

SUNSHINE COAST REGIONAL DISTRICT
(EGMONT / PENDER HARBOUR (AREA A))
ADVISORY PLANNING COMMISSION MEETING AGENDA
Wednesday, September 27, 2023 at 7:00 p.m.

Pender Harbour Secondary School, 13639 Sunshine Coast Highway, Madeira Park, BC

CALL TO ORDER

AGENDA

1. Adoption of the Agenda

DELEGATIONS

MINUTES

2. Egmont/Pender Harbour (Area A) APC Minutes of July 26, 2023 Pages 1 - 4
3. Halfmoon Bay (Area B) APC Minutes of July 25, 2023 pp 5 - 7
4. Roberts Creek (Area D) APC Minutes of July 17, 2023 pp 8 - 9
5. Elphinstone (Area E) APC Minutes of July 26, 2023 pp 10 - 12
6. West Howe Sound (Area F) APC Minutes of July 25, 2023 pp 13 - 15

BUSINESS ARISING FROM MINUTES AND UNFINISHED BUSINESS

REPORTS

7. Development Variance Permit DVP00085 (Cawley Point Cabins) pp 16 - 45
8. Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027 pp 46 - 52

NEW BUSINESS

DIRECTORS REPORT

NEXT MEETING

ADJOURNMENT

SUNSHINE COAST REGIONAL DISTRICT

AREA A - EGMONT/PENDER HARBOUR ADVISORY PLANNING COMMISSION

July 26, 2023

RECOMMENDATIONS FROM THE AREA "A" ADVISORY PLANNING COMMISSION MEETING HELD
AT SOUTH PENDER OFFICE, MADEIRA PARK, BC

PRESENT:	Chair	Alan Skelley
	Members	Jane McOuat Dennis Burnham Gordon Littlejohn Catherine McEachern Bob Fielding
ALSO PRESENT:	Electoral Area A Director	Leonard Lee (Non-Voting Board Liaison)
	Area A Alternate Director	Christine Alexander (Non-Voting Board Liaison)
	Recording Secretary	Kelly Kammerle
REGRETS:	Members	Sean McAllister Tom Silvey Yovhan Burega

CALL TO ORDER 7:00 p.m.

AGENDA The agenda was adopted as presented.

MINUTES

Area A Minutes

The Egmont/Pender Harbour (Area A) APC Minutes of April 26, 2023 were approved as circulated.

The following minutes were received for information:

- Halfmoon Bay (Area B) APC Minutes of April 25, 2023
- Elphinstone (Area E) APC Minutes of April 26 & June 28, 2023
- West Howe Sound (Area F) APC Minutes of April 25 & May 23, 2023

REPORTS

The Area A APC reviewed the Regional Growth Framework Baseline Research report.

Recommendation No.1 *Regional Growth Framework Baseline Research*

The Area A APC recommended that the Regional Growth Framework Baseline Research report be received for information.

The Area A APC discussed the proposed amendments to Bylaw 337 (Area A) with respect to the PEP 2 Phase 1 Policy Fix Micro Project and had the following recommendation, concerns and issues:

Recommendation No.2 *Planning Enhancement Project (PEP) 2 Phase 1 Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 Watercourse and Shoreline Protection Amendments.*

The Area A APC recommended that the SCRD Board adopt Option No. 3, make no changes at this time, and that the proposed amendments do not receive first reading and no amendments to Bylaw 337 be enacted at this time.

CONCERNS AND ISSUES:

- These amendments are not “housekeeping” items
- Given the importance and number of waterfront properties in Area A, the proposed changes will have a significant and negative impact on both property values and the amount of subdividable land.
- Area A residents need to be informed of the proposed changes and provided with an opportunity to ask questions and provide their input.
- Justification for pushing these changes through on an emergency basis has not been justified; specific provincial legislative requirements are not specified and vague references to fostering climate resilience is not adequate justification.
- The changes would aggravate rather than clarify the regulatory confusion and layer on additional and conflicting compliance and enforcement issues.
- The committee is concerned about the assumption that all areas should have the same OCP or Zoning bylaw as this idea has never been vetted with the residents of Area A, this Committee, PHARA or our community associations. Area A has extensive waterfront properties and a topography and economic climate quite different than the other Electoral areas and municipalities of the Sunshine Coast.

Parcel Area Calculation for Subdivision Purposes

- There may be confusion between “useable parcel area” (where a minimum useable size is set out in s.413 of Bylaw 337 for each Subdivision Area) and a calculation of the total area of the property proposed to be subdivided (the numerator in calculating minimum lot size). The Streamside Protection Enhancement Area (SPEA) is already excluded from the definition of “useable parcel area” in Bylaw 337. If specified requirements for minimum lot size, useable parcel area and lot coverage ratios are otherwise met, the committee did not see a benefit to excluding SPEA area. Requirements of the SPEA report (and a restrictive covenant on title) would restrict development on the resulting subdivided lots.
- The proposed definition of a stream or watercourse contains a novel, additional exclusion in

calculating parcel area (new 402 (iv)) that goes beyond the current Riparian Areas Protection Act (RAP) because it removes the connection between such water and preservation of fish habitat.

- As drafted, the proposed exclusion would include areas of pooled water over vast areas of land that is the temporary and natural consequence of precipitation in a Coastal Rainforest area of rocky sloping land. The committee questioned the exclusion of such water areas if there was no connection to protecting fish habitat and recommends deletion of 402 (iv).

Hardscaping Definition

- The benefit of creating a “hardscaping” definition was questioned, as it would further confuse the issue and be of limited benefit.
- The Changes proposed would not prevent hardscaping near the waterfront, because the prohibition would only apply where a SPEA area has been created in an RAP QEP report. That report is triggered by: an application for development (an undefined term in RAP regulations) or by a land being within a Development Permit Area (DPA) #4 under the Area A OCP).
- The proposed wording would not prevent a buyer of a vacant lot (whose land is not within Development Permit Area #4) building a road to the water, clearing tress, importing sand or gravel, building a retaining wall etc. because no SPEA would exist at that point.
- Such activities are unlawful where land is within a DPA #4 – Riparian (see OCP s. 3.10 and 3.10.8), but it was noted most landowners are not aware that their property is within a DPA.
- It would be of benefit to include “hardscape” in the “Land Alteration” definition in OCP s. 3.10 (c).

Streamside Buffer

- It was noted that a once a SPEA is delineated in the RAR report, it usually specifies what can be built or grown or not removed within the SPEA (down to identified trees, etc.) and the SCRDR often requires a covenant specifying such restrictions be registered against title.
- The 5-metre buffer is significant (increasing the SPEA setback area by potentially 20- 50%) and of questionable value. If the SPEA (as determined based on the professional reliance model set out in the RAP) is not adequate in protecting a stream or watercourse (and nearby roots and canopy), it seems the Province should revisit this legislation.
- Given the huge impact of these site restrictions for many property owners in Area A, limiting building of: patios, decks, pathways, stairs, etc., to access and enjoy the waterfront, the stated rationale of “ critical green infrastructure asset that strengthens the resilience to climate change impacts” is not enough.
- Scientific justification is needed for something going beyond protection of fish habitat.
- Given the vast tracts of Crown land within Area A subjected to annual permitted deforestation, it is difficult to justify the hardship to (only) waterfront property owners by requiring an additional 5 metre “no build” zone.

Water Setbacks

- The proposed increased setback requirements pose serious consequences to landowners in Area A by reducing property values and rendering many parcels “unbuildable”.
- Serious justification and the opportunity for public input is requested.
- Varying setbacks means existing properties will lose privacy as neighbours are forced to build behind them and those required to build further back will have restricted sight lines and want to clear more trees for water views.
- The committee is concerned with the reality that, as the SCRDR increases these restrictions (without increasing the resources available to enforce them), trees will disappear to maintain view lines (Why do people buy waterfront?), paths and stairs will appear, (residents want safe

access to waterfront), larger hardscaping will be built (such a long trek to the shore) and this activity will now occur (and be visible) in a (proposed) larger setback area.

- Bylaw enforcement, requests for variance and pressure on planning staff will grow exponentially, because the consequences are critical to waterfront owners.
- The changes suggested are an oversimplified band-aid non-solution to a complex issue.

NEW BUSINESS

This APC requests a meeting with the planning department with all APC's in attendance.

DIRECTOR'S REPORT

The Director's report was received.

NEXT MEETING September 27, 2023

ADJOURNMENT 8:30 p.m.

SUNSHINE COAST REGIONAL DISTRICT

HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION

July 25, 2023

RECOMMENDATIONS FROM THE HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION MEETING HELD ELECTRONICALLY VIA ZOOM

PRESENT: Chair (Acting) Kelsey Oxley
Members Len Coombes
Barbara Bolding
Ellie Lenz
Alda Grames
Matt Garmon
Suzette Stevenson (Recorder)

ALSO PRESENT: Director, Electoral Area B Justine Gabias
(Non-Voting Board Liaison)

ABSENT: Members Nicole Huska

CALL TO ORDER 7:00 p.m.

AGENDA The agenda was adopted as presented.

MINUTES

Halfmoon Bay (Area B) Minutes

The Halfmoon Bay (Area B) APC minutes of April 25, 2023 were approved as circulated.

Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of April 26, 2023
- Elphinstone (Area E) APC Minutes of April 26 & June 28, 2023
- West Howe Sound (Area F) APC Minutes of April 25 & May 23, 2023

REPORTS

Regional Growth Framework Baseline Research

Key points of discussion:

- The baseline framework around transportation was insular to the coast and should include the need for transit ferry to ferry.
- The lack of transportation north of Sechelt, which is concerning for seniors, and others, for whom cycling is not an option, needs to be addressed.
- It was noted that Handy Dart service does not adequately bridge the gap in the lack of taxi service.
- Concern for a sustainable pace of development in regard to water, fire departments, schools (all infrastructure) must see parallel growth to match development.
- As has been in the past, attendance by a staff member to the APC meeting would provide clarity around jurisdiction and proposed management of water inline with development growth.

Recommendation No.1 *Regional Growth Framework Baseline Research*

The Area B APC recommends that the baseline framework around transportation recognize the coastal connection to the lower mainland and Powell River, as well as the lack of transportation north of Sechelt which focuses on ablist and creates a car dependent society, by including provision for a ferry to ferry transit route which could also provide insular transportation for communities north of Sechelt.

Planning Enhancement Project (PEP) 2 Phase 1 Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 Watercourse and Shoreline Protection Amendments

Key points of discussion:

- Concern around the inclusion of the word “ponds” and the wording, “whether or not usually containing water” in the “proposed add” to Bylaw 722, Section 4.3.1 a) which is also included in the “proposed amendment” to Bylaw 337, Section 402 (iv).
- Consideration of the removal of the word “pond”, and “whether or not usually containing water” from the proposed add to Bylaw 722 section 4.3.1 a) and from the “proposed amendment” to Bylaw 337, Section 402 (iv).
- An SCR D staff member should be present to give context to the document wording so the APC can comment more contextually on the proposed changes. For example; p.24 and the calculation of minimum parcel area when not including a) and b) listed SPEAs

Recommendation No.2 *Planning Enhancement Project (PEP) 2 Phase 1 Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 Watercourse and Shoreline Protection Amendments*

The Area B APC recommends that an all APC joint meeting be scheduled with SCR D staff present to create clarity around jurisdiction, and how SCR D will manage water services with area growth, which would provide opportunity for stronger input from all APCs for the proposed changes to the Bylaws 722 and 337.

REPORT

The Director's report was received.

NEXT MEETING Tuesday, September 26, 2023 via Zoom

ADJOURNMENT 7:55 p.m.

SUNSHINE COAST REGIONAL DISTRICT

**ROBERTS CREEK (AREA D)
ADVISORY PLANNING COMMISSION**

July 17, 2023

RECOMMENDATIONS FROM THE ROBERTS CREEK (AREA D) ADVISORY PLANNING COMMISSION MEETING HELD ELECTRONICALLY VIA ZOOM

PRESENT:	Chair	Mike Allegretti
	Members	Meghan Hennessy Chris Richmond
ALSO PRESENT:	Electoral Area D Director	Kelly Backs (Non-Voting Board Liaison)
	Recording Secretary	Vicki Dobbyn
REGRETS/ABSENT		Bob Hogg Erik Mjanes Gerald Rainville

CALL TO ORDER 7:07 pm

AGENDA The agenda was adopted as presented.

MINUTES

The Roberts Creek (Area D) APC Minutes of March 20, 2023 were approved as circulated.

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of March 29 and April 26, 2023
- Halfmoon Bay (Area B) APC Minutes of March 28 and April 25, 2023
- Elphinstone (Area E) APC Minutes of March 29, April 26 and June 28 2023
- West Howe Sound (Area F) APC Minutes of March 28, April 25, and May 23, 2023

REPORTS

Regional Growth Framework Baseline Research

Key Points of Discussion:

- There is a lack of clarity on what is expected of the APC in relation to all the documents.

- It was a lot of material to review with little notice, which was not appropriate and feels like a token consultation.
- The timeline for the need for feedback is not clear.
- Maps are not labelled properly.
- We would benefit from a webinar for all APCs and the Roberts Creek OCPC led by Planning staff for an overview and clarity on expectations.
- The APC needs more explicit instructions on the feedback requested.
- It was suggested that APC members particularly review the recommendations on pages 33 and 34 of the agenda package prior to further review.

Recommendation No. 1 *Regional Growth Framework Baseline Research*

The Area D APC recommends that the SCRDC hold a webinar led by Planning staff for all APC's for an overview of the three documents, and for clear instructions and a timeline on the expectations of feedback requested from the APC's;

AND THAT if a webinar is not within the capacity of staff, a written document with expectations and a longer timeline be provided.

