

Paul R Huesken  
701 Blatchford Road  
Lindell Beach, B.C.  
V2R 4X7

March 5, 2019

To Whom It May Concern:

My name is Paul Huesken. For 28 years, from 1983 to 2011, I was a teacher in the Chilliwack School District. For eight of those years, from 1988 to 1996, I taught Grades 6 and 7 at Cultus Lake Community School. While teaching at Cultus Lake, I was approached by David Barnes, a technician at DFO's research facility on Sweltzer Creek at Cultus Lake. Mr. Barnes made me an offer that I couldn't refuse: that the school partner with DFO to help students gain a greater awareness of salmon by rearing coho in some unused troughs at the facility. David's idea resonated with me, so beginning in the fall of 1990, the rearing of coho as an educational enterprise began. Students learned the life-cycle of salmon, the components of healthy habitats, as well as data collection and record-keeping of ATUs (Accumulated Thermal Units) as a way of predicting stages of development.

After one year, the decision was made to expand this partnership by inviting DFO's community liaison officer to get involved. At this point, DFO identified Spring Creek as being an excellent candidate for stream rehabilitation, as it likely had been salmon-bearing in the past, and was currently also hosting cutthroat trout seasonally. In collaboration with DFO, the "Spring Creek Stream Team" was initiated in 1991.

The proximity of Spring Creek to the school made it possible for students to be involved hands-on in the stewardship of the creek. A government grant enabled the deepening of the creek and the purchase of suitable gravel for spawning beds. Additionally, during field trips, students planted native species of bushes and trees nearby, so that the creek could receive more shade while also enhancing habitat for various insects as food sources for salmon. One of the obvious purposes for the vegetation was to reduce the temperature in the creek, since oxygen levels are increased with lower temperatures. For five years, from 1991 to 1996 approximately 12 000 coho fry were released annually into the creek.

It became apparent in the 1990s, that the biggest challenge in maintaining Spring Creek's viability for sustaining coho was the water temperature issue. I suspect that this is still the reality today. In order for this creek to be viable it is essential that water flow be unimpeded by structures and/or obstacles. Secondly, it is vital that there be a multi-layered canopy of native plants and trees to shade the creek from the point where it crosses Columbia Valley Highway to where it enters Cultus Lake.

It is my hope that whatever development has taken place or will take place in the future on the banks of Spring Creek will embrace principles of stewardship of a shared resource, as well as honour the efforts of the community and the local students who have made an investment of time and hope for the creek. Additionally, it seems to me that all residents of Lindell Beach, both newcomers and longtime would embrace the idea of having a restored and optimized salmon-bearing gem right outside their doorsteps.

Sincerely,

Paul Huesken

**From:** Richard Whitlam  
**Sent:** March-13-19 1:42 PM  
**To:** David Bennett; Margaret Thornton; Taryn Dixon  
**Subject:** Revised letter regarding Aquadel fences

To The FVRD board,

Thank you for the opportunity to submit my views on fencing within buffer areas at Aquadel Crossings. I live adjacent to five homes at Aquadel Crossings. The homes are architecturally very pleasing and they are nicely landscaped. Only one of the homes has a buffer area and does have a side yard fence that continues through the buffer area to the perimeter fence.

I have talked to my Aquadel neighbors and they are all ( 100% of them )in favor of these side fences that continue through the buffer. The fences allow them privacy from their neighbors and allows them to keep their pets and/or small children in a secure enviroment. Aquadel Crossings has mostly year round residents that want this type of back yard.

I realize this is considered the strata's common area and I believe those people who belong to the Aquadel Crossings strata should certainly have their views considered before anyone else.

I have a rule that I try and live by.....I don't complain about things that do no affect me.

I can not see, smell or hear these fences, so why would I complain. The fences are important to the people who live at Aquadel Crossings and they are the only ones affected by them.

I did attend the public meeting and felt that the concerns by some of "the neighbors" were completely out of line. Out of the 30 or so people in attendance only one couple lived close enough to even see the perimeter fence. I doubt they could even see a side yard fence from their home. The impact on them or anyone else and myself is zero.

For these reasons I support the strata and the developer in their interpretation of the bylaw and believe the wooden fences should be allowed within the buffer.

Thank you for your consideration.

Respectfully,

Richard Whitlam

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-----Original Message-----

From: Scott

Sent: March-12-19 8:58 PM

To: Margaret Thornton

Subject: Genica public meeting

I write this email in personal opposition to the proposed cross fencing of the buffer zone at Aquadell Gardens. Before this project was approved the South Cultus community spent countless hours and funds with consultants to make sure it would fit into this beautiful setting abutting our communities. To make sure there would be separation for privacy and noise control the 7.5m common area buffer zone was agreed to by the developer and our communities. It seems that now the developer is incorporating the buffer zone into homeowners private property for their exclusive use. This was not its intended use. As we all know once this happens sheds; play structures and lawn encroachment tends to occur. This defeats the purpose of the buffer zone. In talking to some of the residents they explained that they were not informed by the developer or builders of its intended use and restrictions. They felt blindsided. The developer suggested that the neighbouring communities were informed of the fencing and was given our approval. This is a completely false

statement. These conversations never took place. Fences were placed in riparian areas with posts placed in the middle of spring creek. They show the placement off cedar hedges as cross fencing to try and appease the neighbours but it is still a fence and blocks access to common property by the rest of the strata members. If residents want to fence their yards for whatever reason they can fence along their property lines leaving the buffer zone for its intended use. The developer has already cross fenced many properties and it seems their policy is to put the fences in and then beg for forgiveness when they are taken to task. They are not living up to the terms of their development permit and OCP and it seems that there is no oversight and enforcement by the FVRD to stop this from happening. As there are more developments proposed for this area we want to make sure that this doesn't happen again.

