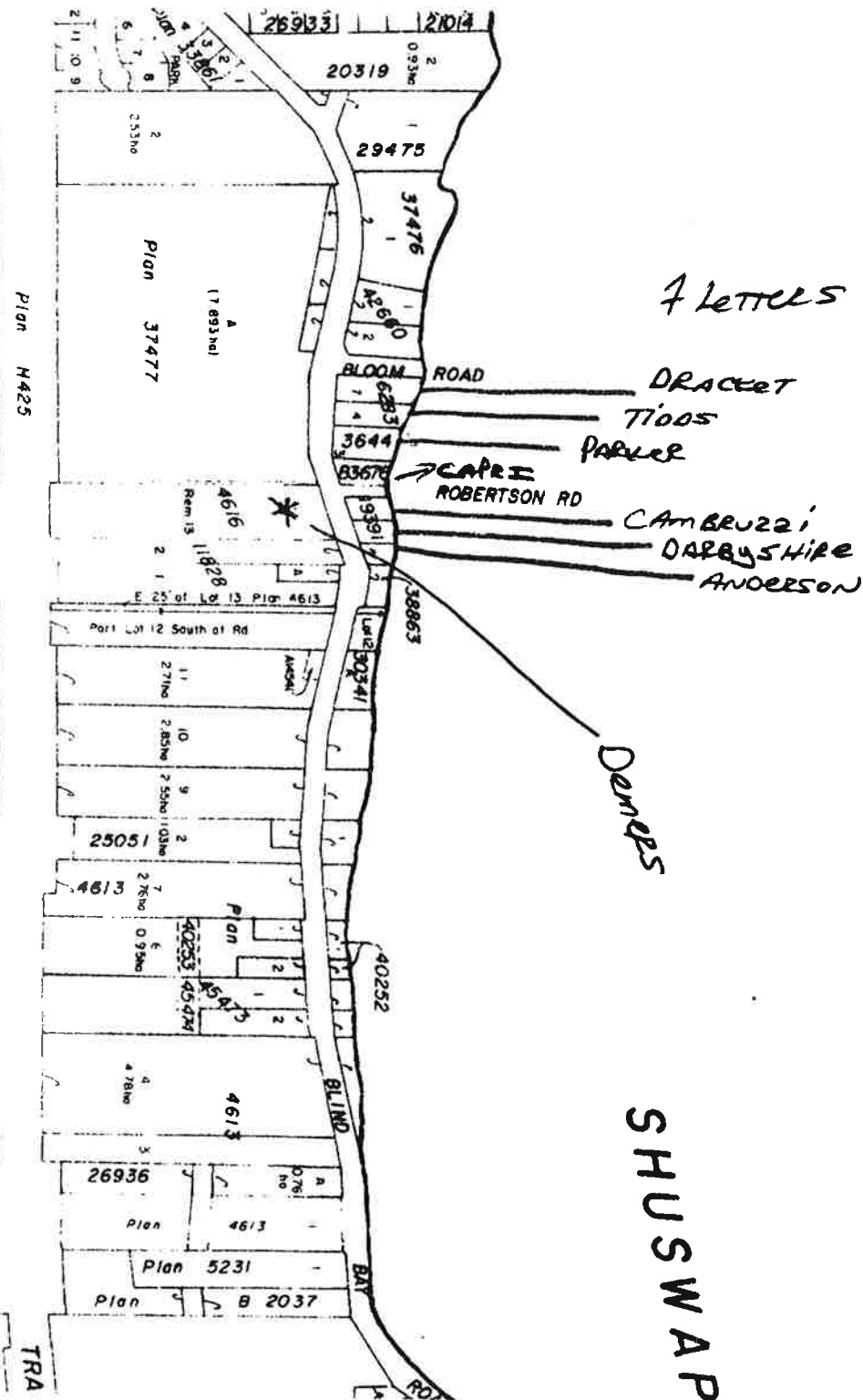
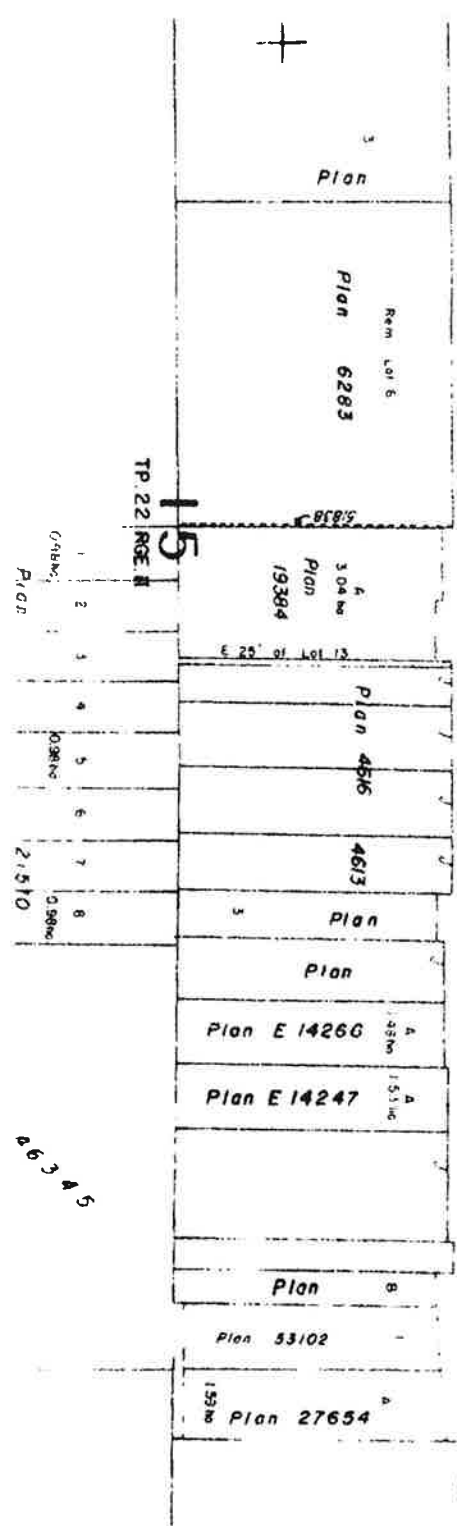
Ronald Lindblad