Recommendation No. 2 *Regional Growth Framework Baseline Research*

The Area D APC recommends that Area D (Roberts Creek) be labelled on the maps in the Regional Growth Framework Phase 3 report.

DIRECTORS REPORT

The Director's Report was received.

NEXT MEETING

To be scheduled

ADJOURNMENT 8:07 pm

SUNSHINE COAST REGIONAL DISTRICT

AREA E – ELPHINSTONE ADVISORY PLANNING COMMISSION

July 26, 2023

RECOMMENDATIONS FROM THE AREA E ADVISORY PLANNING COMMISSION MEETING
HELD AT FRANK WEST HALL, 1224 CHASTER ROAD, ELPHINSTONE, BC

PRESENT:	Chair	Mary Degan
	Members	Laura Macdonald Nara Brenchley Arne Hermann Clinton McDougall
REGRETS:		Rod Moorcroft Anthony Paré Michael Sanderson
ALSO PRESENT:	Electoral Area E Director	Donna McMahon (Non-Voting Board Liaison)
	Alternate Director	Ashley St Clair
	Recording Secretary	Vicki Dobbyn

CALL TO ORDER 7:09 p.m.

AGENDA

The agenda was adopted as circulated.

MINUTES

Elphinstone (Area E) APC Minutes of June 28, 2023 were approved as circulated.

REPORTS

1. Regional Growth Framework Baseline Research

Key Points of Discussion:

- In general APC members support the development of a regional growth strategy.
- It was noted that we do not have a land use plan or regional growth strategy.
- Members would like more time for effective consideration of the report, and will have an informal gathering in early August to discuss the report in order to finalize feedback and recommendations in time for the September APC meeting.
- Some of the specific planning language is challenging to understand. Members would like the benefit of having more members present with their expertise and familiarity with

planning language.

- It is not suitable for a template approach as it needs to be site specific.
- Reconciliation is now an important consideration in a regional growth strategy.
- The regional growth strategy is most likely to have greatest impact on rural areas because the municipalities are more built out.
- Members really appreciate the extensive report and believe it is on the right track
- Documents are impressive in scope
- Members liked seeing the cross jurisdictional collaboration, and seeing environmental and climate change issues such as invasive species, reducing emissions, and protecting tree habitats included in the report.
- Member acknowledge the hard work to develop this report and that it is something the community has been asking for.
- There could be more clarity on the website on what the SCRD can and cannot do.
- It was suggested that an article in the newspaper clarifying different roles and authorities in development would be helpful as many citizens are not aware of this.

Recommendation No. 1 *Regional Growth Framework Baseline Research*

The Area E APC recommends that the APC chair send the following questions to Planning staff, and ask for a response in early August:

- What is the relationship between the development of the regional growth strategy and the OCP review process? Which comes first? Should we be doing the regional growth strategy first?
- When a regional growth strategy is approved, does MOTI have to follow its direction?
- Is it important to have a regional growth strategy for accessing provincial and federal funding?

Recommendation No. 2 *Regional Growth Framework Baseline Research*

The Area E APC recommends that SCRD staff develop an easy infographic or flow chart outlining who has control over what aspects of development, to include SCRD zoning by-laws, Ministry Of Transportation and Infrastructure (MOTI), Vancouver Coastal Health (VCH), and provincial regulations.

Recommendation No. 3 *Regional Growth Framework Baseline Research*

The Area E APC recommends that the Regional Growth Framework Baseline Research report come back to the September agenda to provide the APC more time for consideration and discussion.

2. Planning Enhancement Project (PEP) 2 Phase 1 Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 Watercourse and Shoreline Protection Amendment

Key Points of Discussion:

- How do we make sure the SCRD keeps up with changing provincial standards?
- Should there be a policy that the SCRD aligns with provincial standards at a minimum rather than having to deal with individual amendments. This would not prevent us from exceeding provincial standards.
- Will there be a surge of applications that will come in before this amendment is

approved?

- It can be challenging to determine boundaries which tie into parcel size.
- Will get first reading July 27. Third reading is targeted for quarter 4 of 2023
- It has implications for people developing rain gardens to manage stormwater.
- What if someone builds a pond, would it be subject to these amendments?
- It is appreciated that the amendment is being updated and protecting the environment.

Recommendation No. 4 *Planning Enhancement Project (PEP) 2 Phase 1 Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 Watercourse and Shoreline Protection Amendment*

The Area E APC recommends support of option 1 to proceed with First Reading for all proposed amendments.

Recommendation No. 5 *Planning Enhancement Project (PEP) 2 Phase 1 Policy Fix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 Watercourse and Shoreline Protection Amendment*

The Area E APC recommends that the SCRD consider language in a by-law amendment that states as provincial regulations change, the SCRD by-laws automatically change to stay aligned with provincial standards.

DIRECTOR'S REPORT

The Director's report was received.

NEXT MEETING – WEDNESDAY, SEPTEMBER 27, 2023, 7:00 P.M.

ADJOURNMENT - 8:40 PM

SUNSHINE COAST REGIONAL DISTRICT

**AREA F – WEST HOWE SOUND
ADVISORY PLANNING COMMISSION**

July 25, 2023

RECOMMENDATIONS FROM THE WEST HOWE SOUND (AREA F) ADVISORY PLANNING COMMISSION MEETING HELD ELECTRONICALLY VIA ZOOM

PRESENT:	Vice Chair	Tom Fitzgerald
	Members	Miyuki Shinkai Kevin Healy Jonathan McMorran
ALSO PRESENT:	Director, Electoral Area F	Kate-Louise Stamford (Non-Voting Board Liaison)
	Recording Secretary	Diane Corbett
REGRETS:	Members	Katie Thomas Susan Fitchell
ABSENT:	Members	Ryan Matthews

CALL TO ORDER 7:08 p.m.

AGENDA The agenda was adopted as presented.

MINUTES

West Howe Sound (Area F) Minutes

The West Howe Sound (Area F) APC minutes of May 23, 2023 were approved as circulated.

Minutes

The following minutes were received for information:

- Elphinstone (Area E) APC Minutes of June 28, 2023

REPORTS

Regional Growth Framework Baseline Research

The APC discussed the staff report regarding the Regional Growth Framework Baseline Research. Director Stamford gave a brief background on the report and responded to APC inquiries.

The following points were noted:

- Is the idea for this to be a holistic view of how growth should happen on the Sunshine Coast? What is the point of this?
- It is a nice idea; it would be an amazing resource.
- It is hard to put a lot of detailed comments because there isn't detail to comment on.

A member read aloud from the Regional Growth Framework Phase 2 Report regarding Area F (page 17):

- Water supply comes from Chapman Creek, Langdale well, Soames Point well, Granthams Landing well, Collector and Gordon wells, and local ground sources. The OCP does not allow for system expansion outside of the Residential Settlement Boundary.
- Any potential growth along Port Mellon Highway within the Residential Settlement Boundary and Gambier Island is not limited by current infrastructure. Gambier Island could benefit from a developed water system to provide fire protection.
- There may be a need to upgrade road transportation infrastructure in this area in response to anticipated future transportation demand. Most roads do not meet Provincial standards.

The member commented that, without infrastructure developed, we can't build anything. We need to have Port Mellon road looked after to have any development come into our area. Nothing has been done. There is a lot of potential from Langdale to Port Mellon; infrastructure is a limitation. Trailer parks are a potential way of developing affordable housing. There has been a holding pattern for the last twenty years; with no infrastructure development or improvement, it is not welcoming.

Member supported points below and hoped the SCRD would be able to execute some of the report's ideas into reality:

- (Phase 2 report, p. 21) "May be opportunities to allow affordable housing types like mobile home parks and tiny homes in rural areas (i.e. places that aren't necessarily well serviced by transit/services)."
- (Phase 2 report, p. 23) "Important to effectively communicate the value and benefits that are derived from growth."
- (Phase 3 report, p. 33, for Electoral Areas) "Focus development in close proximity to established centres or hubs, where commercial services and infrastructure servicing already exist." "Reduce development footprint and ecological impact by clustering buildings closely together."

Planning Enhancement Project (PEP) 2 Phase 1 Policy Mix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 Watercourse and Shoreline Protection Amendments

The APC discussed the staff report regarding Planning Enhancement Project (PEP) 2 Phase 1 Policy Mix Micro Project: Amendment Zoning Bylaw No. 722.9 and 337.123 Watercourse and Shoreline Protection amendments. Director Stamford provided background information.

Points from discussion included:

- I saw that this was really long and I would need a lot of time to read it. Did not read.
- The Province brought in the RAPR legislation that sets out what the study area is and

what a Streamside Protection and Enhancement Area (SPEA) is. It is basically set by an accredited environmental monitor. It concerns me if you have another jurisdiction not just interpreting provincial guidelines, but want to do something on their own. Concern if, for example, Area A is doing something different than Gibsons. In reality the two zoning bylaws probably need a fair bit of work to make them consistent; they should be updated to match what the Province has downloaded on the Regional District. Concern about, with a very fixed budget, having to come up with a strict set of new rules, without having the budget to think this through.

- We have a bunch of minimum lot sizes that relate to where properties are within the Regional District. They are generally set bigger in the outlying areas, smaller into urban areas. The way minimum lot sizes were done was based on intended use. The bylaw should make lot size consistent with the Vancouver Coastal Health guidelines.
- The septic covenant area is huge, bigger than some lots that exist. Now, where you have two houses, you'd be making one. Same with SPEA: for all of the houses along Riverside, the SPEA boundary is part of their lot area. For a lot of those lots, you'd be turning three houses into one, but the SPEA would still be the same. Instead of creating 50 feet of road for one house, you'd be creating 150 feet of road, water main, drainage, clearing and maintenance for the road. By not including those areas (eg streamside protection, buffers), you are now ending up with bigger lots. It goes against everything we are trying to get more efficient with housing, and the area protected is still the same; there is less infrastructure for the same number of people. More efficient would be proving you have a viable building envelope.
- Where there is an existing lot that has been subdivided but not built on, is that taken into account?
- There are a lot of places that have been grandfathered. Does that make the lot redundant and disappear?

NEW BUSINESS

There was discussion of the Development Approval Process Review (DAPR) report sent to the APC by link in an email the previous day. There was uncertainty about what the SCRDC was requesting of the APC regarding the report, and a few members wanted the report to come to the APC for consideration due to not having the proper time or context to review it.

DIRECTOR'S REPORT

The Director's report was received.

NEXT MEETING Tuesday, September 26, 2023

ADJOURNMENT 8:27 p.m.

SUNSHINE COAST REGIONAL DISTRICT REFERRAL

TO: Pender Harbour/Egmont (Area A) APC, September 27, 2023

SUBJECT: Development Variance Permit DVP00085 (Cawley Point Cabins)

REQUEST

This referral be considered and a recommendation be provided.

This referral is made pursuant to SCRD Board resolution passed on July 27, 2023, as follows:

Recommendation No. 4 *Development Variance Permit DVP00085 (Cawley Point Cabins)*

The Electoral Area Services Committee recommended that the report titled Development Variance Permit DVP00085 (Cawley Point Cabins) be received for information;

AND THAT the staff report be referred to the Halfmoon Bay Electoral Area B Advisory Planning

Commission (APC), the Egmont / Pender Harbour Electoral Area A APC and District of Sechelt Council.

The staff report is attached to this memo.

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Electoral Area Service Committee – July 20, 2023
AUTHOR: Yuli Siao, Senior Planner
SUBJECT: Development Variance Permit DVP00085 (Cawley Point Cabins)

RECOMMENDATIONS

- (1) **THAT the report titled Development Variance Permit DVP00085 (Cawley Point Cabins) be received for information;**
- (2) **AND THAT Development Variance Permit DVP00085 to vary Zoning Bylaw No. 722, Section 5.16.1(a) by reducing the setback from the natural boundary of the ocean for the structures as shown on the Reference Plan (Attachment A) from 15 m to the following setbacks,**

Building or structure:	Reduced minimum setback:
Cabin 1	2.7 m
Cabin 4	8 m
Cabin 5	2.5 m
Cabin 8	3.9 m
Cabin 14	4 m
Yurt 2	2.7 m
Boardwalks	Per Reference Plan

be issued, subject to:

- A. Implementation of an environmental restoration plan according to the Assessment of Shoreline Impacts of the TELUS Wilderness Point, prepared by Diamond Head Consulting, dated February 15, 2023 (Attachment C), including a performance bond of \$15,000 deposited to SCRD to guarantee landscape planting work of the plan, within 24 months of issuance of this Permit.**
 - B. The environmental restoration plan be reviewed by SCRD and shíshálh Nation before its implementation.**
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BACKGROUND

The Sunshine Coast Regional District (SCRD) received a Development Variance Permit application (DVP00085) requesting reduced setbacks from the natural boundary of the ocean for a number of existing structures located on the subject property near Cawley Point at Storm Bay (Reference Plan, Attachment A). The sought setbacks are as follows:

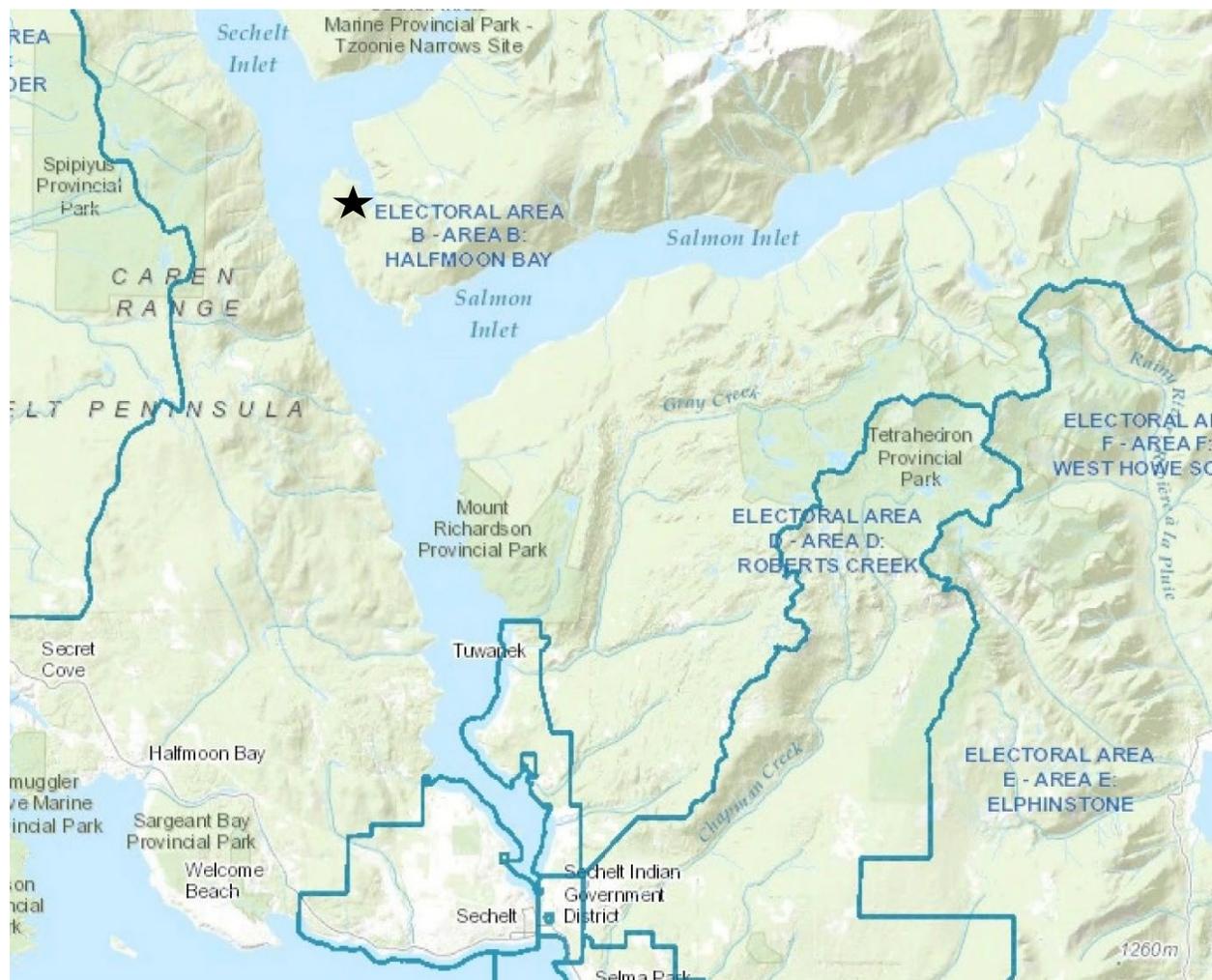
Building or structure	Setback sought by variance	Setback required by Bylaw 722
Cabin 1	2.7 m	15 m
Cabin 4	8 m	15 m
Cabin 5	2.5 m	15 m
Cabin 8	3.9 m	15 m
Cabin 14	4 m	15 m
Yurt 2	2.7 m	15 m
Boardwalks	Per Reference Plan	15 m

The purpose of this report is to present this application to the Committee for consideration and decision. Table 1 below is a summary of the application.

Table 1: Application Summary

Applicant:	Telus Communications Inc.
Legal Description:	DISTRICT LOT 4444 GROUP 1 NEW WESTMINSTER DISTRICT
PID:	015-852-792
Electoral Area:	Area B
Civic Address:	Cawley Point at Storm Bay
Zoning:	RU2 – Rural 2
OCP Land Use:	Resource
Proposed Use:	Existing accessory cabins and boardwalks

Figure 1 - Location Map



Prior to the purchase by the current owner of the 124-ac Cawley Point property in early 2020, the previous owners operated a seasonal camping resort and had constructed a variety of structures on the site, including several elevated tent platforms, yurts, a single-family dwelling, a workshop, a building with a washroom and a kitchen, and numerous accessory structures. The current owner constructed along the water's edge eight timber cabins (1, 3, 4, 5, 6, 8, 13, 14) as shown on the Reference Plan) and connecting boardwalks without building permits in 2021 and 2022. The cabins range from 200 ft² to 320 ft² in size. Several of the cabins were built on the existing elevated tent platforms, while others were built in new locations.

The table below summarizes the current state of those structures (numbering not in numeric order) and action to be taken with respect to bylaw setback requirements.

Structure	Bylaw 310 - setback 7.5 m	Bylaw 722 - setback 15m	Action to be taken
Cabin 1	non-conforming	non-conforming	seek variance
Cabin 3	conforming	conforming	remain
Cabin 4	conforming	non-conforming	seek variance
Cabin 5	non-conforming	non-conforming	seek variance
Cabin 6	non-conforming	non-conforming	remove
Cabin 8	non-conforming	non-conforming	seek variance
Cabin 13	non-conforming	non-conforming	remove

Cabin 14	non-conforming	non-conforming	seek variance
Parts of boardwalks	non-conforming	non-conforming	seek variance
Yurt 1	conforming	non-conforming	legal non-conforming status
Yurt 2	non-conforming	non-conforming	seek variance
Tent 3	conforming	non-conforming	remove
Tent 4	non-conforming	non-conforming	remove
Tent 5	non-conforming	non-conforming	remove

Under the RU-2 zoning, sleeping cabins are not permitted as part of a campground use. The applicant is in the process of engaging with SCRD and consulting with shíshálh Nation to bring forward a rezoning application that would permit all uses associated with Telus' plan to establish a recreational camp facility at the subject location.

As noted below, Telus has consulted with shíshálh Nation on this DVP to rectify non-conforming issues (Building Code and Zoning Bylaw) of existing structures which are planned to be parts of the future camp. If the DVP application is approved, Telus would ensure that all conditions of the DVP are satisfied, and building permits are obtained for the buildings and structures.

In conformance with current zoning the existing cabins and yurts will only be used for non-residential or accessory uses such as storage, maintenance, artist studio, workshop, assembly, etc., and as such they contain no sleeping accommodations, or cooking or plumbing facilities.

Applicant's Rationale

A geotechnical hazard assessment review by Boundary Consulting and an environmental impact review by Diamond Head Consulting provide hazard assessment and environmental impact assessment of the as-built conditions of the existing structures, and weigh these against the pros and cons of relocating the non-conforming ones further back from the natural boundary of the Inlet. In summary, there is technical rationale from both geo-technical and environmental perspectives by both reports supporting the retention of the boardwalks and five cabins (1, 4, 5, 8, 14) as located within the 15 m setback, and the removal of two cabins (6, 13) and three tents (3, 4, 5). The applicant is seeking variance from the Bylaw setback requirement to permit retention of five cabins, one yurt and the boardwalks. The variance, if approved, would support the application for building permits for accessory use of these structures. To mitigate impacts by these structures, the applicant proposes to implement an environmental restoration plan.

DISCUSSION

Zoning Bylaw No. 722

Section 5.16.1 of the Zoning Bylaw states that:

No, building or structure or any part thereof, except a boathouse located within an inter-tidal zone or within the I13 Zone, shall be constructed, reconstructed, moved, located or extended within:

- a) 15 m of the natural boundary of the ocean;

Cabins (1, 4, 5, 8, 14), yurt 2 and some boardwalks do not meet this requirement.

Halfmoon Bay Official Community Plan

No Development Permit Areas are designated for the subject property and surrounding areas.

General policy related to the environment:

6.18 Protect shorelines by limiting the amount of intensive development in proximity to the natural boundary of water bodies.

Consultation

The development variance permit application has been referred to the following agencies for comment:

Referral Agency	Comments
SCRD Building Department	Review of building permits subject to approval of variance
shíshálh Nation (referral sent on February 3, 2023)	<ul style="list-style-type: none"> • The plan for the cabins to come down is conditional in that TELUS will need to remediate the impacts in the riparian area. We are aware that TELUS has a consultant (Diamond Head) who can achieve this. • Specifically, a restoration specialist who developed a plan to remediate the development footprint – any plans for restoration should be shared with shíshálh Nation.
Halfmoon Bay Fire Department	No concerns
Neighbouring Property Owners/Occupiers	Notifications were mailed on June 23, 2023 to owners and occupiers of properties within a 100 m radius of the subject property. Comments from residents questioning the building permit and variance application process and asking for environmental protection of the Sechelt Inlet and limiting development scale have been received prior to the report review deadline.

Notifications to surrounding properties were completed in accordance with Section 499 of the *Local Government Act* and the Sunshine Coast Regional District Bylaw No. 522. Those who consider their interests affected may attend the Committee of the Whole meeting and speak at the call of the Chair.

The applicant is responsible for ensuring all work undertaken complies with the *Heritage Conservation Act*, and it is anticipated that if the subject DVP is approved the applicant will be required to satisfy this duty under this legislation through normal process that applies to all development.

Planning Analysis

Staff have evaluated this application against criteria for development variance permit in SCR D Board policy 13-6410-6, as detailed below:

- 1. The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw*

The intent of the requirement of the Bylaw for a 15 m setback from the natural boundary of the ocean is to protect the coastal natural environment and protect buildings and structures from

coastal flooding. Although the subject property and surrounding areas are not designed a Development Permit Area by the Halfmoon Bay OCP, potential geo-hazards related to coastal flooding and coastal slope are typical for areas along the shoreline. Environmental policies of OCP also call for protection of the foreshore natural environment from encroaching buildings and intense development.

Based on assessment of the technical reports, the structures proposed to be retained are safe from coastal flooding and coastal slope hazards, and the environmental impact they have on areas along the shoreline can be mitigated by implementing a number of restoration measures in several disturbed areas. This justifies the retention of these structures and maintains the intent of the bylaw.

Additionally, three (5, 8, 14) of the five cabins will undergo alterations to their foundations and structural framing to strengthen their geo-technical safety. Engineering design of the alterations will be reviewed in their building permit applications.

2. The variance should not negatively affect adjacent or nearby properties or public lands

The variance has no impact on adjacent land properties which are located on the other side of Storm Bay or the Sechelt Inlet.

3. The variance should not be considered a precedent, but should be considered as a unique solution to a unique situation or set of circumstances

Some of the structures and boardwalks were built on existing platforms or previously cleared land that are within the setback area. Retaining them in place can help to reduce land clearing and alteration elsewhere on the property. If the variance is approved, building permits will be applied for to ensure their compliance with the Building Code.

4. The proposed variance represents the best solution for the proposed development after all other options have been considered

Weighing against relocation, the technical reports support retention of the five cabins, one yurt and boardwalks in place as the best option, which will be accompanied by structural strengthening of the cabins and environmental restoration actions.

5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property

As recommended by the technical reports, retention of the structures will be accompanied by restoration actions to mitigate negative impact on the natural environment in portions of the property. Implementation of an environmental restoration plan along with a performance bond of \$15,000 to guarantee landscape planting work are proposed as conditions of the development variance permit.

Options / Staff Recommendation

Possible options to consider:

Option 1: Issue the permit

This would permit some of the existing structures in question to remain in place.

Staff recommend this option.

Option 2: Refer the application to the Area B APC

The APC would discuss the proposed variance in consideration of the Board's DVP policy and provide a recommendation to the Board. Further notification is not required with this option.

Option 3: Deny the permit

The zoning bylaw regulation would apply, and some of the structures would have to be removed or relocated outside of the setback areas. The applicant could, as an alternative option, seek relief through the Board of Variance.

CONCLUSION

The proposed development variance permit would allow five existing cabins, one yurt and boardwalks to remain in place on the subject property and bring them into compliance with the Building Code through application of building permits. This represents a reasonable solution to the non-compliance issue of these structures and facilitate their appropriate use in the future.

Staff recommend issuing the development variance permit as noted in the recommendation, subject to implementation of an environmental restoration plan.