Yours truly Scott MacKay Lindell Beach Vp LBRA

Sent from my iPad

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**From:** Richard Whitlam  
**Sent:** March-07-19 10:06 PM  
**To:** David Bennett; Taryn Dixon; Margaret Thornton  
**Subject:** fences at Aquadel

Hi Taryn, Margaret and David,

I'm sorry I had to leave the meeting early without being able to say hi.  
I see the neighborhood has not changed. I'm amazed at the strong opinions some neighbors express when they are not affected and/or do not live anywhere near the area under discussion. Some of the speakers at

that meeting actually live miles away and ,in fact only a few from Spring creek actually border the development. None of the neighbors can actually see the cross fences because of the boundary fence. My own opinion is that the cross fences benefit the Aquadel residents, giving them a nicer back yard and better privacy. I also believe that absolutely no one outside the Aquadel community is adversely affected by fencing within the buffer.

I would hope that the fvrd will not be swayed by the Lindell Beach habitual complainers. The LBRA diectors are convinced that they are the keepers of the lands around them. It is an extremely poorly run organization with a god complex.

I believe the hedging through the buffer areas was a good solution next to Spring Creek ( even though the Spring Creek residents cant really see the hedges). I also believe the fencing in the other areas of the buffer will have no effect on what few neighbors there are and should be allowed

Thanks for hearing my views and I hope all is well

Respectfully,

Richard Whitlam

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**From:**

**Sent:** March-08-19 10:59 AM

**To:** Margaret Thornton

**Cc:** Gord Spencer; 'Scott Mackay'

**Subject:** Aquadell fence proposal

Having attended the Public Meeting last night at the Columbia Valley Community Hall, regarding the Aquadell “fence proposal”, I offer the following observations:

- the ambiguity and imprecision of the term “buffer” offers land developers, present and apparently future, extreme flexibility in the interpretation of this term and how such an area is to be established or maintained.

- the extension of the side fences to the Aquadell boundary can afford a homeowner, virtual jurisdiction over unauthorized, self serving, quasi ownership.
- it was made clear by one Aquadell homeowner, that he intended control over his “expropriated” buffer area, through the turning loose of his crazed dogs, (his expression, not mine). This attitude, and some milder ones, could convince one that the commonality of the Aquadell buffer, will disappear.
- an Aquadell home owner can command additional, unpaid for property, by extending, over time, his lawn through the judicious application of grass seed coupled with the “mowing” of all other plants growing in his buffer area. This procedure, plus side fences, completes the process.
- it appears that the loss of the use of some of the common (to the strata) area by internal (non external border properties) Aquadell home owners, is not of concern to the Regional Board. What is the gain for the developers interpretation of buffer for these internal homeowners who have no similar opportunity for such a land grab?
- a great deal more scrutiny must be employed by those assessing developer’s proposals, and indeed the O.C.P. , as the word buffer, and many other descriptions of intentions, must now be vetted with a view to the potential for manipulation.
- In conclusion, there are not enough exclamation marks in the universe to express the extremity of my recoil from that reality impaired expression – buffer.

Thank you for your consideration, Angus P. Allison, Lindell Beach



-----Original Message-----

From:

Sent: March-08-19 7:53 AM

To: Margaret Thornton

Subject: Aquadel crossing

Good morning,thank you for giving us the opportunity to express our concerns last night.

I neglected to address the point that Genica is creating a negative issue in their Strata before the Dev. is even completed.By allowing the buffer area to be included in the individual lots the owners on the inside development are questioning Strata fees.Why should their Strata fees be the same as the homes on the outer perimeter when they don't have the luxury of utilizing the buffer area and furthermore they don't have access to the common area because it is fenced.

You invited us to contact you if we have additional concerns and would appreciate your thoughts on this because some of the residents in Aquadel are not happy.

Thanks.

Helen.

-----Original Message-----

From:

Sent: March-09-19 10:09 AM

To: Margaret Thornton

Subject: Aquadel Crossing Development Permit 3060-20-2017-01,1885 Columbia Valley Rd,Area "H"

We,Doug and Helen VanWyck, owners of strata lot#9,1735 Spring Creek Dr.,Lindell Beach object to granting a revised permit which changes the landscaping plan of the above permit for the following reasons:

- 1.The original plan has been violated by cross fencing of the buffer area,which was to provide a green belt for keeping noise levels down at the same time keeping the area esthetically pleasing.
- 2.The buffer area is part of the common area however is not accessible to all Aquadel Residents because it is enclosed in individual lots.

- 3.The developer has violated the riparian area,which the OCP addressed to protect spawning salmon and Cultus Lake by allowing construction debris to accumulate in the creek and fence posts erected in the creek.
- 4.By allowing cross fencing it appears as an addition to perimeter lots and owners perceive it as part of their lot allowing them to utilize the space for their own purpose.e.g. hot tubs,dog run,storage sheds,etc.,etc.

We are requesting FVRD to enforce the original bylaw by holding this Developer accountable.  
Thank you.

-----Original Message-----

From: Tony Bradley

Sent: March-11-19 1:12 PM

To: Margaret Thornton

Cc: 5 George & Linda Vandergugten; 2 Don & Bonnie Simpson; 9 Doug & Helen Van Wyck

Subject: Aquadel Crossing

To the attention of Mary-Ann Thornton,  
Director of planning and development  
Fraser Valley Regional District.

Hello Mary-Ann, I am writing this on behalf of Spring Creek Estates ( Strata Corporation N.W. 2385 ).

I am sure that you are aware of the details of the disagreement involving the so called "buffer zone" between several new homes at Aquadel Crossing and the some properties at Spring Creek.