Mike Lindblad

Ben & Yvonne Cunliffe

Rick & Sandy Renard

Lance & Nicoli Nikolic



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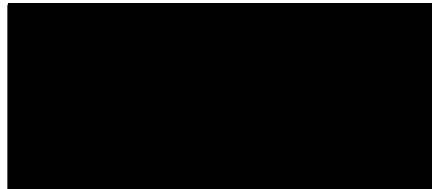
JULY 30, 2008

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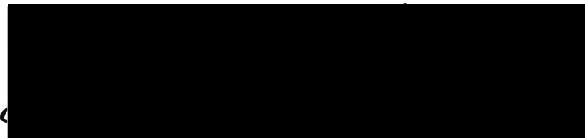
TO WHOM IT MAY CONCERN.

THIS LETTER IS INFORM YOU
THAT I HAVE NO OBJECTION
AND SUPPORT D.V.P. PERMIT #701-32
FOR THE CAPRI CABINS.

SINCERELY,



SORRENTO BC NOE SMO



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REGIONAL DISTRICT

AUG 07 2008

May 6/08

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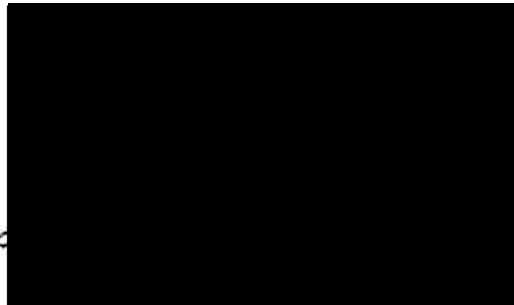
Palind By R1

Parrento

To

Whom it may concern:

We would hereby advise you
that we do not have any objection
to the request for a variance on
the east side of the "Capri" area.



Fax: [REDACTED]

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REGIONAL DISTRICT

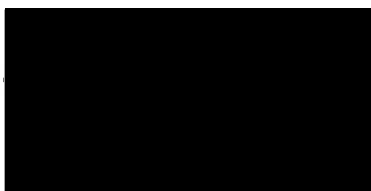
AUG 07 2008

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STAFF.....
CC.....

May 12, 2008

TO WHOM IT MAY CONCERN

This letter is in conjunction with my letter of support for my neighbours, "Capri Cabins". As a neighbour of this resort for almost 24 years, I also strongly support their Development Permit Variance Application.



May 8, 2008

Chris Tidd

Reference: CAPRI CABIN REZONING

Dear Sir/Madam,

The undersigned own the property known as 1527 Blind Bay Road, two properties west of the Capri Cabins. We understand that you require our approval for Capri's Development Permit Variance Application. Please be advised that we have no objection to this application and generally support the redevelopment project for Capri Cabins.

Also please be advised that this letter follows our first letter supporting the original zoning application.