ATTACHMENTS

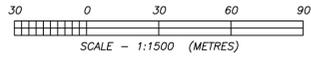
Attachment A – Reference Plan

Attachment B – Site plan and photos

Attachment C – Assessment of Shoreline Impacts

Reviewed by:			
Manager	X – J. Jackson	Finance	
A/GM	X – R. Shay	Legislative	
CAO			

TOPOGRAPHIC PLAN OF PART OF DISTRICT LOT 4444 GROUP 1 NEW WESTMINSTER DISTRICT

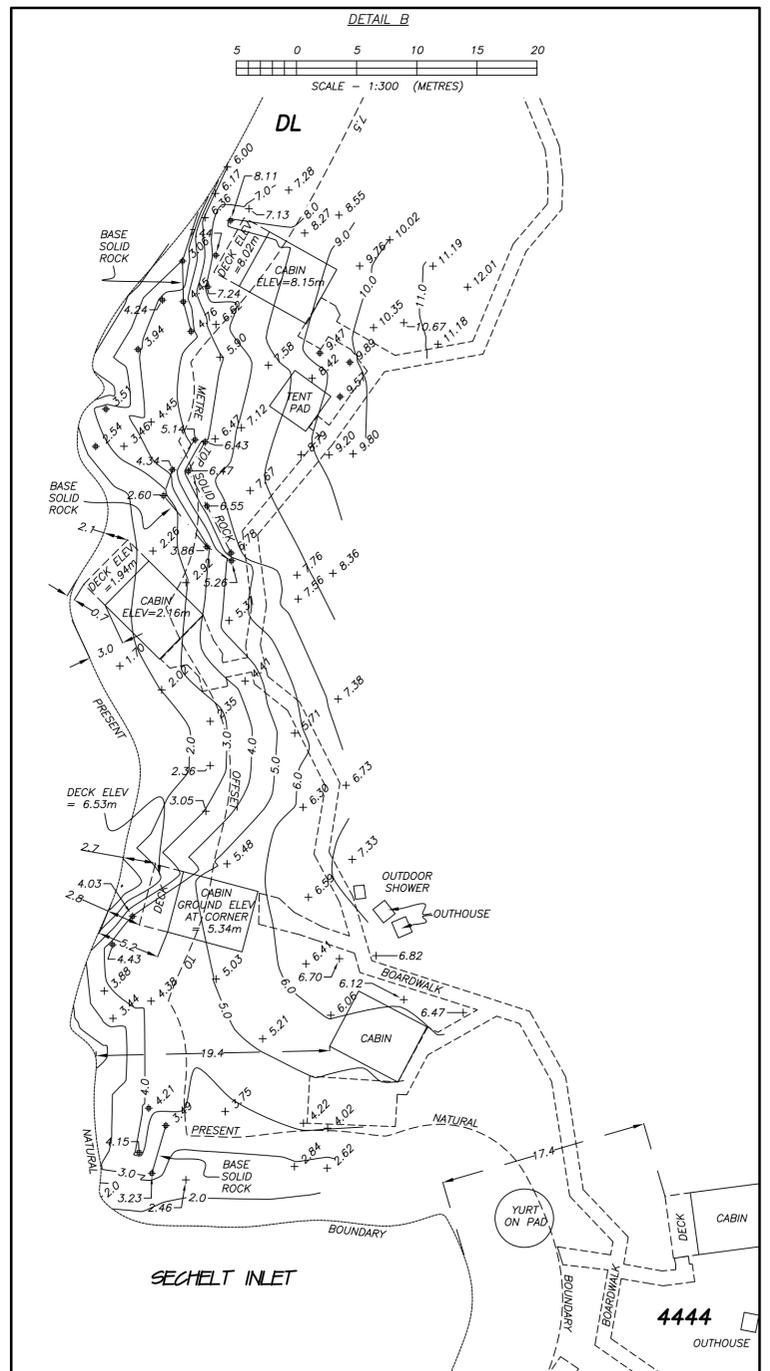
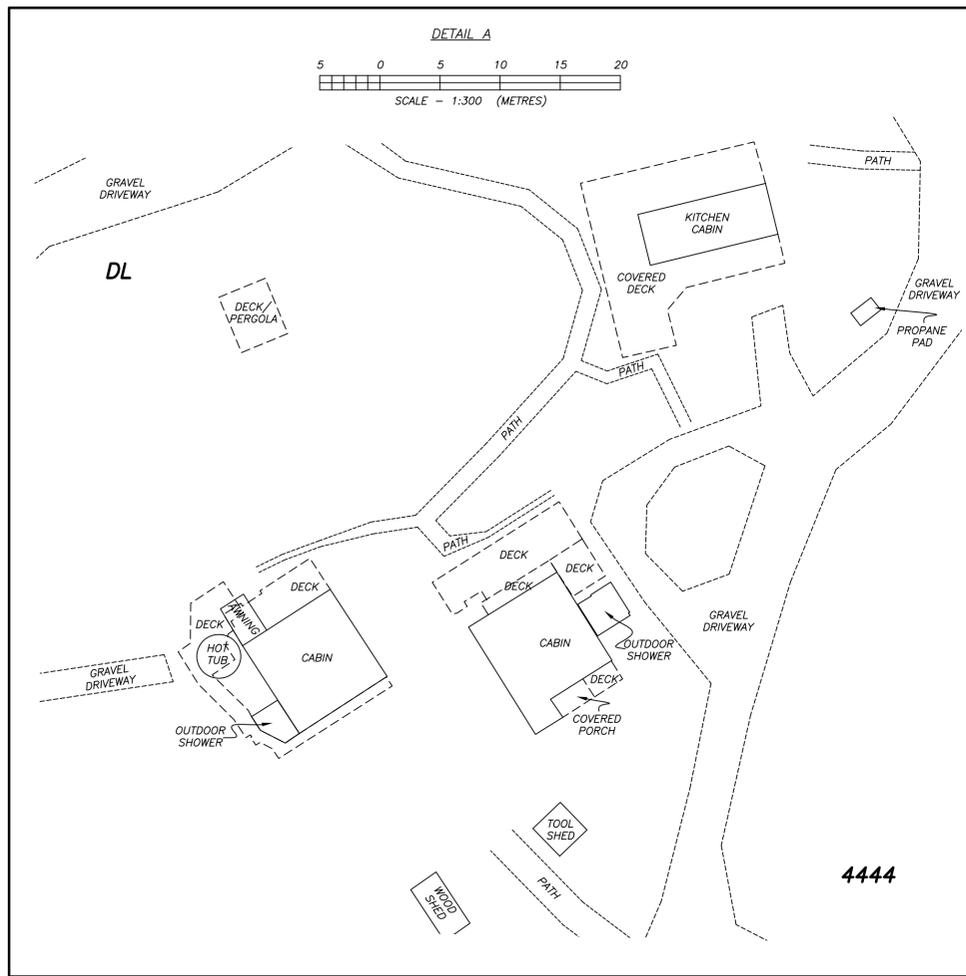
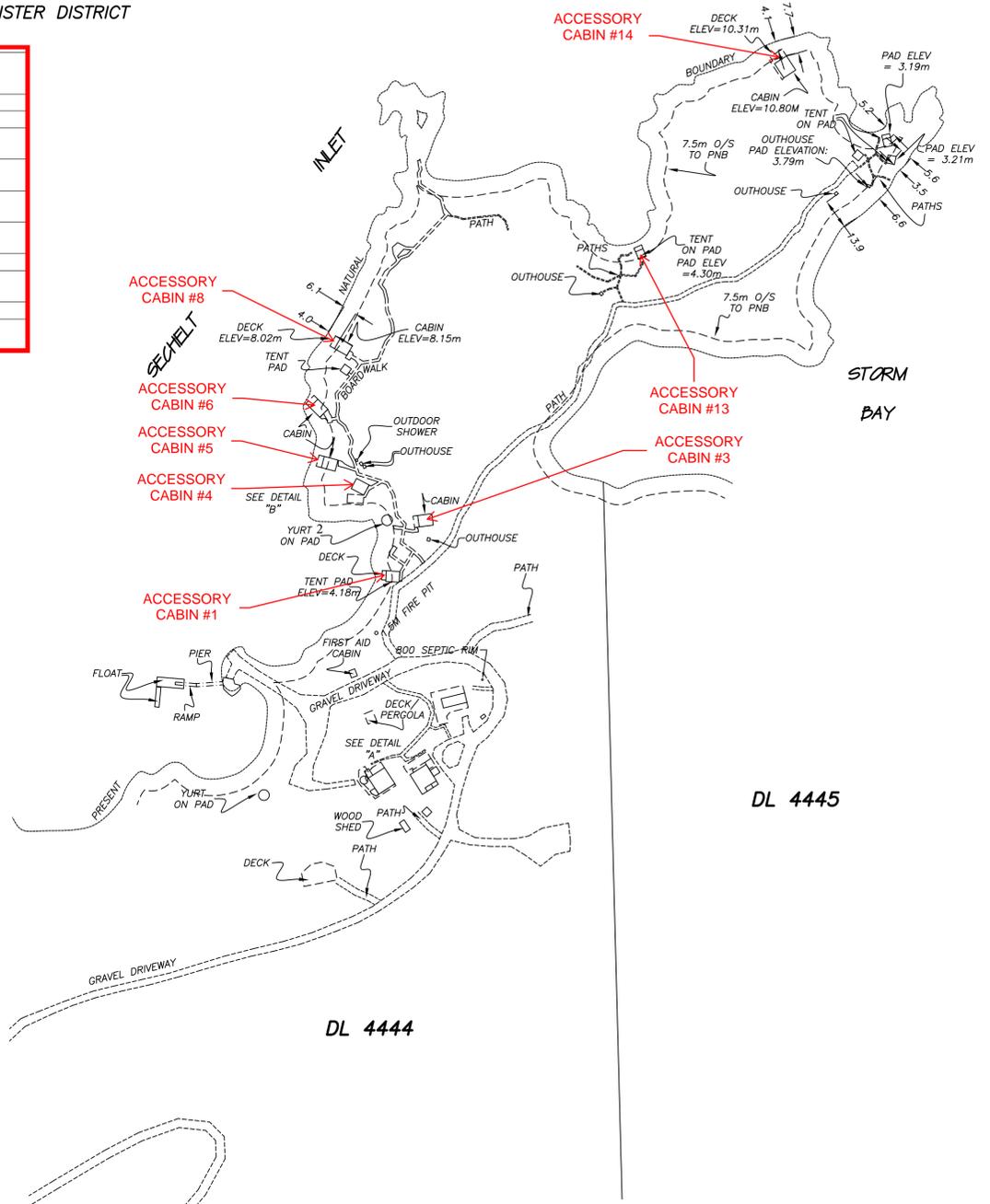
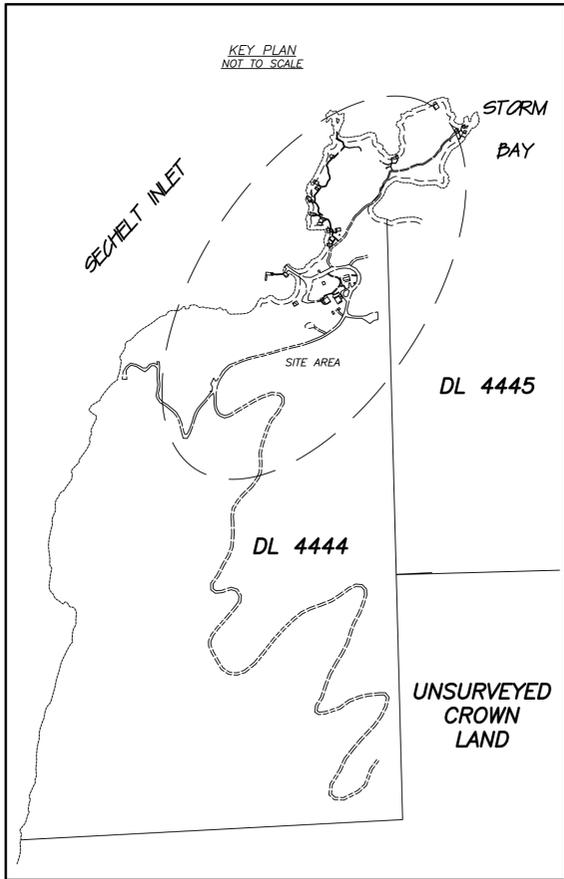


LOCATION: STORM BAY, BC
PID: 015-852-792

LEGEND:

+1.70 DENOTES GROUND ELEVATION
*4.2 DENOTES GROUND ELEVATION OF SOLID ROCK

REFERENCE	STATUS
ACCESSORY CABIN #1	SEEKING VARIANCE
ACCESSORY CABIN #3	TO REMAIN
ACCESSORY CABIN #4	SEEKING VARIANCE
ACCESSORY CABIN #5	SEEKING VARIANCE & FOUNDATION MODIFICATION
ACCESSORY CABIN #6	TO BE REMOVED
ACCESSORY CABIN #8	SEEKING VARIANCE & FOUNDATION MODIFICATION
ACCESSORY CABIN #13	TO BE REMOVED
ACCESSORY CABIN #14	SEEKING VARIANCE & FOUNDATION MODIFICATION



NOTE:

ALL DISTANCES ARE IN METRES.

GEODETIC ELEVATIONS ARE IN METRES, DERIVED FROM DUAL-FREQUENCY GNSS OBSERVATIONS WITH REAL TIME CORRECTIONS FROM THE SMARTNET RTN AND ARE REFERENCED TO THE COVD28 DATUM.

THIS PLAN IS FOR PRELIMINARY DESIGN PURPOSES ONLY AND REPRESENTATIVE OF FEATURES AND STRUCTURES AT THE TIME OF THE SURVEY. FINAL BUILDING LOCATIONS MUST BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION.

FEATURES SHOWN IN 'DETAIL A' LOCATED 2020.

LOT DIMENSIONS ARE DERIVED FROM FIELD MEASUREMENTS AND FROM REGISTERED LTO RECORDS.

THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF DAKOTA RIDGE BUILDERS LTD.

THE REGISTERED OWNER OF DL 4444 IS TELUS COMMUNICATIONS INC.