The purpose of this email is to ensure that the developer is made to comply with the original building permit which stipulated that the buffer zone clearly separated the the new development from the Spring Creek houses and provide some degree of privacy to the residents affected by the new construction.

Cross fencing simply extends the size of the Aquadel properties and breaks up the buffer zone an defeats the purpose of that area.

This is rather a silly issue that can be settled by insisting the the developer abide by the original plan and the buffer zone be created as originally agreed to and not broken up by lateral fencing or cedar trees. The buffer zone should be just that, an unbroken landscaped area between both Aquadel and Spring Creek properties.

We took a poll on all 14 homes in Spring Creek on whether they support our position or not and received 11 support 1 abstain and 2 no reply.

Thank you.

George Vandergugten ( Chairman )

Don Simpson ( Vice Chairman )

Tony Bradley ( Secretary Treasurer )

Sent from my iPad

Sent from my iPad

-----Original Message-----

From:

Sent: March-08-19 8:19 AM

To: Margaret Thornton; Planning Info

Subject: Aquadel

A short email to confirm my opposition to the requests by Genica to alter the buffer zone and cross fences.  
Thanks Don Simpson. Spring creek estates

Sent from my iPhone

**From:** Mike Palmer  
**Sent:** March-05-19 12:37 PM  
**To:** David Bennett  
**Cc:** Strataforce; Gord Spencer; Steven Van Geel  
**Subject:** Public Information Meeting

David, thank you for giving me a heads up on the meeting. I am presently away from the Cottages and not planning to be back until mid April. I would like to have my comments noted in the minutes of the meeting.

To start; I object to the Aquadel proposal. Although this proposal is presented as an overall benefit of the community, it appears that the true benefactors are only some of the owners in the strata development.

Aquadel Development is using this ruse of provide better information for the materials and plants used on the buffer zone, in fact these materials are to provide exclusivity to the lot owners for the common property that is adjoining their property. The purpose of the buffer zone was to provide distance and privacy, this appears to be no longer the purpose.

I would like to note that by cordoning off the common property for the benefit of the individual lot owners stops all strata owners from enjoying this property. The common property is no longer deemed common property. I quote from the BC Strata Act.

#### Limited Common Property (LCP)

Limited common property (LCP) is common property that has been designated on the strata plan or on a sketch plan filed at the Land Title Office for the exclusive use of one or more strata lots. For example balconies and parking spaces may be designated as limited common property.

In a strata corporation with sections, LCP can be designated for the exclusive use of all strata lots in that section. In this case, the maintenance and repair of the LCP is a common expense of the section. Learn more about section within a strata corporation.

Limited common property is often designated on the strata plan as "LCP" with the strata lot number after it. The legend on the strata plan explains how the limited common property is noted. For example the legend on the sample strata plan below shows that the limited common property is designated as: "P" with the strata lot number after it for patios "PR" with the strata lot number after it for porches "W" with the strata lot number after it for bay windows

I would like to point out that not all of the strata lots are going to have the benefit of additional land. This is a fundamental discrimination if the developer's plan is to "give" common property to many but not all of the owners.

Early in the process, it was talked about making the buffer areas walking trails for the enjoyment of all lot owners. This appears to no longer be the case. Additionally, there was to be trees planted in the buffer



zone paralleling the buffer zone to provide privacy and noise barriers for the benefit of all. Again, the developer is attempting to change the design plan that was approved at the Public Meeting years ago.

I am not in favor of this change to the plan.

Mike Palmer

the Cottages  
1800 Painted Willow  
Lindell Beach, BC

**From:**

**Date:** March 8, 2019 at 10:58:53 AM PST

**To:**

**Cc:** "Gord Spencer"

"Scott Mackay"

**Subject:** Aquadell fence proposal

Having attended the Public Meeting last night at the Columbia Valley Community Hall, regarding the Aquadell "fence proposal", I offer the following observations:

- the ambiguity and imprecision of the term "buffer" offers land developers, present and apparently future, extreme flexibility in the interpretation of this term and how such an area is to be established or maintained.
- the extension of the side fences to the Aquadell boundary can afford a homeowner, virtual jurisdiction over unauthorized, self serving, quasi ownership.
- it was made clear by one Aquadell homeowner, that he intended control over his "expropriated" buffer area, through the turning loose of his crazed dogs, (his expression, not mine). This attitude, and some milder ones, could convince one that the commonality of the Aquadell buffer, will disappear.
- an Aquadell home owner can commander additional, unpaid for property, by extending, over time, his lawn through the judicious application of grass seed coupled with the "mowing" of all other plants growing in his buffer area. This procedure, plus side fences, completes the process.
- it appears that the loss of the use of some of the common (to the strata) area by internal (non external border properties) Aquadell home owners, is not of concern to the Regional Board. What is the gain for the developers interpretation of buffer for these internal homeowners who have no similar opportunity for such a land grab?
- a great deal more scrutiny must be employed by those assessing developer's proposals, and indeed the O.C.P. , as the word buffer, and many other descriptions of intentions, must now be vetted with a view to the potential for manipulation.
- In conclusion, there are not enough exclamation marks in the universe to express the extremity of my recoil from that reality impaired expression – buffer.

Thank you for your consideration, Angus P. Allison, Lindell Beach

>>> Hi David,

>>> Attached are pics of fencing within the Aquadel development. All yards are fenced off from the central common area facilities. Even coming out to road edges. This is in addition to all of the perpendicular fencing that dissected the perimeter common area buffer zones of the development. All sense of community is lost here as 5 to 6 ft solid fencing surrounds every residence, and is now referenced as the "subdivision of fence".

>>

>>> I did not see any details of fencing in the development permit plans but it should be a part of. I would not consider it landscaping.

