

# **1900 Stalker Road, Gabriola Island**

## ***Donating Waterfront, Preserving Forests, Maintaining Current Use***

### **Summary of Proposal**

Our three families have jointly owned a single 8.9-acre parcel of land on the South end of Gabriola Island since 1970. The three main cabins were built in 1971/72.

We want to separate the ownership into three parcels using a bare-land strata to reflect how the property has been used for the last 55 years. The owners will agree to a covenant on title that restricts the expansion of the three cabins, and there will be no additional cabins or dwellings. We wish to amend the ownership structure so each family can address the transfer of title and inheritance issues, as appropriate, for their next generations. We will agree to certain commitments as part of this application to preserve its rural nature and wooded areas.

Part of this proposal includes a potential donation of a portion of waterfront land that borders the northeast corner of Drumbeg Provincial Park where park-users frequently trespass in order to access the beach in front of our property or to continue to walk northward towards the public access trail (the “Loop”).



### **History**

The 8.9-acre parcel of land at 1900 Stalker Road was purchased jointly by 3 families on June 10, 1970. The three fathers knew each other from work as physicians at Lions Gate Hospital in North Vancouver. They were seeking a place to build small year-round cabins for their families and fell in love with Gabriola.

The property was purchased from Russell “Doc” Nicoll. Mr. Nicoll had earlier transferred the land that became Drumbeg Park to the Province in 1969. He kept Breakwater Island (where he had grown up). Before our purchase, the property had been used for raising sheep, with previously cleared fields as well as a wooded area. There was an old shepherd’s cottage and a few water troughs around the property.

The families agreed on the internal boundary lines, and the three fathers signed an agreement that each family would have exclusive use of their own areas. There was also a fourth lot next to the park that was originally going to be used for a fourth family, but the existing families

decided to keep it undeveloped. Doc Nicoll and his caretakers used this as an access to Breakwater Island until the 1990s via access on a road through Drumbeg Park.

The cabins were built in 1971/72 (before the creation of the Islands Trust in 1974). All the planning processes in place at the time were respected, and permits were obtained for electrical and septic (copies available). The property is already recognized by government and service providers as separate properties. There are three civic addresses, and we receive three separate local government services bills from the Regional District of Nanaimo. We also have separate services, phone numbers and bills from BC Hydro and Telus. We also each have our own water sources.

We have been cooperative for the benefit of our neighbours near our property and respected other people's use of their properties. We consented to easements for BC Hydro being placed on our title so that power lines that supply power to neighbouring properties could be installed along the local grid. This was done in approximately 2000 when the Islands Trust and Ministry of Transportation and Infrastructure approved the rezoning and subdivision of the 100-acre parcel north of us.

The original families that purchased the property back in 1970 are still the owners. When not on Gabriola, their families live nearby in Victoria, Salt Spring Island, Bowen Island, Qualicum and Vancouver.

### **Current Use**

The cabins are used year-round. Children and grandchildren of the original owners grew up there with a very strong attachment to Gabriola. They know the island and its history and have experienced the growth and changes on Gabriola of the last 55 years.

The property and cabins have been lovingly looked after over the years. The families support local businesses throughout the year and hire local tradespeople for help with maintaining the properties. They have seen Gabriola become the Island of the Arts, with new resident artisans that have contributed to the character and growth of the Island. The cabins and their homes are filled with pottery, paintings, glass art, furniture, and other artifacts of the island. The families supported the building of the medical clinic, donated to the cemetery, have memberships with the Gabriola Museum, support the local golf course and the Arts Council, and continue to support the ambulance society. As well, a few years ago we also donated two truck loads of firewood to the Gabriola Island Lions Club.

Over the years, members of the three families have also cared for Drumbeg Park, picking up trash left by visitors, putting out beach fires, and warning illegal campers of the risks and fragile nature of the park. There have been two serious fires in the park that we were able to help control before they spread further.

We have supported the efforts made to protect the character and environment of Gabriola. We welcomed the area in front of our cabins being designated as a rockfish conservation area. We also support the removal of broom in the park (and on our land), and the planting of native trees like Garry Oaks to encourage the return of Garry Oak meadows.

Five of the six original owners have died and chose to have Gabriola as their final resting place. Dr. Brian Cookson is buried in the Island cemetery, and Dr. Oswald Litherland and Mrs. Elizabeth Litherland had their ashes set on the Stalker Road property. After the death of her husband, Mrs. Litherland had retired to Gabriola and was an active part of the community until her very sad, untimely death. Dr. and Mrs. Winch's ashes were set throughout their property by their family just a short time ago.

We are not planning to sell or develop the land where our families have their ashes. As densities and development have increased on Gabriola over the decades, the families have preserved the integrity and rural nature of the property with its three small cabins and outbuildings. We do not wish to change that use.

### **What We Are Asking For**

We are requesting to amend the OCP from the current Resource (R) designation to Small Rural Residential (SRR), and the zoning from the current Resource (R) zoning to Small Rural Residential (SSR), or a site specific OCP and rezoning amendment, to allow for a future three lot bare land strata subdivision, so we would share the narrow panhandle driveway from Stalker Road but each have ownership over our own cabins and surrounding areas. We have no plans to develop the property, just to re-zone it to address the issues discussed above. This would also allow us to each have our separate title and allow us to repair or rebuild if there was a total loss, such as a fire or earthquake.