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DATE OF TOPOGRAPHIC SURVEY:
NOVEMBER 24, 2022
STRAIT LAND SURVEYING INC.
SEAMUS POPE, BCL
BOX 61 (5689 DOLPHIN ST)
SECHELT, BC V0N 3A0

20006-914

PROJECT DATA

PROJECT NAME / CIVIC ADDRESS:

TELUS WILDERNESS POINT
CAWLEY POINT, SECHELT INLET, BC, CANADA

LEGAL DESCRIPTION:

DISTRICT LOT 4444, GROUP 1,
NEW WESTMINSTER DISTRICT

PID: 015-852-792
FOLIO: 746.064.34.000

JURISDICTION:

SUNSHINE COAST REGIONAL DISTRICT

ZONING:

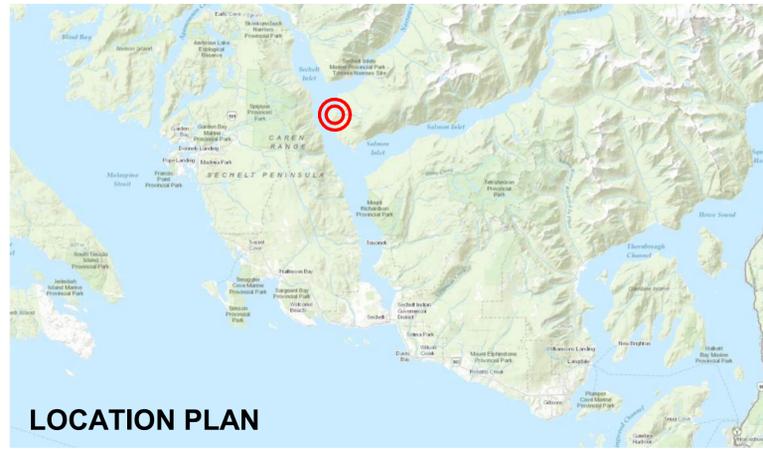
RU-2 (RESOURCE RESIDENTIAL)

MINIMUM PARCEL AREA: 100 HECTARES

MAXIMUM LOT COVERAGE: 5%

MINIMUM SETBACKS: **PRINCIPAL USE:**
FRONT / REAR = 7.5m
INTER / EXTER. SIDE = 7.5m
ACCESSORY STRUCTURE:
FRONT / REAR = 1.5m
INTER / EXTER. SIDE = 1.5m

HEIGHT LIMITATION: AGRICULTURAL = 15.0m
RESIDENTIAL = 8.5m
ACCESSORY STRUCTURE = 5.0m



BUILDING SCHEDULE					
REFERENCE	STATUS	YEAR BUILT	APPROX. SIZE (m)	ELEVATION (m)	NOTES
ACCESSORY CABIN #1	SEEKING VARIANCE	Adopted Dec. 2022	4.88 x 6.10	4.18	MODIFY FOUNDATION AND STRUCTURE TO MEET CODE
ACCESSORY CABIN #3	TO REMAIN	Adopted Dec. 2022	4.88 x 6.10	6.19	MODIFY FOUNDATION AND STRUCTURE TO MEET CODE
ACCESSORY CABIN #4	SEEKING VARIANCE	Adopted Dec. 2022	4.88 x 6.10	6.39	MODIFY FOUNDATION AND STRUCTURE TO MEET CODE
ACCESSORY CABIN #5	SEEKING VARIANCE & FOUNDATION MODIFICATION	Adopted Dec. 2022	4.88 x 6.10	6.83	MODIFY AND RELOCATE FOUNDATION, STRUCTURE AND DECK SUPPORTS TO MEET CODE
ACCESSORY CABIN #6	TO BE REMOVED	Adopted Dec. 2022	4.88 x 6.10	2.16	POSSIBLE RELOCATION
ACCESSORY CABIN #8	SEEKING VARIANCE & FOUNDATION MODIFICATION	Adopted Dec. 2022	4.88 x 6.10	12.85	MODIFY AND RELOCATE FOUNDATION, STRUCTURE AND DECK SUPPORTS TO MEET CODE
ACCESSORY CABIN #13	TO BE REMOVED	Adopted Dec. 2022	3.63 x 3.73	4.30	
ACCESSORY CABIN #14	SEEKING VARIANCE & FOUNDATION MODIFICATION	Adopted Dec. 2022	6.10 x 7.32	10.81	MODIFY AND RELOCATE FOUNDATION, STRUCTURE AND DECK SUPPORTS TO MEET CODE
TENT #3	TO BE REMOVED	Adopted Dec. 2022		?	
TENT #4	TO BE REMOVED	Adopted Dec. 2022		3.19	
TENT #5	TO BE REMOVED	Adopted Dec. 2022		3.21	
YURT #1	EXISTING PRE 2020	Prior to Dec. 2020		7.97	
YURT #2	EXISTING PRE 2020	Prior to Dec. 2020		4.57	

PROJECT CONTACTS

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GEOTECHNICAL

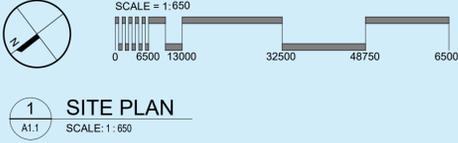
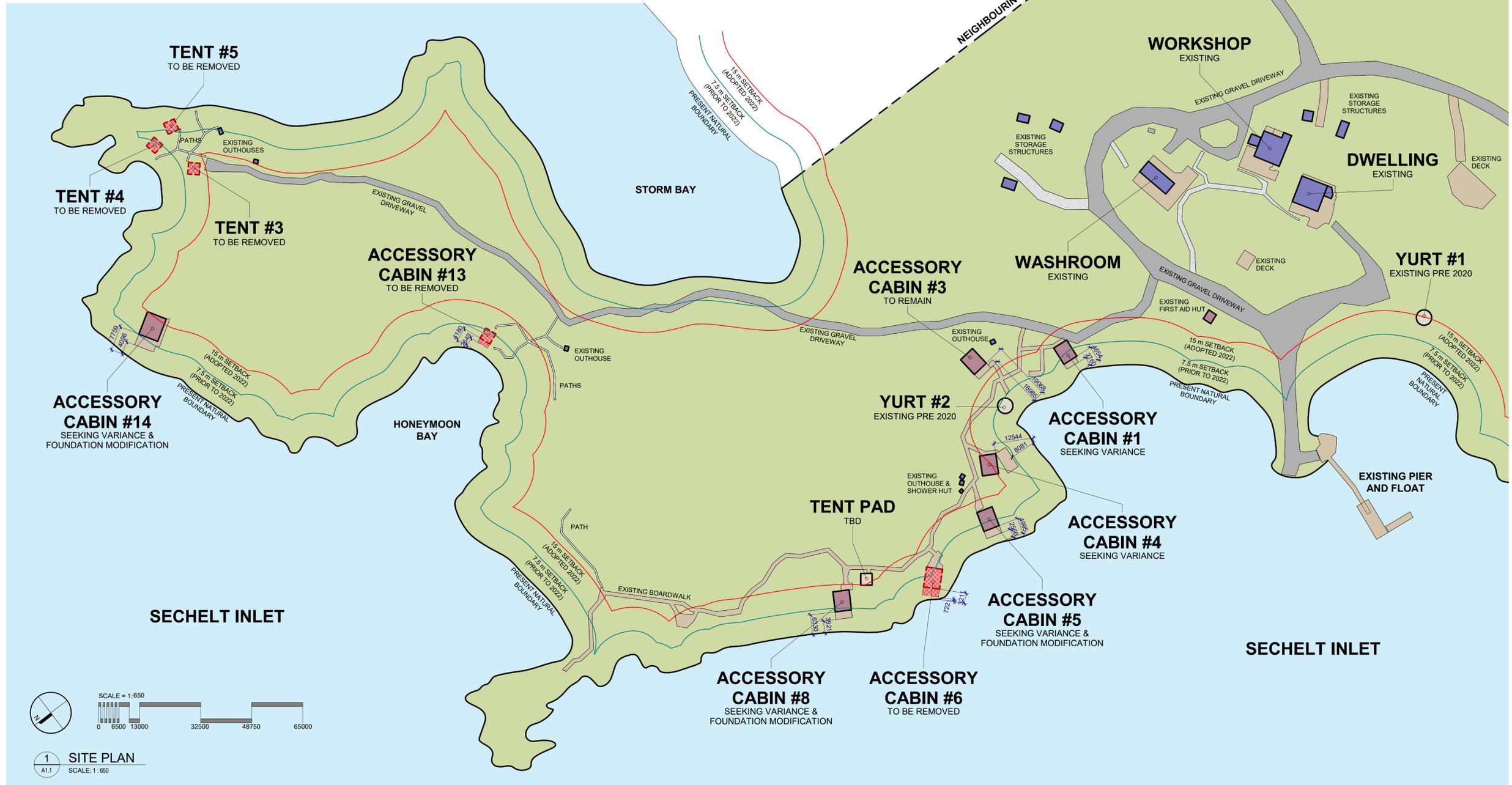
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SURVEYOR

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WILDERNESS POINT
DISTRICT LOT 4444, CAWLEY POINT, SECHELT INLET, BC, CANADA

DEVELOPMENT PERMIT VARIANCE - SITE PLAN
SCALE: As indicated

A1.1



November 23, 2022
Updated February 15, 2023

TELUS

510 West Georgia St
23rd floor
Vancouver BC

Re: Assessment of Shoreline Impacts of the TELUS Wilderness Point

Introduction

TELUS is undergoing the planning phase for development on their TELUS Wilderness Point property in the Sechelt Inlet. This site is being developed as a youth camp and corporate leadership centre. Diamond Head Consulting (DHC) was retained to conduct an environmental overview assessment which was completed in 2020. Initial site visits were conducted by Michael Coulthard, Aubrey Butcher, and Cassandra Cummings. Since the initial fieldwork (July 21st and 29th, 2020), 7 structures have been constructed along the foreshore at the north end of the property. Several of these were built on existing tent deck platforms, while others were built in new locations and connected via boardwalks. TELUS is retroactively obtaining permits through the Sunshine Coast Regional District (SCRD) for the existing structures as well as 7 additional structures. A site visit was conducted by Aubrey Butcher, on November 2nd to assess these foreshore buildings.

Sunshine Coast Regional District policy for natural boundary setbacks

SCRD adopted a new zoning bylaw in October 2022 (Zoning Bylaw 722). Section 5.16 of this bylaw addresses development adjacent to the Natural Boundary of the Ocean, and section 5.18 establishes a minimum flood construction level of 2.0 m above the current natural boundary of the ocean. This bylaw prohibits a building, dwelling or accessory building or structure of any part thereof to be constructed, reconstructed, moved, extended, or located within 15 m of the natural boundary of the ocean. Many of the structures on the property are within this 15 m setback and TELUS is seeking a variance to this bylaw.

Summary of Initial Recommendations

Diamond Head Consulting Ltd. (DHC) was previously retained to develop an Environmental Assessment in the summer of 2020 for Cawley Point to highlight and inventory environmental constraints and features to inform the master planning process. Features of significance were identified, and recommendations were made to ensure the project meets applicable regional, provincial, and federal laws. The following highlights DHC's recommendations that are applicable to this study area.

1.1.1 Freshwater Protections

The Cawley Point Lands fall within the jurisdiction of the provincial Riparian Areas Protection Regulation (RAPR) which protects freshwater watercourses. Full descriptions of watercourse protections and regulations can be found within section 5.1 of the Environmental Assessment Report dated August 15th, 2020. The following is to provide context for the foreshore area focused on as part of this report. One wetland (#1) is situated between the cabins on Cawley Point and the remainder of the site. This wetland requires a 15 m SPEA on all sides, which extends to 30 m directly south to preserve shade for the wetland.

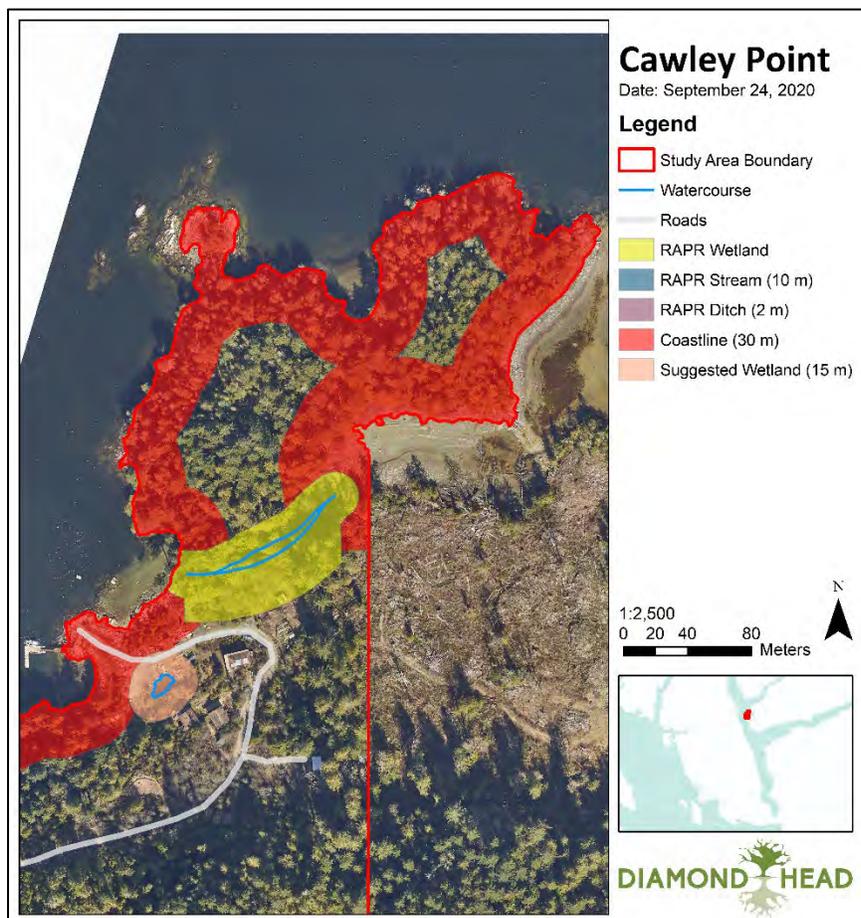


Figure 1 Coastline and RAPR buffers identified during previous assessments of the property.

