



COWICHAN VALLEY REGIONAL DISTRICT

DEVELOPMENT VARIANCE PERMIT

REGISTERED PROPERTY OWNER(S):

THERESA LOUISE FRY

BRETT ANDREW LECOMTE

CVRD FILE NO.: **DVP23I03**

DATE ISSUED: **MONTH DAY, YEAR**

1. This Development Variance Permit is issued and is subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below:

LOT 32, BLOCK 5, COWICHAN LAKE DISTRICT, PLAN 51348
(PID: 016-771-702)
3. Authorization is hereby given for construction of a single-detached dwelling, subject to the following requirement(s):
 - **Development shall occur in accordance with attached Schedules A – C**
 - **Issuance of a Development Permit in compliance with applicable Development Permit Areas.**
4. Electoral Area I Zoning Bylaw No. **2465** is varied as follows:
 - **Section 3.20 Setbacks from a Watercourse – the setback from a watercourse is reduced from 15 m to 8.21 m for the construction a single-detached dwelling and septic.**
 - **Section 5.3.4 Setbacks – the interior side parcel line is reduced from 3 m to 1 m for the construction of a single-detached dwelling and septic.**
5. The following Schedules are attached to and form a part of this permit:

SCHEDULE A – Subject Property Map

SCHEDULE B – Site Survey, JE Anderson & Associated, June 28, 2024

SCHEDULE C – Section 11 Change Approval, Ministry of Water, land and Resource Stewardship, May 17, 2023
6. The land described herein shall be developed in substantial compliance with the terms and provisions of this Permit and any plans and specifications attached to this Permit shall form a part thereof.

7. Subject to the terms of this Permit, if the holder of this Permit does not substantially start any construction within 2 years of its issuance, this Permit will lapse.

AUTHORIZED BY RESOLUTION NO. [#####] PASSED BY THE BOARD OF THE
COWICHAN VALLEY REGIONAL DISTRICT THE ##TH DAY OF MONTH, YEAR.

This Permit is not a Building Permit or subdivision approval. Where applicable, no occupancy certificate or final subdivision approval shall be issued until all items of this Development Variance Permit have been complied with to the satisfaction of the Land Use Services Department.

Schedule A

Youbou Rd

Miracle Close

Miracle Way

**Cowichan
Lake**

Metres

0

100

200



SITE PLAN

EAGLE PACIFIC DEVELOPMENTS

Lot 32, Block 5,
Cowichan Lake District,
Plan 51348

ADDRESS : Miracle Close, Cowichan Lake

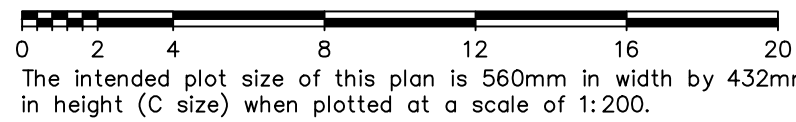
PROJECT SURVEYOR : RPH

DRAWN BY : BAR DATE : JUNE 18/21

OUR FILE : 33551 REVISION : AUG 21/24



4212 GLANFORD AVE, VICTORIA, B.C. V8Z 4B7
TEL: 250-727-2214 FAX: 250-727-3395
E-MAIL : info@jeanderson.com
VICTORIA-NANAIMO-PARKSVILLE-CAMPBELL RIVER



Distances and elevations are in metres

Elevations are geodetic based on GNSS observations

Elevations are at natural grade unless noted otherwise

Setbacks shown are based on LR-1 zoning
(Lakefront Residential Zone 1)

LEGEND

- --- Denotes Standard Iron Post Found
- ▲ --- Denotes Traverse Station Placed
- ★ --- Denotes Coniferous Tree
- Dec. (circle with cross) --- Denotes Deciduous Tree
- 170.75+ --- Denotes Typical Spot Elevation
- 105 (circle with cross) --- Denotes Typical Numbered Wooden Stake Placed
- --- Denotes Utility Pole

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

J.E. Anderson & Associates accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

This plan is intended for use as a topographic site plan. It is based on Land Title Office records and ties to surrounding survey evidence and does not represent a boundary survey. Critical lot dimensions, lot areas and building setbacks should be confirmed by a legal cadastral survey.

Subject to charges, legal notations, and interests shown on: Title No. CA9038847 (P.I.D. 016-771-702)

