

**REGIONAL DISTRICT OF NANAIMO**

**BOARD MEETING  
TUESDAY, MAY 23, 2006**

**S U P P L E M E N T A R Y   R E P O R T**

**PAGES**

**ADMINISTRATOR'S REPORTS**

2-67

Proposed Zoning Amendment Application No. ZA0526 - Dave Scott on behalf of BCIMC Realty Corporation, Inc. No. A41891 & 3536696 Canada Inc., No. A48904 (Fairwinds) - off Fairwinds Drive - Area E.



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MAY 18 2006			
CHAIR		BOARD	
<i>Board ✓</i>			

**MEMORANDUM**

**TO:** Wayne Moorman  
Manager, Engineering & Subdivisions

**DATE:** May 18, 2006

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3360 30 0526

**SUBJECT:** Proposed Zoning Amendment Application No. ZA0526 / Dave Scott, on behalf of BCIMC Realty Corporation, Inc. No. A41891 & 3536696 Canada Inc., No. A48904 (Fairwinds)  
Electoral Area 'E' – off Fairwinds Drive

**PURPOSE**

To consider an application to rezone properties off Fairwinds Drive in Electoral Area 'E' in order to facilitate the development of a 26 bare land strata lot subdivision development and a 35-unit townhouse development.

**BACKGROUND**

The Regional District has received a zoning amendment application for the portion of the subject parcels legally described as Part of the Remainder of District Lot 78, Nanoose District; Part of the Remainder of District Lot 30, and Part of Lot A District Lot 78 Plan V1P71781, All of Nanoose District, which are located off Fairwinds Drive within Electoral Area 'E' (see Attachment No. 1 on Page 9 for location of subject properties and Schedule No. 1 on Page 7 for complete legal descriptions).

The majority of the subject properties, which total approximately 8.5 ha in size, are currently zoned Residential 1 and located within Subdivision District 'P' (minimum parcel size 1000 m<sup>2</sup> with community water and sewer services) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." In addition, a small portion of the Fairwinds Recreation Centre site currently zoned Comprehensive Development 8 Subdivision District 'Z' (no further subdivision) is also proposed to be rezoned and included as part of the 26 bare land strata lot development site.

Pursuant to the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1450, 2005" (OCP), the subject property is designated within the Fairwinds Land Use Designation. Under this designation, a maximum of 2,500 residential units are permitted. Currently there are approximately 700 parcels with approximately 500 residential units constructed in the Fairwinds development area. As the OCP policies for this designation recognize and support the use of the land for the proposed developments, an amendment to the OCP is not required.

In addition, Bylaw No. 1400 designates the subject properties within the Sensitive Ecosystems Protection and the Form and Character Development Permit Areas. Therefore, the development permit guidelines would be applicable in the development of the sites.

The portions of the subject properties under consideration are not presently developed. However, it is noted that some initial road clearing has taken place. Surrounding uses include single dwelling residentially zoned parcels; a multi-family zoned parcel; the Fairwinds Golf Course; the Fairwinds Recreation Centre, and vacant single dwelling residentially zoned lands.

The subject properties are designated within an Urban Containment Boundary and are located within both community water and community sewer service areas and the Nanoose Fire Protection Area. The subject properties are also within an RDN Building Inspection area.

**Proposal:**

The applicant is requesting that Bylaw No. 500, 1987 be amended from Residential 1 (RS1) Subdivision District 'P' (1000 m<sup>2</sup> with community water and sewer services) / Comprehensive Development Zone 8 Subdivision District 'Z' (no further subdivision) to site specific Comprehensive Development zones in order to facilitate the following:

- A 26 bare land strata lot development with parcel sizes varying from 504 m<sup>2</sup> to 810 m<sup>2</sup> with both community water and sewer service to each parcel (see Attachment No. 2 on Page 10 for Conceptual Plan).
- A phased 35-unit townhouse strata development consisting of 34 duplex units and 1 single dwelling with both community water and sewer services to each unit (see Attachment No. 2 on Page 11 for Conceptual Plan).

As part of the application information process, the applicant's agent submitted environmental reports, a geotechnical terrain assessment, and a preliminary storm water management report.

**Public Information Meetings**

A Public Information Meeting was held on January 26, 2006 at Nanoose Place. Notification of the meeting was advertised in *The News* newspaper and on the RDN website, along with a direct mail out to all property owners within 200 metres of the subject property. Notices were also sent to the members of the Nanoose Bay Parks and Open Space Advisory Committee. In addition, signage was posted on the property. Approximately 80 persons attended this information meeting and provided comments with respect to the proposal following a presentation of the proposal by the applicant's agent (see Attachment No. 5 on Page 15, 'Report of the Public Information Meeting'). A number of issues were raised at this Public Information Meeting including the following:

- protection of the Garry Oak Sensitive Ecosystem Area;
- provision of park land in sensitive ecosystem areas;
- effectiveness of covenants;
- availability of community water;
- the need for an effective storm water management system;
- protection of Enos Lake and its riparian area including the provision of a storm water management system that does not have a negative impact on lake; and,
- protection of the stickleback.

Submissions received following this Public Information Meeting are also found in Attachment No. 6 on Page 46.

In addition to the January Public Information Meeting held by the RDN, the applicant held its own Open House event last January.

As a result of the comments and suggestions received at this January meeting, the applicant made a number of revisions to the original application and it is this *revised* application that is being considered in this report. Revisions to the original application are as follows:

- removed the Garry Oak Sensitive Ecosystem Area and proposed a Special Study Area for this ecosystem (see Attachment No. 3 on Page 12, which includes Special Study Area);

- revised the storm water management system to provide an enhanced environmentally friendly system (see Attachment No. 4 on Pages 13 and 14).

The *revised* application was presented at a Public Information Meeting held on May 11, 2006 at Nanoose Place. Notification of the meeting was advertised in *The News* newspaper and on the RIDN website, along with a direct mail out to all property owners within 200 metres of the subject property. Notices were also sent to the members of the Nanoose Bay Parks and Open Space Advisory Committee. Signage was also posted on the property. Approximately 30 persons attended this information meeting and provided comments with respect to the revised proposal following a presentation of the proposal by the applicant's agent (see Attachment No. 7 on Page 58 for 'Report of the Public Information Meeting'). The main issues raised at this second Public Information Meeting including the following:

- Recommendation for a 30 metre buffer area adjacent to the Garry Oak Sensitive Ecosystem area;
- Concern for storm water management and protection of Enos Lake and the stickleback; and,
- Availability of community water.

## ALTERNATIVES

1. To approve the zoning amendment application to rezone the subject property from Residential 1 Subdivision District 'P' (RS1P) / Comprehensive Development Zone 8 Subdivision District 'Z' (CD8Z) to Comprehensive Development Zone 34 (CD34) and Comprehensive Development Zone 35 (CD35) subject to the conditions outlined in Schedule No. 1 (see Page 7), for 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to Public Hearing.
2. To not approve the amendment application.

## DEVELOPMENT IMPLICATIONS

### *Official Community Plan / Development Permit Implications*

With respect to the OCP criteria concerning the Fairwinds land use designation, the proposed development will meet the relevant OCP policies such as providing a mix of housing types including multi-family housing clustered in neighbourhoods.

With respect to the Sensitive Ecosystem Protection and Form and Character Development Permit Areas, the applicant will be required to apply for a development permit prior to commencing any works associated with the subject properties. It is noted that the applicant has revised the amendment application by removing the portion of the properties located within the Garry Oak Sensitive Ecosystem Area. The development permit will include conditions for building site areas, the form and character of buildings for the proposed higher density development, and confirmation that the proposed development is outside the Garry Oak Sensitive Ecosystem Area. The applicant has submitted a development permit application for consideration; however, additional information is still required to be provided by the applicant prior to the development permit application proceeding. If the amendment bylaw proceeds, a development permit may be considered either prior to or after consideration of 4<sup>th</sup> reading.

### *Development Implications*

With respect to the proposed 26 Bare Land Strata Lot development, the applicant is proposing an increase in residential density from the current minimum parcel size of 1000 m<sup>2</sup> (RS1) to an average parcel size of 573 m<sup>2</sup> (exclusive of the proposed common property area). Under the current Residential 1 zone, the 2.3 ha sized parcel would yield approximately 17 – 18 parcels. As part of the development proposal, the applicant is proposing zoning regulations, which will allow for an increased maximum height requirement for the single dwelling units and reduced minimum setbacks from front lot lines. The applicant has designed dwelling units to fit each proposed bare land strata parcel. It is also noted that the applicant is

including a Common Property area, which will provide a green space corridor in the development. This proposal provides an alternative form of housing suitable to the parcel and in a location supported by the nearby Fairwinds Recreation Centre as well as convenience to the local trails system, which is in keeping with the OCP policies concerning providing a mix of housing types within a 500 metre radius of central feature. The subdivision application process along with the development permit application will provide assurances that each proposed parcel will be able to support the intended residential building site area.

With respect to the 35-unit townhouse development, the applicant is proposing a zoning change to facilitate the development of an alternate housing type and not to increase the overall gross residential density. Due to the steep slopes, a multi-family dwelling unit development will suit the topography of the site. This proposal is also in keeping with the relevant OCP policies concerning providing a mix of housing types. Design details will be considered under a form and character development permit. This development proposal will also be subject to approval from the Regional Approving Officer as the development is proposed to be a phased building strata. In addition, the adjacent 8 bare land strata lots, which will meet minimum parcel sizes under the Residential 1 zone, will provide a buffer between the existing residential parcels and the townhouse development.

### ***Special Study Area***

As previously mentioned, the applicant has revised the original application to remove those lands located within the Garry Oak Sensitive Ecosystem Area. This area has been identified by the applicant as a Special Study Area and is shown on *Attachment No. 3 on Page 12*. This Special Study Area is proposed to be reevaluated with respect to its sensitive features as part of a future application. This boundary of this area was based on the information provided by the applicant's environmental consultant. Fairwinds will consult with professional and stewardship groups and propose strategies for protection of the Garry Oak Sensitive Ecosystem Area. In addition, Fairwinds will present these strategies and consult with the community to obtain feedback.

### ***Site Servicing Implications***

With respect to community water service, the applicant is currently investigating providing additional water source to serve the proposed development. In order to ensure that development does not occur until a sufficient community water source is established, staff recommends a development covenant be registered on title restricting development until an acceptable community water source is provided (*see Schedule No. 1 on Page 7 for Conditions of Approval*). The applicant is in concurrence with the covenant.

With respect to storm water management of the proposed development sites, the applicant has provided a preliminary storm water management plan, which indicates that it is feasible to manage storm water on an adjacent site through the creation of a two-stage storage system consisting of a primary storm water pond for silt and construction runoff and a secondary engineered wetland for clarification of suspended solids. The plan also proposes the use of natural vegetation in the ponds (*see Attachment No. 4 on Pages 13 and 14*). In order to ensure that there will be no environmental impact from storm water, it is recommended that the development of a detailed storm water management plan be secured as outlined in Schedule No. 1 as part of this application.

With respect to community sewer services, community sewer is available to serve the proposed developments.

## **PUBLIC CONSULTATION IMPLICATIONS**

As outlined above, a Public Information Meeting (PIM) was held on January 26, 2006. The Summary of Minutes from the public information meeting is included for information (*see Attachment No. 5 on Page 15*). Following this PIM, based on the community input, the applicant revised the original application and a second Public Information Meeting was held on May 11, 2006 for the purpose of presenting the proposed revised application to the community (*see Attachment No. 7 on Page 58*).

## **PARK LAND IMPLICATIONS**

As the application has been amended and there will be further evaluation of the environmentally sensitive features, including options for protection of these areas, the applicant has agreed to defer the required dedication of park land at this time (5%, in this case, 0.425 ha). The applicant has previously dedicated park land with the earlier phases of the development that is sufficient to meet the park land dedication requirements for the revised proposal.

It is noted that the applicant has offered to provide a trail corridor 'in kind' along the north boundary of the 26 bare land strata lot subdivision proposal and this can be secured by the development permit and subdivision application processes. This will link Bonnington Drive to the existing walkway, which connects to both the Fairwinds Recreation Centre and Carmichael Road. There will be no park land credit for this corridor.

## **INTERGOVERNMENTAL IMPLICATIONS**

Initial referrals concerning the *revised* application were sent to the following agencies:

*Ministry of Transportation* - Ministry staff has indicated that the Ministry has no objection in principle to the zoning amendment proposal, but notes that if the application proceeds items such storm water management and community water approval of the corresponding subdivision application would require further review.

*Ministry of Environment* - The Ministry of Environment has recommended that confirmation that the proposed development will not adversely affect local raptor populations and has recommended that that storm water management planning be consistent with the BC Storm Water Guide.

*Local Fire Chief* - The Engineering and Subdivision Department, in consideration of fire safety issues, has been referring applications for rezoning or OCP amendments to local fire departments. The Fire Chief has not yet responded to the request for comments.

## **VOTING**

Electoral Area Directors - one vote, except Electoral Area 'B'.

## **SUMMARY**

Amendment Application No. ZA0526 proposes to amend Bylaw No. 500 to permit a 26 bare land strata lot subdivision development and a 35-unit townhouse development to be served by community water and community sewer systems on property located off Fairwinds Drive in Electoral Area 'E'.

The application proposes to amend the current zoning under Bylaw No. 500 from Residential 1 (RS1) Subdivision District 'P' / Comprehensive Development 8 Subdivision District 'Z' to site specific Comprehensive Development zones 34 (CD34) and 35 (CD35).

Due to concerns raised by the community at the January Public Information Meeting, the applicant revised their application by removing the Garry Oak Sensitive Ecosystem Area, offering to set up a Special Study Area, and consult with the community on the proposed strategies for protecting the Garry Oak area prior to making a further application. As part of the application requirements, the applicant has provided a technical report in support of the application assessing the geotechnical suitability of the 35-unit townhouse site and a preliminary storm water management plan for both developments.

A second public information meeting was held for the revised application. Residents raised concerns with respect to storm water management, protection of the Enos Lake and confirmation of availability of community water. It is noted that the development of the sites cannot be completed until a community water source has been approved by the Vancouver Island Health Authority. This condition, as outlined in Schedule No. 1, can be secured by way of covenant agreement registered on title prior to the consideration of adoption of the proposed amendment bylaw.


In addition, site-specific comprehensive development zones CD34 and CD35 have been prepared to provide for specific provisions in consideration of the proposed developments. These include specific regulations dealing with permitted uses, residential density, minimum setbacks, maximum building heights, and accessory building sizes.

Ministry of Transportation staff has indicated they have no issues with the proposed application, but note that items such as provision of community water and storm water will be considered at time of subdivision. The Ministry of Environment would like confirmation as to the existence of any raptor trees in the site area. The local Fire Chief has yet to respond. The conditions included in Schedule No. 1 address concerns with respect to confirmation that the proposed development will not adversely affect the raptor population, that there is adequate capacity to supply community water, and that storm water will be managed in a safe and environmentally friendly manner.

Given that the applicant has removed the Garry Oak Sensitive Ecosystem Area from the original proposal and has revised the storm management plan to provide a environmentally friendly system and protect the quantity and quality of runoff into Enos Lake and the proposal is in keeping with the related OCP policies, staff supports Alternative No. 1 to approve the amendment application subject to the conditions set out in Schedule No. 1, for 1<sup>st</sup> and 2<sup>nd</sup> reading and to proceed to Public Hearing.

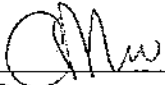
**RECOMMENDATIONS**

1. That the minutes of the Public Information Meetings held on January 26, 2006 and May 11, 2006 be received.
2. That Zoning Amendment Application No. ZA0526, as submitted by Dave Scott, on behalf of BCIMC Realty Corporation, Inc. No. A41891 & 3536696 Canada Inc., Inc. No. A48904 (Fairwinds) to rezone Part of the Remainder of District Lot 78, Part of the Remainder of District Lot 30, and Part of Lot A District Lot 78 Plan VIP71781, All of Nanoose District from Residential 1 Subdivision District 'P' (RS1P) / Comprehensive Development 8 Subdivision District 'Z' (CD8Z) to Comprehensive Development Zones 34 (CD34) and 35 (CD35) be approved to proceed to public hearing subject to the conditions included in Schedule No. 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006" proceed to Public Hearing.
5. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.336, 2006" be delegated to Director Holme or his alternate.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
Manager

  
\_\_\_\_\_  
CAO Concurrence

**COMMENTS:**

*davsvs/reports/2006/ZA3360 36 0265 ma Fairwinds.doc*

**Schedule No. 1**  
**Conditions of Approval for**  
**Zoning Amendment Application No. ZA0526**  
**Fairwinds**

The applicant has agreed to enter into this agreement securing all conditions listed below and to register it against the title of the Land as a covenant and indemnity under section 219 of the *Land Title Act* prior to the consideration of the adoption of Bylaw No. 500.336, 2006.

**Legal Descriptions:**

- That Part of District Lot 78 Nanoose District, Except That Part Shown Outlined in Red on Plan deposited Under DD 19579J; Except Parcels A and B (DD 7528N); and Except Those Parts in Plans 813R, 1567 OS, 14212, 14250, 14275, 15075, 15193, 22836, 24012, 25366, 26219, 27129, 27206, 29869, 34675, 47638, 48548, 48585, 49669, 50872, 51142, VIP51603, VIP51706, VIP51707, VIP53134, VIP57407, VIP59180, VIP59494, VIP60049, VIP60602, VIP71781, VIP73214 and VIP78139
- That Part of District Lot 30, Nanoose District, Except Those Parts in Plans 15193, 26219, 48585, VIP51706, VIP51707, VIP52451, VIP53134, VIP57407, VIP60049, and VIP60602
- Part of Lot A District Lot 78 Nanoose District Plan VIP71781

as shown on Attachment No. 1.

**Development Covenant**

The applicant agrees that all requirements set out in these conditions must be fulfilled prior to final approval of subdivision of any portion of the land. The required covenant is to be prepared and registered by the applicant to the satisfaction of the Regional District. Draft covenant documents are to be forwarded to the RDN for review prior to consideration of 4<sup>th</sup> reading. Applicant's solicitor is to submit letters undertaking to register this covenant at Land Title Office prior to consideration of 4<sup>th</sup> reading of Bylaw No. 500.223, 2006.

**Community Water**

1. The applicant will provide a community water source to serve the development in a quality and quantity to the satisfaction of the RDN. Proof of the community water is to include source approval from the Vancouver Island Health Authority.
2. The applicant will construct a community water system including the water supply, the distribution system, and service connections to the proposed developments.
3. This system is to be built to Bylaw No. 500, 1987 standards and/or good engineering practices to the satisfaction of the RDN.