1.1.2 Marine Shoreline Protections

The Fisheries Act includes protections for fish habitat within Canadian waters (Section 35). This act prohibits the harmful alteration, disruption, or destruction (HADD) of fish or fish habitat including marine foreshore and intertidal zones. Specific setback requirements are not defined by the DFO, however 30 m setbacks off the highest tide line were recommended to meet the DFOs expectations for new development. It was recommended that if development is planned within this setback, DFO should be consulted to mitigate risk associated with the development.

2.0 Observations

Each existing building was individually assessed to determine its impacts on the shoreline environment. Proposed sites for future buildings, staff housing or other structures were also surveyed to determine any environmental constraints. The location and size of the future structures was based on Wilderness Point Cabin Site Plan, dated September 15th, 2022 (Figure 1).

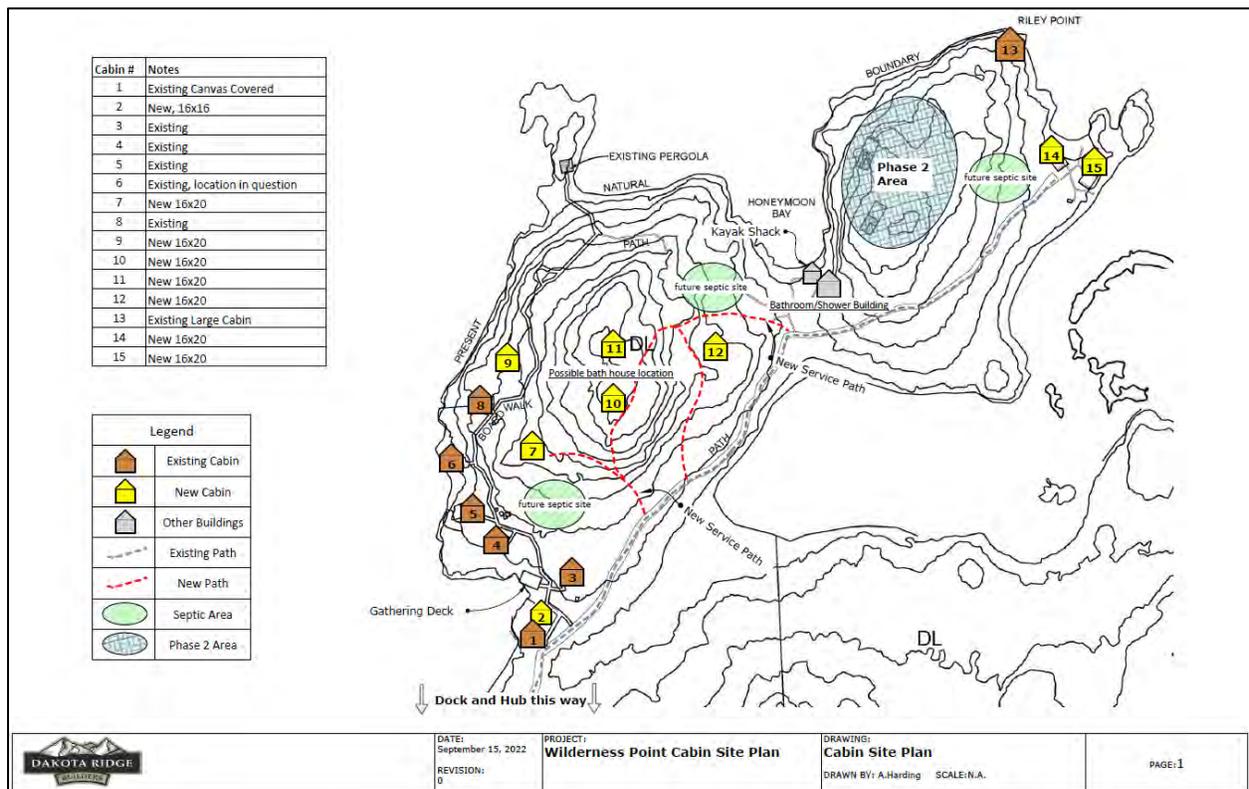


Figure 2 Wilderness Point Cabin Site Plan provided to DHC.

2.1 Ecology on the point

The surveyed area includes a variable topography of bedrock outcroppings with several low-lying flat sections. Most of the point is classified as site series 03 following the Biogeoclimatic Ecosystem Classification system. This ecology features moderately dry soils with poor to medium nutrient

availability. Douglas-fir (*Pseudotsuga menziesii*) are the most common tree species. The understory vegetation is primarily comprised of salal (*Gaultheria shallon*). On bedrock outcroppings, soils become very thin or are absent, resulting in very dry growing sites. These areas are classified as site series O2 and characterized by sparse tree coverage of Douglas-fir and some shore pine (*Pinus contorta*). The understory is open but dominated by mosses and lichens. These rock outcroppings are often small and interspersed throughout the area. Lower lying areas between hills or in flatter areas adjacent to the shoreline have slightly wetter and richer soils. This is characterized by site series O1. Western redcedar (*Thuja plicata*) becomes more common in these low areas and there is more diversity of understory vegetation.

Throughout the point, particularly adjacent to boardwalks and around the buildings, smaller understory trees and larger shrubs have been removed to improve views. Lower branches of mature trees have also been pruned in these areas.



View of surveyed area during an initial site visit (July 21st, 2020)



View of surveyed area on November 2nd, 2022.

2.2 Building 1

Building 1 is situated along a rocky shoreline, with a small seasonally inundated shoreline meadow slightly above the high tide line. This meadow is dominated by sedges and sea asparagus (*Salicornia*) similar to the lagoon on the western end of Cawley Point. Terrestrial ecology is classified as site series O1. Several large, mature Douglas-fir and western redcedar (*Thuja plicata*) trees are growing immediately adjacent to the structure. The building and deck are built approximately 1-1.5 m from the natural boundary of the sea. It is unclear if any roots were cut during construction as the deck is directly above the base of these trees. The Douglas-fir in front of the deck is approximately 20 m in height and 70 cm in diameter. Understory vegetation has been cleared and/or trampled around the deck. The structure is made from a plasticised fabric stretched over a frame and on top of a wooden tent platform. The platform is sitting on concrete deck-blocks and directly on the ground or on cut stumps. An asphalt roof covers the tent structure and the deck.



View of the structure and proximity to adjacent trees.



View of the footings, several footings are placed directly on the ground/stumps or concrete deck blocks.



View of the understory brushing around the structure.

2.3 Building 2

This building has not been constructed. The proposed site is directly north of Building 1. This cabin will be on an extension of an existing deck pad, which is currently approximately 9 m from the natural boundary of the sea.

2.4 Gathering Deck/Yurt

This existing structure includes a deck with a fabric yurt on top. Current plans are to remove the yurt but keep the deck in place. The deck is built approximately 2 m from the natural boundary of the sea. Footings for the deck are concrete blocks. Minor digging/regrading is evident beneath this deck. Based on observations, this deck is not a new construction, though several footings and supports have been replaced.



View of the deck and yurt (Photo taken July 21st, 2020).



View of beneath the deck.

2.5 Building 3

Building 3 is set back from the shoreline and opposite of the gathering deck/yurt. This building is approximately 17 m from the natural boundary of the sea. The underside of the platform has been boarded up with plywood. The footings appear to be on the ground and/or on blocks. Terrestrial ecology is classified as site series 01, though this area begins to transition towards site series 03, occurring further up the hill and to the north.



View of footings and understory disturbance around building 3.



View of understory disturbance around building 3.

2.6 Building 4 & 5

Buildings 4 and 5 are located next to each other. Building 5 and its deck is built approximately 3 m from the natural boundary of the sea. Building 4 and its deck are approximately 8 m from the natural boundary. The shoreline around Building 4 & 5 is rocky, and dominated by rockweed, algae, and barnacles. Building 5 is situated above a rock outcrop, approximately 2-3 m above sea level. Terrestrial ecology is classified as site series 03. Building 4 has been built around a large Douglas-fir, and several western red-cedars. Understory vegetation has been disturbed around the structure from construction, and many of the smaller trees in the area have been cleared to provide views.



Building 4 and a deck has been built around a large Douglas-fir.



View of understory plants beneath the building and deck.



View of building 4, with building 5 in the background.



View of building 5, with building 6 in the background.

2.7 Building 6

This structure is built approximately 1 m from the natural boundary from the sea and its deck extends to the natural boundary. The structure is built above a rock outcrop, overlooking the inlet. Vegetation beneath the deck and platform is still alive, having only recently been covered. Terrestrial ecology in this area is classified as site series 03, with small pockets of site series 02 along the shoreline.



View of building 6.



View of understory plants beneath the building and deck.

2.8 Building 8

Building 8 is built approximately 4 m from the natural boundary of the sea on a rock outcrop. The understory vegetation has been disturbed around the site from construction and to improve views. The dominant terrestrial ecology of this area is site series 02. Stumps remain throughout the area following tree removals. The ground beneath the structure is disturbed from construction, however some live plants remain beneath the platform. Building footings are on the ground, and concrete blocks.



View of the side of building 8.



View of building 8 on a rock outcrop.



View of ground disturbance and some remaining understory plants.

2.9 Building 7, 9, 10, 11, 12

Buildings 7, 10, 11, and 12 are not built and are proposed to be sited inland, around and on top of the rocky hill. All proposed locations of these structures are outside of the SCRD Natural Boundary of the sea setback area. Ecology in this area is characterized by site series 02, with pockets of 03 in depressions. The understory is dominated by mosses and reindeer lichen (*Cladina sp.*), with some salal. Tree growth in this area is stunted by a lack of soil moisture, resulting in smaller trees which are much older than their size suggests. Average tree height is 17 m, with the largest being 25 m. Average diameter is 25 cm,

however some trees reach approximately 45 cm. A 20 cm cut western redcedar stump was aged to approximately 80 years, meaning some of the largest trees in this stand could be 150-200+ years old. The proposed site for Building 9 is immediately north of Building 8, and above a rocky ridge. The area is currently vegetated and mostly undisturbed aside from smaller tree removals. This building location is approximately 12 m from the natural boundary of the sea.



View of orange flagging along the planned boardwalk access to building 10.



View of a bedrock outcropping near proposed building 11.

2.10 Honeymoon Bay – Washroom/Shower Building

This structure is planned to be removed. The deck currently extends to approximately 0.5 m above the high water mark of the ocean. Footings are on concrete blocks, with some directly on the pebbly beach. A kayak shack and bathroom/shower building are marked on the site plan in this area. Specific plans for this site have not been provided. Terrestrial ecology in this low-lying area is classified as site series 01, however understory vegetation is moderately disturbed due to understory trampling and clearing. Several large western redcedars and Douglas-fir occur in this area, these trees average approximately 80 cm in diameter and are 45 m in height.



View of the Honeymoon Bay building to be removed.



View of the area behind the Honeymoon Bay building.

2.11 Building 13

The ecology surrounding the building is classified as site series 03, with some rocky slopes classified as site series 02. Dominant vegetation includes salal, and moss/reindeer lichen on rock outcrops. Trees are predominantly shore pine, with scattered western redcedar and Douglas-fir. The deck and building platform extend to approximately 5 m from the natural boundary of the sea, however this is on a raised rockface cliff. Cabin footings are directly on the ground, or in some cases sitting on pins which have been drilled into bedrock. Understory vegetation has been trampled and cleared from around the cabin structure. Some live understory vegetation remains beneath the building.



View of the horizontal distance between the deck edge and the water.



View of understory and footings beneath the building and deck.



View of the building and the raised rockface cliff.

2.12 Buildings 14 & 15

These structures have not been constructed. They are identified on the site plans; however, Dakota Ridge Builders have indicated that they will not be constructed. A series of decking and platforms occur over this point, with three tents/yurts placed on the decks. Decking extends to approximately 2 m from the natural boundary of the sea on the north side, and 3 m on the eastern side. Deck footings are on concrete blocks or sitting on stumps and cut logs. Generally, vegetation in this area is less disturbed around the decking and buildings and is classified as site series 01, however ecology transitions to seasonally inundated meadows along the foreshore of the lagoon. These areas are dominated by sedges, pacific ninebark (*Physocarpus capitatus*) and giant vetch (*Vicia gigantea*)



View a tent on the north side of the decking.



View of understory plants beneath the building and deck.



View of a tent on the east side of the decking.



View of the area south of the decking and tents.

2.13 Phase 2 Area

There are proposed buildings to be constructed in this area on a dry rocky outcrop. These will be outside of the 15 m natural boundary of the ocean setback. The area is classified as site series 03 and is dominated by salal and mosses. Like elsewhere on site, dry bedrock outcroppings are scattered throughout the area, and are covered in mosses and reindeer lichen. Trees are mostly Douglas-fir and grand fir. The average tree height is 16 m in height with a diameter of 25 cm.

3.0 Impact statement & Recommendations

In general, the shoreline ecology along the point has been disturbed from its natural state through tree cutting and pruning, understory vegetation clearing and the construction of the cabins and boardwalks. Several of the new buildings have been constructed in areas that were disturbed previously such as preexisting tent pads and boardwalks. On some of these sites, footings and materials have been entirely replaced, making it challenging to verify how recently the disturbance occurred. Several building

platforms were extended during construction and live understory vegetation remained beneath these buildings.

While the marine shoreline is protected through the SCRD Zoning Bylaw, it is also protected federally, through DFO's Fisheries Act. DFO has produced a [factsheet](#) highlighting a list of measures projects should follow to avoid causing harm to fish or fish habitats. An assessment has been provided for each of these measures as a way to evaluate the impacts of these buildings and boardwalks.

1 - Preventing the death of fish. Ensuring materials, work and substances remain outside of the water during and after construction.