>>> The buffer zones were intended as landscaped Common areas, buffering to adjacent developments, with native materials and is part of the DP.

>>

>>> Using hedging shrubs as landscaping when its intended use is a barrier from access to common property, is not the answer. I am strongly opposed to this application. I do not believe it is in keeping with 7.2, 7.2.5 and 7.3 of the lindell beach neighborhood concept plan.

>>>

>>> The existing cottage development as well as creekside does not permit exclusive use of buffer zones as private yards. Both the cottages and creekside have no internal solid barrier fencing anywhere which is in keeping with the neighbourhood plan. This is a unique feature for this area as it promotes the recreational and casual look to the neighborhood. Aquadel is growing into an urban jungle with no sense of community.

>>> Quite frankly, I do not know of any private development, where gated community also fences off all individual units from common area.

>>> A total disconnect.

>>> Aquadel has even removed common area access trail between lots 7 and 8 which was promoted as pedestrian linkage over the existing creek between phase 1 and 2, and fenced off as private yard space.

>>> Unfortunately the developer is not the builder of the community, and is just selling land and seems to have little interest in adopting what was approved or adding additional esthetic requirements to its project.

>>

>> I recall that Aquadel requested the same reduced building setbacks that Creekside adopted, but did not adopt a non fencing requirement due to the fact that properties were backing onto common area. As a consequence 6 ft. Rear yard Fencing is 2 meters from the dwelling units.

>>> On a side note, were street trees part of the plan or DP. I noticed they do not have any installed.

>>> This is a typical requirement in most municipalities, and has been adopted at the cottages and creekside.

>>> If the developer has not, trees are an icon to the local area and would be a great enhancement to the development and give it a more rural atmosphere.

>> I will try to send you some pics of the cottages fencing next.

>>> You can me if you wish to discuss.

>>> Thanks  
>>> Jon Van Geel  
>>> Vice-President  
>>>  
>>> Cultus Country Investments Ltd.  
>>> Frosst Creek Developments Ltd.

















**From:**

**Date:** March 9, 2019 at 10:09:24 AM PST

**To:** Margaret Thornton

**Subject:** Aquadel Crossing Development Permit 3060-20-2017-01,1885 Columbia Valley Rd,Area "H"

We,Doug and Helen VanWyck, owners of strata lot#9,1735 Spring Creek Dr.,Lindell Beach object to granting a revised permit which changes the landscaping plan of the above permit for the following reasons:

- 1.The original plan has been violated by cross fencing of the buffer area,which was to provide a green belt for keeping noise levels down at the same time keeping the area esthetically pleasing.
- 2.The buffer area is part of the common area however is not accessible to all Aquadel Residents because it is enclosed in individual lots.
- 3.The developer has violated the riparian area,which the OCP addressed to protect spawning salmon and Cultus Lake by allowing construction debris to accumulate in the creek and fence posts erected in the creek.
- 4.By allowing cross fencing it appears as an addition to perimeter lots and owners perceive it as part of their lot allowing them to utilize the space for their own purpose.e.g. hot tubs,dog run,storage sheds,etc.,etc.

We are requesting FVRD to enforce the original bylaw by holding this Developer accountable.  
Thank you.

**Subject: March 7 meeting**

Hello Taryn,

Thank-you so much for giving us a chance to attend the meeting last night to discuss the buffer zone at Aquadel Crossing. I live in house 4 and spoke last night about how the yard size behind my lot is very important to me. I also wanted to thank-you and your colleagues for being so kind and professional. As a teacher, I love my job, but its the controversial situations that make life much harder for me, as is the case for you and your team I am sure.

I did not touch on the issue of soil erosion last night, I didn't want to add any unnecessary fuel to the fire, but I should quickly mention the issues I've encountered with the buffer zone. When we moved in, our lot was 1/3 grass and 2/3 mud. The 2/3 mud was the buffer zone. It was about 4-6 inches of water and muddy soil. The rain was washing all the soil away because our yards have a slight slope. The soil is not desirable; it is rocky and very dry, it does not maintain moisture well. As a result we had a river of water and soil flowing through our "yard space" that we were expected to look after and use. With two very young children, this absolutely was not going to work. We planted grass, and the erosion issue has been solved. There is still a buffer, and we have maintained the "native-species" plants at our own cost. It does not make sense for the entire space behind my property to be left without permanent grass (not all the way to the fence) or better landscaping. The "landscaping" that was left for us was sitting in the 4-6 inches of water and mud, and a large collection of ferns were planted in full-sun. This "buffer" was dead within weeks. Again, at our own cost we cleaned the space, and we continue to clean and maintain the space. I am happy to maintain the buffer, but I want to uphold the proposed quality of green space. I grew-up on a 3 acre organic farm, I fish for salmon, and I moved to this area for its natural landscape, I want to improve this space. Is it possible to have the proposed list of plant species and the planned design for the buffer zone? Is it possible to be given the contact for the environmentalists involved? I am curious about the health of the creek that was mentioned last night too. Perhaps I could be a person within our strata to uphold the regulations and quality of the creek/landscape.

Lastly, I would like to suggest that a compromise might be feasible in regards to the buffer zone near Spring Creek. What if the fenced off perimeter ran through half of the buffer zone. Half the buffer could be on the Spring Creek side of the fence, and that is where proper landscaping could be such as large trees and more native shrubs etc. I have not seen an exact map of our development with dimensions, but, I know from my side of Aquadel, there is more than enough room on the outer side of our perimeter fence for a proposed trail and better landscaping. The developer does need to be held accountable for better landscaping and landscape design. There is so much potential in our neighbourhood.

Thanks again for allowing us to be heard at the community meeting. I really appreciate it. Please forward my email along to the appropriate people involved, or alternately could you give me the names and contacts of people to speak to.