**Storm Water Management**

1. The applicant will provide an engineered storm water management system for the subject properties designed to be contained within the pond system areas and engineered and constructed to the satisfaction of the RDN subject to:
  - a) ensuring that the management of storm water is integral in the water balance for maintaining adequate base flows in the Enos Lake system;
  - b) taking maximum advantage of the ability of the granular soils exposed on site to infiltrate storm water and maintain the base flows in the Enos Lake system;
  - c) ensuring through good engineering practice, no accumulated storm water drainage is to be directed to nor is it to negatively impact the stability of the Enos Lake drainage system



as determined by a registered BC professional engineer experienced in storm water management engineering; and,

- d) the system is designed and constructed to the satisfaction of the RDN and the Ministry of Transportation.

#### **Raptor Survey**

Applicant to provide written confirmation from a qualified biologist that the proposed development will not adversely affect the local raptor population.

#### **Covenant Running with the Land**

The applicant agrees that all requirements set out in these conditions must be fulfilled prior to final approval of subdivision of any portion of the land. The required covenant is to be registered concurrently with the plan of subdivision. Covenant documents are to be prepared and registered by the applicant to the satisfaction of the Regional District. Draft covenant documents are to be forwarded to the RDN for review prior to consideration of 4<sup>th</sup> reading. Applicant's solicitor is to submit letters undertaking to register this covenant at Land Title Office concurrently with the plan of subdivision.

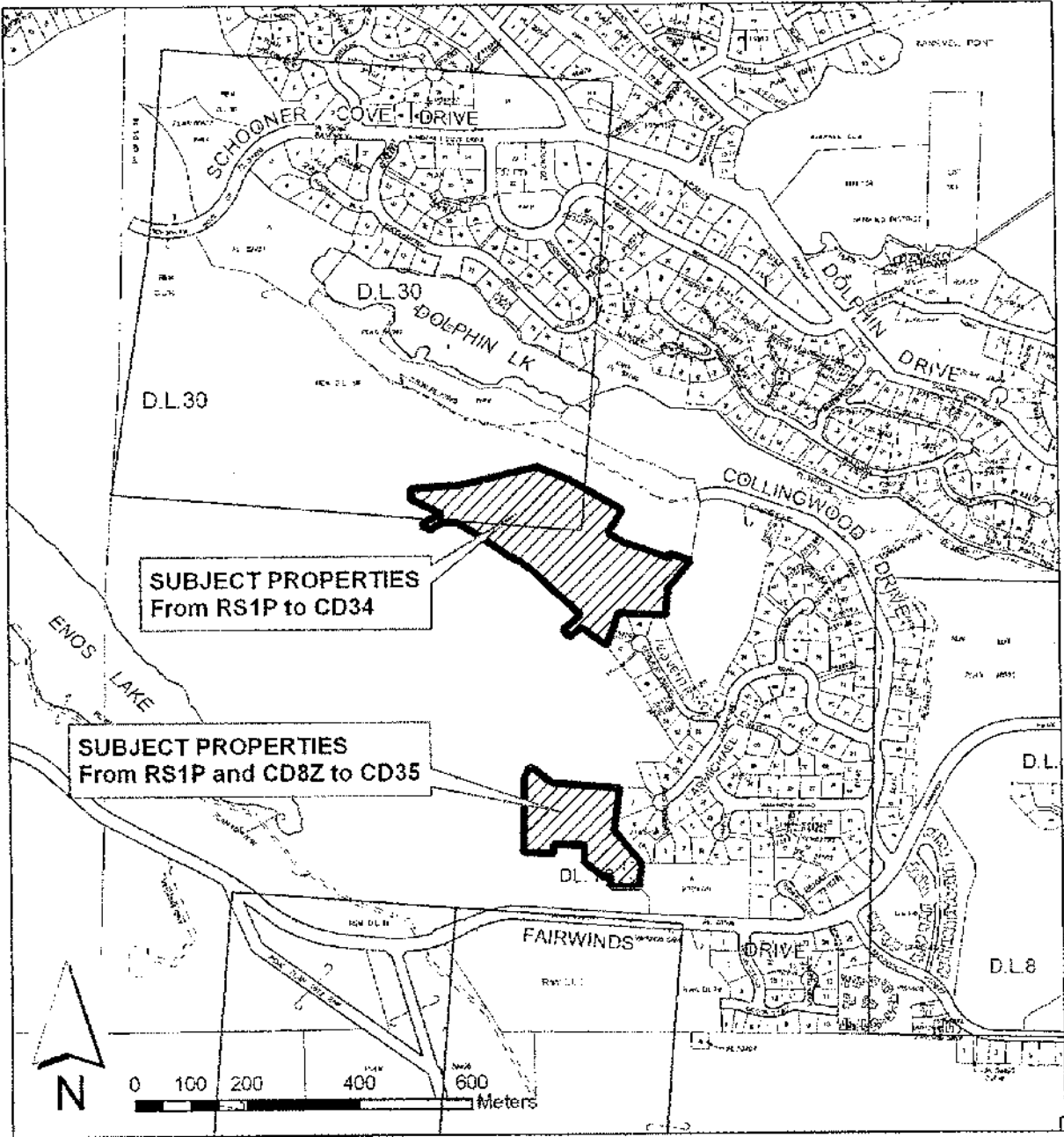
The applicant agrees that all requirements set out in these conditions must be fulfilled. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.

#### **Geotechnical Requirements**

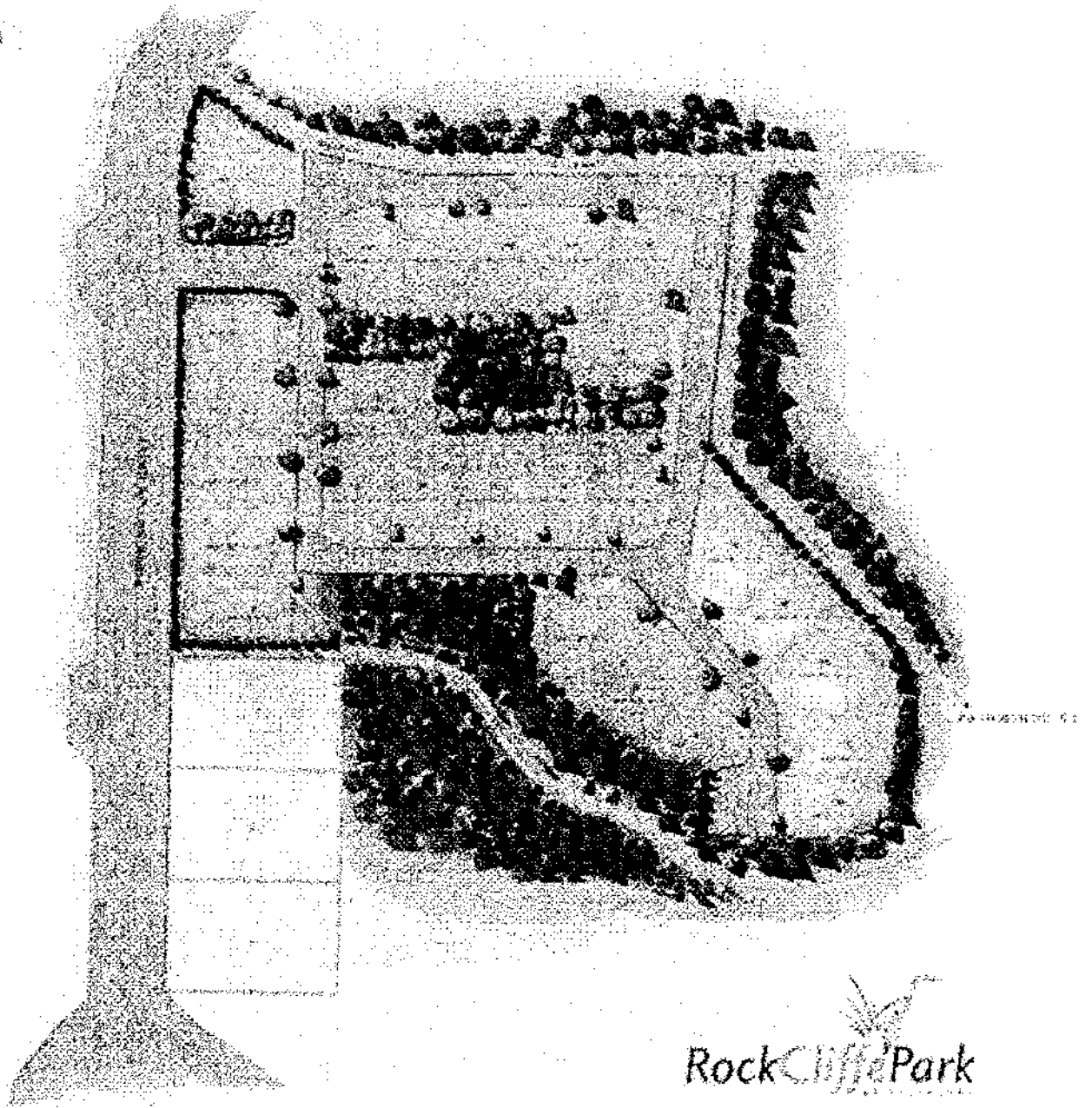
The applicant will enter into a section 219 covenant registering the Geotechnical Terrain Assessment Report prepared by Trow Associates Inc and dated June 2005 establishing minimum setback distances from slope crest for the proposed 35 unit townhouse development:

- a) restricting the placement of buildings and/or structures, including fences unless recommendation for a relaxation is based on detailed investigation for site specific parcels as determined by a registered BC professional engineer experienced in geotechnical engineering;
- b) restricting the removal of any vegetation or the alteration of land, and,
- c) indemnifying and saving harmless the Regional District from any and all claims, causes of action, suits, demands, expenses, costs and legal fees whatsoever that anyone might have as an owner, occupier or user of the Land, or by a person who has an interest in or comes onto the Land, or by anyone who suffers loss of life or injury to his person or property, that arises out of erosion, land slip, rock falls or subsidence for the proposed development.

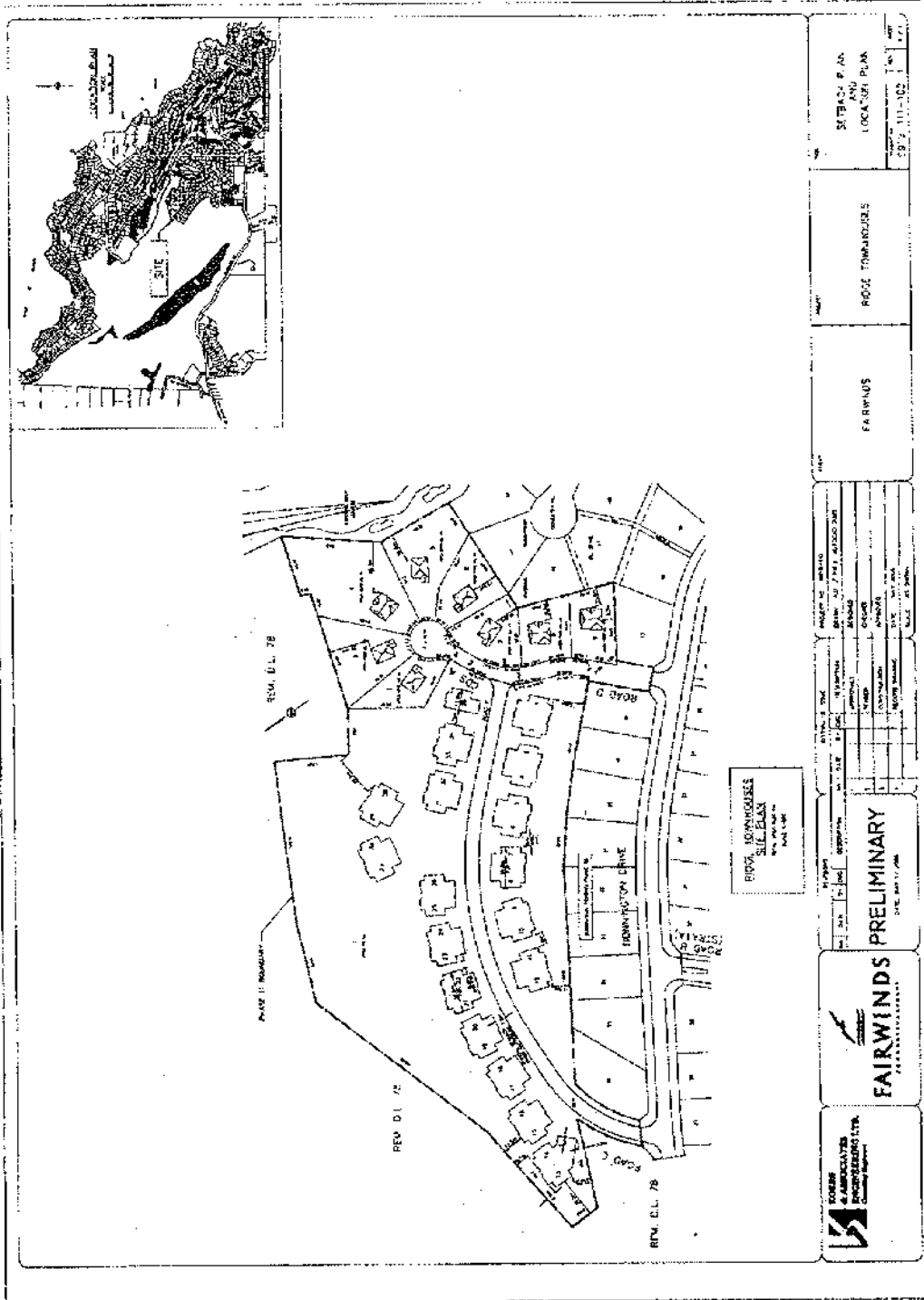
Attachment No. 1  
Location of The Subject Properties



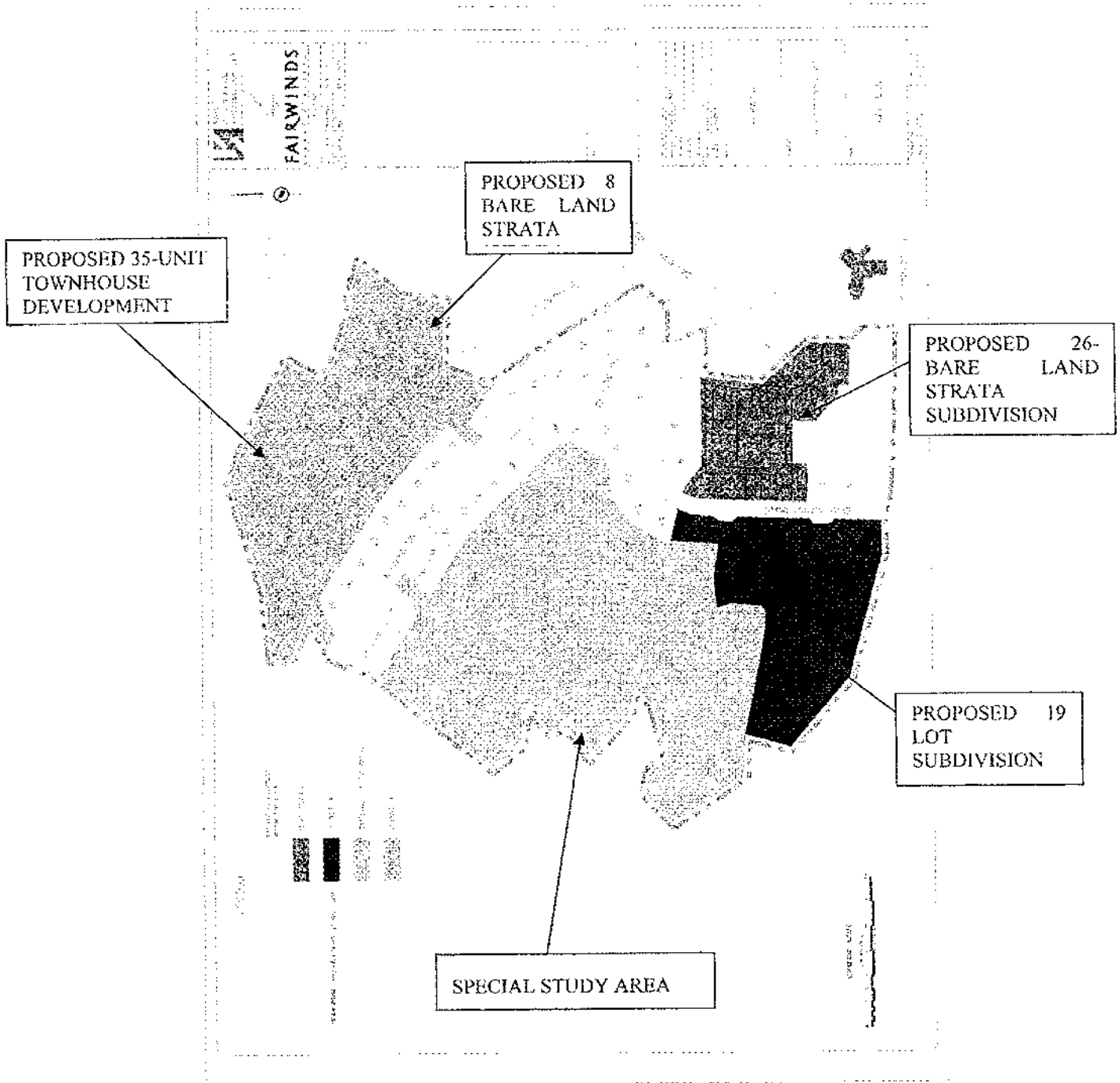
Attachment No. 2 (page 1 of 2)  
Conceptual Plan of Development  
26 Bare Land Strata Lot Subdivision  
(as submitted by applicant / (reduced for convenience))



Attachment No. 2 (page 2 of 2)  
 Conceptual Plan of Development  
 35-Unit Townhouse Development  
 (as submitted by applicant / reduced for convenience)

