

TUWANЕК NEWS

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FALL 2006

Finally, some major Tuwanek news to report and some time to report it...

In the space of one year the District of Sechelt went from granting a setback "exemption" to a family in Tuwanek who had knowingly erected the foundations of a house and "accessory building" in the 15 m setback from Sechelt Inlet (they had been denied a variance permit); to seeking a Court Order enjoining the family to comply with District zoning bylaws. In response Tuwanek Enterprises has accused the District of Sechelt of targeting their business and is seeking a Court Order to "grandfather" the non-conforming development and business plan.

Within the District of Sechelt, development is occurring at an unprecedented pace with even larger developments (Silverback) proposed. Council has initiated a Sechelt Visioning process in response to the overwhelming pace, but has it come too late in the current boom cycle?

Regionally, the Community Forest logging licence has been granted. It appears that the Ministry of Forests has sold well meaning local politicians a bill of goods and has managed to foist on them an operating area with marginal timber volumes and huge conflicts with the public.

Pan Pacific Aggregates' mining proposal has virtually no support on the Sunshine Coast. Conflicting reports about its viability are emerging, as well. The Sechelt Band's referendum went solidly against supporting the mine. The District of Sechelt voted against their rezoning above Snake Bay. Wood Bay is organizing against a potential conveyor belt and loading facility in their area.

Fall has arrived in Tuwanek with all it has to offer including a most beautiful display of fall colors this year. Right now it's offering a lot of rain. November 3rd had the highest Gray Creek flows observed to date, a solid wall of water nearly hitting the bridge at 2:35 PM! The same day a steep new driveway on Carmel Place was spectacularly blown out and ended up all over the road, blocking it.

Tuwanek Ratepayers Association Since 1970

ANNUAL GENERAL MEETING

Sunday, November 12, 2006
11:00 AM - 1:00 PM
5635 Carmel Place

This year's AGM is being held inside due to the possibility of inclement weather at the Spit. We hope you can make it for the Tuwanek Ratepayers Association's 36th Annual General Meeting.

AGENDA

- ▶ Call to Order
- ▶ AGM Minutes: Wendy Morrison
- ▶ President's Report: Linda Williams
- ▶ Treasurer's Report: Matt Hardisty
- ▶ Discussion & Questions
- ▶ 2006-2007 Elections: President, Secretary & Treasurer
- ▶ Discussion
- ▶ Directors' Sign-up
- ▶ Announcements
- ▶ Adjournment
- ▶ 2006-2007 Memberships

FIRSTS IN 2006

Robin	on lawn February 29 th
Hummingbird	at window March 13 th
Tree Swallows	at nesting boxes March 23 rd
Tree Frogs	night chorus March 27 th
Cricket	fiddling in day September 9 th

THE TUWANEK HOTEL

"...Mayor Reid has sent notice that the requested height and setback variances for the B&B on Lot 21 in Tuwanek were withdrawn..."

That news from our September 2005 Newsletter didn't end there. Yes, the variance *requests* were withdrawn by the proponents when it was pointed out that the reason they had been sold beach access was so that a proposed "retirement home" could conform to the setbacks. The lack of a variance permit did not stop the foundations from being located half-way into the 15 metre setback anyway. The "pouring" occurred just a few days after John Theed, Surveyor, acting on the legal requirement to do so, informed the building inspector that the forms encroached significantly.

Pleading financial hardship if forced to move the foundations, the owners' actions were forgiven and a beach set-back "exemption" was granted that also protects the District from any future liability.

A rather massive retaining wall was also constructed on public beach that had "reverted to the Crown" in 2004 when Lot A (the former Lot 21) was surveyed and registered at Land Title Office.

The Tuwanek Hotel materialized instead of a retirement home and the "accessory building" became "The Beach House" contravening Bylaw 25 and the building permit restrictions, which prohibited such use. According to the District's filing, the owners began renting The Beach House out in March 2006, without a final inspection, an occupancy permit or a business licence, apparently on the advice of their lawyer.

The matter is now "before the Courts". The Cutlans' lawyer claims that the District ought to have "known" since 2002 that "The Tuwanek Hotel" was planned for Lot 21 in Tuwanek. The District documents that two rooms were already dedicated for B&B in the main house and that was and is the B&B maximum.

In the original suit brought by Tuwanek Enterprises and its owners Chris and Krista Cutlan the District is accused of letting them invest their "life savings" before informing them their proposed venture was non-conforming. They also claim that their building permit was issued before the accessory building provision was amended. The District responds that the building permit specifically prohibited the holder from constructing an "accessory building" for sleeping accommodations and informed the holder that 2 rooms, 4 guests maximum is the B&B limit.

