

February 3/2008

To: Mayor & Members of Council, DNV

From: Corrie Kost, 2851 Colwood Dr. N. Vancouver, V7R2R3

Subject: Proposed Streamside Protection Development Permit Areas & Bylaw 7658

In 2004, Council adopted as one of the objectives for “sustainability” to “*eliminate our community’s contribution to encroachment upon nature, meaning: land, water, wildlife, forests, soil and general ecosystems*”

Of course these are well meaning words, but as the report of Jan 18th/2008 by K. Bennett indicates, “*Development Permits will only be required where it is not possible to develop outside the Protected Area*” and furthermore that “*Development Permits will be issued only where the “work” or proposed “development” cannot meet the DPA guidelines*”.

So when push comes to shove, or money meets principles, there is little doubt of the outcome – nature will lose.

Furthermore, although council can delegate its approval power to staff – it can only do so in “*accordance with clear criteria as specified in the bylaw.*” However, in my opinion, the report indicates that the “criteria” are anything but clear. Note that the Local Government Act, section 920(7) allows a development permit require one or more conditions – (a) being “*that specific areas of land that must remain free of development, except in accordance with any conditions contained in the permit*”. Unless conditions are well spelled out, and under precise circumstances, any vagueness leaves the process to the vagaries of staff.

A potential problem exists when the 30m setback for parcels > 0.5 hectares is limited to those described in Attachment A to bylaw 7658. No rationale is provided why only parcels “*adjacent to the Capilano River, Lynn Creek or Seymour River, or located on or adjacent to McKay Creek at any point south of Marine Drive*”. Why are other potential areas excluded?

I am somewhat troubled that council was given a set of “GUIDELINES” on page 38 of council package (document # 960392) which are at variance with that posted on the district web site (document # 969443). The latter is purportedly the correct version.

Unfortunately, the latter, in my opinion, also waters down the setback requirement – typically replacing “shall” with “should”. **In either version there is far too much scope for non-compliance of development activity which, contrary to the prime objective, will result in more, not less, negative effects to streams and streamside areas.** There is no clause that enforces the principle of “no net loss” via an absolute requirement that any portion of the protected area that is lost due to development shall be compensated for by the creation of equivalent or more streamside habitat elsewhere in the Protected Area.

Point #9 in “GUIDELINES” of section 2.3 of attachment A to bylaw 7658 is far too weak (the usual “may”, instead of “must”).

As our stewards, it is your responsibility to send to the public hearing a bylaw which will protect our natural environment. I fear that the proposed bylaw will fail to do so.

Yours truly,

Corrie Kost