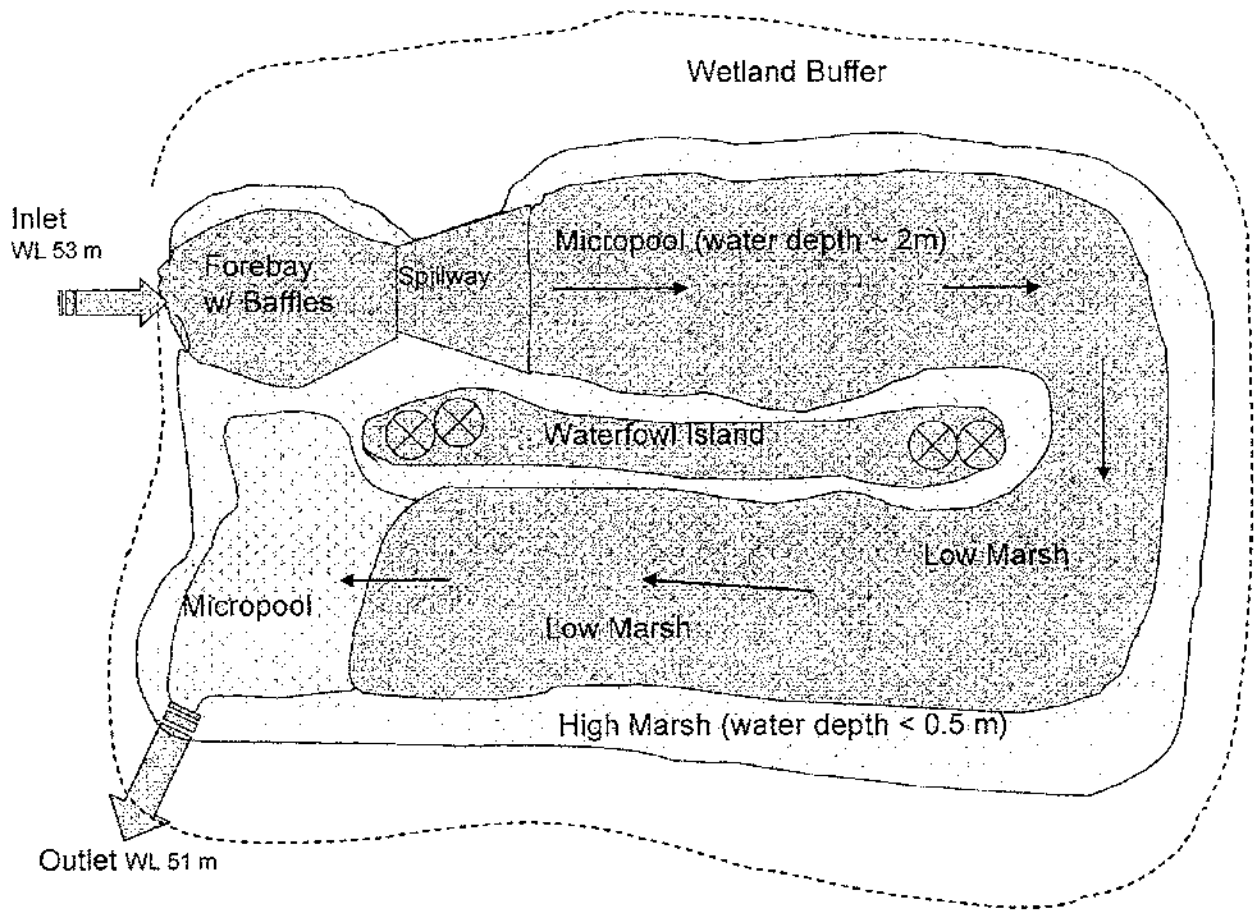


Attachment No. 3  
Revised Conceptual Application  
(as submitted by applicant / reduced for convenience)



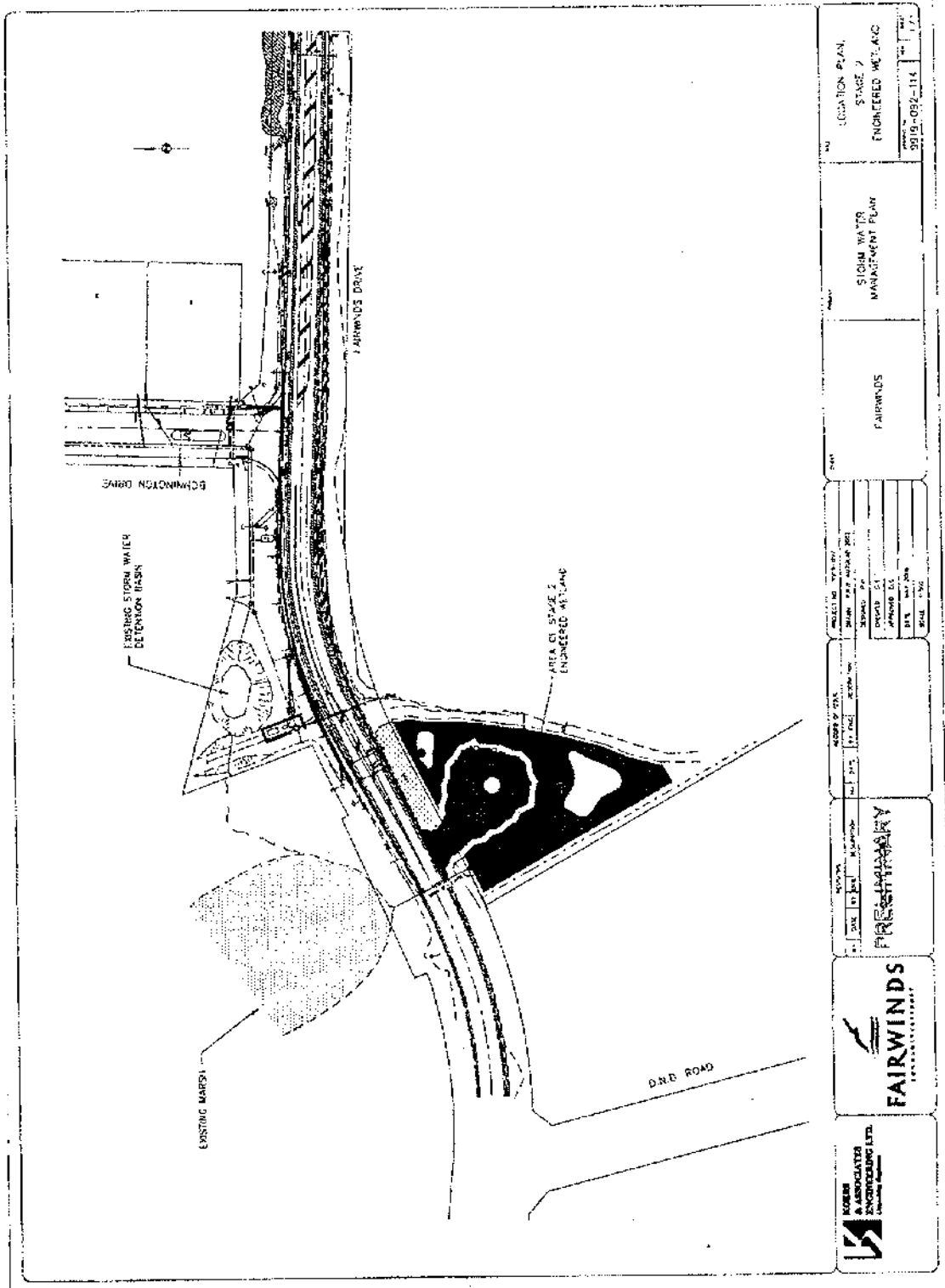
Attachment No. 4 (page 1 of 2)  
Schematic of Proposed Engineered Wetland (Storm Water Management System)  
(as submitted by applicant / reduced for convenience)

# Fairwinds Storm Water Plan



Appendix A. Schematic of the Engineered Wetland

Attachment No. 4 (page 2 of 2)  
 Location of Proposed Engineered Wetland (Storm Water Management System)  
 (as submitted by applicant / reduced for convenience)



			SHEET NO. 114 OF 114
			PROJECT NO. 2019-092-114
LOCATION PLAN STAGE 2 ENGINEERED WETLAND		STORM WATER MANAGEMENT PLAN	
FAIRWINDS		DATE:	
SCALE:		DRAWN BY:	
CHECKED BY:		APPROVED BY:	
DATE:		DATE:	

**Attachment No. 5**

**Report of the Public Information Meeting  
Held at the Nanoose Place Main Gymnasium  
2925 Northwest Bay Road, Nanoose Bay on January 26, 2006 at 7:00 pm**

**Zoning Amendment Application / Consideration of Park Land / Development Permit Application  
in Association with the *Original* Development of a Portion of The Remainder of DL 78, A Portion of  
the Remainder of DL 30, and A Portion of Lot A DL 78 Plan VIP71781, All of Nanoose District**

*Note: these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.*

**Present:**

Public in attendance: approximately 80 persons

**For the Applicant:**

Dave Scott  
Gord Cameron  
Dave Shillabeer  
Michael Gye  
Heidi Krogstad  
Steve Clark  
Chris Lee

**For the RDN:**

Chair: Director George Holme, Electoral Area 'E'  
Bob Lapham, Deputy Administrator  
Wayne Moorman, Manager, Engineering & Subdivisions  
Susan Cormic, Senior Planner

The Chair opened the meeting at 7:00 pm and followed with greetings to the public and an introduction of the staff and applicant's agents.

The Chair stated the purpose of the public meeting and asked the Senior Planner to provide an overview of the proposed development.

The Senior Planner explained that the purpose of these applications is to rezone a portion of the subject properties to a Comprehensive Development zone to permit the development of 34 bare land strata lots and 35 duplex townhouses and also to subdivide 56 additional parcels under the present residential zoning; to provide 4.5 ha of park land in conjunction with the development and subdivision of 22.5 ha of the subject property. In addition, the Senior Planner explained that these zoning amendment and subdivision applications are also subject to the approval of a development permit for the protection of the sensitive ecosystem area.

The Chair then asked the applicant's agent to give an overview of the proposal.

The applicant's agent, Gord Cameron provided a description of the overall proposal highlighting the proposal for protection of the Garry Oak meadows through the use of park land, covenants, and site design. Steve Clark explained the process involving the environmental study, including surveying of the Garry oak areas.

The Chair then invited comments and questions from the audience.

Jim MacDonald, 3581 Outrigger Road, explained that he is a 21-year member of the Nanoose Naturalist Club and was speaking on the Club's behalf. Mr. MacDonald spoke to his submission, which is attached to and forming part of these minutes.



Jim Lettic, 2855 Ashcraft Road, explained that he was speaking on behalf of the Nanoose Property Owners and Residents Association (NPORA) and asked what is the balance between the right to develop and the need to protect the environment.

The Deputy Administrator explained that there are approximately 800 acres of property in Fairwinds and the Board may take up of 5% of the land for park land. The Deputy Administrator explained that the Regional Board must set priorities for park land and that Fairwinds is offering park land in excess of the maximum 5% and that a portion of the development permit area is proposed for park land dedication. The Deputy Administrator further explained that the entire Garry Oak area could be dedicated as park land or park land can be used in conjunction with covenants on private lots to protect the ecosystem. The Deputy Administrator explained that the Board will have to decide whether to accept the proposal as is or as it wants. The Deputy Administrator noted that it is a complex process.

Mr. Lettic explained that NPORA's concern is if you create a park in an ecosystem, you may open it up even more to the public and asked how can you save the ecosystem.

The Deputy Administrator explained that there are different things that can be done such as constructing well defined trail corridors to provide an avenue through the park land. The Deputy Administrator noted that this has proven to be an effective tool in controlling where people walk.

The applicant's agent, Gord Cameron, explained that there is a large park land area that is proposed to be dedicated at the Dave's Lookout area and that Fairwinds will be providing linkages with the future neighbourhood development. Mr. Cameron explained that the Garry Oak area is meant to be an area of less activity whereas the proposed lower park land area is meant to be a more active park area. Mr. Cameron also noted that Fairwinds is proposing both active and passive parks and is promoting trail linkages in this neighbourhood which will connect to larger parks in the area.

Jeannette Thomson, 1891 Sea Lion Crescent, stated that she found it confusing whether a park is an ecosystem or an ecosystem is a park.

The Deputy Administrator explained that the proposal is that some of the Garry Oak ecosystem would be partly within the proposed park land and some of the ecosystem would be partly within private lands. The Deputy Administrator explained that the Garry Oak ecosystem proposed to be located within the private lands would be protected by covenants.

Ms. Thomson stated that Fairwinds will have to comply with the Federal and Provincial Governments for protecting the ecosystem and the land will be saved that way. Ms. Thomson commented that a node here or there is not an ecosystem. Ms. Thomson asked what are the sizes of the proposed lots.

The applicant's agent, Gord Cameron, explained that 822 oak trees were surveyed and that 75% of these trees will be protected either by park land or covenant. Mr. Cameron acknowledged that while the ecosystem is more than the trees, Fairwinds are proposing covenants to protect the ecosystem. Mr. Cameron felt that this was providing a good balance between the proposed development and protecting the ecosystem.

Ms. Thomson stated that she felt the ecosystem should not be included in the 5% park land dedication as people will use it, but that the ecosystem must be saved. Ms. Thomson spoke to her submission, which is attached to and forming part of these minutes.

Chris Junck, Victoria, explained that he is the Outreach Coordinator with the Garry Oak Ecosystem Recovery Team (GOERT), which is a not-for-profit organization whose mission is to protect the remaining Garry oak ecosystems. Mr. Junck spoke to a submission, which is attached to and forming part of these minutes.

Diane Pertson, 2971 Dolphin Drive, spoke to the concern for protection of the Garry Oak sensitive ecosystem area as outlined in her submission, which is attached to and forming part of these minutes.

Godfrey Granson, Redden Road, stated that he is very disturbed about the proposed covenants. Mr. Granson noted that we have covenants now that are being broken. Mr. Granson asked how are these

proposed covenants going to be effective and what assurance is there that such covenants will be enforced.

The applicant's agent, Gord Cameron, stated that building schemes are only enforceable until the last lot has been sold, but Fairwinds is proposing section 219 covenants with the Regional District as the holder of the covenant which will continue to be effective.

Karen Zaborniak, 2621 Northwest Bay Road, stated that she agrees with the previous speakers and asked where is the water coming from to serve this proposed development. Ms. Zaborniak provided a submission, which is attached to and forming part of these minutes.

The Manager of Engineering and Subdivision explained that the community water will come from the Englishman River eventually and that in the meantime Fairwinds will be required to provide supplemental water from a ground water source.

The applicant's agent, Dave Scott, stated that Fairwinds recognizes the need for additional water and is seeking well water for the short term.

Ms. Zaborniak asked for clarification whether Fairwinds needed to find water before proceeding.

Mr. Scott stated that water will eventually come from the Englishman River, but in the meantime groundwater sources are being investigated.

Tony Random, 2460 Delanice Way, commented that while he is in favour of development, he is sensitive to the protection of the environment and expressed concern for the proposed covenants. Mr. Random noted that the some of the park land, while it may be fit for humans, does not provide a suitable area for animals and wildlife. Mr. Random also commented that the water bodies rely on the runoff; however, we have seen silt and mud going into the lakes and this is a most inefficient way to handle the storm water runoff. Mr. Random commented that we need to ensure that the runoff water meets the lakes in a pristine manner.

Jim Lettic, NOPRA, asked the difference between active and passive park land.

The applicant's agent, Gord Cameron, explained that passive parks are generally left untouched and are not meant for people oriented activities whereas active parks are developed to promote people related activities such as walking or hiking.

Mr. Lettic asked if the proposal will provide a distinction between the sites and the types of parks. Mr. Lettic noted that the Parks and Open Space Advisory Committee were concerned about the ecosystem protection.

Mr. Cameron explained that was partly why Fairwinds reviewed the ecosystem.

Diane Pertson commented that Fairwinds was to have 2,500 lots and the idea was there would be an increase in density which would allow for an increase in green space and further that she has not seen this happen. Ms. Pertson stated that sensitive ecosystems should not be built on and that while a certain amount is understandable and she understands that Fairwinds wants the highest use, Fairwinds still needs to be a responsible citizen of Nanoose Bay. Ms. Pertson commented that there is so little Garry Oak ecosystem left and that the Garry Oak Ecosystem Recovery Team (GOERT) has offered to meet with Fairwinds to help with stewardship. Ms. Pertson also asked who is Dave from Dave's Lookout.

Mexi, explained that Dave Henney, an 82 year old Nanoose Bay resident, is the Dave of Dave's Lookout. Mexi explained that she and Dave hiked and mapped the trails in the area and named them as well.

Jeannette Thomson, stated that it has been known as 'The Lookout' for years and wondered if the point has been made that we need to save this area. Ms. Thomson noted that there is a rare flower which grows at the root of the Garry Oak tree and it will be lost too. Ms. Thomson stated that you cannot take the advice of someone who is paid by Fairwinds and that the Regional District is obliged to call the Garry Oak experts.

John Nixon, 2389 Arbutus Crescent, requested clarification on the community water situation.

The applicant's agent, Dave Shillabeer, stated that the existing reservoir has a significant amount of capacity now, but there will be a new one build. Mr. Shillabeer explained that Nanoose Bay is a series of pressure zones and that Fairwinds will need to place another reservoir on the top of the hill.

John Nixon asked if Fairwinds was hooked into the fire protection system.

Mr. Shillabeer stated that the system is integrated and is tied into the West Bay, Garry Oaks, and Nanoose Bay systems.

Mr. Nixon asked why the water was brown last summer and commented that we do not have the capacity now for the existing residents.

Mr. Shillabeer stated that Fairwinds is investigating more capacity and that while the reservoirs are short term capacity, they are typically used for fire protection.

Mr. Nixon asked if Bonnington Road will be connected to Schooner Cove Road.

Dave Scott indicated that Bonnington Road will connect to Schooner Cove Road, which will take the pressure off Dolphin Drive.

Jason Howard, Qualicum Beach, stated that there is 800 acres of the Fairwinds area left to develop and about 5% would be 40 acres. Mr. Howard asked if the Regional District wants the park land in one area or if not where the park land is wanted.

The Deputy Administrator stated that the park land is being evaluated on a neighbourhood by neighbourhood basis.

Mr. Howard asked if these Garry Oak areas can be part of the 40 acre park land area.

The Deputy Administrator explained that the Board could take the required 40 acres right now; however, the down side of doing that is that as time goes on, community values may change. The Deputy Administrator explained that a land exchange was proposed a few years and the community did not want it and now, as a result, park land is being considered on a neighbourhood-by-neighbourhood basis. The Deputy Administrator also noted that the Regional District is trying to balance environmental consideration with community values and is also trying to gather significant sites in each neighbourhood.

Mr. Andrew commented that it seemed short sighted as this is an important element to save.