Yours Sincerely

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CAPRI CABIN ZONING

To Whom It May Concern:

May 6, 2008

Dear Sir Madam;

Please find this letter as confirmation that I [REDACTED] Blind Bay Road British Columbia, support the development of the proposed Capri Cabin development project. I have been made aware that the Capri Cabin Zoning Application has asked for my approval of their new Development Permit Variance Application and I have no objection to this application.

Please be advised that this letter is being presented in conjunction with the letter submitted to you concerning the initial zoning application requested by the Capri Cabin's group

Yours Sincerely

[REDACTED]

[REDACTED] Blind Bay Road, BC

[REDACTED]

Tuesday, May 06, 2008

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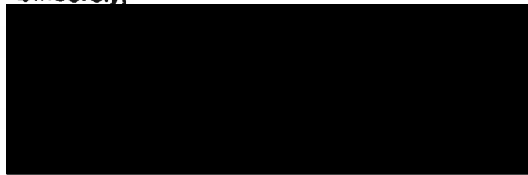
TO WHOM IT MAY CONCERN

MEETINGS.....
STAFF.....
CG.....

This letter goes together with and in conjunction with our Letter of Support for our neighbours,
"The Capri" zoning.

We also support their Development Permit Variance Application.

Sincerely,



Blind Bay Road,
Sorrento, B.C.
VOE 2WO.

Telephone: [Redacted]

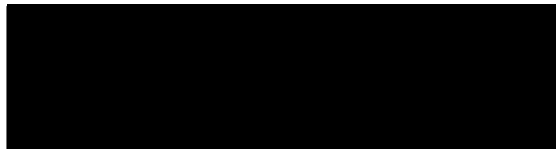
July 28, 2008

To Whom it May Concern:

RE: Notice of Intent to Issue Development Variance Permit No. 701-32

As owner of [REDACTED] Blind Bay Road, Sorrento, BC, I have received the Notice of Intent to Issue the above mentioned Development Variance Permit for the subject property at 1541 Blind Bay Road, Sorrento, BC.

This letter will serve as my agreement with the variance in the setback requirements of the South Shuswap Zoning Bylaw No. 701 which has been stated in the Development Variance Permit for the subject property.



[REDACTED] Blind Bay Road
Sorrento, BC

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.....

POINT ONE Engineering

On-Site Wastewater Engineering Consultant
2 – 8844 Michael Dr. Vernon, B.C. V1B 2B9

Ph: (250) 549-3506
Fax: (250) 549-5108
email: dickbartel@shaw.ca

LETTER OF TRANSMITTAL

PROJECT: Capri Cabins , – On-Site Wastewater System

ATTENTION: Mr. Ron Linblad

DATE: June 2, 2007

Ron and Owners:

1. Enclosed are several documents which are intended to give you an oversight of the proposed On-Site Wastewater system for this location.
2. There is a plot plan showing the location of the cabins, as per the Browne Johnson document you provided. I wasn't sure exactly where the existing septic tanks are located and would ask, if you know, mark them on the plot plan. I've also shown the location of the 50 foot and 100 foot set-back on the property. If possible, we should locate the treatment systems within the 50 foot set-back and the dispersal field beyond the 100 foot set-back.
3. Included also is a schematic drawing of the proposed system showing the components of the system and the area required for the dispersal field.
4. The dispersal field can consist of 2, 4 or 6 zones, if needed to locate it on the site. After the treatment the effluent is essentially water as 95 % of the renovation has been completed by the Whitewater Treatment Systems.
5. A budget estimate is also included. You will note that it is for equipment and engineering. I would expect several installers will be able to give you an estimate of installation costs, such as Bulldog Excavating.
6. Also included is a copy of my Engagement Agreement and invoice for the retainer. Once the decision has been made to proceed, please sign a copy of the Engagement Agreement and return it with the retainer.
7. If there are any questions or comments, please let me know.

Sincerely,



Dick Bartel, P.Eng.

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598525 B.C. LTD DBA
POINT ONE Engineering

Engagement Agreement

Schedule of Services, Charges and Conditions of Agreement

1. SCOPE OF SERVICES

POINT ONE ENGINEERING shall perform the services and work outlined in the: SCOPE OF SERVICES, Schedule A , Dated: June 2, 2007 Project 2007 - 02 attached and forming part of the Agreement. The proposal is agreed to by the CLIENT and incorporated herein by reference. All services, regardless of commencement date, will be covered by this Agreement. Unless modified in writing and agreed to by both parties, the duties of POINT ONE Engineering shall not be construed to exceed those Services specifically set forth in the proposal or Schedule A. A change in the scope of services will result in additional fees and schedule adjustments.