Niki Drouillard (house 4, aka the "doll house" lot)

**From:** brad mcpherson  
**Sent:** April-03-19 5:21 AM  
**To:** David Bennett  
**Subject:** Vegetation zone aquadell

Dear MR Bennett

It had come to our attention that the developer is trying to sneakily amend the official OCP that was approved and agreed upon originally. It is not up for discussion to lose the 7.5 metre buffer zone of vegetation that is clearly marked on the plan . Lindell beach did not want the new development right against our property for fire,noise,and for access to our private community. My advise is that they cease installing fences with out approval and go through the correct measures and apply if they think they want to remove the buffer zone /or alter.this would allow a open and transparent application that would require all affected parties be involved in the amendment, not just the party that benefits . Please keep my email on file and keep me informed in the progress regarding this issue

Brad McPherson  
43870 1st ave. Lindell beach

Sent from my iPhone

# MEMO

Date: March 13, 2019

To: Margaret-Ann Thornton, Director of Planning and Development, FVRD  
David Bennett, Planner II

Subject Aquadel Crossing – Permit Amendment

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Good Morning Margaret,

I am writing on behalf of the Lindell Beach Residents Association (LBRA). The LBRA represents 149 homeowners in Lindell Beach. The LBRA is **opposed** to the development permit amendment proposed by the Aquadel Crossing developer. We will explain our reasons for this decision.

In the notice of amendment application, the developer gives 2 reasons:

1. To clarify the material to be used in the authorized landscaped buffer zone
2. To clarify the geotechnical setback and required mitigation measures to allow homes to be constructed in phase 3 of the development

There was little discussion on item 2 at the public hearing, so we will limit our comments to item #1.

It is interesting to note that item #1 makes no reference to cross fencing in the buffer area. It appears from the way the invitation to the meeting was written the developer has assumed, rightly or wrongly, that the FVRD has allowed the cross-fencing of the buffer zone, and the only thing in question is the materials to be used. It is not until one looks at the attached diagram that the true intent of the developer comes out. The diagram attached to the invitation clearly shows the buffer zone being incorporated in individual yards through the use of cedar fences or cedar hedges.

In the early planning stages for the Aquadel Crossing development, one of the assertions made by Regional District staff to the community was that all developments would be separated by well-defined buffer areas. At no point was it envisioned individual lot owners or a developer would be allowed to place fences or hedges across the buffer to enlarge their private space and negate the separation a buffer area provides. This amendment application is in clear contravention of Sec. 14.4.16 of the Official Community Plan.

There are 2 sections of the Official Community Plan that we find relevant to this application, Sec. 1.5 and Sec. 14.4.16.

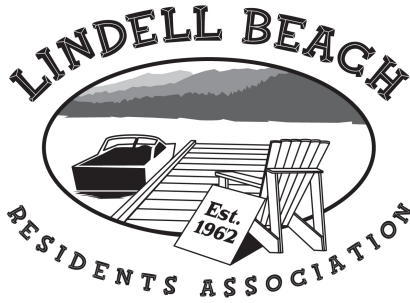
Section 1.5 of the OCP states in part:

“Particular attention should be given to the wording of the Regional Board policies contained in the Plan: **“shall”** describes an imperative course of action which is within the scope of the Regional Board’s powers to provide, enact, regulate or enforce.

Section 14.4.16 states:

“A landscaped, treed buffer of at least 7.5 metres **shall be required** to separate resort developments from land uses and developments on adjacent properties.”

It is apparent the intent of Sec. 14.4.16 is to separate developments, We believe it is incumbent on the FVRD to ensure the intent of that section is adhered to by developers.



LBRA Directors have met with FVRD on a number of occasions to bring up issues with this developer and the Aquadel Crossing project.

- We have notified FVRD staff on at least 3 occasions where the developer has cross fenced the buffer area. One incident resulted in a site visit, after which the developer was told to stop all cross fencing activity. That did not happen. On every occasion, we understand the developer agreed to stop work – yet the cross fencing continued. The latest incident occurred on March 19<sup>th</sup>, and before the work stopped this time the entire east side of the development had been cross-fenced.
- This developer seems to have little regard for fish bearing watercourses. In addition to all the cross-fencing through the buffer area, the developer has built a fence right through a small creek on the boundary of their property.
- On earlier occasions the developer was cited for working in the creek and allowing it to become fouled with muddy water that spread into Cultus Lake. They were also cited for installing culverts instead of a bridge that would allow fish to pass through. These are just some of the examples of the problems our community has encountered with this developer.

The developer clearly understands the role of a buffer zone. In the property plan at the entrance to the development, the buffer area is clearly outlined – without any cross fencing. One would also assume that when the developer submitted the development plan, they were aware of the buffer area requirement. They would certainly be aware of it when FVRD staff confronted them and told them to stop the work.

We would like to add that FVRD staff have been very responsive to the community, making site visits when we have brought the actions to their attention, and advising the developer to stop construction. It appears as if the developer has carried on work in violation of staff directives in a hope that the FVRD Board would approve the amendment because the work has progressed too far and removing the existing cross fencing would be too disruptive. This application is clearly in contravention of Sec. 14.4.16 of the Official Community Plan and we ask the FVRD Board of Directors to turn down the amendment application.

The Board of Directors  
Lindell Beach Residents Association

**From:** brad ackerman  
**Sent:** April-03-19 9:08 AM  
**To:** David Bennett  
**Subject:** Hello sir.

I am a resident of Lindell beach BC. I am aware that the Aquadell developers have breached the OCP by infringing on the green space or common area buffer.

The OCP needs to be relied on and not disregarded by developers.

I oppose any change or amendments to the established OCP.