The Deputy Administrator commented that the purpose of the meeting is to gather public input and staff will be meeting with the applicant to discuss the issues raised at this meeting.

The applicant's agent, Dave Scott, stated that the amount of park land dedication in this neighbourhood is proposed to be 18%. Mr. Scott noted that there are other areas of Fairwinds that have been identified such as Notch Hill and the Enos Lake corridor and we are trying to balance this area with these other identified areas. Mr. Scott noted that Dave's Lookout is identified in the Parks Plan and Fairwinds will be expanding the park land in this area by an additional 6.5 acres.

Jeannette Thomson noted that there was a path given as park land a couple of years ago which was not supported.

Mr. Scott noted that the park land will be accessible to the public, but some restrictions may be needed and that the Regional District will have to determine how the park land will be utilized.

Diane Pertson stated that small fragments are not going to be useful and that backyard areas will not be big enough to sustain the ecosystem. Ms. Pertson noted that the land swap proposal which involved the Crown Lands has now been documented as sensitive lands. Ms. Pertson stated that it would be a golf course and subdivision now if the swap had occurred.

Colin Springford, 1950 Northwest Bay Road, stated that he is a Director of NOPRA and he is concerned about the covenant areas. Mr. Springford sited an example where the covenant was not enforced and we need to ensure that these covenants would be enforced. Mr. Springford asked if there is a likelihood of this happening.

The Deputy Administrator stated that the Regional District could be a party to a covenant and that in a strata situation, the strata corporation is capable of self policing. The Deputy Administrator also stated that higher rent charges for a covenant document could also be considered.

Mr. Springford commented that he gathered that the Board would accept a covenant and the enforcement of such a covenant.

The Deputy Administrator stated that it is the Board that makes the decision whether to accept and enforce a covenant.

Howard Paish, 1448 Reef Road, stated that he is a retired environmental consultant and is concerned about the bland acceptance that section 219 covenants work. Mr. Paish commented that 20 years ago covenants were not worth the paper they were written on. Mr. Paish suggested that a stewardship committee be formed to offer guidance on how to handle the sensitive areas. Mr. Paish concluded by saying that we are part of the ecosystem and must accept responsibility and make stewardship work.

Carole Bell, 1409 Marina Way, stated that she was concerned about covenants being monitored and gave the example of public accesses where the adjacent property owner incorporates the public land into their property and this is not enforced.

Jeannette Thomson asked if the Regional District is really going to do something and asked if GOERT will be consulted.

Chris Junck, Outreach Coordinator, Garry Oak Ecosystem Recovery Team (GOERT) reiterated that GOERT staff would be available to assist with stewardship material, that the Team has a number of useful materials, and offered assistance where possible.

Tony Random suggested a stewardship program with the Nanoose Naturalists who will work with the property owners. Mr. Random put forth a challenge to Fairwinds to take the offer up with GOERT and the Nanoose Naturalists.

The Chair asked for the first time if there was anyone else to speak.

Mexi stated that she was concerned that there may be residents putting gravel on their property instead of greenery and asked if Fairwinds was going to allow gravel. Mexi also noted that there are many local plants available.

The applicant's agent, Gord Cameron, stated that in 2 of the 4 sites, landscaping will be done as part of the development and that gravel as a ground cover can be reviewed in the architectural guidelines for the other sites.

Bob Therriault, 1901 Sea Lion Crescent, noted that the proposed road between the two areas of Garry Oaks and asked what steps will be taken to ensure the protection of the sensitive area during road development.

The applicant's agent, Gord Cameron, stated that a cut for the road has been made and that Fairwinds is sensitive to the Garry Oak issues.

Mr. Therriault asked what the Regional District's level of responsibility is to ensure this protection.

The Deputy Administrator stated that the Regional District stopped work being done to ensure the sensitive ecosystem is reviewed prior to recommencing work. The Deputy Administrator noted that Fairwinds agreed to stop all work.

Mr. Therriault asked if an assessment of the work done to date has been done.

The Deputy Administrator stated that we will do an assessment under this development permit application.

Louis Beaudoin, 1910 Stewart Road, stated that he is concerned about the road being partially constructed.

The Chair stated that this is not the intent.

Diane Pertson asked if the 5% park land is accumulated and how was 18% arrived at.

The applicant's agent, Dave Scott explained that 5% is the total amount of the land base and not an accumulating amount.

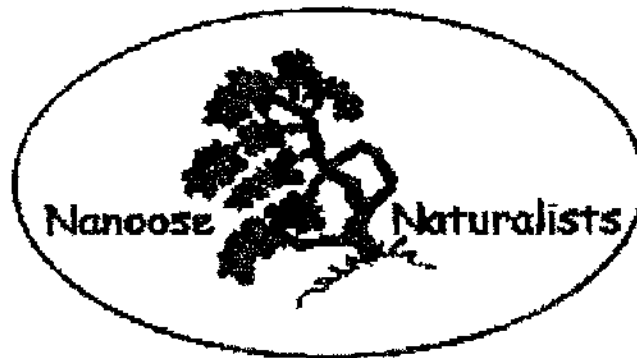
The Chair asked if there were any further submissions or comments a second time.

The Chair asked if there were any further submission or comments a third time. There being none, the Chair thanked those in attendance and closed the public information meeting.

The meeting concluded at 9:35 pm.

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Susan Cormie  
Recording Secretary



## **Brief by the Nanoose Naturalists**

### **Fairwinds Community & Resort Proposed Development, Phases 9B, 9C, 10 and 11.**

#### **Public Meeting, January 26, 2006**

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The Nanoose Naturalists wish to see the protection of the Sensitive Ecosystem (designated NO499 and NO500 in the Federal-Provincial Sensitive Ecosystem Program Inventory) and the aquatic ecosystems of Enos and Dolphin lakes.

Our desire for the protection of these ecosystems echoes what the Nanoose public has already said in its Official Community Plan; that is "*Identify, protect and conserve environmentally sensitive areas within the natural environment*". By their nature, sensitive ecosystems that are destroyed now cannot be recovered by future generations. Since the ecosystems in question are also rare in addition to being sensitive, it is doubly important to preserve them.

We believe that Fairwinds, when it acquired the property in Nanoose, also acquired a number of important ecosystems that are in reality community treasures, not strictly belonging to the landowner. We believe therefore that Fairwinds has an obligation to treat these ecosystems according to community values and wishes, as expressed in the Official Community Plan. Also, because of its development permit and subdivision approval authorities, we believe that the RDN has an obligation to do what it can to implement the community's wishes for ecosystem protection. From a purely financial perspective, having these ecosystems protected may very well enhance the value of all properties in Nanoose, especially in the Fairwinds area.

We think that the Fairwinds commitment "*to minimize impacts on local habitats*" as stated in the Keystone Consultants Environmental Assessment report can be accomplished **only** by a withdrawal of Fairwinds' proposed development from the Sensitive Ecosystem and that preservation of this ecosystem by Fairwinds would be recognized by the Nanoose community and beyond as exemplary planning for the future.

Fairwinds is proposing to develop most of the Sensitive Ecosystem and set aside the remaining small and scattered fragments as parkland. If the development as presently proposed were to proceed, not only would a large part of the Sensitive Ecosystem be destroyed, but it would be highly unlikely that the remaining portions could be effectively protected. Our fear is that the proposed development would place people too close to the remaining fragile habitats. Moreover, preservation of an ecosystem requires that a suitable buffer be maintained around the ecosystem, as outlined in the Sensitive Ecosystem Inventory Conservation manual.

It is important to understand that the preservation of this ecosystem is more than the saving of individual Garry Oak trees, as inferred in the Environmental Assessment report. The ecosystem includes not only the trees, but also the soils, grasses, shrubs, mosses, and the associated animal life. The ecosystem is all of these parts, plus their associations and the way they interdepend and interact.

The Nanoose Naturalists believe that human access to the Sensitive Ecosystem must be informed and restricted to carefully placed trails, with appropriate signage, and an education program be designed and delivered, outlining the need to treat the area with considerable care. Perhaps a Community Stewardship Committee can be established for this.

The protection of Enos and Dolphin lakes requires the careful management of runoff from all development areas in their drainages. We draw attention to the endangered stickleback population in Enos Lake; designated as "red listed" by the federal Species At Risk Act. We suggest that provisions of the provincial "Integrated Stormwater Management Guidelines" be applied to all properties in the drainage. This would minimize the percent of impervious surfaces, promote on-site stormwater retention, and treat resulting runoff to minimize adverse chemical effects on Enos and Dolphin lakes.

The Nanoose Naturalists would welcome the opportunity to discuss this further, and would consider participation in any community stewardship programs designed to aid in the preservation of our unique environmental treasures.

Respectfully submitted on behalf of the Nanoose Naturalists,

Jim MacDonald, President  
Ross Peterson, Stewardship Committee  
Hans Laue, Executive Committee

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**PUBLIC INFORMATION MEETING  
NANOOSE PLACE, January 26, 2006  
By Jeannette Thomson, 1891 Sea Lion Crescent, Nanoose Bay**

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To those of you who are not acquainted with me, I have been supporting the laws, bylaws, and the moral essence and aspirations of the citizens of Nanoose bay and our Official Community Plan for 28 years - by way of speeches, written submissions, petitions, and communicating with fellow citizens - also by attending hundreds of meetings from Victoria to Courtenay.

All of you know, in this year two-thousand and six, the word 'environment'. Sadly, too few of us know what it really means. It is also sad that fewer of us know what an ecosystem is, never mind a rare and endangered Sensitive Ecosystem.

Nanoose Bay's rare ecosystems must be saved. Let me make something clear: sensitive ecosystems are not parks, nor should they be parks. Nothing is harder on a sensitive and fragile ecosystem than to be used as a park, with people walking everywhere and using it as a backyard recreation area of a subdivision to walk their dogs in. Park dedication does not save an ecosystem. Park dedication does not save an ecosystem.

Putting storm drains where the runoff from the subdivisions can enter Enos Lake is not responsible. The storm and sewer drainage from these subdivisions should be directed elsewhere. Enos Lake does not need this used water even though Fairwinds has been using the lake to irrigate their golf course. The ancient little fish in this lake belong to the world, not to Nanoose Bay much less Fairwinds 3536696 Canada Inc.

Perhaps to developers, the words: caring, emotional, rare, sensitive, ecosystem, save, and protect are dirty words. The real dirty words are: sludge, sewer, refuse, environmental destruction, and storm drains into a pristine lake.

Fairwinds needs to show that they are good neighbors in Nanoose Bay and responsible and caring citizens of the world by preserving and protecting Enos Lake and the very rare ecosystems around it. If the investors of 3536696 Canada Inc. (a.k.a. Fairwinds Community & Resort) need to destroy these precious ecosystems and species to satisfy their bottom line, perhaps they should consider investing their money elsewhere.



301-1205 Broad St.  
W. Chilliwack

### Fairwinds Public Information Meeting – January 26, 2006

Good evening. My name is Chris Junck, and I am the Outreach Coordinator of the Garry Oak Ecosystems Recovery Team.

Our organization is a not-for-profit partnership with representation from of all levels of government, First Nations, several land trusts, conservancies, consultants and volunteers. The Garry Oak Ecosystems Recovery Team includes professional biologists, researchers, species at risk specialists, habitat restoration practitioners, and other experts. We are a scientifically based organization tasked with the mission to restore and protect the remaining fragments of Garry oak ecosystems in Canada.

Please note that I said ecosystems, plural. Although it is important to save Garry oak trees, we are also concerned with protecting the ecosystems associated with Garry oak woodlands – the grass and flower-filled meadows, lichen and moss-clad rock outcrops, and even those small, ephemeral pools that dry up and disappear in the spring. Some of the rarest plants and animals in Canada are found in the ecosystems that are associated with the Garry oak trees. There are a few outstanding examples of these endangered ecosystems in the Nanoose area, and they're indicated on the map in the Nanoose Priority Site handout I provided.

There are several reasons why the Garry Oak Ecosystems Recovery Team has included portions of the Nanoose area among the key sites that we would like to see protected:

- o All of Canada's Garry oak ecosystems are found in BC, mostly in small patches along the SE coast of Vancouver Island and the Gulf Islands. In the last 150 years more than 95% of our Garry oak ecosystems have been lost due to developments of various kinds – roads, rails, trails, agriculture, industry and residences. Only a few ecosystem fragments remain, and these too are threatened by more development, invasions by non-native plants, <sup>digging & hubs</sup> pets, and trampling by hikers, bikers, and off-road vehicle users.
- o However, the situation is somewhat less bleak in the Regional District of Nanaimo. If you look at the maps that compare the historic and present distribution of GOEs in the RDN, you will see that there are still opportunities to protect significant portions of these endangered ecosystems. One of the best opportunities to protect some of the best examples of Garry oak and other sensitive ecosystems is before you this evening.
- o Some of the plant associations on the upper slopes of the proposed development site are extremely rare and unique. The Recovery Team is particularly concerned about the potential loss of the Garry oak/California brome grass, and Garry oak/racomitrium ecological communities. These are <sup>found in</sup> the relatively open, rocky areas in the upper slopes in the proposed development areas designated as Phases 9C and 10. We are also concerned that several rare species of national and provincial significance may be

present in the proposed development area, and that they could be damaged or destroyed during the development process. This concern is based upon the fact that there are records of several federal and provincially listed species at risk occurring in adjacent areas. We highly recommend that a thorough survey for species at risk be conducted on these sites by qualified specialists during appropriate seasons, before any further development is permitted.

The federal Species at Risk Act states that:

33. No person shall damage or destroy the residence of one or more individuals of a wildlife species that is listed as an endangered species or a threatened species,

"residence" means a dwelling-place

wildlife species" means a species, (or) subspecies, ... of animal, plant or other organism, other than a bacterium or virus

61. (1) No person shall destroy any part of the critical habitat of a listed endangered species or a listed threatened species that is in a province or territory and that is not part of federal lands.

While the federal government prefers to work with landowners to protect endangered species, fines up to \$1,000,000 could be levied for a corporation found guilty of an indictable offence

(Don't read the following, unless challenged)

(a) is guilty of an offence punishable on summary conviction and is liable

(i) in the case of a corporation, other than a non-profit corporation, to a fine of not more than \$300,000,

(b) is guilty of an indictable offence and is liable

(i) in the case of a corporation, other than a non-profit corporation, to a fine of not more than \$1,000,000.

*Contrary to previous*

*The Act has*  
Under the Emergency provisions, sometimes called the "safety-net clause", *the* government ~~can~~ take measures to protect endangered species on private or public lands *that enable the*

80. (1) The Governor in Council may, on the recommendation of the competent minister, make an emergency order to provide for the protection of a listed wildlife species.

(A) identify habitat that is necessary for the survival or recovery of the species in the area to which the emergency order relates, and

(B) include provisions prohibiting activities that may adversely affect the species and that habitat.

Accidental or wilful destruction of endangered species or habitats would not be consistent with Fairwinds' website statement that they are "dedicated to environmental stewardship".

The Recovery Team is encouraged by Fairwinds' proposal to protect some of the key patches of GO woodlands on their property through park designation, and individual trees with conservation covenants. It is also good to see that they encourage property owners to retain indigenous plants, and to use native vegetation when landscaping. We also commend them for proposing to preserve the connectivity between some of the GO patches.

However, we are concerned that the most critical areas and species may not be conserved, and that the <sup>small</sup> parks won't provide adequate protection from trampling, pets, and invasions by exotic plants. It won't take long for the parks to be impacted by increased visitation and the activities of surrounding gardeners.

We hope that Fairwinds will consider clustering the development in the lower areas, or other strategies that would create a larger contiguous protected area at the top, and over to the DL78 section. We believe that this could yield savings in development costs, and possibly reduced capital gains taxes. We invite the developer and the RDN to discuss these, and other options with us that could create a win/win/win situation for Fairwinds, Nanoose citizens, and the sensitive ecosystems in this area.

Thank-you for the opportunity to speak about the need to protect these endangered ecosystems and their associated species at risk.

## Nanoose Area Garry Oak Woods & Meadows

### A Priority Site for Conservation

*One of a series of priority sites identified by the Garry Oak Ecosystems Recovery Team*

For more information about Garry oak and associated ecosystems see [www.goert.ca](http://www.goert.ca).

Email: [info@goert.ca](mailto:info@goert.ca)

Phone: (250) 383-3293



Garry oak and associated ecosystems (coastal meadows, coastal bluffs, vernal pools, grasslands, rock outcrops, and transitional forests) are among the rarest and most endangered ecosystems in Canada, and are home to more than 100 species at risk. The Garry Oak Ecosystems Recovery Team has identified a series of currently unprotected sites in south-western British Columbia as priority conservation targets. These sites represent the largest remnant patches of habitat and/or key occurrences of species at risk.

## Nanoose Area

The area surrounding Enos Lake, including Nanoose Hill ("The Notch"), boasts several pockets of rare Garry oak ecosystems of outstanding biodiversity and ecological significance. It is one of the few remaining sites with relatively intact Garry oak habitat in the Regional District of Nanaimo.

Enos Lake is surrounded by dry upland Douglas-fir forest, with the higher, warmer slopes dominated by arbutus and Garry oak woodlands. Several Garry oak plant associations are well-represented, including a rare Garry oak/California brome community. To the northwest is a mixed forest, part of which has been designated as a Wildlife Habitat Area because it sustains an excellent occurrence of the red-listed Douglas-fir/Alaska oniongrass ecological community. Overall, the site contains a rich community of native forbs and grasses with a relatively low presence of Scotch broom and other invasive exotics.

There are site records for several species at risk: white meconella (Federal: Endangered; BC: Red List), yellow montane violet (Threatened; Red List), Nuttall's quillwort and slimleaf onion (both on provincial Blue List). One of four known locations of rigid apple moss (Endangered; Red List) is nearby on the Department of National Defence property; the species may be present on this site as well.



