



**Gabriola Island
Local Trust Committee
Public Hearing Record Regarding:**

**PROPOSED BYLAW NO. 265 CITED AS “GABRIOLA ISLAND OFFICIAL COMMUNITY PLAN (Gabriola Island) BYLAW 166, 1997, AMENDMENT NO. 1, 2012”
AND**

PROPOSED BYLAW NO. 266 CITED AS “GABRIOLA ISLAND LAND USE BYLAW 177, 1999, AMENDMENT NO. 1, 2012”

Date of Meeting: Wednesday, March 12, 2014

Location of Meeting: Gabriola Island Community Hall
2200 South Road, Gabriola Island, BC

Members Present: David Graham, Chair
Sheila Malcolmson, Local Trustee
Gisele Rudischer, Local Trustee

Staff Present: Courtney Simpson, Regional Planning Manager
Lisa Webster-Gibson, Planning Clerk
Jessie Sherk, Recorder

Media and Others Present: Approximately (53) members of the public and (2) members of the local media were in attendance

1. CALL TO ORDER

Chair Graham called the Public Hearing to order at 8:05 pm. He read a formal opening statement that invited all persons who believe that their interest in property is affected by the proposed bylaws to speak or to present written submissions. Also noted was that all submissions must be received by the Local Trust Committee before the close of the hearing. Chair Graham also pointed out the binder available for public viewing that includes all previous submissions from members of the public and all referrals.

2. Proposed Bylaw 265 cited as “Gabriola Island Official Community Plan (Gabriola Island) Bylaw 166, 1997, Amendment No. 1, 2012” and Proposed Bylaw 266 cited as “Gabriola Island Land Use Bylaw 177, 1999 Amendment No. 1 2012”

Planning Manager Simpson summarized the referrals and any responses received noting that the most detailed response came from The Ministry of Forests Lands and Natural Resource Operations who support the Official Community Plan amendment and

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have some concerns that the exemptions in the Land Use Bylaw amendment are too extensive.

3. PUBLIC COMMENTS

Bob Andrew, 445 Taylor Bay Road

Bob stated that he highly supports the bylaws and feels that it does not go far enough. He stated that water is the most important natural resource in the world, period. He feels that this is not about fish; it is about water and everything that's in it. He stated that water is a very vital process in the community and we all need to be in control of it for the livelihood of this island.

Cheryl Boorer, 895 Tansy Drive

Cheryl agrees that we need some Riparian Areas Regulation but the costs that will be incurred to the landowners are not fair.

Bart Jessup, 776 Roxanne Blvd.

Presenting on behalf of Gabriola Citizens Rights Coalition, Mr. Jessup supplied handouts for the public to refer to. He stated that what this rights group wants is protection of fish without undue regulation of non-fish areas. He stated that they believe they are providing a series of alternatives that are reasonable and sensible. He then read out the evidence that supports his opposition to the bylaws and made the following claims:

- The Madrone reports were inconsistent when identifying dry ditches
- Riparian Areas Regulation can possibly void your insurance
- The science is politically based and he feels that the science changes depending on what report has been purchased
- The evidence of fish is not supported
- There are legislative issues surrounding this and it is contrary to other government initiatives
- This is a massive effort to remove the peoples' rights to use their own land
- Assumptions that fish are present is not science

Mr. Jessop stated that it is important that a vigilant public be alert to defend their own interests against this sort of process. He also spoke of the largest Fraser River salmon return being the largest in recorded history. He stated that this return was not predicted and it indicates the relatively poor understanding of the factors that regulate their production and survival.

Eric Moeller, 940 Horseshoe Road

Mr. Moeller stated that he has been involved with the riparian issue for more than a year and he knows that the Local Trust Committee has no choice but to make a decision on this regulation. He stated that the real bottom line is the Provincial Government and he encouraged people to write to the Province about their concerns. He also suggested the public file an appeal on their property taxes.

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Sue Hendry, 461 Daniel Way

Ms. Hendry objects to the bylaws especially considering the Riparian Areas Regulation is required only in certain areas of the province. She feels there is a select group of property owners being penalized. She stated that she is requesting that a process be put in place where affected properties could be given an opportunity for reassessment of their Streamside Protection and Enhancement Area. Also suggested was cost sharing with the Islands Trust and the Province for these costs. She also noted that Madrone stated they were not mandated to look for fish; therefore, they were looking for watercourses not riparian areas. She stated that her watercourse as well as many others on Gabriola dries up for many months of the year so how could fish life be sustained? She stated that these properties do not meet the criteria for Riparian Areas Regulation. She requested that the Local Trust Committee meet the bylaw with only a 15 meter Streamside Protection and Enhancement Area for the island.