Thankyou

Brad Ackerman

1985 Lindell ave

Lindell beach BC

V2r4w7

Sent from my Samsung Galaxy smartphone.

**Sent:** April-26-19 11:10 AM  
**Subject:** FW: Aqua Del buffer zones.

**From:** Don Yargeau  
**Date:** April 24, 2019 at 8:34:12 AM PDT  
**To:**  
**Subject:** Aqua Del buffer zones.

Regarding portion of fencing and hedging in buffer zone around my lot, we have lived here for a year now and purchased our residence with these in place. I believe to remove them would only degrade the look and security in Aquadel as well as weaken the fencing around the perimeter. As per the letter from solicitors representing developers dated March 12,2019 we ask that the fencing be left intact.

Tx, Don and Kath  
Unit 26



**From:** Ken Elmer  
**Sent:** April-03-19 1:06 PM  
**To:** David Bennett  
**Subject:** fencing on buffer zone of previous Aquadell golfcourse

Dear Sir,

As a 35 year resident of Lindell Beach my family strongly believe the existing and to be built fencing on the buffer zone should be stopped or removed.

Please follow the bylaws.

thank you

Ken Elmer

Janet Neufeld

Jonathan Elmer

Shannon Elmer

Keith Elmer

Shirley Elmer

*Sent from my LG Mobile*

**From:** Chris Foxon  
**Sent:** April-22-19 10:12 AM  
**To:** David Bennett  
**Cc:**  
**Subject:** Buffer Zone Aquadel Development

Dear Sir;

This email is to register our objection to the infringement of the buffer zone from the houses of the Aquadel Crossing Development. We live in Lindell Beach and have seen for ourselves the fence that have literally increased the size of the houses back yard at the expense of the buffer zone. We object to this infringement.

Yours

Chris Foxon  
43815 6th St.  
Lindell Beach

**From:** LORRAINE AND CHRIS  
**Sent:** April-23-19 10:40 PM  
**To:** David Bennett  
**Subject:** Buffer Zone and Fencing on Aquadel Crossing Development

Dear Sir;

This email is to register my objection to the infringement of the buffer zone from the houses of the Aquadel Crossing Development. We live in Lindell Beach and have seen for ourselves the fence that has dramatically increased the size of the back yard of these houses at the expense of the buffer zone. We object to this infringement and would appreciate your help in remedying this.

Thank you.

Lorraine Alston  
43815 6th Street  
Lindell Beach, B.C.

**From:** Don & Sheila Durward  
**Sent:** April-03-19 3:00 PM  
**To:** David Bennett  
**Subject:** Aquadel Crossing Development

David

As residents of Lindell Beach who have been actively following the OCP process, we are extremely opposed to the developer of Aquadel Crossing playing fast & loose with variations to the OCP.

They must follow the OCP which reflects the desire of all the communities & not be allowed to interpret rules as benefit Aquadel Crossing.

Sincerely

Sheila & Don Durward

Sent from [Mail](#) for Windows 10

**From:** Sweeney, Greg  
**Sent:** April-03-19 10:55 AM  
**To:** David Bennett  
**Cc:** Sandy Sweeney ;  
**Subject:** Aquadel Crossing Development Permit Application

Mr. Bennett,

Our family is a member of the Lindell Beach Residents Association, and as such are in close communication with the Board of Directors of the LBRA.

We were recently made aware of an ongoing situation at the Aquadel Crossing Development at Cultus Lake. It appears that the Developer of Aquadel Crossing is disregarding the OCP by constructing cross fencing around the buffer zone, thereby making those areas an extension of the private property.

We were extremely disappointed to hear that the developer has purposely disregarded the OCP, and has flagrantly continued work when they know the work being done is in contradiction to the OCP.

It is our hope that the FVRD will uphold the OCP and require that the Aquadel Crossing Developer be required to remove any fencing previously installed, and no additional fencing be constructed in accordance with the OCP.

Regards,  
Greg Sweeney

**From:** Mike Zorn  
**Sent:** April-03-19 9:25 AM  
**To:** David Bennett  
**Subject:** Aquadel Crossing - Against Change

David,

When the request to re-develop Aquadel was discussed I was in favor of the proposal. As the process was developed there was give and take as we came to a good solution for everyone.

The buffer zone was really important part of that agreement as it allows space between individual owners on our area. This space is a critical buffer for noise and other issues that individuals choose to do on their own property. There is also a significant risk of the individual owners dumping stuff over the fence and creating a fire hazard by this illegal disposal.

I am strongly against this proposed change. Allowing major last minute changes adversely impacts neighbors and destroys the credibility of the entire project approval process.

Michael and Diane Zorn  
1995 Lindell Ave

buffer zone that included indigenous vegetation was enthusiastically supported by many neighboring residents that attended public meetings and wrote letters. Section 14.4. 16 of the OCP states: "A landscaped, treed buffer of at least 7.5 metres shall be required to separate resort developments from land uses and developments on adjacent properties." \* Please see approved original site plan for Aquadel Crossing which is attached. You will see there is no cross fencing going through the buffer zone right up to the fence borders between neighboring resorts.

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Ce courriel et toute pièce jointe peuvent contenir des renseignements confidentiels, privilégiés ou légaux. Si cet envoi ne s'adresse pas à vous ou si vous l'avez reçu par erreur, vous devez le supprimer. Il est interdit de conserver, distribuer, communiquer ou utiliser les renseignements qu'il contient. Nous vous prions de nous signaler toute erreur par courriel. Merci de votre collaboration.

-----Original Message-----

From: Vicki Thomas

Sent: March-16-19 2:00 PM

To: Margaret Thornton; Taryn Dixon; Cody Les; Steven Van Geel

Subject: Aquadel X development

My husband and I attended the meeting on March 7th at the CVH re Aquadel X.