Yellow montane violet · Photo: C. Junck

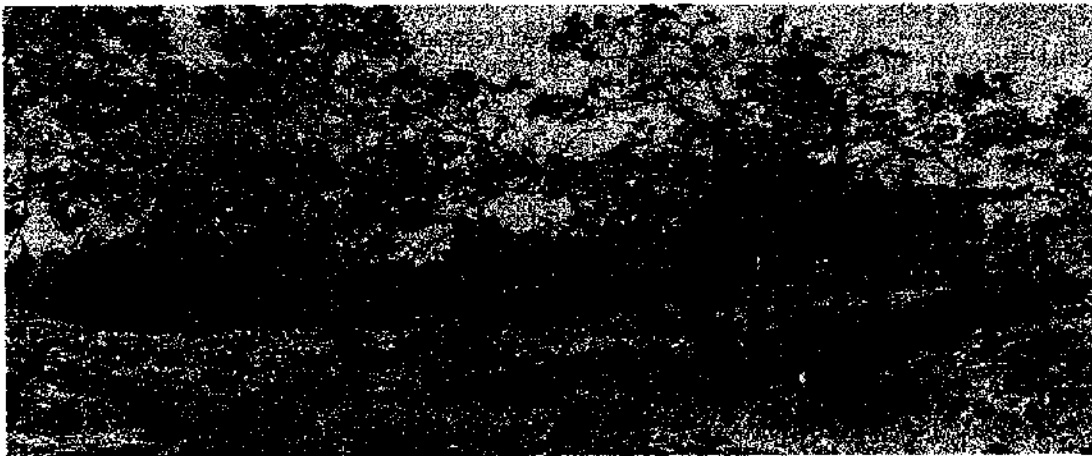
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The site also contains four plant communities that are on the provincial Red List, including the rare Garry oak/California brome community. In addition, Enos Lake is the only known location for two species of fish, the "Enos Lake sticklebacks" (SARA Schedule 1; Endangered; Red List). A thorough survey for species at risk carried out by qualified rare plant experts is recommended.

A key concern for this site is its position in the center of an extensive real estate development. To preserve the integrity of this valuable site, immediate protection and management is recommended.

Nearby residential development, establishment of walking trails, and increased recreational use may exacerbate the invasion by Scotch broom and other exotic species, and open up sensitive areas to trampling. Careful management will be required to reduce encroachment by invasive species and prevent damage by site users.

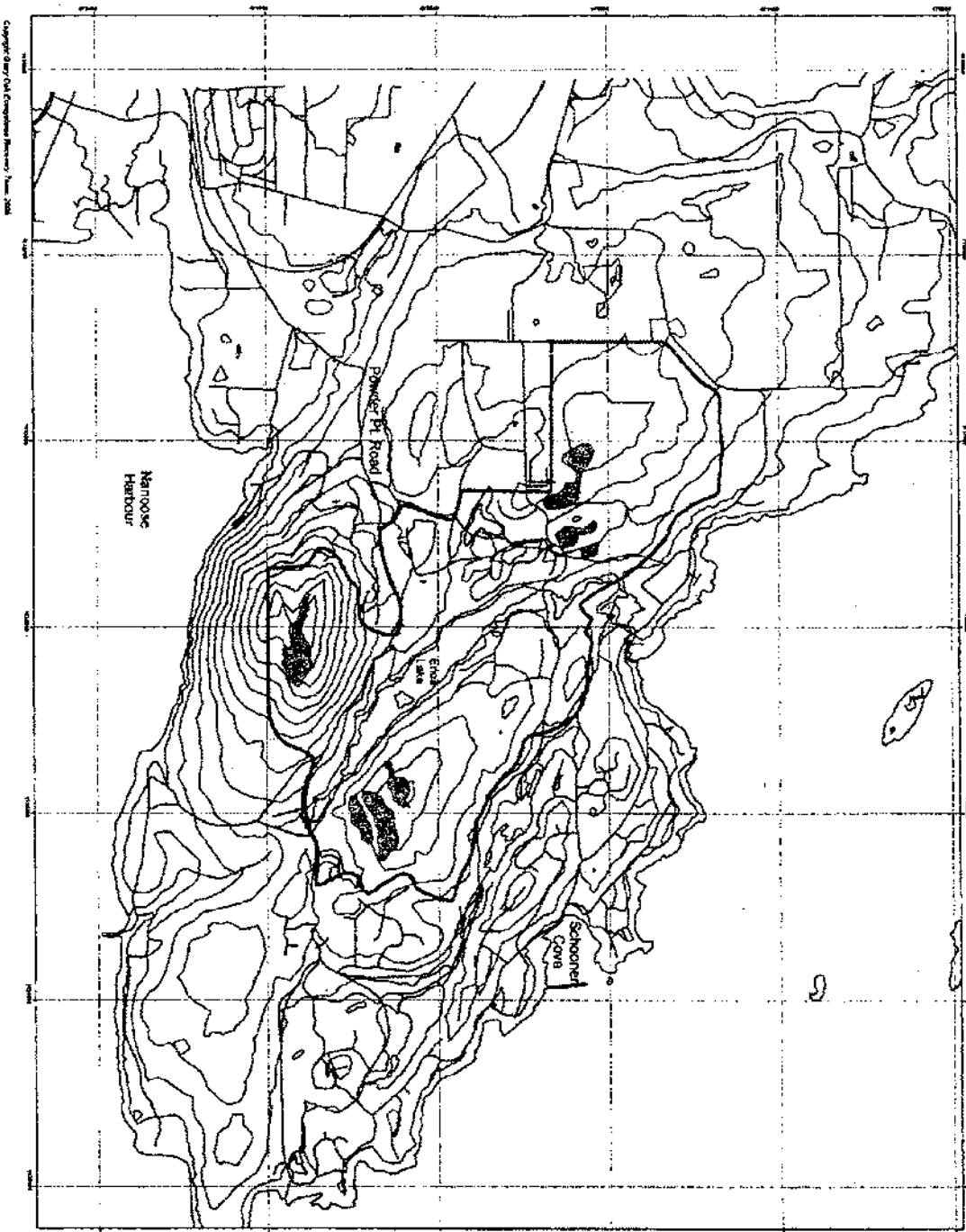
The site is still well connected to other forested areas despite the surrounding land development. Protection of as much of the area as possible will serve to minimize fragmentation and retain high habitat value for native plants and animals.



Garry oak ecosystem

Photo: M. Johnson.

**Garry Oak Ecosystems - Nanoose, Nanaimo Area**



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**Garry Oak Ecosystems Recovery Team**

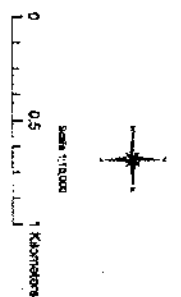
Map Legend

- Dark Grey: Garry Oak Ecosystems
- Light Grey: Other Ecosystems
- Blue: Water Features
- White: Roads

Cartography & Graphics: Forest Information Systems Ltd.  
 Polygon Digitization: COBERT, Patrick; Data Polygon  
 Digitization and Pruning: PETER, R. M., JOHNSON, and K.  
 ALLEN, 2002; Prepared for Garry Oak Ecosystems  
 Recovery Team (GOERT)

Base Mapping Data: Adapted digital maps from: British  
 Columbia Resource Information Management (BRIM) Program,  
 BC Ministry of Sustainable Resource Management

For further information please contact:  
 Garry Oak Ecosystems Recovery Team  
 www.goert.ca  
 (250) 253-1233



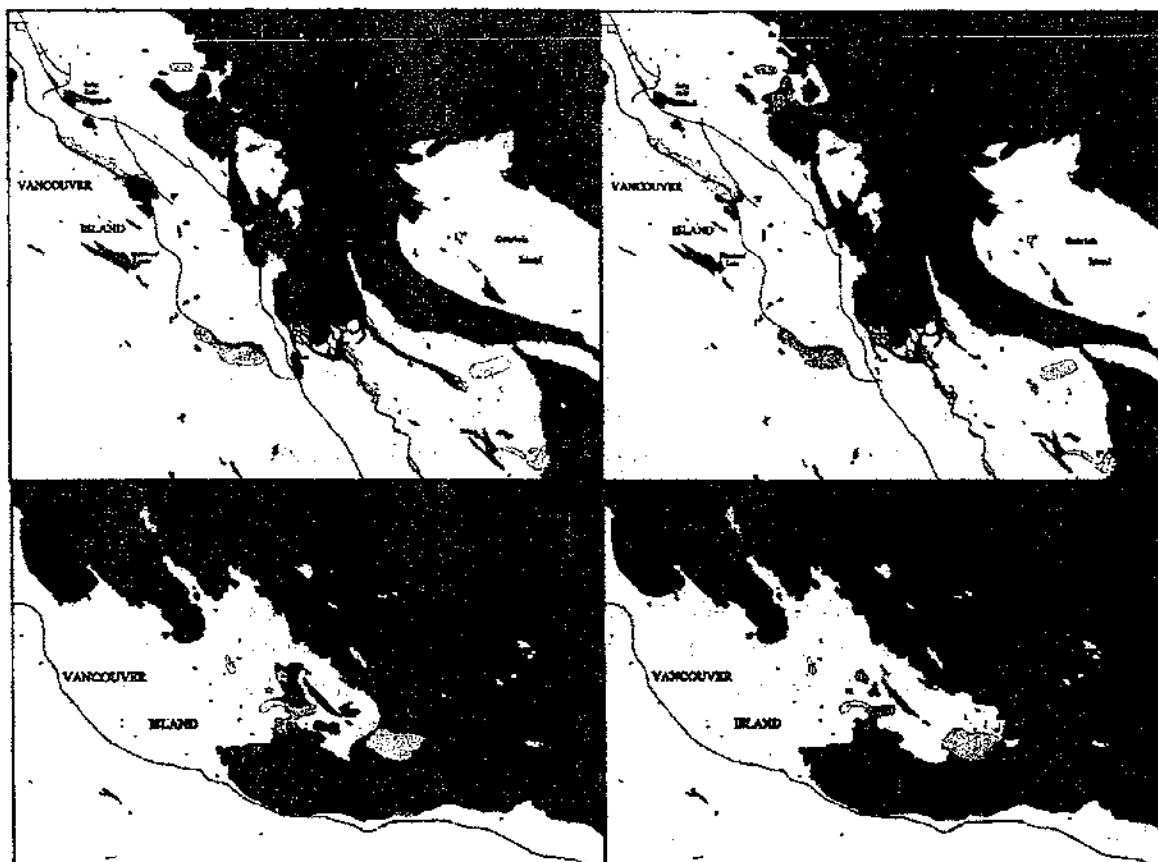


### Garry Oak Ecosystems Recovery Team



Circa 1800

2003



Maps reproduced with permission from the Province of British Columbia



These maps compare the distribution of Garry oak ecosystems between 1800 and 2003. The colour gradation indicates the percent coverage of Garry oak and associated ecosystems. For example, the lightest-coloured patches represent areas where Garry oak ecosystems cover about 10% of the land area, with the remaining 90% containing other habitats, such as conifer forests or wetlands. The darkest shades represent areas that are almost totally comprised of Garry oak ecosystems.

Garry oak ecosystems are among Canada's most threatened habitats. Overall, more than 95% of these precious ecosystems in Canada have been lost, mainly to development. Consequently, there are more than 110 species at risk in Garry oak and associated ecosystems.

In the Nanaimo and Parksville area, only about 33% of the Garry oak habitats from 1800 exist today. Most of these fragments are tiny, isolated, and overrun with non-native species such as Scotch broom, Himalayan blackberry and non-native grasses.

Year	1800	
Garry oak ecosystems	980 hectares	

Although there have been severe losses of Garry oak habitat in the Nanaimo and Parksville area, there is an opportunity to protect several outstanding sites. Harewood Plains and Harmac/Joan Point are relatively intact remnants of shallow soil Garry oak ecosystems, containing several rare plants of provincial and national significance. For example, Muhlenberg's centaury (*Centaureum muehlenbergii*) has been found in Canada only at Harmac and at one park in Victoria. All of Canada's seven remaining populations of bog bird's-foot trefoil (*Lotus pinnatus*) are clinging to survival in the Nanaimo area. Experts currently rank Harewood Plains as the highest priority Garry oak ecosystem site on Vancouver Island for conservation.

A few examples of deep soil Garry oak ecosystems persist in the Enos Lake and Brennan Lake areas. Elsewhere in BC, almost all of the deep soil sites have been cleared for agriculture and urban development. Some large Garry oak trees remain, but most of them have lawns, roads, agricultural fields, golf courses or blacktop beneath them, rather than native plant communities.

**Citation**

Milner, Kate and Ted Lea. 2004. Historical Garry Oak Ecosystems of the Nanaimo and Parksville Areas, British Columbia, Canada.

Map 1:50,000. Biodiversity Branch, BC Ministry of Water, Land and Air Protection. Victoria, BC.

Support for reproduction of these maps provided by:





In the rainshadow of the Vancouver Island Ranges, one of Canada's richest ecosystems is also one of its most endangered. British Columbia's Garry oak ecosystems harbor more than 100 species of plants and animals at risk. Several species have already been eliminated.

Today, less than 5% of Garry oak ecosystems remain in a near-cultural condition. The **Garry Oak Ecosystems Recovery Team** is working to save these endangered species and the habitats they need for survival.

## garry oak ecosystems recovery team



### In the beginning

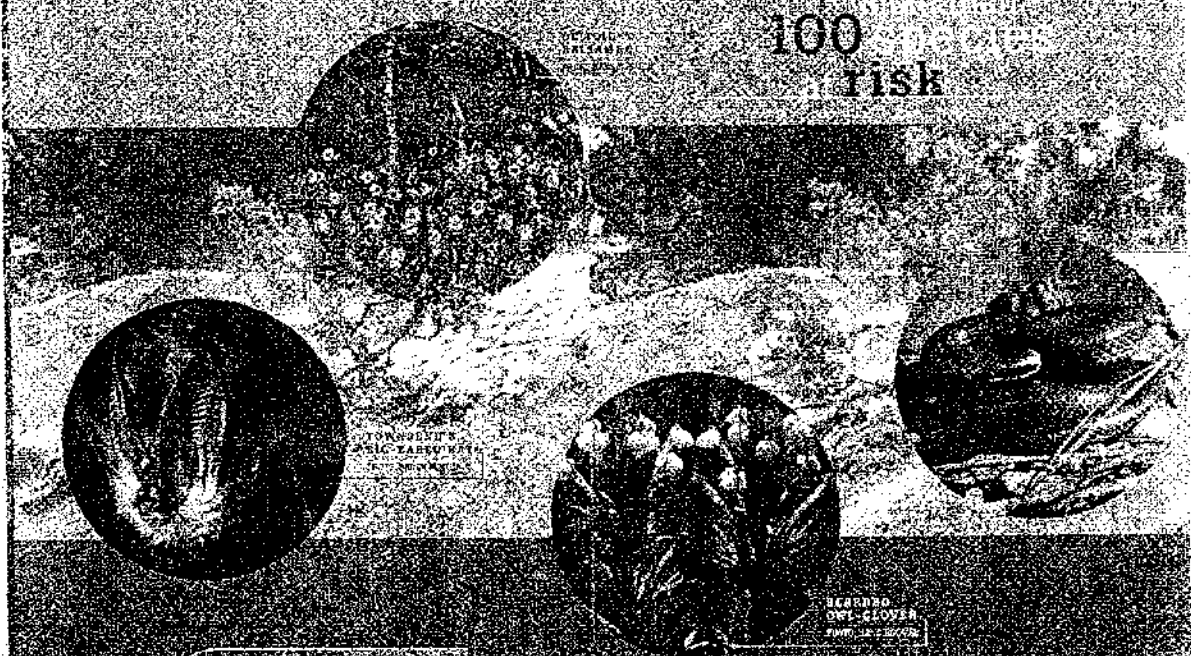
In Canada, Garry oak ecosystems occur only in British Columbia — almost exclusively within a narrow coastal strip of southeast Vancouver Island, in the nearby Gulf Islands, and in two small strands in the Fraser River Valley. Arising during a warm interval 7,000 to 10,000 years ago, Garry oak ecosystems once covered a much greater area than they do today.

**What is Special about Carry Oak Woodland?**

Carry oak woodland and the bird life that lives in it are both of great value to the province. Carry oak woodlands are one of the few remaining natural ecosystems in the province that have been largely undisturbed since they were first established by the early settlers. They are also one of the few remaining ecosystems in the province that have been largely undisturbed since they were first established by the early settlers. They are also one of the few remaining ecosystems in the province that have been largely undisturbed since they were first established by the early settlers.

Carry oak woodlands also contain many of the same plant and animal species that live in oak woodlands elsewhere in the province, but they also contain many species that are found only in Carry oak woodlands. These include grasshopper, meadow lark, and junco. Other species found only in Carry oak woodlands include the meadow lark, junco, and meadow sparrow.

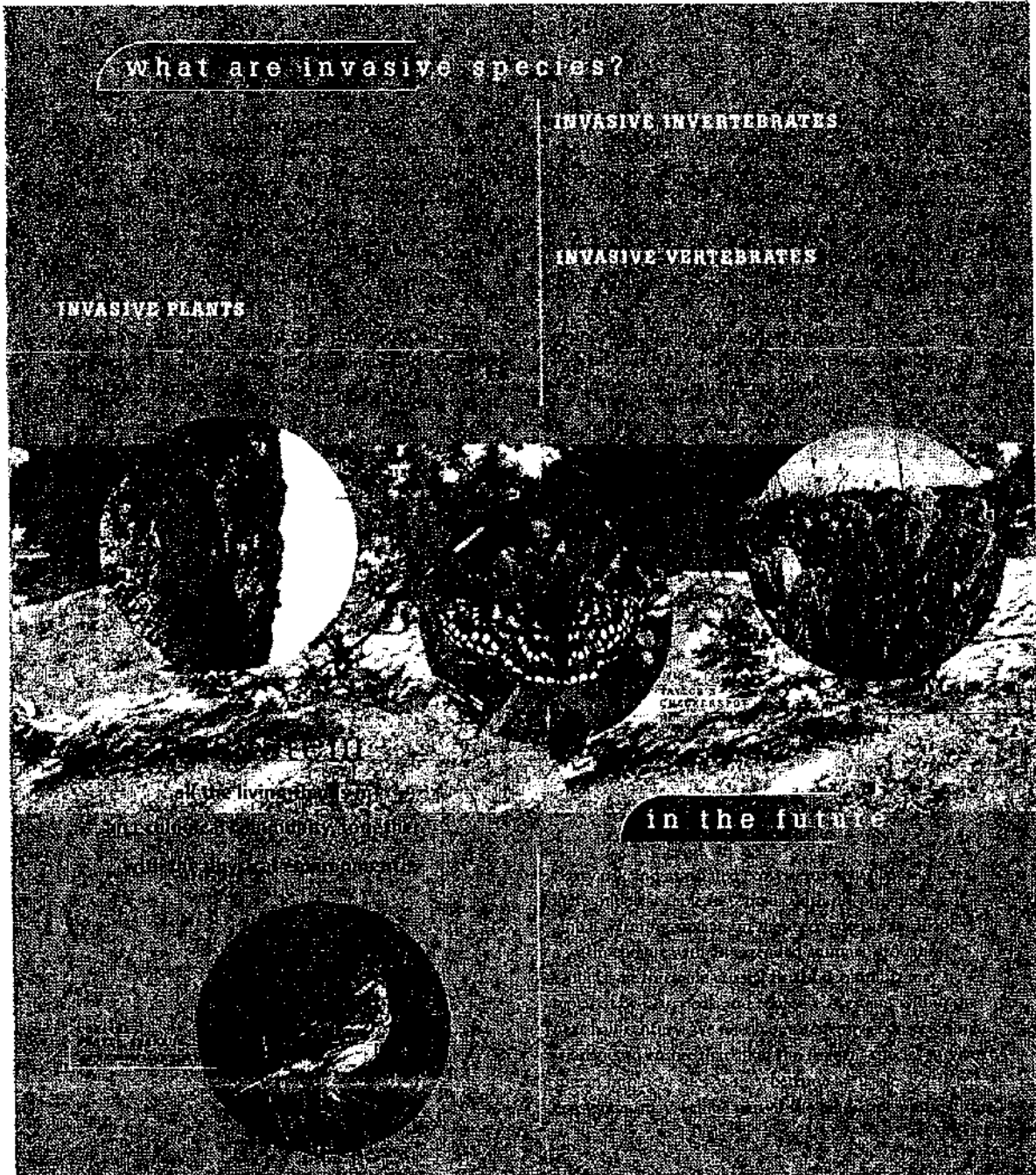
In other words, Carry oak woodlands are home to more plant species than any other natural ecosystem in coastal British Columbia. Many of the species occur nowhere else in Canada.