2. INVOICES AND PAYMENT TERMS

POINT ONE Engineering's charges for services rendered will be made in accordance with POINT ONE Engineering's current schedule of fees in effect at the time the Services are performed or as outlined in the PROPOSAL or in the SCOPE OF SERVICES, Schedule A and forming part of this Agreement. All Services shall be provided on a C.O.D. basis with a retainer. CLIENT shall notify POINT ONE Engineering within 10 days of receipt, of any dispute with the invoice. CLIENT and POINT ONE Engineering will promptly resolve any disputed items. Payment of undisputed invoice amount is due upon receipt of invoice by CLIENT and is past due 30 days from the date of the invoice, without holdback. CLIENT agrees to pay a finance charge of 1.5 % per month (equivalent to 19.6% per annum), on past due accounts. POINT ONE Engineering will take a "Pens Down" position (halt all work) until outstanding invoices have been paid. CLIENT agrees to pay legal costs and fees, and all other collection costs incurred by POINT ONE Engineering in pursuit of past due payments.

The CLIENT acknowledges and agrees that POINT ONE Engineering may, at its sole discretion, hold back issuance of final reports, drawings, and Certification of Completion Letters and Seals until payment of all past due amounts has been received by POINT ONE Engineering.

3. TAXES

Fees for Services and charges for reimbursable expenses are exclusive of any taxes or similar assessments now or hereinafter imposed by any Federal, Provincial or Municipal taxing authority. Any such applicable assessments are in addition to amounts otherwise referred to herein.

4. TERMINATION

The Agreement may be terminated by either party upon 30 days written notice. The Agreement may be terminated by either party in the event of substantial failure by the other party to perform in accordance with terms thereof. Such termination shall not be effective if that substantial failure has been remedied before expiration of the period specified in the written notice.

If the agreement is terminated, CLIENT shall forthwith pay to POINT ONE Engineering fees for all Services performed.

5. DATA AND INFORMATION

POINT ONE Engineering shall be responsible for the accuracy of the data, interpretations and recommendations it generates or makes.

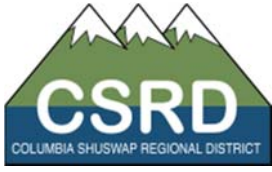
SCOPE OF SERVICES

SCHEDULE A

Date: June 2, 2007

Project: 2007 - 02

[illegible]



COLUMBIA SHUSWAP REGIONAL DISTRICT

PO Box 978, 555 Harbourfront Drive NE, Salmon Arm, BC V1E 4P1
T: 250.832.8194 | F: 250.832.3375 | TF: 1.888.248.2773 | www.csr.bc.ca

November 9, 2015

VP 701-32
BE 701-36

Owners

Re: Capri Cabins – Lots 1 to 6, Plan EPS162, Sec. 15, Tp. 22, Rge. 11, W6M, K.D.Y.D., Located at 1541 Blind Bay Road –Development Variance Permit No. 701-32

Development Variance Permit No. 701-32 was issued by the CSR District August 21, 2008. The Development Variance Permit (DVP) recognized some of the setbacks of the Capri Cabins development existing at that time which were non-compliant. The DVP also contemplated some minor additions. At some point in 2009, rather than proceed with the additions as represented to the Regional District, the existing 7 units on the site were demolished and 6 new units were constructed and subsequently subdivided into separate strata-titled building units. In most cases the new units were not constructed to the same setbacks as those that had been demolished. In some cases this has led to encroachments onto the Ministry of Transportation and Infrastructure (MoT) Right-of-Way known as Robertson Road causing issues with compliance. Where the bylaw setback has already been relaxed by issuance of a DVP, and the new construction is closer to and even over the property lines, both the bylaw and the DVP relaxed setbacks have been violated.

Additionally, the rezoning amendment bylaw which allowed the density on the site by special regulation Subsection 14.3.12, and which preceded issuance of the DVP, and the DVP itself, were based on a report, dated May 14, 2007 from Mr. Alan Bates, P.Eng., of Streamworks Unlimited that provided a flood risk assessment of the site for the existing development. Unfortunately since the report was written for the existing development, as soon as that was demolished and a new development constructed in its place closer to the natural boundary of the lake, the report became irrelevant to the new units. This means that the new units were constructed in violation of the South Shuswap Zoning Bylaw No. 701 (Bylaw No. 701) Floodplain Specifications.

CSR District staff have previously forwarded a letter dated November 12, 2010, outlining these issues and also raising the question of compliance with Zoning Bylaw parcel coverage and building height regulations.