The reaction to Genica's application to change the original permit plan concerning the buffer/ common area seemed to us to be a slippery slope!

The cross fencing gives the owners of each affected property a false appearance of ownership.

Genica should stop its shenanigans!

The buffer/common area needs to be an open area allowing Aquadel Xing residents and the neighbouring communities a true buffer zone. Genica should be aware that allowing for happy neighbourhoods will have benefits!

Spring Creek is an environmental gem that has not been taken care of sufficiently and needs attention by the developers, fisheries and oceans and FVRD.

It is a salmon bearing stream and AquadelX could take much pride in its ongoing stewardship!

We will keep interest in the upcoming decisions.

Sincerely, Victoria Thomas and David Guenette

Sent from my iPad



-----Original Message-----

From:

Sent: March-20-19 5:24 PM

To: Margaret Thornton

Cc: David Bennett

Subject: Aquadel Crossing Development Permit 3060-20-2017-01,1885 Columbia Valley Rd,Area "H"

Hello Margaret-Ann, can we please have an update on the above.

At the meeting in Columbia Valley Hall, Cody Les of Genica was told to stop building fences across the buffer area until FVRD was able to resolve the matter of the Landscape issue regarding the above permit. The fencing continues, the fence post is still in the creek.

Landscaping of the buffer area on lot 18 is completed and once again the Developer has not honored the agreement. You approved removal of a large cedar tree along with 2 other mature trees including a Cornus Kousa dogwood to accommodate construction of the home and requested 4 replacement trees be planted. The replacement

trees were to include 3 Western Red Cedars 3m tall and 1 Kousa Dogwood with a 5cm caliper, again that did not happen. It is time the FVRD utilizes the security to complete the agreement.

I look forward to your response.

Helen Van Wyck.

- > On Mar 16, 2019, at 1:59 PM, Vicki Thomas wrote:
- >
- > My husband and I attended the meeting on March 7th at the CVH re Aquadel X.
  - > The reaction to Genica's application to change the original permit plan concerning the buffer/ common area seemed to us to be a slippery slope!
  - > The cross fencing gives the owners of each affected property a false appearance of ownership.
  - > Genica should stop its shenanigans!
  - > The buffer/common area needs to be an open area allowing Aquadel Xing residents and the neighbouring communities a true buffer zone. Genica should be aware that allowing for happy neighbourhoods will have benefits!
  - > Spring Creek is an environmental gem that has not been taken care of sufficiently and needs attention by the developers, fisheries and oceans and FVRD.
  - > It is a salmon bearing stream and AquadelX could take much pride in its ongoing stewardship!
  - > We will keep interest in the upcoming decisions.
  - > Sincerely, Victoria Thomas and David Guenette Sent from my iPad

**From:** Cody Les  
**Sent:** March-18-19 12:53 PM  
**To:** Davin Roy  
**Cc:** Margaret Thornton; Taryn Dixon; David Bennett; Larry Les  
**Subject:** Aquadel Crossing Fencing

Davin,

Per recent communications with the FVRD today, please cease all fencing construction at Aquadel Crossing, including all perimeter fencing, side yard fencing, and buffer zone fencing, until they have rendered a decisions on our recent DP application.

I will be sending the same communication to all of the builders at Aquadel Crossing regarding their specific lots.

Please feel free to reach out to me anytime should you have any questions.

Kind Regards,

--

Cody Les  
Genica Group Of Companies  
5986 Hunter Creek Crescent, Chilliwack, BC  
Mailing Address: PO. Box 2267, Chilliwack BC V2R 1A6

**From:** Ken Roberts  
**Sent:** May-07-19 3:51 PM  
**To:** Margaret Thornton; David Bennett; Taryn Dixon  
**Subject:** Aquadel Fence dispute

Margaret, David, Taryn,

As a resident of Aquadel Crossing I felt it necessary to pass my concerns on over the fence dispute at Aquadel Crossing. My wife and I bought our final residence in Aquadel due to the fact that we understood that the back yard would be fully fenced. After many moves across the country and abroad we felt it would be the perfect place to prepare for retirement and enjoy that retirement. We have a large dog and a fenced back yard allows that animal freedom and protection from interacting with the local wildlife. In addition we have visitors to our home with little children and some day possibly grandchildren, once again a fully fenced backyard provides that extra level of safety for little ones from either interacting with wildlife (un accompanied) or the ability to wonder off and possibly into the forested area or worse the roadway.

I have yet to see any reasonable objection put forward as to why the fencing should not remain unless there are some that you can enlighten me with. I was travelling for business during the open house that was held. My wife and I look forward to being good citizens, neighbours and friends to the people of Aquadel and surrounding communities. Unfortunately I don't think that same feeling exists among our neighbours.

I would welcome the opportunity to have a telephone discussion on the matter. I am available the remainder of this week and travelling on business next week from Monday-Friday (but can take a scheduled call).

Respectfully,

Ken Roberts

19-1885 Columbia Valley Road  
Lindell Beach, British Columbia  
V2R 1J8

**From:** Don Yargeau  
**Sent:** May-07-19 4:37 PM  
**To:** David Bennett  
**Subject:** Aquadel buffer fencing

Regarding portion of fencing and hedging in buffer zone around my lot, we have lived here for a year now and purchased our residence with these in place. I believe to remove them would only degrade the look and security in Aquadel as well as weaken the fencing around the perimeter.  
As per the letter from solicitors representing developers dated March 12,2019 we ask that the fencing be left intact.