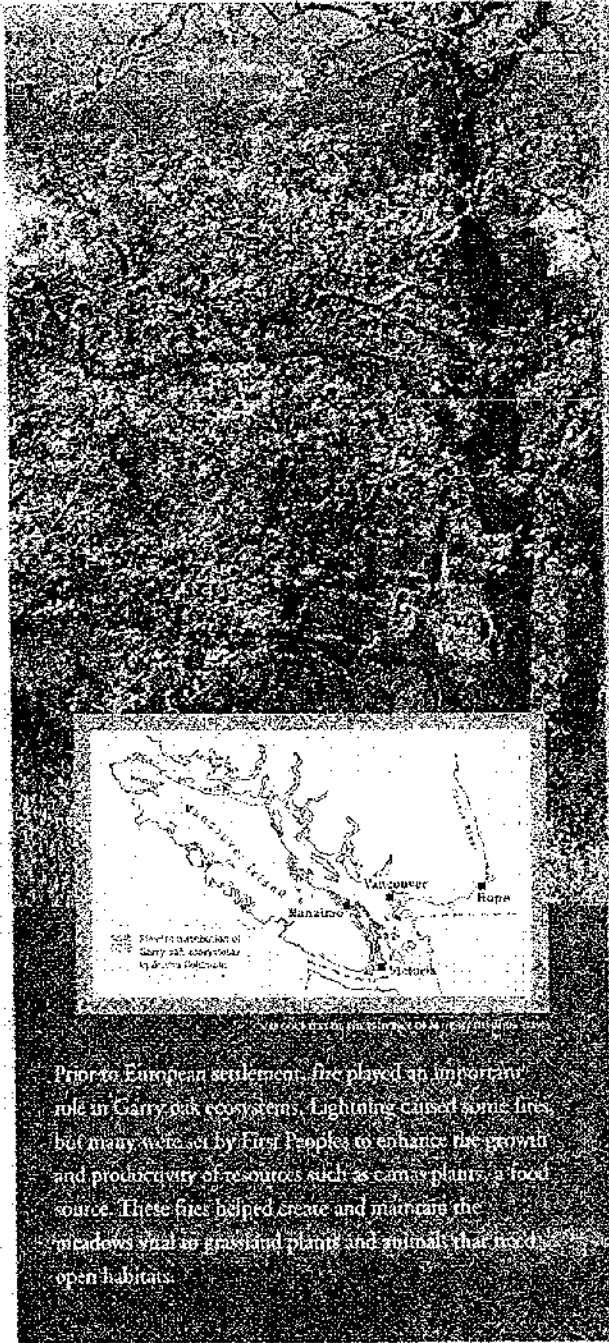


**now threatened**

Over the past 160 years, most of the Carry oak woodlands have been cleared and converted for agricultural, residential and industrial development. Now, less than 5% of the original Carry oak ecosystems remain in a near-natural condition, and these areas are also threatened.

Threats include habitat loss, fragmentation of larger areas into smaller, more vulnerable patches, encroachment of woody species as a consequence of fire suppression and invasion by exotic species that outcompete native species. As a result, more than 100 species of plants and animals that live in Carry oak woodlands are designated by the BC government as "at risk".





On the other hand, some of the same factors that contribute to the success of the Garry oak ecosystem in the past may be less relevant today. For example, the fire regime in the region has changed significantly since the 19th century, and the loss of natural fire regimes has led to the decline of the Garry oak ecosystem. The loss of natural fire regimes has led to the decline of the Garry oak ecosystem.

The Garry oak ecosystem is a unique and valuable natural resource. It is a rare and irreplaceable part of our natural heritage. The Garry oak ecosystem is a unique and valuable natural resource. It is a rare and irreplaceable part of our natural heritage.

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Prior to European settlement, fire played an important role in Garry oak ecosystems. Lightning caused some fires, but many were set by First Peoples to enhance the growth and productivity of resources such as camas plants, a food source. These fires helped create and maintain the meadows vital to grassland plants and animals that need open habitats.

**Garry Oak Ecosystems Recovery Team**  
 301-7205 Broad Street, Victoria, BC V8W 2A4  
[www.goert.ca](http://www.goert.ca)



**Public Information Meeting – January 26, 2006**

**by Diane Pertson, 2971 Dolphin Drive, Nanoose Bay**

***"It's my land - I can do what I like with it."***

This has been the attitude of landowners, developers, and planning departments. While responsible and caring people have been working to protect what is left of our rare and endangered species, this 19th century value-system..... *"It's my land - I can do what I like with it."* ..... has been used to justify the destruction of precious landscapes on Vancouver Island. It is a value-system that is outdated, selfish, and against the law. Beautiful and irreplaceable natural landscapes have been scaped and ecologically raped – robbing mankind.... robbing wildlife.... and robbing the world....of these Sensitive Ecosystems and the plants and wildlife they sustain. They belong to all of us, and to the future.

First, one needs to understand what a Sensitive Ecosystem is. An Ecosystem is a portion of landscape with relatively uniform dominant vegetation – in other words, an area may contain mainly Douglas fir and salal, which supports other plants such as trilliums, certain mosses and ferns, and so on: a Sensitive Ecosystem, such as the Fairwinds Bonnington site, is an ecosystem that is *fragile, endangered, and rare*.

The east side of the Vancouver Island Mountain Range has the highest diversity of birds in British Columbia and contains some of the province's rarest vegetation. It is one of four critical areas in Canada where only fragments of the natural ecosystems remain.

The Sensitive Ecosystems Inventory of East Vancouver Island and Gulf Islands was conducted by Environment Canada and the Ministry of Lands and Parks between 1993 and 1997. (Show map) The Inventory showed that only 7.9% of the land base still contained Sensitive Ecosystems.....only 7.9%!.....in other words, 92.1% had been altered by man. (Show pie-chart)

If you find that 7.9% was shocking 10 years ago, an audit of the Sensitive Ecosystems Inventory was completed 5 years later, in 2001. Since the original Inventory, 11.2% of that 7.9% of the land base had been *Severely Disturbed* or *Degraded*. It is even less now.

These areas provide living space for many organisms that are rare or threatened and which cannot survive in *Modified* environments. They are modified by encroachment; by the development of housing in a corner or a trail through the centre of the ecosystem, which reduces the size of the undisturbed portion resulting in the loss of additional species. Sensitive Ecosystems should be treated with the same seriousness and intent that waterways are. If a creek runs through your property, you can't decide that you will put a cul-de-sac and houses over part of it and dedicate another part as park. Nor should you be able to destroy part of a Sensitive Ecosystem and dedicate the rest as park, to be trampled and treated as a recreation area for a subdivision.

Seven rare types of Sensitive Ecosystems were mapped on the east coast of Vancouver Island; two of these seven types are documented in the Fairwinds Bonnington subdivisions:

**Woodland.....only 0.6% of the total land base.....**Open stands of Garry oak; mixed stands of Douglas fir-Garry oak and Douglas fir-arbutus. (Show pie-chart) **and**

**Terrestrial Herbaceous...less than 1% of the total land base.....**Mosaics of rare coastal grassland or moss-covered rock outcrops; they typically occur as openings in forested areas or adjacent to Garry oak woodlands. These are the open areas without trees. (Show pie-chart) Saving some of the Oak trees, as Fairwinds' Keystone report attempts to do, won't save the Terrestrial Herbaceous open areas that support the wildflowers, plants and animals that occur there.

Both of these ecosystems support many rare plants and creatures, none of which can survive on their own *but are part of the whole that makes up the ecosystem.*

Here in Nanoose Bay, we have a large portion of what *very little* is left of the world's species bank of these ecosystems. (By the way, Nanoose Bay is at the northern limit of Garry oak trees.) Fairwinds wants to withdraw that small deposit from the world's species bank when it can never, *ever*, be replaced. The proposed new subdivisions are smack-dab right over the polygons documented in the Inventory, leaving small areas as high-traffic greenspaces. The new subdivisions are placed squarely on top of these Sensitive Ecosystem areas which are shown on the map in our Official Community Plan. (show OCP map)

The Keystone Environmental Assessment that Fairwinds is basing its development application on *completely* misses the point of everything I have said here this evening. The Keystone report shows how the proposed development will leave many of the oak trees. This is complete ignorance of ecosystems. The oak trees are *just one* species of the many that make up the Sensitive Ecosystems. What use will the oak trees be... except to struggle to survive, surrounded by houses, lawns and pavement, and trampled by people and golf carts? They will no longer be part of an ecosystem but the gaunt remains of one species that was only part of the ecosystem. Nanoose Bay can forever hang its head in shame if we allow this to happen.

For years, the RDN staff and Fairwinds have had *all* the documentation and the bylaws needed to protect these areas. And yet a blind eye has been turned on this development so that it has progressed to the selling stage without a Development Permit. The Guidelines of DPA IV of our OCP state that "All proposed development activity must minimize the area of encroachment into the Sensitive Ecosystem". To think that you can develop on top of it is outrageous! These polygons need to be protected *in their entirety*, with a setback, or buffer area, around them. The Park Dedication in the subdivisions should be in a separate area. Sensitive Ecosystems are not parks!

I don't have time to go into the shocking use of the headwaters of Enos Lake for the storm and sewer drainage from these subdivisions which has already muddied the water in the wetland there. I always thought that when Fairwinds developed around Enos Lake, every effort would be made to prevent the contaminated runoff of human occupation from entering the lake by using DPA III -Watercourses - of our OCP which requires proper notification with Fisheries & Oceans and the Ministry of Water, Land & Air Protection as per the *Riparian Act Regulation*. This runoff would be better used to recharge the groundwater elsewhere - where it is needed - instead of depleting Enos Lake water to irrigate the golfcourse. Fairwinds has taken the path of least resistance and created a situation where constant monitoring will be needed forever. This shows a disregard for the possible extinction of the rare, prehistoric little Stickleback fish that have survived in the lake for centuries - one of the two types of Stickleback exist in only one body of water in the whole world -- Enos Lake -- and they are protected by Federal law.

I don't think Development Permits III or IV have been issued nor has the RDN been notified that the Riparian Act Regulation has been satisfied.

**We need to see the Species At Risk Act of Canada, the Riparian Act Regulation, the Local Government Act of B.C., and our Official Community Plan Bylaw enforced.**

**Terrestrial Herbaceous...less than 1% of the total land base.....**Mosaics of rare coastal grassland or moss- covered rock outcrops; they typically occur as openings in forested areas or adjacent to Garry oak woodlands. These are the open areas without trees. (Show pie-chart) Saving some of the Oak trees, as Fairwinds' Keystone report attempts to do, won't save the Terrestrial Herbaceous open areas that support the wildflowers, plants and animals that occur there.

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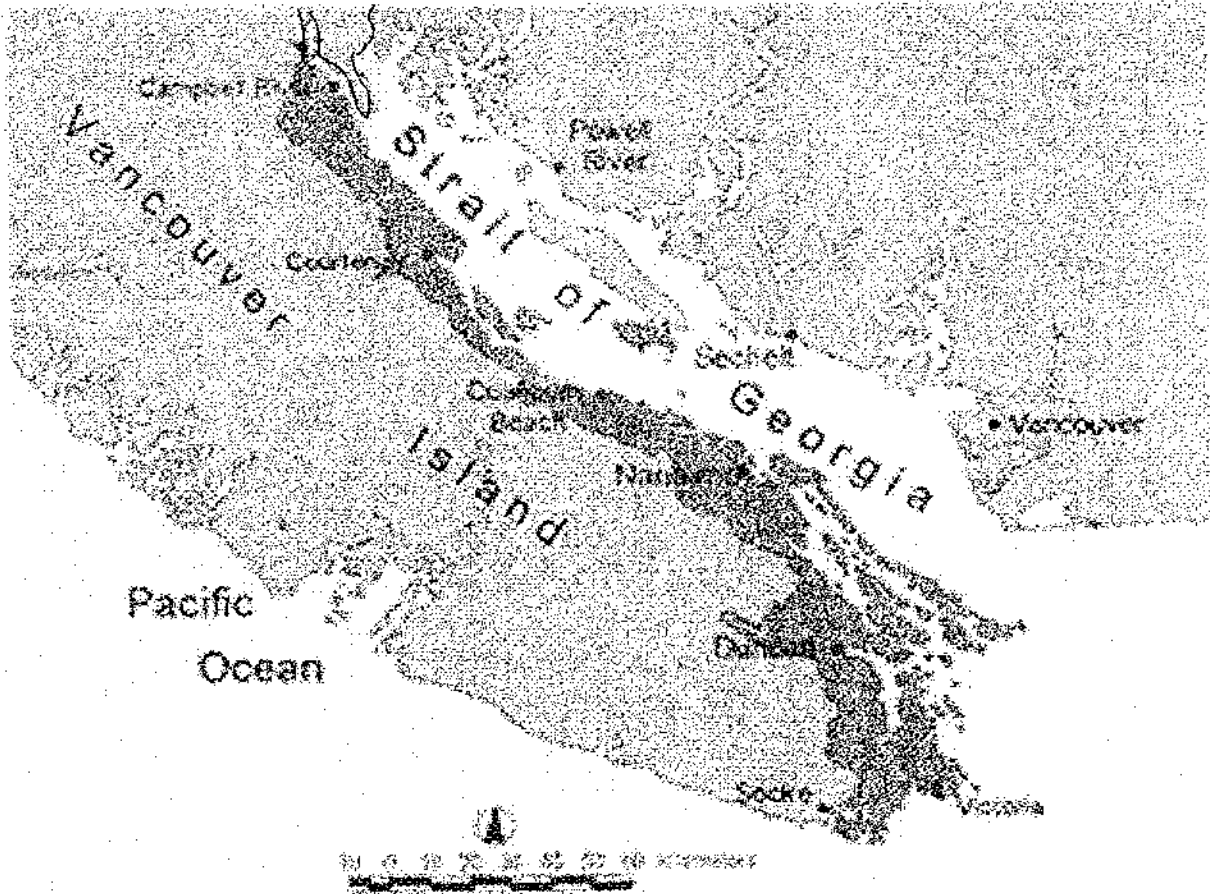
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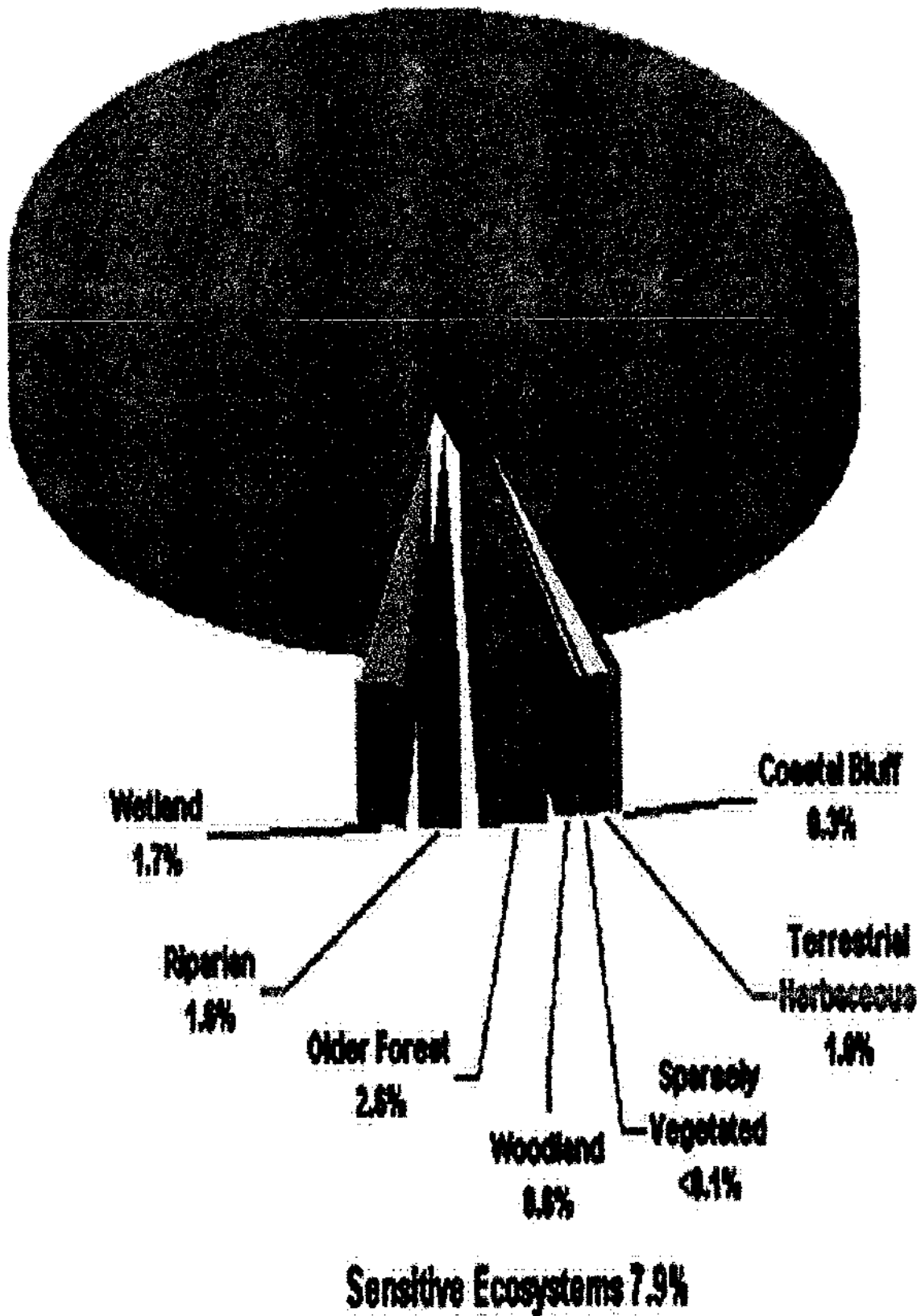
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**We need to see the Species At Risk Act of Canada, the Riparian Act Regulation, the Local Government Act of B.C., and our Official Community Plan Bylaw enforced.**