Impact assessment: The constructed features are mostly above the high tide line with the exception of the Honeymoon Bay Washroom/Shower Building. DHC was not on-site during construction. Based on the recent site visit, there is no current evidence that there was impact to areas below the high tide line during the construction of these structures. There is low direct risk to fish from the presence of these structures.

2 - Maintain riparian vegetation. Leave undisturbed buffer zones between areas of on-land activity and the natural boundary. Avoid tree removals, and construction methods which compact soil. Use existing trails, roads, and disturbances when possible.

Impact assessment: There have been mature trees that were removed as well as branches of remaining trees that were pruned to allow clearance to building sites and to improve site lines. The loss of these trees has reduced the density of this forest and the cover of lower vegetation in this foreshore riparian zone.

3 - Ensure proper sediment control. Avoid introducing sediments into water through construction/building removal. Implement sediment erosion control measures.

Impact assessment: DHC was not on-site during construction and cannot confirm if sediment and erosion control measures were in place. These sites are very rocky with thin soils. It is difficult to install measures to prevent soil erosion in this type of substrate. The best measure to prevent erosion is to protect ground vegetation and organic cover. Based on site observations, much of the ground vegetation remains including the areas below structures.

4 - Prevent the entry of deleterious substances into water. Deleterious substances include construction chemicals and materials such as grout, paint, solvents, adhesives and concrete. Machinery used on site should be clean and properly maintained to avoid leaks.

Impact assessment: DHC was not on-site during construction and cannot confirm if there were any incidences of deleterious substances spilled into the ocean. The risk from this construction would be primarily from gas used for power tools and equipment.

The cumulative impact of these structures should consider their construction as well as their ongoing presence and human activity within this natural area. DHC cannot confirm if there were impacts such as erosion, sedimentation, or spills during construction. There is a permanent loss of riparian plant communities and habitat within the footprint of the buildings and boardwalk. Vegetation outside of

these footprints is moderately impacted through tree removal and pruning. These changes have altered the wildlife habitat characteristics in this area by reducing structural complexity and cover.

Long term impacts of these structures include increased human presence along this foreshore areas which can impact plants, trees, and wildlife. Much of the Sechelt inlet is in natural areas with limited human disturbance. Increased human presence along the point will impact certain species which have a low tolerance to human activity. The intensity of this impact will depend on the level of use and the time of year.

3.1 Restoration Opportunities

There are opportunities to compensate for some of the impacts caused by these shoreline cabins, tent pads, boardwalks and clearing of trees and understory vegetation. Cabin 6 & 13, as well as tent pads 3,4,5 (corresponding to Cabins 14 & 15 in Figure 2) are planned to be removed. Once these structures have been removed, the disturbed areas that remain should be restored to natural plant communities.

To estimate the area disturbed by the cabins, a 1 m buffer was added to the surveyed building dimensions to account for additional disturbance beyond the building footprint. This 1 m buffer was not added to the tent pads since they have not recently been built and the adjacent areas have naturally restored. The estimated total disturbed area from the cabins and tent pads is 648 m² for the areas within the 15 m shoreline setback. Boardwalks, trails and roads account for an additional 508 m² within the 15 m shoreline setback.

Table 1 Habitat balance for the 15 m shoreline setback.

	Within 15 m shoreline setback	Retained	Removed
Cabins, decks and tent pads	648 m ²	474 m ²	174 m ²
Boardwalks, trails and roads	508 m ²	TBC	TBC
Total	1156 m ²	TBC	TBC

DHC has identified several other areas along the shoreline or in low-lying areas near the shoreline which have been heavily disturbed in the past. The restoration of these other disturbed areas will help to offset the impacts of the cabins, tents and boardwalks that are planned to be retained.

These disturbed areas include:

- The shoreline immediately northeast of the dock, which has been previously used as a staging area for equipment (approximately 760 m²).
- The lowland areas near Cabin 13, where ground disturbance has limited vegetation growth (approximately 1000 m²).

- The shoreline near tent pads 3, 4, and 5, where ground disturbance has limited vegetation (approximately 800 m²).

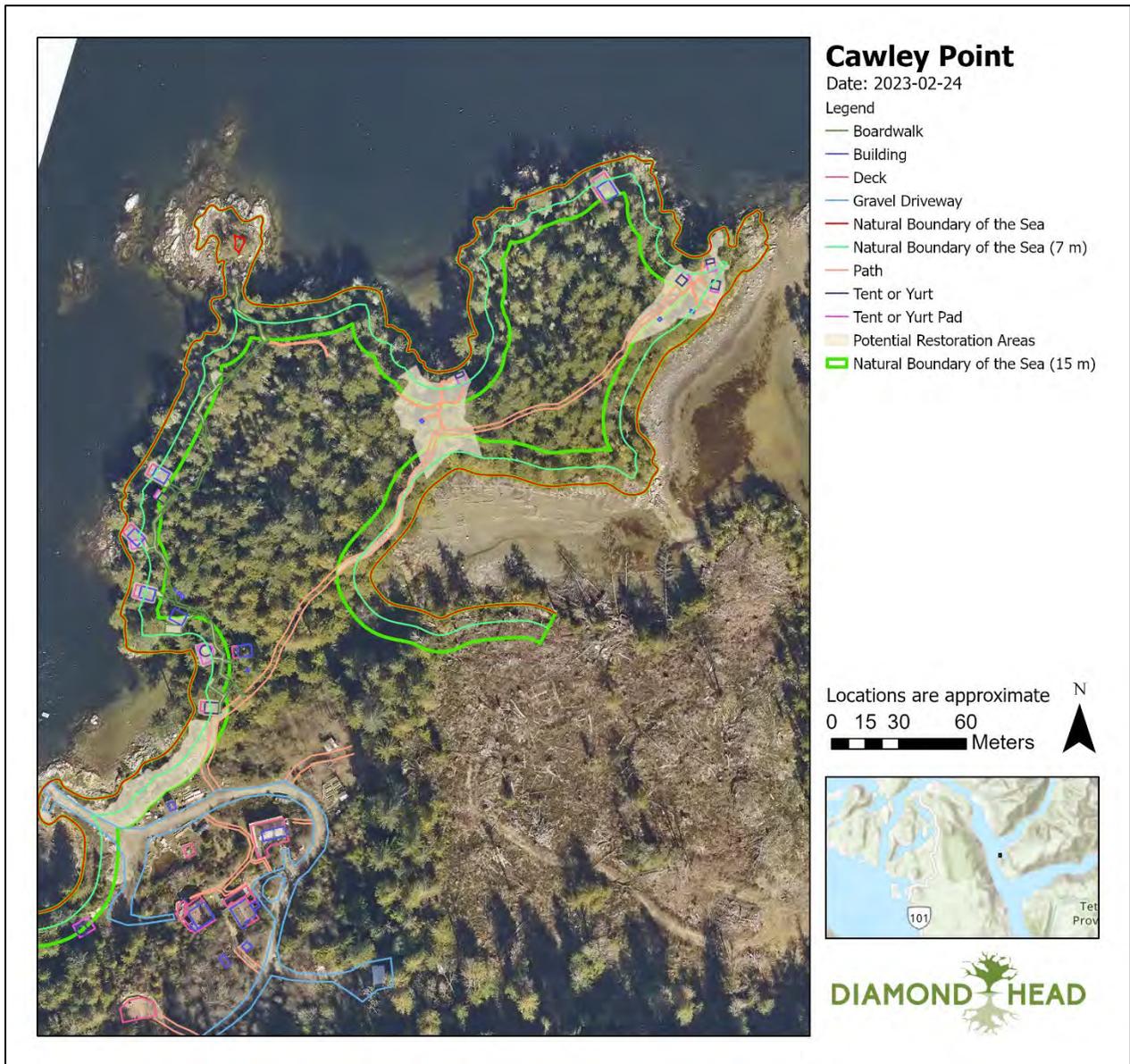


Figure 3 Potential restoration sites for compensation on the point



View of ground disturbance in lowland areas near cabin 13.



View of disturbance and storage around the shoreline of tent pads 3, 4 and 4.



View of the shoreline near the dock and pond with limited riparian vegetation.

These three areas would provide 2,560m² of restoration in the nearby area. **Detailed plans are required for the restoration of these sites.** These detailed plans should consider climate change resilient plant communities, soil amendments, coarse woody debris placement, wildlife habitat features and a monitoring/maintenance plan.

Table 2 Recommended plant species for the site.

	Species Name	Common Name	Notes
Trees	<i>Pseudotsuga menziesii</i>	Douglas-fir	Shade intolerant
	<i>Arbutus menziesii</i>	Arbutus	Shade intolerant
	<i>Thuja plicata</i>	Western redcedar	Plant in moister areas
	<i>Abies grandis</i>	Grand fir	Plant in moister areas
Shrubs	<i>Ribes sanguineum</i>	Red-flowering currant	Plant in groups
	<i>Lonicera involucrata</i>	Black twinberry	Plant in groups
	<i>Physocarpus capitatus</i>	Pacific ninebark	Plant in groups

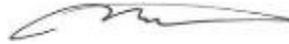
	<i>Malus fusca</i>	Pacific crabapple	Plant in groups
	<i>Gaultheria shallon</i>	Salal	Plant throughout
	<i>Holodiscus discolor</i>	Oceanspray	Shade intolerant
	<i>Amelanchier alnifolia</i>	Saskatoon	Semi-shade intolerant
	<i>Rosa nutkana</i>	Nootka rose	Shade intolerant

In addition to these restoration areas, measures to prevent further degradation of sensitive habitats are also recommended. At Cawley Point, these areas include dry rocky outcroppings comminated by moss and reindeer lichens (*Cladina sp*), as well as intertidal bays such as Storm Bay. Installing fencing along boardwalks and access to these areas is recommended to ensure these areas remain undisturbed.

Please don't hesitate to call us if you have any questions regarding the material discussed in this report.
Sincerely,



Aubrey Butcher, R.P.Bio
Restoration Biologist
MSc. Ecological Restoration



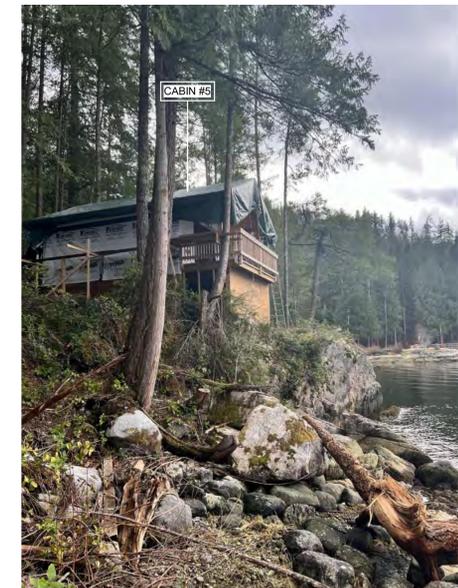
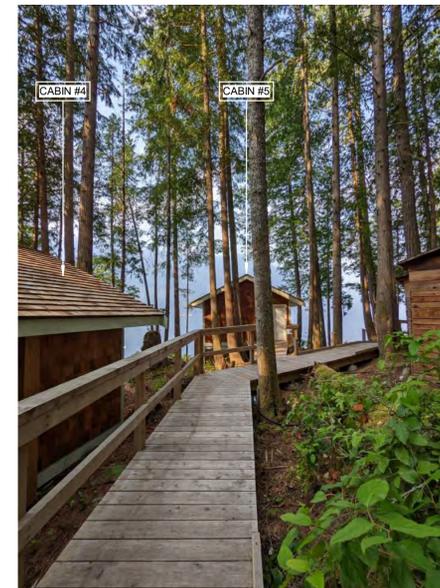
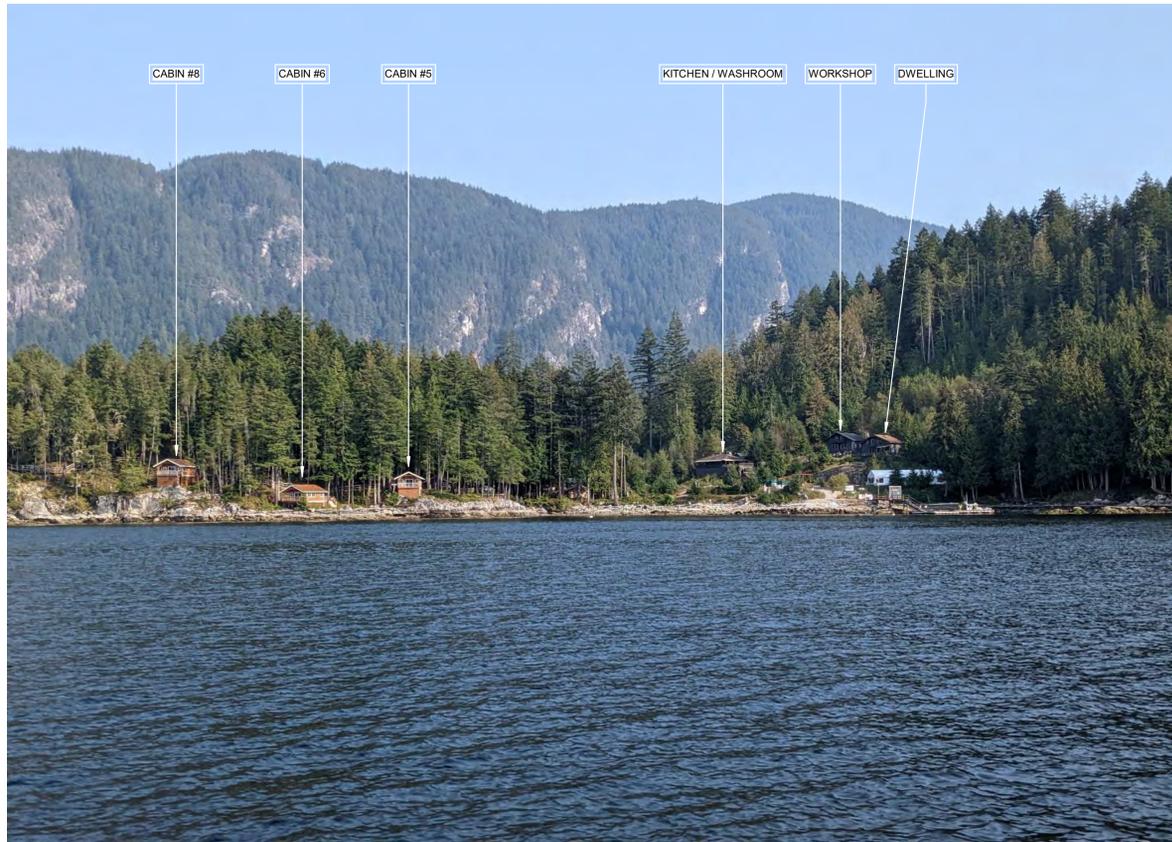
Mike Coulthard, R.P.Bio., R.P.F.
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Certified Tree Risk Assessor (46)

