

12 December 2024

To: SCRD Planning Department General Manager and Staff

Cc: Director Justine Gabias, Area B

Subject: DL5416 Brooks Road – community concern regarding unauthorized land alteration in 3 DPAs

Dear Ian,

Several community members are concerned about enforcement and remediation related to ongoing unauthorized land alteration on DL5416, a 39-acre property on Brooks Road. The Halfmoon Bay OCP clearly indicates that three DPAs (zones 2A, 2B, 2C) cover approximately a third of the property, including where land is being altered. (Please see the attached maps showing the DPAs and the overlapping area of land alteration.)

In exchanges with community members, SCRD staff have indicated that the boundaries of the DPAs are unclear. We disagree with this suggestion; it is apparent from the SCRD maps and in-person observations that these disruptions are within the DPAs.

We also note with concern that this private property borders Smuggler Cove Provincial Park and that the DPAs cross into the Park, leading to questions about possible negative impacts on the Park.

You will see from the [CDF Brief on this link](#) that concern about unauthorized land alteration was raised by community members to the SCRD in late 2023. Shortly thereafter, the SCRD issued a 'stop work' order (originally posted at the entrance to the property and now removed). The CDF followed up by email with the SCRD on the status of this property in February and in May 2024. Despite ongoing concern, residents have observed during 2024 that land alteration has continued unabated inside the DPAs, while being informed by SCRD Planning staff that a Development Permit has not been issued. The unauthorized land alteration is continuing as recently as last week, with what are apparently RV pads being put in place.

Given that a year has passed since the original stop-work order, that a Permit has not been issued, and that land alteration in the DPAs is flagrantly continuing, we would appreciate your clarification of the following:

1. Enforcement:

- a. *Stop Work Order:* Is a 'stop work' order in effect on DL5416? If so, can the SCRD re-post the signage at the entrance to the property so that the community remains informed? If it is no longer in effect, we request that the SCRD reissue the stop work order until a remedial development permit process is fully completed.
- b. *Fines:* Given that land alteration has been going on for a year and is continuing in the DP areas despite not having a permit, are fines being issued (and paid) in an accelerated manner according to [Schedule 21](#)? And if the fines are not acting as a deterrent, do they need to be adjusted upward to the provincially-allowed maximum to be more effective?
- c. *Escalation:* Given the continued flagrant unauthorized land alteration in DP areas despite SCRD intervention, does the enforcement process need to be escalated? At what point does the SCRD consider court action?

2. Remediation:

- a. *QEP assessment:* As required by Bylaw 722 (which also implements the provincial RAPR), has the property owner submitted a satisfactory report by a vetted QEP that both clarifies the boundaries of the DPAs, and the suitability of the ongoing development? (We understand from correspondence with the SCRD on 7th May 2024 that “a high-level QEP assessment of the property” was being reviewed.)

- b. *Remediation measures:* Have remediation measures been proposed to and accepted by the SCRD? Will these be made available to the public so that we are assured that DPAs will be restored as much as possible?

There is increasing frustration in the community regarding the ongoing damage to the DPAs and concern that our bylaws are not being sufficiently respected or effectively enforced. With this in mind, we have also filed a RAPR complaint regarding potential damage to the DPAs inside the Provincial park.

I look forward to hearing from you on our concerns.

Kind Regards, Darlene Tymo, Chair

Community Development Forum, Halfmoon Bay

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