Tom Gilligan, 1055 McClay Way

Mr. Gilligan stated that he is new to the island and is in favor of protecting fish and watersheds. He stated that the Canadian Charter of Rights clearly maintains the right for each and every Canadian to be treated equally. By selecting some to bear the burden of implementing these bylaws and to do so without regard for the negative economic impact that may be created for some individuals and not others is an injustice that will need to be addressed. At the very least, the possibility that the implementation of these bylaws will create such a burden needs to be evaluated or some procedure set in place to do so in the immediate future. He stated that he believes that the value of his property will be negatively impacted by these proposed bylaws. He stated that his concern is that it will decrease in value relative to other similar properties that were not included in the development permit area. His argument is that it is irresponsible of the Islands Trust to implement these bylaws until some process of evaluating the possible negative impact on a case-by-case basis is carried out. He then compared the actions of Islands Trust to the negative impacts that the BC Ferries have had recently on the community.

Moyra Watson-White, 1055 McClay Way

Ms. Watson-White stated that she has found this very stressful and it has decreased the enjoyment in her home. She stated that human habitat is equally important as fish habitat.

Owen Clearkin, Peterson Road

Mr. Clearkin wished to speak against the Riparian Areas Regulation included in the bylaws but noted that he is not an enemy of fish. He stated that he is surprised that the government convinced the local governments to push Gordon Campbell's last piece of legislation. He stated that this is all about the money. This legislation is closely linked to the new *Water Act* coming soon and eventually water rates on our taxes. He spoke of the ditch on his property saying that due to the terrain, water quality and it being dry for months out of the year make it extremely unlikely to support fish. He stated that public hearings are a way of defending decisions that have already been made. Example of this was the ferry meetings. He remarked that important meetings should be conducted in the summer when the other half of the residents are here. He is troubled by how much this has cost the taxpayers so far. He wondered who would pay for this. He stated that he hopes there is transparency and that ethics will guide the Local Trust Committee's choice. He stated that he values his freedom and would not give up his rights for a possible fish habitat. He asked if the values of what they are proposing outweigh

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abusing the property rights of the citizens. He addressed the public and stated that he believes that property owners are the best stewards of the land.

Paul Metcalf, North Road

Mr. Metcalf sympathizes with Local Trust Committee but feels this outlines a fundamental flaw in the Islands Trust system. He stated that they are elected representatives of the people but tonight they are just messengers from Victoria.

Doug Hodges, Wildwood Crescent

Mr. Hodges wondered what kind of fish are coming through Wildwood Crescent.

Jeff Forbes, Wildwood Crescent

Mr. Forbes stated that everyone agrees that the watersheds are important. He also noted that in regard to streams and ditches, there should be a fair study done in the summer and winter months. He also stated that he is more than willing to have a biologist come on to his property and that it is not fair to penalize people for the possibility of fish.

Bart Jessup, 776 Roxanne Blvd.

Mr. Jessup continued his submission on behalf of the Gabriola Citizens Rights Coalition. Referring again to his handout he stated that Madrone confirmed that fish sampling was beyond the scope of their assessment. He feels there is conflict over this report, legislative issues and conflict between the Federal Fisheries, the Provincial Riparian Areas Regulation and the Islands Trust. He stated that he feels that Gabriola residents' properties are being compromised by inter-jurisdictional conflicts and that local bylaws should not proceed until these conflicts are resolved and publicly reviewed. He also stated that the Riparian Areas Regulation admits that the biological science is uncertain and that this is not the way that public welfare should be determined. Mr. Jessup stated that the third reading for these bylaws should be delayed until the government conflicts are resolved and that the Local Trust Committee work plan should be replaced with one that emphasizes conservation in the form of parks and opportunities for prosperity. He also suggested putting the Riparian Areas Regulation on a referendum in the 2014 local election voting.

Chair Graham asked if there were any other members of the public wishing to speak. He then called a second time for submissions to the Public Hearing. He asked the public to submit their written submissions as well. Chair Graham then called a third and final time for public submissions. Hearing none, Chair Graham closed the public hearing.

4. ADJOURNMENT

Chair Graham declared the Public Hearing closed at 8:45 pm.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

Jessie Sherk, Recorder

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