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ACCESSORY CABIN #2



ACCESSORY CABIN #2



ACCESSORY CABIN #2



ACCESSORY CABIN #4



ACCESSORY CABIN #4



ACCESSORY CABIN #4



ACCESSORY CABIN #5



ACCESSORY CABIN #6



ACCESSORY CABIN #6



ACCESSORY CABIN #8



ACCESSORY CABIN #13



ACCESSORY CABIN #13

SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

TO: Advisory Planning Commissions – September 1, 2023

AUTHOR: Sierra Rempel, Strategic Initiatives Coordinator

SUBJECT: FORESTRY REFERRALS: BC TIMBER SALES OPERATING PLAN (CRN00155) 2023-2027

RECOMMENDATIONS

THAT the report titled **Forestry Referrals: BC Timber Sales Operating Plan (CRN00155) 2023-2027** be received;

AND THAT Advisory Planning Commissions review the report and provide recommendation(s) to SCRD for the proposed referral response to BCTS.

BACKGROUND

BC Timber Sales (BCTS) is a Provincial Corporation that is responsible for harvesting approximately 20% of British Columbia's Annual Allowable Cut and operates under the legislative and regulatory frameworks of the *Forest Act*, the *Forest Range and Practices Act*, the *Wildfire Act*, *BCTS Regulation* and the *Wildfire Regulation*.

SCRD receives an annual referral for [BC Timber Sales' \(BCTS\) 5-year Operating Plan](#). BCTS shares proposed harvesting and road building activities in order to receive comment on and understand stakeholder interests in advance of anticipated harvesting.

The 2023-2027 Operating Plan was received by the SCRD on June 21, 2023. SCRD and BCTS have a Communications Protocol which prescribes SCRD response within 90 days; an extension has been provided until October 27, 2023.

This report provides background on BCTS, analysis of the Operating Plan, and recommendations for response. BCTS is only seeking feedback on and only has a mandate to consider or act on feedback related to the 2023-2027 Operating Plan.

Please see SCRD webpage link <https://www.scrd.ca/bcts-logging> for background information about BCTS and SCRD role in responding to annual Operating Plan referrals. Past SCRD referral-responses to BCTS Operating Plans, including the Communications Protocol is also available.

DISCUSSION

In the 2023-2027 Operating Plan BCTS proposes 5 new blocks, totalling a gross area of 100.63 hectares, to be harvested between 2024 and 2027. This report provides review of new blocks only, with the exception of comments on one previously referred block.

Maps of the 2023 Operating Plan blocks are available [here](#). SCRDR has provided comment on the previously referred blocks.

New cutblocks are concentrated in three main areas:

- high elevations on Mount Elphinstone
- low elevations near McNab Creek, Dakota Creek, and Hillside Industrial Park
- Hotham Sound, north of Earls Cove

The summary tables below provides a list of proposed cutblocks:

Block ID	Proposed Auction Year	Net area in Hectares (ha)	Summary Details
McNR005	2024	15.9	<ul style="list-style-type: none"> • 14.21 ha in high elevation near McNair / Mt Elphinstone • New method of capturing timber felled during road construction • Road to provide “direct route” to Port Mellon • Within Dakota Community Watershed • Crosses Dakota Creek, and approximately 6 other tributaries to Dakota Creek • Outside the Mt Elphinstone South Watershed Assessment Phase 1, 2 and 3 area
ELPH010	2024	1.59	<ul style="list-style-type: none"> • 1.59 ha in Elphinstone • Slopes along Roberts Creek • Within Roberts Creek Official Community Plan Area • Outside the Mt Elphinstone South Watershed Assessment Phase 1, 2 and 3 area
GRAN011	2025	6.7	<ul style="list-style-type: none"> • 6.7 ha in Granville (Hotham Sound)
ELPH008	2026	33.5	<ul style="list-style-type: none"> • 33.5 ha in Elphinstone • Above Roberts Creek and associated tributaries • Outside the Mt Elphinstone South Watershed Assessment Phase 1, 2 and 3 area

MCNA002	2027	44.63	<ul style="list-style-type: none"> • 44.63 in McNab • Lower elevations along McNab Creek
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Previously referred block:

Block ID	Proposed Auction Year	Net area in Hectares (ha)	Summary Details
McNR002	2026	19.2	<ul style="list-style-type: none"> • Located on slope above and within Hillside Industrial Park

SCRD Service Area Impacts: Drinking Water Protection

The (Provincial) definition of Community Watersheds includes watersheds where surface water licences are present for the purpose of human consumption by a licensed waterworks and does not include groundwater drinking water supply or aquifer recharge zones.

Deforesting leads to long-term ground cover changes such as loss of mature tree canopy, increased bare land and compaction of land and road cuts across streams and along slopes. This can result in on and off-site effects of erosion, downslope sedimentation (the increase of sediment supply to a stream network), land movement, changes to drainage, increased magnitude of peak flows, which impact water infiltration processes that can result in a change to surface and groundwater quality and quantity. Industrial activities in recharge zones pose the risk of spills or other vectors of both surface and groundwater contamination. Logging near source water areas and tributaries can result in changes to the hydrological regimes of the area and in some cases result in the loss of source water flows, which are critical in providing base flows to larger surface water streams or for groundwater infiltration. Changes to water infiltration as a result of logging are complex and differ depending on specific locations, time of year, and sometimes require years before impacts are actualized.

Protecting groundwater recharge areas is of critical importance to protecting community drinking water supply. The SCRD is increasing its reliance on groundwater resources for the provision of drinking water in the Region, as it looks to diversify water sources for the Chapman Water System.

SCRD Service Area Impacts: Storm Water Management

The Mount Elphinstone area contains many headwaters and creeks. While SCRD does not have a stormwater management service, changes to stormwater and hydrological regimes can impact services and assets downstream, both public and private. SCRD Official Community Plans (OCPs) identify many of the creeks in this area as at risk for debris flows, ravine instability and slope hazards.

Logging on steep slopes, in headwaters areas, and above developed communities adds to the existing identified risk of slope instability, flooding, debris flows and ravine instability. This risk increases again when it is coupled with the new normal of summer drought conditions drying out soils and vegetation, increased frequency of winter storms and increased intensity of rain events. SCRDR provided comments about these risks on Elphinstone in the 2020-2025 referral response.

Recent years have seen increased heavy rainfalls where increased creek discharge has led to washouts. Washouts in the region in 2021 resulted in an Emergency Operations Centre, and State of Local Emergency as they impacted SCRDR services and assets such as drinking water supply mains, transit services, and park infrastructure. In the Elphinstone area, damages to park trails in Cliff Gilker, watermain washouts resulting in Boil Water Advisories, and disruptions to transit services occurred during high flows on creek in the area.

SCRDR Service Area Impacts: Roberts Creek Official Community Plan (OCP) Impacts

The Roberts Creek OCP includes the following policy related to 13) Water Service Areas and Watersheds:

13.8 Deforestation is a significant concern and any forestry activity should take into account possible impacts on water quality and supply.

The Roberts Creek OCP includes the following objective related to 13) Stormwater Management and Drainage Plans:

14a To maintain the existing natural watersheds' flow characteristics to the greatest extent possible by taking into account the cumulative impacts of each development on watersheds.

SCRDR Service Area Impacts: Hillside-Port Mellon Officially Community Plan (OCP)

The Hillside-Port Mellon OCP includes the following objective related to land use:

2.1. To protect development from hazardous conditions in the form of land slip, erosion, flooding and debris torrents.

2.2 To protect valuable fish and wildlife habitat areas associated with McNair and Dakota Creeks, Mohawk Creek, the Rainy River and the ocean foreshore.

2.3 To satisfy the requirements of the provincial Fish Protection Act, in particular the Riparian Areas [Protection] Regulation, with respect to protecting fish habitat.

Analysis: McNR005

Drinking Water

This road cutblock is proposed through a designated Community Watershed where the SCRDR holds a water licence. This licence is not related to current SCRDR water service. The potential future quality and quantity of this water source could be impacted by the logging of the crossing over multiple tributaries and Dakota Creek itself.

Stormwater

The tributaries and creeks this proposed road crosses has a history of high creek flows resulting in damages to Port Mellon Highway and scouring of the bridge crossing at Dakota Creek. The SCR D is the Diking Authority as defined pursuant to the *Dike Maintenance Act* for Dakota Creek Berm. The berm was designed and installed for the purpose of flood and erosion protection for highway and lands to the east, including SCR D-owned Hillside Industrial Park.

Draft Recommendations

The SCR D does not support the logging of McNR0005 due to it being located within a Community Watershed, as well as the potential impact to downstream SCR D assets of the Dakota Creek berm and Hillside Industrial Park.

Analysis: ELPH010

Drinking Water

The watershed of Roberts Creek is not designated Community Watershed, however, BC Well Database lists 164 private licenced groundwater wells pulling from Aquifer 555.

Changes in land cover on these slopes have the potential to impact private/commercial downstream drinking water licences on Roberts Creek.

Stormwater

ELPH010 located within DPA #3, Slope Hazards. This known hazardous area inherently adds risk and stormwater management responsibilities for downstream property owners, land managers and service providers. Impacts of logging exacerbate these risks through changing hydrological regimes such as decreasing of soil infiltration, the increase of snow cover and thus snow melt, and increase rainfall impacts on clear cut areas. The SCR D owns multiple assets along Roberts Creek, including Cliff Gilker Park and Roberts Creek Pier Park. Cliff Gilker was negatively impacted by high water flows in 2021, resulting in damages to park infrastructure.

Draft Recommendations

SCR D recommends that in advance of proposing/engineering cutblocks on Mount Elphinstone near Roberts Creek, that a review of the cumulative impact to ground water resources of Aquifer 555 by qualified experts selected by Local Government water service providers be completed. Historical and any proposed forestry activities for the next 5 years, and climate change considerations should be considered as part of such assessment.

SCR D is concerned about the cumulative impacts of resource activity, including deforesting, that is proposed on or near Aquifer 555, which supports private wells who are not within the SCR D Regional Water Service Area and thus do not have access to other sources of water.

SCR D understands that BCTS is undertaking a Watershed Assessment for the Roberts Creek area and recommends the implementation of findings prior to the auctioning of these lots.

Analysis: ELPH008

Comments and draft recommendations related to ELPH008 are the same as ELPH010.

Analysis: GRAN011

The SCRDR does not have any services or assets that would be impacted by this proposed cutblock.

Analysis: MCNA002

The SCRDR does not have any services or assets that would be impacted by this proposed cutblock.

Analysis: MCNR002

This block appears to be located within SCRDR-owned property at Hillside Industrial Park. Staff await clarification from BCTS about the location, in the event that there is a mapping error. This cutblock was proposed in an earlier Operating Plan.

Draft Recommendations to follow in a subsequent report to Electoral Areas Services Committee.

Summary and Draft recommendations:

THAT SCRDR respond to BCTS referral as follows:

THAT SCRDR does not support the logging and construction of McNR005

AND THAT SCRDR recommends that in advance of proposing/ engineering cutblocks on Mount Elphinstone near Roberts Creek, that a review of the cumulative impact to ground water resources of Aquifer 555 by qualified experts selected by Local Government water service providers be completed. Historical and any proposed forestry activities for the next 5 years, and climate change considerations should be considered as part of such assessment.

AND THAT BCTS completes a Watershed Assessment for the Roberts Creek watershed prior to auctioning of the proposed cutblocks.

CONCLUSION

SCRDR received forestry referrals from BC Timber Sales regarding the 2023-2027 Operating Plan. SCRDR analysis shows potential impact to drinking water services, and increased risk of flooding and sediment transfer which could impact downstream SCRDR assets.

SCRDR has and will continue to emphasize strong concern to BCTS regarding cumulative impacts to:

- Downstream private property owners' stormwater impact
- Downstream public assets, such as roads, parks, watermains, and creeks

- Regional and provincial emergency response requirements for stormwater impact such as recent events in Fall of 2021.

SCRD has and will continue to advocate for:

- A proactive, landscape-level, multidisciplinary, cumulative impact assessment framework;
- Climate change informed, climate-resilient forest planning that recognizes and values local forests as local assets that protect against increasing climate impacts.

Attachments

Attachment A – BCTS Block Maps 2023-2027

Attachment B—BCTS Block List 2023-2027

Reviewed by:			
Manager		Finance	
GM	X – I. Hall	Legislative	
CAO		Other	X - J. Clark