Presumably proving that they were aware of the prohibition, the District lawsuit documents that Chris Cutlan crossed the B&B use restriction off the building permit on file at the District and initialed it. This resulted in a reprimand.

The Cutlan/Tuwanek Enterprise' lawsuit claims that the Hotel was ready for final inspection but that the District kept stalling until after the "accessory building" bylaw amendment was passed. The Cutlans requested the removal of the Building Inspector because he "owns a B&B" - a possible "conflict of interest". The District response enumerates that there was still unfinished work on each of seven separate "final" inspections. Plus, the District had apparently not received a Professional Engineer's

letter of assurance for the beach retaining structure that was constructed. And, then there was the matter of the inspectors not being allowed into the locked "accessory building" to inspect it.

The BC Assessment Authority reassigned Tranquility Bay B&B from residential to commercial for tax assessment purposes prior to the advent of "The Tuwanek Hotel". This clearly supports the community's contention that these operations are not conforming "home occupations" under Bylaw 25 Residential-3 zoning.

Home-based business is permitted under common sense rules that were enacted to protect residential "neighbourhoods". Tuwanek has experienced first hand why Bylaw 25 puts limits on the for profit use of a neighbourhood where that use affects "residential values".

In a recent Coast Reporter article Mayor Reid defended the District's decision to pursue Court action by explaining that the community is concerned about the increasing commercialization of its existing neighbourhoods. He summed up by saying that many found the name "The Tuwanek Hotel" offensive. Council has concluded that the current bylaw regarding tourist accommodations is fair and that anyone wishing to provide more extensive services must be located on larger properties within the District.

Tuwanek Enterprises has indicated they intend to file a response to the District of Sechelt's September 8th Supreme Court lawsuit. The District is seeking a possible hearing date in January.

District Council and staff are to be commended for their actions.

R-3 AND BYLAW 25

The Tuwanek Ratepayers Association's reading of Bylaw 25 R-3 zoning and section 307 (Home Occupation provisions) indicates that a family in Tuwanek's may operate only one B&B (two sleeping rooms for four guests maximum) restricted to their official place of residence. They are also permitted to manage/be the contact for up to two short-term rentals, anywhere within the District of Sechelt. Further, B&B services must not be provided to short-term rental units. Cottages or separate dwellings can only be constructed and used on lots over 2000m² in size. (And, we can't "substitute" a cottage for an "accessory building" under Bylaw 25 and the Building Code).

THE SPIT

We received a letter from the Tuwanek Community Association informing me and Steve Yeates that they have decided to proceed with saving the Spit, which is being trampled to death by tourists (our opinion).

There was no further information provided except that they would keep us informed. We are not aware of any public meetings that have taken place about this project so are unable to comment further.

We have observed that the dune grass transplanted from Gray Creek estuary and replanted by Matt Hardisty and Philip Williams does look like the best hope there is for protecting the edges of the Spit from erosion. That and very carefully protecting all the existing trees, including the wild crab apples that grow along the Spit and hold it in place. A long-term strategy is needed.

One of the major jobs to be finished is yarding out all the English ivy, strangling the trees.

To protect against erosion on the tiny Spit the less wear and tear, obviously, the better. The simplest way to protect the Spit might be for property owners in "lower" Tuwanek to block any parking that is available on the right of way adjacent to their lots. This would be quite effective for reducing traffic and thus the unsustainably high and increasing usage the Spit is experiencing, to its detriment.

Bark mulch, large attractive rocks and decorative split rail fences have all been used successfully for this purpose on Tuwanek's road allowances.

SILVERBACK

The Silverback Comprehensive Development (the 1600 unit golf course/hotel/resort "timeshare" proposal on Sechelt Inlet Road) has been given second reading, subject to conditions. The development must hook up to the SCR D water system and the District of Sechelt sewer system. However, this development was billed to be self-sufficient and not in need of our taxpayer funded infrastructure.

One substandard rural collector road to service a 50% increase in Sechelt's population also doesn't make much sense. District staff recognized this and initially called for a second road to be extended over Band land and past Burnett Road to the development. This seems to have been dropped.

Second reading has resulted in a major improvement. Council has stipulated that Porpoise Bay Properties must chip all logging debris (slash) on site, not burn it.

COMMUNITY FOREST

The Ministry of Forests (MoF) has prevailed in foisting another forest industry boondoggle onto "the community" by misleading well intentioned public officials. The "community forest" proposal was developed by a former MoF employee and a former Forestry Coalition director who have chosen to sit on the opposite side of the table from "the community" on every Ministry of Forests public process. Their proposal was "endorsed" by the MoF.