V: _Projects\33551\08\02\Microsurvey\33551.dwg

2
Plan EPP22384

29

Plan

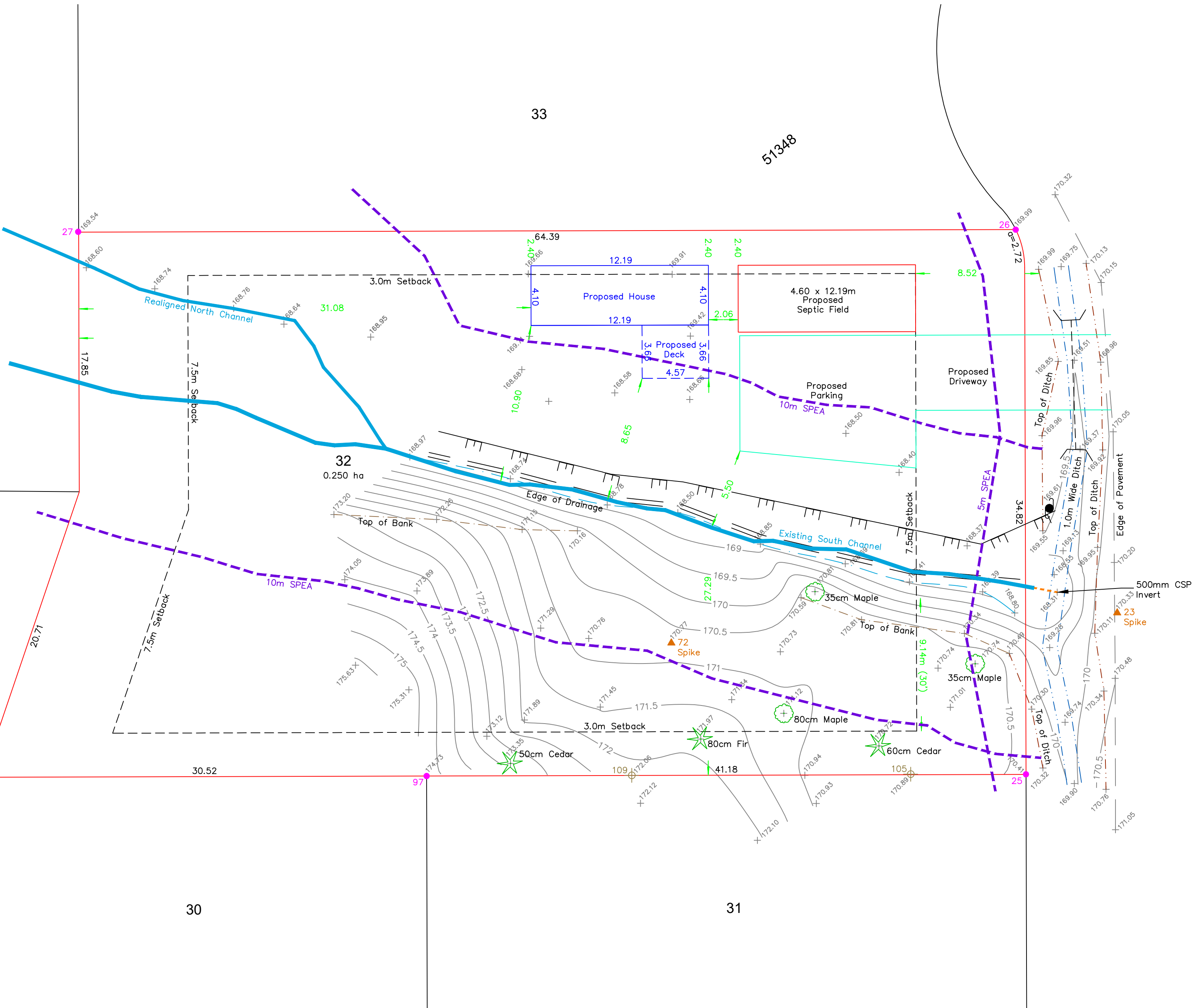
30

33

31

51348

Miracle Close





May 17, 2023

Job Number: 123994
vFCBC Tracking Number: 100398119

Brett LeComte
8120 West Saanich RD
Sannichton, BC V8M 1S3

Dear Brett LeComte,

Change Approval - Changes In and About a Stream (File 1005640)

A Change Approval for the above application has been granted and a *Water Sustainability Act* Section 11(1) Changes In and About a Stream Approval document verifying this is attached.

The holder of this approval shall ensure that any proposed development and/or changes do not impact traditional or special sites in accordance with the *Heritage Conservation Act* and the ability of First Nation community members to participate in traditional activities on the land and water.

This approval does not constitute authority of any other agency. The holder of this approval shall have the necessary permits from other agencies concerned prior to the commencement of the works authorized herein. The permit holder is required to adhere to all other applicable Provincial and Federal Regulations.

Archeological sites (both recorded and unrecorded) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archeology Branch. The holder of this approval must advise everyone who will be involved in ground-disturbance and construction that if archeological materials are encountered, activities must be halted and the Archeology Branch contacted at 250 953-3334 for direction.

Section 105 of the *Water Sustainability Act* gives the recipient of this notice the right to appeal my decision. You may file an appeal within 30 days of the date indicated on this letter. Information on filing an appeal can be found on the Environmental Appeal Board website at <http://www.eab.gov.bc.ca/>.

If you have any questions or concerns regarding the document issued or this letter please feel free to contact Randy Reid, Water Officer, by email at randy.reid@gov.bc.ca or by phone at 250 736-6981.

Sincerely,

A handwritten signature in black ink, appearing to read 'Randy Reid', is positioned above the printed name.