Recently, I met with Mr. Lindblad in my office, after it had been noted that works were being done to the dock. As a result of that meeting I agreed to provide you with this letter re-iterating the areas of non-compliance and what options are available to you to achieve compliance for the Capri Cabins development. The following are the areas of non-compliance:

1. The subject property is currently zoned CH2 – Cluster Housing 2, in accordance with South Shuswap Zoning Bylaw No. 701 (Bylaw No. 701). The CH2 zone contains regulations for setbacks in Subsection 14.2.3, as follows;

| | |
|---------------------------|-------|
| Front parcel line | 5.0 m |
| Exterior side parcel line | 4.5 m |
| Interior side parcel line | 2.0 m |

ELECTORAL AREAS

A GOLDEN-COLUMBIA
B REVELSTOKE-COLUMBIA

C SOUTH SHUSWAP
D FALKLAND-SALMON VALLEY

E SICAMOUS-MALAKWA
F NORTH SHUSWAP-SEYMOUR ARM

MUNICIPALITIES

GOLDEN
REVELSTOKE

SALMON ARM
SICAMOUS

Rear parcel line

5.0 m

On August 21, 2008, by resolution No. 2008-832 the Board of the CSRD authorized issuance of DVP 701-32, which reduced the exterior side parcel line setback from 4.5 m to 0.71 m for the existing cabins on the site.

A more recent building location certificate, dated August 9, 2010, showing the new units indicates that strata lot 2 is located as close as 0.68 m; strata lot 3 is located as close as 0.67 m; and strata lot 4 is located as close as 0.66 m from the exterior side parcel line. Additionally all 3 of these units have concrete pads which encroach into the Robertson Road Right-of-Way by 0.24 m.

2. The building location certificate also indicates that eave lines for strata lots 2, 3, and 4 are located at or on the exterior side parcel line. Subsection 3.6.8 of Bylaw No. 701, allows eaves to be located in an area of setback provided they are not closer than 1.0 m from any parcel line.
3. Subsection 14.2.2 regulates the maximum height for buildings as 10.0 m. The building location certificate shows that strata lot 2 is 10.35 m high and strata lot 3 is 10.07 m high.
4. Subsection 14.3.12.2 regulates the maximum parcel coverage at 23%. In reviewing both the building location certificate and the strata plan EPS162, CSRD staff have computed the total area of all buildings on site to be 531 m² on a parcel size of 0.2 ha. which appears to indicate a parcel coverage of 26.55%. It is suggested that the strata owners confirm the parcel coverage with the surveyor that provided the building location certificate.
5. Section 3.16 designates floodplains, and Subsection 3.17.1 establishes the flood construction level as 351.0 m for land adjacent to Shuswap Lake. Strata Plan EPS162 shows that every strata lot has a basement. The building location certificate indicates that all main floor elevations comply with the flood construction level. However, the top of lower floor elevation for every strata lot except strata lot 1 is below this flood construction level. Subsection 3.18.2 requires that any space used for dwelling purposes or storage of goods, susceptible to flood damage must be above the flood construction level.
6. Subsection 3.17.2 establishes a floodplain setback of 15.0 m from the 348.3 m contour for buildings adjacent to Shuswap Lake. DVP 701-32, as issued relaxed the floodplain setback for the existing development, but was specific to the cabins named in Schedule B attached to and forming part of DVP 701-32. Whereas, strata lot 4 is located as close as 10.33 m, strata lot 5 is located as close as 13.62 m, and strata lot 6 is located as close as 10.02 m; from the 348.3 m contour.

Setback violations for buildings and eaves, as well as building height can be dealt with by applying for and having issued by the Board a new DVP for the new structures. The DVP would be subject to the strata corporation obtaining a permit to encroach onto the Robertson Road Right-of-Way from the Ministry of Transportation and Infrastructure (MoT). Also, the strata corporation would be required to obtain a waiver from MoT to the Provincial Setback area, of 4.5 m, as established in Provincial Public Undertakings Regulation No. 513/2004 under Section 12, in regard to the proximity of strata lots 2, 3, and 4 from Robertson Road. I understand that there was a permit issued February 1, 2006 from MoT that permitted the previous buildings to be situated within 0.16 m of the Robertson Road Right-of-Way. This permit will need to be re-issued to the strata corporation reflecting the construction of the new units on the site.