Tx, Don and Kath  
Unit 26  
Tx, Don 🍷  
Sent from my iPhone

**From:** Neb Friesen  
**Sent:** May-07-19 8:59 PM  
**To:** Margaret Thornton; Taryn Dixon; David Bennett  
**Cc:** Ernie Friesen  
**Subject:** Aquadel Crossing fencing issues

Margaret, Taryn and David,

Having lived on an outer Strata lot (#114 at The Cottages) for ten years, we have always known these developments to place the Strata fences at the Strata property line, not the owners property line. The developers (John & Susan Van Geel) at the Cottages assumed this additional property would be managed and cared for by each owner and be treated as their own.

We did attend the previous meeting regarding this Aquadel topic at the Columbia Valley Community Hall to express our concerns with dual fence lines. There were no attendees from the Cottages to oppose the buffer zone. Only one attendee from Creekside attended (not affected by fencing), who happened to be the Creekside developers son.

We also understand Lindell Beach are the primary complainants towards Aquadel. As far as we see, we do not back any of their residences, only their unkept recreational area which is in extreme disrepair. A valid concern from Lindell Beach residents was the construction debris in and around Spring Creek after a severe winter/spring season. This issue has been addressed and will continue to be.

The original developer seemed to be having issues in the initial stages of this project. After hiring Davin Roy from Pacific Peaks to take over the developers responsibilities, things have improved greatly.

Hopefully, as residents of this great new development, we can all continue to work with the FVRD to make improvements and try to assure Lindell Beach that we will be good neighbours and also be guardians of Cultus Lake.

We understand that fences do sometimes make good neighbours, but dual fencing seems very counterproductive. In our eleven years at Cultus Lake, we have met so many wonderful people from all three developments.

Hopefully your decision will be an inclusive one, as most of us just want to enjoy this wonderful area.

Thank you,  
Nebra and Ernie Friesen  
Lot 8 Aquadel Crossing

**From:**  
**Sent:** May-08-19 7:45 AM  
**To:** Margaret Thornton; David Bennett; Taryn Dixon  
**Subject:** Aquadel fencing

Hello Margaret, David and Taryn,

I was one of the first home owners to purchase a lot in Aquadel. When we purchased our lot, we were told by the developers that we were zoned for unrestricted rentals. We recently received a short term rental 'cease and desist' letter from your office, and even though we hadn't rented our home to date, we promptly responded and cancelled the short term rentals and removed the AirBnb short term rentals, resulting in many cancelled family vacation and a lot of upset parents. This was extremely disappointing for us and those that had cancelled vacations.

In following up with FVRD's by-law department, we were told the by-laws are vague and outdated, 1976, but by-laws are complaint driven, the letter is automatically sent, and even though neighbouring communities shouldn't be renting short term, they can, because there have been no complaints.

Now we have a second complaint to FVRD regarding our fencing through a buffer zone. Due to this complaint, we are being told our fences may be removed, even though the fencing looks nice, is not harming anyone, and is keeping my home, family and dog safe.

Please, please, please, do not move forward with this complainant.

If you would like to discuss further, please feel free to contact me at

Sincerely, Janice Forsyth,



**From:** Jake McGrew  
**Sent:** May-08-19 8:07 AM  
**To:** David Bennett  
**Subject:** Aquadel community/fencing issue

Good morning,

I would just like to take a minute & voice my concern over the issue of fencing that our neighbouring community has raised, regarding us having fence panelling going all way around our yards to completely enclose them.

I'm not going to get into community dynamics & "he-said, she-said" or "why do they even care about our fences?" The simple reality is, we need our yards fenced, we've got dogs, or small kids, or we don't want our back yards exposed because who knows who can easily access each home just by walking through unfenced sections of a yard at all hours of the day/night, or for any number of other safety concerns for home, family, property & the list can go on & on I'm sure.

In reality, if aquadel is forced to remove our side fence panels, I imagine there will be a lot of homes for sale, which really wouldn't be good for anyone involved. Are we going to make people choose between their feelings of safety & security for them & their precious things (which IS a selling point of a gated community) or a fence panel that could be easily removed IF there was a need that ever arose to do so.

Thanks so much for your time,

Jake McGrew  
Unit 29

5

**From:** jenni mcgrew  
**Sent:** May-08-19 8:45 AM  
**To:** David Bennett  
**Subject:** Home Owner aquadel lot #29

Good morning,

I am writing this letter to humbly request the fence panels on our property not be moved or removed.

For a number of reasons:

- When we purchased this property this is what we were told by the builder and our realtor and also shown in the original drawings. We would have not purchased this lot had the fence been positioned differently or not present.
- It's not harming or hindering anyone.
- It was the original agreement between the builders and developer and with the powers that be.

To keep ones words is an honourable and right thing to do.

I'm asking you and your team to do what is right on behalf of just not myself but the aquadel homeowners. We were all told we would have a fence and shown where it would be. This doesn't just affect me but my neighbors and our community.

I write this with a posture of beseeching. Please leave the fence up and where it is.

Kindest of regards and thank you for taking the time to read this letter.

Aquadel Crossing Home Owner #29  
Jenni McGrew

Jenni McGrew

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**From:** Duane Cressman <duane@cressmanhomes.ca>  
**Sent:** Wednesday, May 08, 2019 9:14 AM  
**To:** Margaret Thornton; David Bennett  
**Cc:** Nate Doubroff; Davin Roy; Larry Les  
**Subject:** Aquadel fences

Hello,

Please be advised that we strongly support having fences between the properties inside the buffer zones. The 14 home owners that have purchased homes already from Cressman Homes and the 4 remaining lots we own reflect this sentiment.

I don't follow the rationale for owners outside this Strata and how this decision has any impact on them, the buffer is there regardless of if there is a fence between properties or not.

It sure matters for our customers!

**Duane Cressman**

*President*

Cressman Homes Ltd.

604-309-1312

[www.cressmanhomes.ca](http://www.cressmanhomes.ca)

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