Resource Manager

Cc:

Enclosure(s)



May 17, 2023

Job Number: 123994
vFCBC Tracking Number: 100398119

Brett LeComte
8120 West Saanich RD
Sannichton, BC V8M 1S3

Dear Brett LeComte,

Change Approval - Changes In and About a Stream (File 1005640)

Brett LeComte, 8120 West Saanich Road, Saanichton, BC V8W 1S3 is hereby authorized to make changes in and about a stream as follows:

- 1) The name of the streams are Unnamed Stream (north) and Unnamed Stream (south).
- 2) The changes to be made in and about the stream are:
 - Northern stream channel diversion via berm construction;
 - Infilling of northern stream to facilitate development footprint;
 - Restoration of the remaining northern stream channel including seeding, planting and large woody debris placement;
 - Southern stream channel restoration; and
 - Restoration of all disturbed riparian area outside building and driveway footprint.
- 3) The location of the works are at the following coordinates, as provided by the applicant: 48.8608660, -124.1566670.
- 4) All works shall be completed in accordance with:
 - The Change Approval Application – dated October 7, 2022;
 - “Conditions and Impacts Report” prepared by Corvidae Environmental Consulting Inc. – dated October 2022;
 - Revised Site-Specific Map and planting prescription received by email from Corvidae Environmental Consulting Inc. – dated May 15, 2023; and
 - Engineered drawings prepared by JE Anderson & Associates.
- 5) All works shall take place between June 15, 2023 to September 15, 2023 and June 15, 2024 to September 15, 2024.

- 6) A Qualified Environmental Professional/Monitor with the authority to halt work shall be on site during all phases of construction.
- 7) Complete riparian restoration as per plans in the “Conditions and Impacts Report” prepared by Corvidae Environmental Consulting Inc. and the revised site-specific map and planting prescription received by email (dated May 15, 2023) from Corvidae Environmental Consulting Inc.
- 8) All plantings shall be monitored for 3 subsequent growing seasons to ensure survival and replacement must occur if plants succumb to seasonal drought or other causes of mortality.
- 9) Upon completion of work, you must provide Randy Reid (Randy.Reid@gov.bc.ca), Water Officer, FOR, with photographs of the riparian plantings, berm construction and infill as evidence that works were completed per submitted plans.
- 10) All machinery and equipment operating near the stream shall be clean, free of external grease, oil or fluid leaks and shall use biodegradable grease, oil and fluids.
- 11) Fuelling and servicing of vehicles and equipment must occur a minimum of 30 metres away from all streams, lakes and waterbodies. Keep a spill containment kit on site and train onsite staff in its use. Immediately report any spill of a substance that is toxic, polluting, or deleterious to aquatic life of reportable quantities to the Dangerous Goods Incident Report 24-hour phone line at 1 800 663-3456.
- 12) The holder of this approval shall take reasonable care to avoid damaging any land, works, trees, or other property and shall make full compensation to the owners for any damage or loss resulting from the exercise of the rights granted with this approval.
- 13) All material utilized during construction shall be contoured and placed in a stable area such that it is not able to mobilize and managed to avoid entry into any stream or watercourse.
- 14) Measures must be taken to ensure that no harmful material (e.g. fuel and other hydrocarbons, soil, road fill, or sediment) which could adversely impact water quality, fish and other aquatic life, and/or fish habitat, be allowed to enter the wetted perimeter as a result of the project activities.
- 15) All rock used in the works shall be clean and free of sediment producing material, durable, non-acid generating and suitably graded.

- 16) All work shall be carried out in accordance with the Provincial "*Requirements and Best Management Practices for Making Changes In and About A Stream in British Columbia* (2022)" <https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/working-around-water/wsa-cias-requirements-bmps.pdf?msclkid=295e67c4c1ae11ecadd4ff4606dd7f6ea> and "*A Users' Guide for Changes In and About A Stream in British Columbia* (2022)" https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/working-around-water/wsa-cias-users_guide.pdf?msclkid=92f2e4dbc1b011ec95c005b94d9b874d.
- 17) Where there is a potential for silt runoff in the proximity of existing watercourses, control devices will be installed prior to construction activities commencing;
- a) Filter fabric dams, rock check dams, and silt fencing will be used as needed on a site-specific basis to control erosion. Filtration should be accomplished using filter fabric keyed into substrates and banks, and elevated using stakes. Silt fencing is not an acceptable mitigation technique to control erosion in flowing ditches; however, it is useful for containing slumping areas and for use as baffles to slow water velocities.
 - b) Excavation will be stopped during intense rainfall events or whenever surface erosion occurs affecting the watercourse.
 - c) Watercourses are not to be traversed by machinery at any time.
 - d) Soil stockpiles with the potential to erode into watercourses are to be covered with poly sheeting or mulch. Other techniques, such as terracing or surface roughening can greatly reduce surface erosion on steeper slopes.
 - e) Permanent exposed soil areas and erosion-prone slopes that may potentially erode into the watercourse are to be seeded immediately, or covered with geotextile.

Sincerely,



Resource Manager

Cc:

Enclosure(s)