Maximum parcel coverage cannot be varied by a DVP. Parcel coverage is a measure of density and therefore, in accordance with Section 922 (2)(a) of the *Local Government Act*, a DVP cannot vary either use or density. The only means available to you to allow a parcel coverage of 26.55% is to apply for a rezoning amendment which would amend the site specific regulation for the property under Subsection 14.3.12.2 in the CH2 zone.

Similarly, Section 922(2)(b) of the *Local Government Act*, limits the ability of a DVP to vary a floodplain specification, under Section 910(2) of the *Local Government Act*. Rather the matter of the violation of the floodplain specifications, for both the flood construction level and the floodplain setback would require the CSRD to process and issue an exemption to the floodplain specifications, as contemplated under Section 910(5) of the *Local Government Act*. In accordance with this section a report from a professional engineer or geoscientist experienced in geotechnical engineering would be required to be submitted to support the exemption application.

As an alternative to separate DVP, rezoning amendment and exemption from floodplain specification applications, the CSRD would like to suggest that an application for a rezoning amendment alone could be made to deal with all of the compliance issues.

To summarize, the development on the property is non-compliant with DVP 701-32 and Bylaw No. 701. The issues remain unresolved. In order to avoid further action being taken by the CSRD, you must seek to resolve these issues by following an option provided you in this letter.

If you have any questions with regard to the information in this letter, or any other issue, please call me directly, or email me at dpassmore@csrd.bc.ca.

Sincerely

Dan Passmore
Senior Planner

/dgp

cc: Electoral Area 'C' Director, Paul Demenok



5690 Lakeshore Road NE
Salmon Arm, BC V1E 3P5
Phone/Fax: (250) 832-3095
Email: streamworks@telus.net

September 25, 2017

Ron Lindblad
c/o 1015 Lakeshore Drive SW
Salmon Arm, B.C.
V1E 1E4

Re: Capri Cabins – 1541 Blind Bay Road legally described as Lots 1 to 6, Plan EPS162, Section 15, Township 22, Range 11, W6M KDYD. Development Variance Permit No. 701-32

Dear Mr. Lindblad:

I have prepared this letter at your request as a follow-up to a flood risk assessment I provided to you dated May 14, 2007 for the above described property. It is my understanding that my original report was submitted to the Columbia Shuswap Regional District (CSRD) in July 2007 aimed at obtaining building permits for proposed improvements. Since that time, new units have been constructed, including new foundations and excavated basements. Setback distances and floor elevations for the newly constructed units differ from the existing buildings described in my original assessment. It is my understanding that CSRD has requested an update to the flood risk assessment. To this end, I have reviewed the updated survey information you provided (attached) and considered any changes to the flood risks associated with Shuswap Lake. No site visit was undertaken for this update/review. This letter summarizes my findings and recommendations.

As discussed in your correspondence with the Columbia Shuswap Regional District, South Shuswap Zoning By-law No. 701 requires a floodplain setback of 15m measured from the mean annual high water mark of Shuswap Lake. According to the current (August 2017) version of the By-law, the mean annual high water mark of Shuswap Lake is defined as 348.3 metres Geodetic Survey of Canada Datum. This elevation is plotted on the attached site survey plan on the lake side of the existing retaining wall. Setback distances to the three waterfront cabins are shown on the plan, ranging from 10m to 14m to the front decks. Setback distances to the foundation walls would be approximately 2 to 3m further. These buildings are therefore not in compliance with the required setback and will require an exemption.

South Shuswap Zoning By-law No. 701 also specifies a minimum Flood Construction Level (FCL) of 351.0m Geodetic Survey of Canada Datum for land adjacent to Shuswap Lake. This is based on floodplain mapping and reports for the Salmon and Seymour Rivers issued in 1991 by the BC Ministry of Sustainable Resource Management. According to the reports, this elevation is administrative and includes 0.94m freeboard to allow for wave action and/or other sources of variability (Hay & Co. 1990, Crippen 1990).

As discussed in my original report, assigned freeboards used for limits of inundation range between 0.3 and 0.6m depending upon the length of record, confidence in the calculations and other factors. Higher freeboards are sometimes applied to river flood levels where there exists the possibility that debris and/or ice jams could locally elevate floodwaters. Shuswap Lake gauging dates back to 1923, providing a good data set for frequency analysis and debris or ice jams are unlikely to affect lake levels. With multiple medium-sized inflow tributaries (i.e. Shuswap River, Seymour River, Adams River and Eagle River) all draining divergent geographical regions, the likelihood of a single storm or runoff event affecting all tributary regions simultaneously is low. This functions to moderate flood peaks in the system and reduces variability. Shuswap Lake is a relatively large lake and its slow response to inflows from its tributary streams naturally attenuates flood peaks. The highest recorded level for Shuswap Lake was 349.66 in 1972 (1.34m below the calculated flood level). The added freeboard is also intended to accommodate wind and wave action.

