

March 23, 2015

Bowen Island Undercurrent
Dear Editor,

Re: Rationale for Dock Prohibition at Cape Roger Curtis

Further to your recent coverage of Council's efforts to protect the public interests at Cape Roger Curtis from private docks, I wish to respond to claims made by Bruce Russell and Stephen Hsia, lawyer for the Cape property owners. Both Mr. Russell and Mr. Hsia put forward a notion that a prohibition on private docks at the Cape is both 'discriminatory' and 'vindictive'. On the contrary, Council is acting to correctly re-assert the protection that is already in place, but was disregarded by the previous Council and the province.

The Cape lands have long supported public interest claims (which are well documented, dating back to the 1920s) to preserve its unique natural habitat and recreational values. When the property was listed for sale in the early 2000's, the listing disclosed a 'high public interest' in any development plans. The OCP at the time designated the Cape a 'development permit area' which meant any development required a permit with prescribed conditions to protect the public interests. In 2004, a professional development consortium bought the lands and proceeded to conduct a comprehensive development plan review. Their review further documented areas with high environmental and recreational values. After failing to achieve public support to increase the allowable density on the Cape lands, the developers proceeded in 2009 with the current subdivision into 59 lots. As a condition of that subdivision approval and issuance of the development permit, the municipality secured protection of the coastal waterfront and other lands. Specifically, the municipality obtained a 30m 'do not disturb' protective legal covenant on the entire Cape coastline, aggregated its statutory access allowances into three larger land dedications to allow public use of the Lighthouse, Pebble Beach and Arbutus Point areas, and required a multi-use public trail be built to connect the high-use areas.

In addition to the legal requirements of the subdivision approval, the OCP defines policies to specifically protect the Cape lands and marine features, and the Land Use Bylaw has regulations to protect beaches and marine habitats. Despite all these protective elements, the former Council (which included an original owner in the Cape development consortium) failed to oppose the approval of the first four dock applications (three of which have been built). The Bowen public was outraged that existing policies, regulations and the legal covenant were not properly enforced and over 1,385 people signed a petition in 2013 to express their opposition to private docks at the Cape.

In my view, Council approval of resolutions to clarify protection of the foreshore against docks at Cape Roger Curtis is entirely appropriate. The resolutions will simply restore the protection that was in place when the property was subdivided in 2009, prior to the new owners purchasing their lots. In short, the Cape owners are not being discriminated against, nor is there anything vindictive in Council acting to uphold the spirit and intent of the existing policies, regulations and the legal covenant.

I applaud Council for their quick engagement and determination of this issue. Future generations of residents and visitors will celebrate our community's efforts today to keep the Cape waterfront in its natural state, forever.

Doug Hooper
Bowen Councillor (2008-2011)