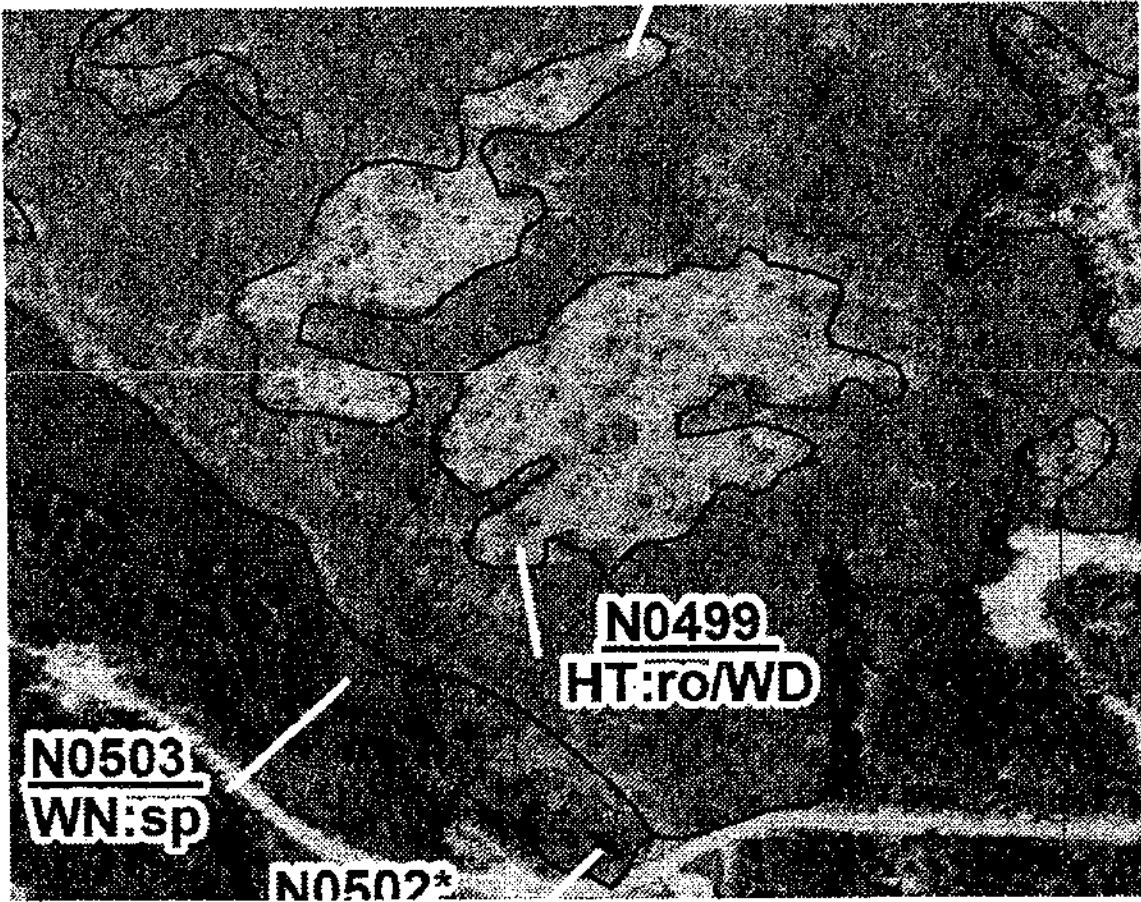


vi\_studyarea\_400.jpg





Sensitive\_eco\_piechart.gif



January 25, 2006

RDN

Planning Dept:

One clear mandate of the Nanoose Bay Official Community Plan (OCP) was to protect sensitive ecosystems .We live in an area that has not as yet been totally destroyed by chainsaws and pavement.

There is a lot of pressure on our rural area but it will not stay beautiful or rural if subdivisions are allowed to destroy our sensitive ecosystems.

Fairwinds is not only legally bound by our OCP to preserve the Sensitive Ecosystem polygons but so also is the RDN obliged to see that they are.

Is there enough water for the proposed subdivisions? Where is it coming from? Adding more households will only stretch our already limited resources.

Karen Zaborniak  
2621 Northwest Bay Rd  
Nanoose Bay BC



**Garry Oak  
Ecosystems  
Recovery Team**

301-1205 Broad Street  
Victoria, BC V8W 2A4  
Phone (250) 383-3293

January 19, 2006

Susan Cornie  
Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road,  
Nanaimo, BC  
V9T 6N2

Dear Ms Cornie:

You requested written comments from the Garry Oak Ecosystems Recovery Team (GOERT) regarding the November 2005 "Environmental Assessment" (EA) prepared for Fairwinds Community and Resort (3536696 Canada Inc.) by Keystone Environmental Ltd. for phases 9B, 9C, 10 and 11 of their proposed Nanoose development. I was asked to respond on behalf of GOERT. Please note that this is not intended as an assessment of the quality of the work performed by the consultants, nor is it a critique of the report. Due to time and workload constraints, the comments are based upon a fairly cursory review of the EA by a few GOERT members (including Registered Professional Biologists).

We were pleased to read that 3536696 Canada inc. has a "goal of sustaining native plant and wildlife populations" and that they are "committed to harmonizing development, habitat preservation and sustainability." It is also encouraging to see that in some areas the developer is willing to "exceed the RDN requirements for greenspace preservation".

The report includes handy tables that indicate the approximate sizes of the rare ecosystems, proposed park areas, and areas proposed for development. However, we didn't find an analysis or interpretation of the data, so the EA probably doesn't provide enough information to predict that the habitats (especially the environmentally sensitive areas) will be adequately protected to ensure sustainability of the native plant and animal populations. Likewise, we didn't notice any indication that species at risk surveys were conducted, so it is also difficult to determine if the most critical sites are included in the proposed park areas. Given that the BC Conservation Data Centre has records for several rare and endangered species occurrences in the Nanoose area (e.g. *Meconella oregana*, *Viola praemorsa*, *Bartramia stricta*, *Carex feta*, etc.), we highly recommend that thorough ground surveys of the proposed development and park areas be conducted in appropriate seasons by qualified biologists with expertise in species at risk identification (plants, invertebrates, and vertebrates). We can provide a list of local biologists that have the required skills and experience.

GOERT endorses the recommendations outlined on pages vi and vii of the Executive Summary, and in sections 3.1 and 3.2 of the EA. If fully implemented, these measures could help to increase the level of protection for the remaining habitat components. These measures alone probably won't provide sufficient protection to sustain the rare ecosystems. After reviewing the maps of the proposed development, we are concerned about the probability of increased threats due to habitat loss, fragmentation, invasions of exotic species, and trampling. While "retention of in excess of 75% of the Garry oaks" within Phase 9C and Phase 10 is an admirable goal if it is achieved, we are equally concerned about the protection of the other ecosystem components – the native flora and fauna that currently thrive at the base of the trees an surrounding areas.

I wish to extend another invitation to meet with the developer, Regional District of Nanaimo (RDN) staff and/or elected representatives to discuss changes to the development proposal that could lead to

● Page 2

January 19, 2006

greater benefits for the applicant, the RDN, and the Nanoose ecosystems. Please contact me at your earliest convenience if you wish arrange a meeting.

Sincerely,

Chris Junck, BSc.  
Outreach Coordinator

(250) 383-3293  
[Chris.Junck@govt.ca](mailto:Chris.Junck@govt.ca)  
301- 1205 Broad Street,  
Victoria, BC  
V8W 2A4

JAN-24-2006 09:58 FROM:

2507513289

TO: 250 390 7511

P.1/1



**VIA FAX: 390-4163**

File: 01 002 26718

January 23, 2006

Nanaimo Regional District  
6300 Hammond Bay Road  
Nanaimo BC V9T 6N2

**Re: Zoning Amendment District Lot 78, Nanoose District, Fairwinds Neighbourhood Plan**

Thank you for your referral. I have reviewed it and have no objection in principle to proposal. However, if or when this proposal does proceed, applicant will be required to provide additional information on road and access design, geotechnical report on site-suitability, as well as detailed drainage report.

Should you have any questions, please do not hesitate to contact me at (250) 751-3263 (office), 714-9009 (cell) or via email at [Nick.Vandermolen@gov.bc.ca](mailto:Nick.Vandermolen@gov.bc.ca).

Yours truly,

A handwritten signature in black ink, appearing to read "Nick Vandermolen".

Nick Vandermolen  
Deputy Approving Officer

NVM26718L

Ministry of  
Transportation

Vancouver Island District  
South Coast Region

Mailing Address:  
3rd Floor - 2100 Labeaux  
Road  
Nanaimo BC V9T 6E9

Site Address:  
3rd Floor - 2100 Labeaux  
Road  
NANAIMO BC  
Telephone: (250) 751-3263  
Facsimile: (250) 751-3289

Web Address:  
[www.gov.bc.ca/tran](http://www.gov.bc.ca/tran)

**Attachment No. 6**  
**Correspondence Received Following the Public Information Meeting Held on January 26, 2006**

2971 Dolphin Drive  
Nanoose Bay, BC, V9P 9J3

January 27, 2006

by email: [livehere@fairwinds.ca](mailto:livehere@fairwinds.ca)

Administrative Office  
3455 Fairwinds Drive  
Nanoose Bay, BC, V9P 9K6

To Whom It May Concern  
Re: The Lookout

I am writing to ask you to desist from referring to The Lookout as 'Dave's' Lookout. It has become upsetting to a large number of residents. At first it was thought that you were calling it that in reference to Dave Scott, Development Manager at Fairwinds. When we were told it wasn't, we thought you must know of some early pioneer here named Dave that those of us interested in the history of Nanoose Bay had not heard about.

However, we learned at last evening's Public Information Meeting that this name is just something picked by a resident who has been naming parts of the Fairwinds property.

With all respect to her, and to whomever 'Dave' is, I am asking for *your* respect for local history and the residents. It has always been called The Lookout, and sometimes, Lookout Hill. It is documented as such on environmental reports and many other references.

It was called The Lookout long before we came here (1966) and the area was still Crown land. It was called The Lookout when my husband, Paul Pertson, took the Cubs and Scouts onto the Crown land in the 1970's. Perhaps it was originally called The Lookout by First Nations people. In any case, it is not 'Dave's'.

I am asking you to respect local history and the residents of Nanoose Bay by taking this reference off of what is a well-known local landmark. It is just as offensive as if you were renaming another local landmark, The Notch.

Yours truly,

Diane M. Pertson

cc  
George Holme, Regional Director of Nanoose Bay  
Directors, Nanoose Property Owners & Residents Association  
President, Fairwinds Community Association  
Nanoose Naturalists c/o Ross Peterson  
Directors, Nanoose Bay Conservancy Society

February 1, 2006

Page 1 of 2

**Laustsen, Denise**

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**From:** Adriaan de Jong [adriaan\_dejong@shaw.ca]  
**Sent:** February 1, 2006 2:47 PM  
**To:** gholme@shaw; Adriaan de Jong  
**Cc:** Laustsen, Denise  
**Subject:** Enos lake park

February 1, 2006

To: George Holme,  
Director Electoral Area E,  
Regional District of Nanaimo.

From: Adriaan M. de Jong,  
2381 Arbutus cres.,  
Nanoose Bay BC.,

Dear Mr. Holme,

I was present at the public information meeting held Thursday January 26, 2006-02-01  
Regarding Fairwinds application to rezone.

All parties presented their concerns regarding the sensitive ecosystem, Garry oak habitat etc. Fairwinds is giving the public, postage stamp size parks, some of which humans can't even walk on. Humans also are a living species and it needs open free space.

Yes, within the RDN we do have some large forested parks with trails but most are out side the residential communities. One needs a car to get there.

Lets look 25 years ahead in the RDN planning. If developers have their way the east coast of Vancouver Island from Duncan to Comox will have view properties from the shoreline and in. Will they (the developers) leave the RDN single forested parks with views? Look back at Nanaimo Long Lake left with a two picnic tables, park, on a busy highway the rest went to housing and commercial development.

My definition of a park within in a community is a place where humans can spent hours to have freedom with nature. Where the trails are natural (not paved or spread with gravel, or graded etc). A park where everyone can go and enjoy a view, not hear city noise or see houses.

01/02/2006



February 1, 2006

Page 2 of 2

Fairwinds lands is a good place to start, lets have a real park, one park that includes Enos Lake all the ponds that feeds Enos lake, Notch Hill and Davids LookOut. This will address all concerns. Can you imagine a huge park with a lake saved forever.

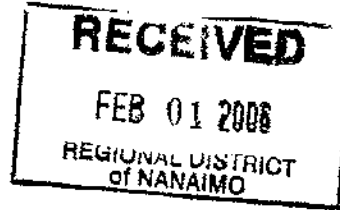
WE have money for roads, ice rinks, convention centres, arts, and etc. Lets find some monies to have a real natural park within our communities. Parksville, Qualicum, Lantzville and Nanoose bay will all benefit.

When we will look back 25 years from now we will be proud to see the Enos Lake stickleback doing well, people hiking the trails, bird watchers, beavers and clear natural filtered runoff waters to the lake.

This is not a dream Thank you for hearing me Adriaan M de Jong

Cc: Jim Lettic (Nanoose Property Owners an Residents Association)

Regional District of Nanaimo  
6300 Hammond Bay Rd.  
Nanaimo B.C.  
V9T 6N2



Re: Fairwinds Rezoning Proposal – Jan. 26, 2006 PIM

Further to the information received at the PIM, held on Jan. 26, 2006 at the Nanoose Bay gymnasium I would like express my concerns regarding the proposed rezoning plan.

1. Preservation of the sensitive eco system in the area will require zero disturbance with a buffer surrounding same. The proposed 5%+ area set aside for parks, in the proposal, will in no way accomplish area preservation. I find it somewhat disturbing that any application that disturbs +/- 95% of the land area of what is described as a rare and sensitive eco system is even considered. This assumes of course, that that area is to be preserved.
2. Also, the comments made at the meeting regarding inadequacy of the existing settling ponds designed to protect Enos Lake suggest that an inspection may be in order regarding their effectiveness. If the lake is not adequately protected under the current conditions, any expanded development will only compound the problem.

In my opinion it is evident that the decision has to be made as to whether the eco system, in the Nanoose area in question, is to be preserved or not. If it is then development can not be approved.

Thank you for your consideration

A handwritten signature in cursive script that reads "J. T. Graham".

J. T. Graham  
2181 Florence Dr.  
Nanoose Bay  
V9P 9E9

Page 1 of 1

**Cormie, Susan**

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**From:** Laustsen, Denise  
**Sent:** Monday, January 30, 2006 10:58 AM  
**To:** Cormie, Susan  
**Subject:** FW: Fairwinds development

---

**From:** Vicki Voros [mailto:vvvoros@shaw.ca]  
**Sent:** January 23, 2006 9:11 PM  
**To:** Laustsen, Denise  
**Subject:** Fairwinds development

Dear Susan Cormie,  
Unfortunately I will not be able to attend the RDN meeting on Thursday concerning the Fairwinds development. I would just like to add my voice concerning the loss of more of the very endangered Garry Oak Ecosystem. As past President of the Nanoose Naturalists I endorse the statement the Naturalists will be making at the meeting.  
If Fairwinds is truly wanting to develop an environmentally friendly subdivision, they should realize that saving these areas brings higher prices for the development. Most of us moved here because of the open spaces, realizing that they would eventually shrink but not totally. We hoped that the OCP would hold some weight in decision making. We attended most of the meetings.  
Please count my husband and I as 2 votes to save the Ecosystem !!  
Yours Vicki

1/30/2006

-02- - 2 2006

1482 Madrona Drive  
NanOOSE Bay, B.C. V9P 9C9

RECEIVED

January 31, 2006

Mr. R. Lapham, Manager Development Services  
Ms S. Cormie, Development Services  
Mr. G. Holme, Area E Director  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C. V9T 6N2

Mr. Lapham  
✓ Ms Cormie  
Mr. Holme;

**Re: Fairwinds Proposed Development – Public Information Meeting Jan. 26<sup>th</sup>.**

I wish to offer the following comments regarding the proposed development by Fairwinds. These comments refer to the Sensitive Ecosystem issue only. I will provide comment on the issue of stormwater runoff and water quality with respect to Enos Lake and the endangered stickleback under separate cover.

I'm sorry for the length of this letter, but I have not had the time to prepare a short one.

### **Perception and Process.**

At most land development public information meetings (and the Jan. 26<sup>th</sup> meeting was no exception), RDN planning staff appear as though they are defending the applicant and the development proposal. I understand that specific questions pertaining to the development need to be addressed, and that RDN has an obligation to process the development application in due course, but in my view questions pertaining to the development itself should be addressed by the applicant, and not by the RDN staff simply reading from the applicant's documents. Perceptually, this gives the wrong impression of who the applicant really is.

Furthermore, a significant part of the application review process involves the community values and wishes. I understand that one purpose of the public information meeting is to solicit such views, but in this case the views and wishes of the community have already been expressed in the NanOOSE Bay Official Community Plan. Accordingly, I think it is important that RDN acknowledge this, and publicly describe how it (the RDN) will

comply with these wishes in terms of dealing with the development application. This was not done at the Jan. 26<sup>th</sup> meeting, despite several speakers' requests that it be explained.

I mean no disrespect to RDN staff and their planning qualifications, but I wonder whether they have adequate technical capabilities in area of environmental management; particularly in terms of the setting of terms of reference for and the subsequent adjudication of environmental assessment studies and reports. This is an area where consideration could be given to several options:

- Establishing an RDN Environmental Department
- Creating a staff position (biologist or ecologist)
- Contracting to a reputable outside environmental company or individual.