Wind-related wave action on Shuswap Lake is relatively infrequent. Wave action at that time of year is usually the result of boat traffic and are likely to be less than 0.5m in height. In my opinion, the assignment of 351m as the flood level for Shuswap Lake based on 0.94m freeboard above a calculated 200 year level of 350.06, is conservative and provides more than adequate protection for development at or above this elevation.

The attached survey plan shows basement floor and main floor elevations for the newly constructed cabins. The basements are unfinished and are not used for living space, however they do house the furnace and hot water tanks for the units. It is my understanding that furnaces have been built on above-floor platforms of unspecified height. The following table summarizes the cabin floor elevations:

Table 1: Cabin Floor Elevations (elevations below the designated FCL are shown in italics)

| Cabin # | Basement Elevation (m) | Main Floor Elevation (m) |
|----------------|-----------------------------------|-------------------------------------|
| 1 | 351.86 | 354.28 |
| 2 | <i>350.91</i> | 353.30 |
| 3 | <i>349.55</i> | 352.00 |
| 4 | <i>349.57</i> | 351.94 |
| 5 | <i>348.84</i> | 351.28 |
| 6 | <i>348.83</i> | 351.18 |

Main floors in all of the cabins are above the 351m FCL. Basement floor elevations are below the FCL for all the cabins except Cabin #1. The tops of the foundation walls are likely close to the FCL. Assuming these walls are not overtopped by floodwaters, water can only enter the basements through seepage and/or backing up through the basement drains. It will be important to keep any water in the basement below the level of the elevated furnaces. To mitigate flood risks, automatic (float-switch) under-slab and outside perimeter sump pumps have been installed for each cabin. According to residents, sump pumps did not activate during high lake levels in 2012 or 2017, two relatively high water years (349.588m and 349.072m respectively). The 2017 lake level exceeded the basement floor levels in Cabins #5 and #6 with no reports of water/moisture problems. Installed sump pumps should be able to keep up with any basement seepage.

In my opinion, despite the floor elevations of the new structures and the variance in setback distance from the Bylaw requirements, the risk of damage from flooding on the property has not been significantly increased by the newly constructed cabins. Only in extremely rare circumstances (e.g. greater than 200 year water level combined with severe wave action) will the cabins be potentially at risk. The calculated 200 year flood level without freeboard (350.06m), falls below the top of the existing concrete retaining wall. This suggests that lake levels exceeding the top of the wall and flooding the lawn area will be extremely rare. The concrete retaining wall appears well-constructed and should serve to reduce erosion potential along the front of the properties. The existing wall does not appear to be retaining fill in order to support the cabins, that is, the cabins are built on native soils. The current structures remain well-back from the top of the retaining wall.

In summary, based on the surveyed information and the assumptions outlined, the improvements made to the Capri Cabins have not significantly increased the risk of flood damage on the property. The site remains suitably protected/elevated from flooding and/or foreshore erosion and may continue to be used safely. To mitigate potential damage for the new basements below the FCL, these areas should not be used as living space or for the storage of valuables. Sump pumps should be annually inspected and maintained to ensure functionality when lake levels rise in each May.

Please feel free to contact me if you have any questions regarding the contents of this letter.

Sincerely,



Alan Bates, P.Eng.
Water Resources Engineer
Streamworks Consulting Inc.

References:

Crippen Consultants 1990 *Salmon River – Shuswap Lake to Spa Creek - Floodplain Mapping Design Brief*. Province of British Columbia Ministry of Environment, Water Management Branch, Victoria, BC

Hay and Company March 1990 *Seymour River at Seymour Arm - Floodplain Mapping Design Brief*. Province of British Columbia Ministry of Environment, Water Management Branch, Victoria, BC

BROWNE JOHNSON LAND SURVEYORS

BRITISH COLUMBIA AND CANADA LANDS

Box 362, Salmon Arm, B.C. V1E 4N5 (250)832-9701

B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE

To: Capri Cabin,
c/o Rick & Sandra Renard,
109 Branchflower Road,
Salmon Arm, B.C. V1E 3C6

Your File:

Re: Strata Plan EPS162, Section 15, Township 22,
Range 11, W6M, KDYD

Parcel Identifier(PID): 024-273-635

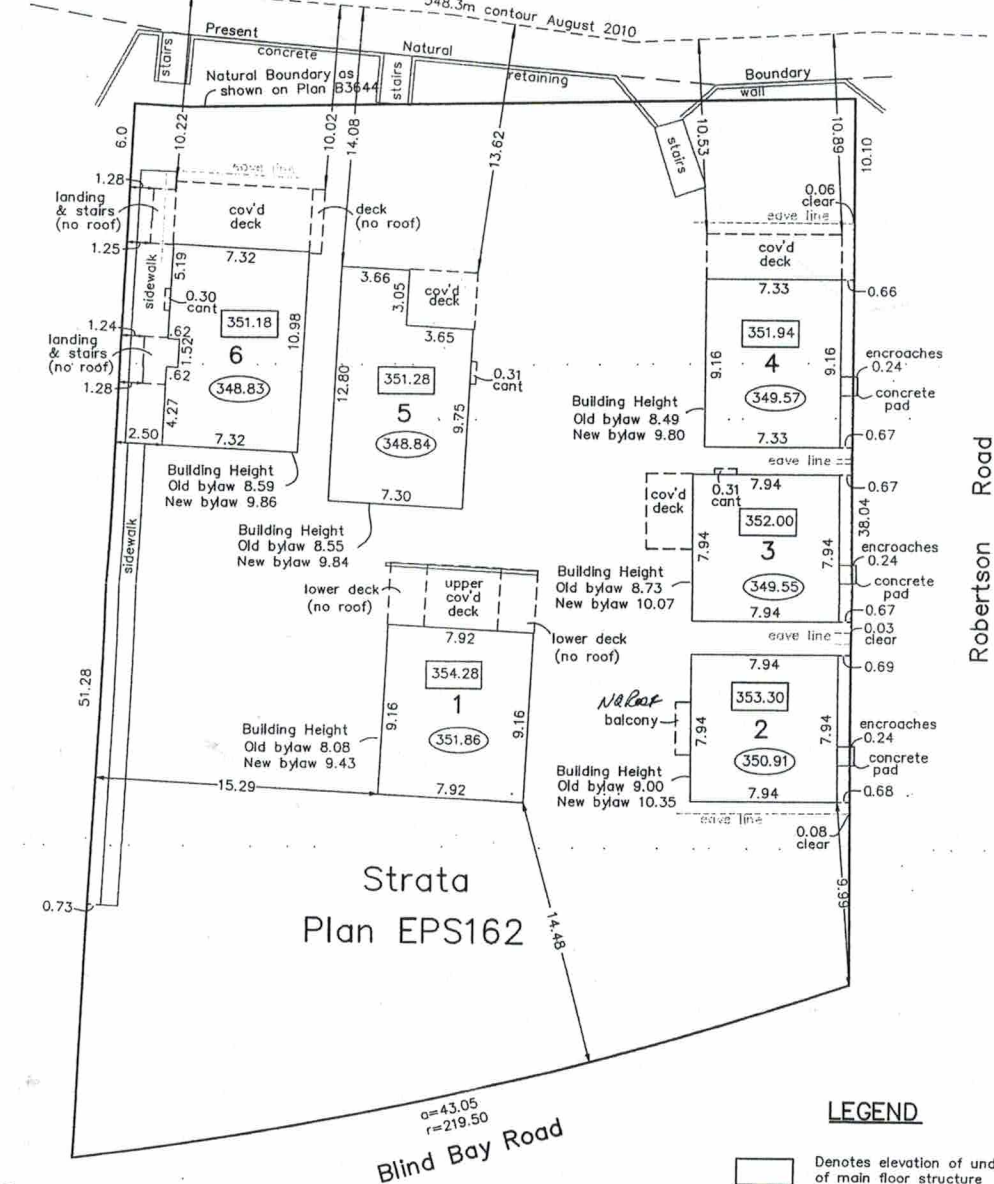
Civic Address: 1541 Blind Bay Road

List of documents registered on title which may affect
the location of improvements:

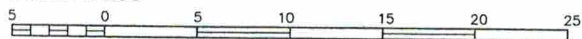
R/W LA57413 & LA57414
Covenant KM95490 & LB5664

Shuswap Lake

348.3m contour August 2010



Scale 1:250



All distances are in metres.

Dimensions derived from Plan KAP62863

Offsets from property line to building are measured from the siding.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

This plan was prepared for inspection purposes and is for the exclusive use of our client. This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

This building location certificate has been prepared in accordance with the Manual of Standard Practice and is certified correct this 9th day of August, 2010.

B.C.L.S.

LEGEND

- Denotes elevation of underside of main floor structure
- Denotes elevation of top of lower floor

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Our File: 375-09 Fb: raw p.