This would not be a housing or developmental subdivision. It would create the legal structure of a bare-land strata with shared common areas next to Drumbeg Park, in the wooded area, and the driveway. We want to preserve the rural nature of the property, and do not want to have to change the landscape or add cabins.

It is very important to us to have the individual lots reflect the ones our fathers agreed to, and that are based on the way we have always used the property. Our families want to continue to support and be a part of Gabriola for generations to come.

### **What We'd Give Back to the Community**

To show our support for Gabriola, we are offering to donate a portion of our land on the waterfront next to Drumbeg Park. Park-users frequently trespass on this portion of our property. This section is a jewel location in the park, and very popular with visitors given the incredible views, but a portion of this area is our property.

Our recent property survey confirms that the property line where our lot begins cuts by the edge of the memorial bench where visitors sit to admire the spectacular view (photo page 4).

In addition, many park-users walk to the property boundary between our lot and the park and then want to continue walking along the beach in front of our property. Some of these people want to walk to the public access trail further down the beach that will take them up to Stalker Road near the park entrance (the "Loop").

To access the beach in front of our property almost all of the park-users walk onto our property and then go down the rocks to reach the beach. At low tide they could walk from the park beach to the beach in front of our property without trespassing on our property if they chose to do so. However, when the tide is moderately high or very high, virtually no one can access the beach in front of our lot without walking onto our property. This is because the rocks between the park beach and the beach in front of our lot are steep and so that route is essentially unpassable.

We would not want to have to erect a fence to keep people from trespassing on our property as that fence would almost certainly block the view towards the Garibaldi Mountains and the Flat Top Islands around Silva Bay. It would also prevent them from being able to get to the beach in front of our property to access the Loop.

With the proposed land dedication, in addition to addressing the problem of the continual trespass on our property, this would adjust the current slanted angle of the southern property line of our lot and make it more perpendicular. As such, the proposed land dedication is critical to the public to allow people to continue walking along the beach in front of us and/or accessing the Loop trail. This aspect of our proposal renders this application very much in the public interest. We believe that it is reasonable to make this offer conditional to the success of our rezoning and subdivision application.



Location of Property marker



### **A Brief History of Our Engagement Process**

On July 21, 2017, two of our owners met with Sonja Zupanec, the Planner for Gabriola Island at the time and Madeline Koch, another planner, to further discuss our situation and how we might proceed given our current zoning. (This discussion followed a conversation that one of our family members had with Sonja.) Following the initial phone call, Sonja had reviewed the property and prepared some suggestions on how we could approach a subdivision. She pulled up a mapping system showing the property and the surrounding areas. It showed various overlays that she could turn on and off to show the zoning, environmentally sensitive areas, First Nations archaeological sites, etc., so we could see how our property is impacted.

During the meeting we reviewed again the history of the property, the chronic trespass issue in the park, and our concerns about losing the cottages to a fire and not being able to rebuild. Sonja said a bare-land strata would be the best approach as we wouldn't get approval for a fee simple subdivision due to not having enough land for multiple driveways to the road. She advised us not to think in terms of four lots but rather to focus on the three lots as they are currently used. She proposed to create a special zone specific to our site that would reflect the current use. This would make the lots legal and conforming and allow us to rebuild if there was a fire, and to get building permits to maintain the buildings.

The plan from the beginning of our process was to request that Islands Trust first amend the OCP and zoning, and then the subdivision application could proceed. Islands Trust would then advise the Ministry of Transportation and Transit that the subdivision complies with the approved zoning.

The meeting continued for some time focusing on the various requirements - such as the need for a current survey, a community information meeting, studies to review water flow rates, septic systems, archaeological impact assessments, etc. The meeting also discussed the value to the community of the park land dedication, and the types of covenants which would likely be requested (for example: a commitment to preserve the forest and rural feel of the property, and to protect archaeologically sensitive areas if any are discovered).

Following our meeting with the Islands Trust Planners, we decided to engage a consultant to support us through the process. We hired Toby Seward of Seward Developments Inc. from Nanaimo to assist us regarding an OCP and rezoning application for submission to Islands Trust. During his engagement, Toby has spoken to Sonja Zupanec on multiple occasions regarding the application. Following her suggestions we contacted the Snuneymuxw First Nation (SFN) and BC Parks, and we held a community information meeting.

An early step in preparation for our application was to engage Baseline Archaeological, an archaeological consultant to carry out the required reviews on the property. This was a lengthy and very expensive process which delayed our application. Further preparation work included a Bare Land Subdivision Plan by Turner & Associates Land Surveying, an Environmental Report by Aquaparian Environmental, a Geotechnical Report by Ryzuk Geotechnical, and a Hydrogeological Report by Waterline Resources.

We held a community information session at Page's Inn on October 21, 2023 on behalf of the three families. All neighbours were invited and were provided meeting briefing materials in advance. Toby did an excellent job with the presentation materials and public notice, and no opposition was voiced to our rezoning proposal.

Our application has now been made, and we are ready to proceed. Along with this property history we have included our suggestions for a covenant that we feel will be mutually beneficial to ourselves and to the community. There are also a few photos that provide a sense of the level of care with which we have preserved the rural nature of this land since 1970.



Lot Relative to Surrounding Park and Residential Lots of Various Size



Cottage Site C - Litherland



Cottage Site B – Cookson



Cottage Site A - Winch