The proposal was deemed "inadequate for consideration" by the provincial Community Forest Advisory Committee (CFAC) and it was sent back. The proponents "failed to give full, frank and complete disclosure of the positions of community interest groups", "with no apparent attempt to engage their concerns". The Administrative Authority and Structures section was "grossly lacking in detail and specifics" and the Stewardship and Management Objectives section was "lacking in detail and specifics". "There was no Ministry letter confirming the land base" and there was ample "evidence of controversy surrounding the water shed inclusion".

It was apparently also weak on the second evaluation because the Community Forest Agreement was eventually directly awarded by the Minister under section 43.51 (1) (b) of the Forest Act, which has the effect of exempting applications from CFAC evaluation.

Until meaningful consultation is conducted, this "community forest" will be one in name only. The only goals that will be met are those of the Ministry of Forests.

SECHELT "VISIONING"

Sechelt Council has constituted a community "visioning" committee for the District of Sechelt to work with John Abbot & Associates. It is composed of 20 individuals from across the spectrum of Sechelt residents. One actually lives in Roberts Creek but is the head of Capilano College and works in Sechelt. There is a representative from the Sechelt First Nation and one for youth who was elected by Chatelech Secondary.

Five days of public design meetings were held from October 18th to the 23rd that brought out hundreds of residents, most of whom, completed feedback forms to add their perspectives to the emerging "vision". Lengthy interviews were also conducted with approximately one hundred individuals. Chatelech students (75) completed questionnaires that provided many interesting observations. It was truly heartening to see how much we all agree about what makes a Sechelt a great place to live (and what doesn't).

Apparently, "the vision" will not affect developments "in the pipes", which unfortunately means that all currently proposed developments such as Silverback, which surely could use a visioning process if any proposal does, would not be affected.

The next opportunity for the community to participate will be in January 2007.

E-MAIL UPDATES?

Would you like to receive TRA updates by e-mail? To be added to the list just let Wendy know at:

syeates@dccnet.com

TSUNAMI ZONE

Bill Elsner gave an interesting presentation about Tsunami Preparedness for the Sunshine Coast, a little considered subject until very recently. Tsunamis apparently occur very rarely. The Sunshine Coast has a low risk of experiencing a tsunami wave over 10 feet in height unless the wave is caused by a strong earthquake, a comet's impact (very unlikely) or an occurrence such as the collapse of the sandbank off the Gray Creek estuary. Most of the waterfront lots in Tuwanek are located within this potential "low" wave zone.

Best advice:

If you see fish flopping around on the beach best not to investigate (run uphill fast).

We don't know how the location of Tuwanek's Emergency Command Centre was selected but it may be necessary for the emergency team to reconsider its current location (at Creekside Cottage) and perhaps move it up the hill away from the tsunami zone and Irvine Creek, which could potentially experience flooding or a debris torrent during an earthquake.

SMART GROWTH

Andre Boel, Sechelt's Community Planner, invites everyone to the Seaside Centre on Monday, November 20th from 2:00 – 6:00 PM for a Smart Growth presentation by Smart Growth BC put on by the Lighthouse Learning Network, Sunshine Coast Social Planning Council and the District of Sechelt.

Smart Growth is development that enhances our quality of life, protects our environment and uses our tax dollars wisely.

NATURALIST NOTES

Although we live in a lush west coast rainforest Tuwanek is actually situated within two of its driest ecosystems. While rain is usually abundant for most of the year, prolonged drought during the dry season occurs most years and appears to be lengthening.

Maintaining traditional gardens is becoming more difficult without huge inputs of regional water and time because most of our favourite garden plants originated where summer rains are the norm.

Many local gardeners are turning to xeriscaping using native plants or plants that are adapted to our climate. These plants don't need supplemental water except to become established and they have all developed strategies for conserving moisture.

Gaultheria shallon, salal, is tended in British gardens as a favourite ornamental but is generally reviled in its native habitats. It is simply cared for and a modest amount of attention - hard pruning back to strong buds every 2-3 years in March and a small amount of supplemental water in the driest years - results in beautiful shrubs with copious pink bell flowers and delicious purple berries that are eaten fresh or can be dried for use in the winter..

CURRENT TRA CONTACTS

President	Linda Williams (604) 885-4747
Vice President	Steve Yeates (604) 885-6177
Treasurer	Matthew Hardisty (604) 740-0012
Secretary	Wendy Morrison (604) 885-6177

E-mail: syeates@dccnet.com or linwil@sunshine.net

Tuwanek Ratepayers Association Membership 2006 - 2007

This is to update our database of Tuwanek residents and property owners. This information will only be used for the purposes of providing you with news and information or contacting you in the event of an emergency.

Name(s):

Tuwanek Address:

Mailing Address:
(If different)

Phone Number(s):

Fax Number:

E-mail Address:

Comments:

To Join or Renew: Annual dues are \$10.00 per family New Membership Renewal

Tuwanek Ratepayers Association

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