

March 31, 2022

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**From:** Linda McMahon, President, Halfmoon Bay Community Association and Mary Beth Knechtel, President, Halfmoon Bay Environmental Society

**Subject: Request for Court Order on District Lot 1427, Halfmoon Bay (PID: 015-931-901)**

Dear Dean McKinley (SCRD CAO), Darnelda Siegers (SCRD Chair), Ashok Bhatti (MoTI Regional Director)

On behalf of concerned residents of Halfmoon Bay, B.C. we are requesting that the SCRД and MoTI urgently obtain a court order to stop land development on District Lot 1427, Halfmoon Bay (PID: 015-931-901).

Since August 2021, your respective staff, the SCRД Board and our MLA have been receiving complaints from residents regarding bylaw and regulatory breaches on and around the lot. We understand that for reasons of confidentiality, the public cannot be informed of specific actions being taken in an ongoing investigation. The systematic and ongoing development of the land is in clear contravention of an extensive list of regulations, laws and bylaws, and is resulting in damage to downslope properties and public infrastructure.

It appears that any enforcement to date has not been effective. New violations continue to occur, permits have not been applied for, and no remediation of damage has been undertaken. The developer has allegedly stated that any fines are inconsequential, demonstrating an intent to continue these activities, and a disregard for the law and the community. For this reason, enforcement measures which would normally seek to encourage compliance do not seem to be effective. After 8 months of continued violations we are requesting that the SCRД, MoTI, FLRNORD and other agencies collaborate to commence legal action. Work should not resume until:

- Necessary expert studies have been undertaken (environmental, hydrological, geotechnical, etc. ).

- Appropriate permits have been issued.
- A condition and impact assessment of the damage, with an associated remediation plan is in place.
- All penalties are paid.

Your respective staff have extensive evidence of the reported violations on record, including firsthand observations by staff. These date back to August 2021 and include:

- SCRD - Extensive land alteration and tree cutting within a Development Permit Area without a development permit. DPA 2A Creek Corridors (map 5) applies to the riparian area 30 meters either side of Kitchin Creek which runs through the lot.
- SCRD - Felling trees in permit areas A and B without a permit and contrary to the SCRD Tree Cutting Bylaw no. 350.
- SCRD - Cutting trees in the neighboring SCRD park (Coopers Green).
- MoTI/FLNRORD - Developing roads and cutting trees on Crown Land and the provincial road allowance, without the necessary approvals.
- FLNRORD/MoE - Dumping debris into Kitchin Creek and adjacent areas, an offense under the Water Sustainability Act (WSA). Damage to Kitchin creek caused by heavy equipment movement, and apparent diversion of Kitchin Creek.

The above issues, combined with clearing most of the trees on the lot, have resulted in surface runoff damage to downslope private properties, Priestland Road, Redrooffs Road and drainage infrastructure.

Given the ongoing violations and the lack of effective enforcement, there is significant community anger and frustration. We respectfully request that the SCRD and MoTI make a public statement which acknowledges the complaints and indicates actions being taken to enforce the relevant regulations, laws and bylaws which your respective agencies are charged to uphold.

We look forward to your response to our request that the SCRD, MoTI and other agencies urgently obtain a court order to stop land development on District Lot 1427 until regulations are adhered to.

Linda McMahon, President, Halfmoon Bay Community Association and  
 Mary Beth Knechtel, President, Halfmoon Bay Environmental Society  
 - on behalf of our respective Boards of Directors