Having such Qualified Environmental Professional expertise in-house would provide greater assurance that the community's environmental interests were being accommodated early in the development process, or "ahead of the curve" when there is more flexibility and fewer perceived costs to accommodate environmental protection. This would also provide for greater public confidence that their interests were being looked after in the development review and approvals process.

With respect to RDN's response to submitted development design concepts, I was rather hoping that environmental design philosophies such as proposed by Ian L. McHarg in his "Design with Nature" handbook would have been required reading for all those engaged with development design in sensitive environments. Fairwinds have not chosen to take advantage of the Sensitive Ecosystems as a community amenity, but rather have placed property lines directly on top of the very environmental asset that defines the landscape. In his handbook, Ian McHarg argues that everyone benefits by protecting the key environmental attributes that define the development area. In this case, the defining attribute is the Gary Oak Sensitive Ecosystem. To pretend that houses can be built on it while protecting it at the same time is fallacious.

### **The Realities of Sensitive Ecosystem Protection.**

Several speakers at the Jan. 26<sup>th</sup> meeting suggested that the only workable option to achieve protection of the Sensitive Ecosystems was to withdraw housing development from the ecosystem boundaries, and severely limit human disturbance both on the ecosystem area and surrounding it. I believe this is the correct action to take, and was pleased to hear Mr. Lapham mention that this is still an option available to RDN in its response to the application.

There was some discussion at the meeting regarding what an ecosystem is, and how by its own definition, ecosystem protection would demand the protection of all of its elements (soils, rocks, mosses, lichens, grasses, shrubs, trees, and associated wildlife species) and not just the dominant tree species – the Gary Oak trees in this instance.

Much of the applicant's case for an acceptable development design is based on the findings of its environmental consultants. It would be fair then to test the conclusions and recommendations of the Keystone Environmental Consultants report against the recommendations of the Federal-Provincial Sensitive Ecosystem Program in its Conservation Manual; particularly since the RDN has endorsed the validity of the Sensitive Ecosystem Program when it included the Program's inventory of ecosystems in various Official Community Plans. (I am assuming that RDN staff are familiar with the Conservation Manual. I have enclosed a copy of the Manual in case this is not so).

The following points illustrate deficiencies in the Fairwinds development application and the Keystone Environmental Consultants recommendations in light of the Conservation Manual recommendations:

In its "General Management Recommendations" (Page 30, 31), the Manual recommends"

*"Wherever possible, the sensitive ecosystem would consist of a core area surrounded by a vegetated buffer designed to isolate the ecosystem from outside disturbance"*

Note: Neither the development application nor the environmental assessment report describe a suitable buffer for the ecosystem.

Further, the Manual recommends the following actions to minimize impacts:

*"Discourage development within or adjacent to sensitive ecosystems, except where it can be shown that the proposed development will not result in significant negative impacts"*

*"Manage both land and water access..."*

*"Maintain water quality..."*

Note: The development application places building lots on top of the ecosystem, with no apparent discouragement from doing so.

There is some mention of controlled access to the remaining ecosystem and managing water quality; but the main issue is the presumption that negative impacts can be minimized by the application of protective covenants and protection of individual trees. This won't work for reasons given below.

In its Chapter on Terrestrial Herbaceous Ecosystem (Pages 55 to 62), the Manual recommends the following:

*"Delineate buffers around terrestrial herbaceous ecosystems. It is very important to establish adequate buffers for terrestrial herbaceous ecosystems, as they are particularly vulnerable to adjacent land uses"*

Note: Again, the need for buffers is not mentioned in the development application.

*"Avoid direct and indirect impacts" by the following protective actions:*

*"Discourage development within and adjacent to terrestrial herbaceous ecosystems."*

*"Control recreational access"*

*"Prevent disturbance of nesting or breeding areas"*

*"Control pets"*

Note: Again, these recommendations do appear to have been followed.

The Conservation Manual acknowledges that *"Where development is allowed in terrestrial herbaceous ecosystems, the general guidelines (given earlier) should be followed, namely:*

*"Require an ecological inventory conducted by a qualified professional".*

*"Plan, design and implement all land development activities in a manner that will not adversely affect or disturb (all elements of the ecosystem).*

Note: Clearly, these conditions cannot be met with the scope of development identified in the application.

The question of whether development must be placed on the sensitive ecosystem must be placed into a proper context. In this case, Fairwinds has many options for the siting of building lots that do not involve encroaching on the ecosystems. Again, to destroy the defining attribute of the landscape would be a tragic mistake in development design and approval.

In its Chapter on Official Community Plans (Pages 152 to 156), the Manual suggests several policies be adopted, including the following:

*"Promote preservation of sensitive ecosystems and their living resources in a natural condition and maintain these areas free of development and human activity to the maximum extent possible."*

*"Manage recreational access into ecosystems to minimize impacts..."*

Note: The Nanoose Bay Official Community Plan includes some of these provisions, and it should be incumbent on the RDN to acknowledge and defend the OCP with respect to sensitive ecosystem protective provisions.

This chapter also suggests the following:

*"Develop policies, bylaws, plans and procedures for preserving, restoring and enhancing these ecosystems, while not rendering private parcels as unusable and subject to compensation."*

Note: I think this is a very important issue in progressive land use planning. It means quite simply that local governments should work towards land development schemes that do not result in perceptual "losses" for purposes of environmental protection that would infer compensation. While the concept of purchasing lands

for preservation may work in some circumstances, we should not have to apply this technique to all such sensitive ecosystems when there are alternate means for win-win resolutions. These might include innovative marketing of developments that include the recognition of the high value of adjacent protected ecosystems, consideration of density bonusing that would free up lands needing preservation, and a more conservation – oriented attitude by developers who may also recognize the community’s gratitude for preservation efforts.

In the Chapter on Development Permits (Pages 157 to 163) the Manual offers the following guidelines:

*“Require, as a condition of development permit approval, that development in less sensitive portions of the DPA be planned, designed, and implemented in a manner that will not adversely affect or disturb the sensitive ecosystem.”*

Note: I don’t believe there has been any assessment or identification of any “less sensitive” portion of the ecosystem. In fact, terrestrial herbaceous ecosystems are described as being very fragile and vulnerable to any human disturbance, so this may be moot.

*“Require that an environmental site plan be prepared...to ensure that the development does not create offsite effects that adversely affect that ecosystem”.*

Note: Apparently, no such environmental site plan has been submitted.

*“Promote and maintain natural buffers adjacent to sensitive ecosystems...”*

Note: Again, no natural buffers have been offered.

(Note: There are additional measures recommended by the Conservation Manual that are designed to minimize the negative impacts by developments on sensitive ecosystems that are not included in this submission).

### **Park Dedications and Sensitive Ecosystem Protection.**

Fairwinds has offered pieces of dedicated parkland as a substitute for sensitive ecosystem protection.

I think we have to recognize that these are different things. The park dedication process, because it deals with a limited percentage of land is not adequate to protect the entire sensitive ecosystem, even if were to be applied to this one area.

One speaker at the Jan. 26<sup>th</sup> meeting asked whether Fairwinds could bank or accumulate future park dedications and apply enough of the accumulated land to cover the entire Gary Oak Sensitive Ecosystem. Mr. Lapham confirmed that it is possible to do so, but it



may be unfair to any future protection needs that could be resolved through the park dedication process. Personally, I don't know how one would measure the unfairness of this approach. Perhaps we should compare this solution to the present system where a limited 5% dedication from each development area has the potential to create a patchwork of vary small areas for public use, even if they are linked through corridors. These areas could be too small to realistically be considered as functioning ecosystems.

The question as to whether the park dedication process can be used to preserve ecosystems was, I think, inadequately answered. Effective ecosystem preservation requires a suitably sized area that would allow natural interdependencies and interactions to occur, undisturbed by surrounding developments and activities. This is why the Conservation Manual urges the incorporation of buffers around the sensitive ecosystems.

So, if we're going to use park dedications to protect ecosystems, then we must loosen ourselves from the rigid 5% dedication process, and consider first and foremost what the ecosystem needs, and not what is simply convenient or available to allocate from the developer's total land area.

It would be illusionary, therefore, to think we can preserve a small portion of the sensitive ecosystem, and presume that the remaining portion will function the same as the whole, only on a smaller area. It is also dangerous to simply push the ecosystem into a smaller space and say it is the same; particularly when there is no buffer to protect it. The Fairwinds spokesman suggested this would work when he suggested the concept of a "Passive Park" bounded by property developments. I don't believe such small areas, with no buffer, could ever function as viable ecosystems representing the larger natural ecosystems.

I find the recommendations of the Nanoose Bay Parks and Outdoor Space Committee in this regard to be of limited value to the protection of the sensitive ecosystem. It is my understanding that the mandate of the Committee does not cover the general natural environment, including sensitive ecosystem protection issues, and in this case was asked to comment only on the proposed park dedication. That the applicant has chosen to use dedicated parkland for ecosystem protection has, I think, placed an unfair burden on the Committee.

#### **Effectiveness of Protective Covenants.**

Several speakers at the Jan. 26<sup>th</sup> meeting mentioned protective covenants as a means of minimizing negative impacts of development, as does the Keystone Environmental Report.

While seeming to offer regulatory control, covenants must provide a deterrent to be effective; otherwise they serve only to punish non-compliance. Environmental protection demands that we be "ahead of the curve"; that is to prevent damage from occurring in the

first place. Once damaged, the environment is difficult or impossible to repair, replace or rehabilitate. Our record is poor in this regard.

Also, without suitable penalties, there is an unfortunate attitude with many that the payment of a fine is just "the cost of doing business". This is contrary to the principles of sound environmental management.

In summary the emphasis must be on avoiding environmental impacts in the first place, that can be achieved through sound development design that benefits every interest. In closing, I'll quote from the RDN Strategic Plan. Strategic Priority 4 states the following:

*" The revised Growth Management Plan has clearly defined the role of the RDN in partnership with its member municipalities:*

- *To protect significant open spaces and natural corridors*
- *To gain a greater understanding of regionally significant environmentally sensitive areas*
- *To consider ecological issues in land use decisions.*

I think we need to incorporate these commitments in the evaluation of the development proposal from Fairwinds.

Sincerely,



Ross Peterson.

cc. David Scott, Development Manager, Fairwinds

**Attachment No. 7**

**Report of the Public Information Meeting  
Held at the Nanoose Place Main Gymnasium  
2925 Northwest Bay Road, Nanoose Bay on May 11, 2006 at 7:00 pm**

**Zoning Amendment Application / Development Permit Application in Association with The Revised  
Development of a Portion of The Remainder of DL 78, A Portion of the Remainder of DL 30, and A  
Portion of Lot A DL 78 Plan VIP71781, All of Nanoose District**

*Note: these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance at the Public Information Meeting.*

**Present:**

Public in attendance: approximately 34 persons

**For the Applicant:**

Dave Scott  
Gord Cameron  
John Purcell

**For the RDN:**

Chair: Director George Holme, Electoral Area 'E'  
Director Joe Stanhope, Electoral Area 'G'  
Director Maureen Young, Electoral Area 'C'  
Bob Lapham, General Manager, Development Services  
Wayne Moorman, Manager, Engineering & Subdivisions  
Susan Cormie, Senior Planner

The Chair opened the meeting at 7:07 pm and followed with greetings to the public and an introduction of the Area Directors, staff, and applicant's agents.

The Chair stated the purpose of the public meeting and asked the General Manager to provide an overview of the proposed revised development.

The General Manager explained that the applicants have amended the original application by removing the sensitive ecosystem area from the proposed development site, by deferring the required park land provision and using the existing park land surplus, by reducing the number of fee simple parcels to 19 with the proposed townhouse site to consist of 35 townhouses and 8 bare land strata lots and the bare land strata site to consist of 26 bare land strata lots. The General Manager also outlined the related OCP policies.

The Chair then asked the applicant's agent to give an overview of the revised proposal.

The applicant's agent, Gord Cameron provided a description of the overall amended proposal the 26 bare land strata lots for patio homes, the 35 townhouses, the 8 bare land strata lots, and the 19 fee simple parcels highlighting the diversity of housing types and the design guidelines. Mr. Cameron outlined the proposed storm water management plan for the proposed development. Mr. Cameron then explained the proposal for the review of the sensitive ecosystem areas shown as a special study area on the handout.

The Chair then invited comments and questions from the audience.

Jeannette Thomson, 1891 Sea Lion Crescent, asked who will conduct the testing as to the operation of the ponds and what standard will be met.

The applicant's agent, Gord Cameron explained that there are 2 phases in the pond development with first phase being the initial testing being done by the environmental consultants and the second phase being the

ongoing maintenance of the ponds. Mr. Cameron stated that Fairwinds will look after the ponds until the Ministry of Transportation or the Regional District takes over the maintenance.

Ms. Thomson stated that she is concerned about the standard used for the pond construction and maintenance.

The applicant's agent, Gord Cameron explained that the consultant has had experience with other similar developments and will work in close contact with the government agency and will welcome any review by the government agency.

Ms. Thomson reiterated that she is interested in the standard being set and the standard being followed. Ms. Thomson commented that it is a big responsibility to keep something of what is left and that she has a concern for Enos Lake and the effluent going into the Lake. Ms. Thomson asked for the Regional District to ensure that a high standard will be set. Ms. Thomson also asked why the ecosystems have been set aside at this time and when is later; what does 'set aside' mean.

Don Lawseth, 1895 Sea Lion Crescent, asked if the presentation will be available to the public.

The General Manager answered that the presentation can be put on the RDN web page.

Mr. Lawseth thanked Fairwinds and the RDN for listening and amending the original proposal and commented that the maps provided make it difficult to see the ecosystem area clearly and suggested it would be better for other applications to show the ecosystem. Mr. Lawseth spoke to the concern for protection of the Garry Oak Sensitive Ecosystem Area, the process involved for the study, and offered a number of suggestions to be undertaken to ensure protection of the sensitive ecosystem as outlined in his submission, which is attached to and forming part of these minutes.

Diane Pertson, 2971 Dolphin Drive, suggested that the maps be better for the public and be placed on the web site in order to ensure that the public is better informed. Ms. Pertson also suggested that the head waters of Enos Lake and the storm drainage be shown on mapping as well.

The applicant's agent, Dave Scott, outlined the information concerning the storm water management plan and explained that it is more than 30 metres from the Lake.

Ms. Pertson emphasized the need for clarification of these items. Ms. Pertson thanked Fairwinds for taking in the public's concerns and asked if the Riparian Area Regulations are applicable.

The General Manager stated that the will apply to Enos Lake and an assessment will need to be done in accordance with the Regulations.

Ms. Pertson noted that the when Enos Lake got mudded in January, these kind of events affect the stickleback.

The applicant's agent, Dave Scott commented that there was a significant rainfall in January and Fairwinds recognized that there was an issue and has been working with the Ministry of Environment to correct the issue. Mr. Scott noted that the original design was approved by the Ministry of Environment and that Fairwinds has been working towards a solution.

Ms. Pertson asked about the monitoring of the storm water management system after its construction and noted that recovery is not always possible. Ms. Pertson commented that she hoped the new pond will be monitored.

Mr. Scott, noted that all government agencies are welcome to review and monitor the storm water management plan.

Ms. Pertson asked if this storm water management plan will be able to support additional development including the area in green shown on the handout.

Mr. Scott commented that Dolphin Lake is a shallow beaver made lake and that the golf course contains a series of ponds that act as a storm water management system and that the storm runoff for the 35 townhouses and 8 bare land strata lots (green area) will go into this system.

Ms. Pertson asked if Fairwinds will be relying on the Enos Lake system and noted that Enos Lake is one of the only water bodies that is home to 2 sticklebacks and that they have appeared to hybridized.

Mr. Scott commented that he has been involved in the Lake and that it is speculated that the crayfish have eaten the vegetation in the Lake which has affected the breeding of the sticklebacks and this has cause a hybridized form.

Ms. Pertson commented that she hoped there will be an effort to restore the Lake.

Mr. Scott explained the history of the Lake

Ms. Pertson asked if Fairwinds will be promoting permeable surfaces such as driveways.

The applicant's agent, Gord Cameron noted that a lot of Fairwinds is rock and they are planning on using innovative methods to recharge the groundwater.

Ms. Pertson stated that she endorses a full inventory of the flora and fauna systems be done and that it is too late to do an inventory this year and would have to be done next spring. Ms. Pertson also noted that a number of the recommendations sited in the Keystone report should be followed in this development. Ms. Pertson commented that an environmentally impact study needs to be done.

Jenny Ransom, 2460 Ainsley Place, stated that she is concerned about trees and the disappearance of them once property is developed noting that Fairwinds advertising also shows trees in the background. Ms. Anson asked if Fairwinds is making allowances for people to retain trees on their properties.

The applicant's agent, Dave Scott, agreed that Fairwinds likes to keep trees and that they have done a lot of selective logging to preserve the younger more vigorous trees. Mr. Scott further explained that there are covenants for no removal of vegetation and Fairwinds also establishes building envelopes for each parcel.

Jenny Ransom asked what is actively being done to encourage people to retain trees.

Mr. Scott explained that Fairwinds speaks with people regularly about tree retention and also encourages native vegetation.

Jeanette Thomson stated that she has a concern for retaining trees yet the trees are still being removed. Ms. Thomson suggested that Fairwinds hire a government agent to monitor the storm water management system.

Don Lawseth provided clarification on the stickleback and noted that the Stickleback Recovery Team is not giving up of the stickleback and there is potential to re-introduce them.

Karen Zaborniak, 2621 Northwest Bay Road, asked if an extra water source has been found.

The applicant's agent, Dave Scott stated that Fairwinds is currently working on community water source and that the subdivision cannot proceed until water is confirmed.

Correspondence was received from Ross Peterson, which is attached to these minutes.

The Chair asked for the first time if there was anyone else to speak.

The Chair asked if there were any further submissions or comments a second time.

The Chair asked if there were any further submission or comments a third time. There being none, the Chair thanked those in attendance and closed the public information meeting.

The meeting concluded at 8:27 pm.

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Susan Cormie  
Recording Secretary

To: Fairwinds Community and Resort  
Regional District of Nanaimo

Date: May 11, 2006

**Re: Fairwinds Revised Development Permit and Zoning Amendment Application.  
Submission to the Public Information Meeting.**

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I would like to thank Fairwinds for amending its development plan application and excluding from development risk the Garry Oak Sensitive Ecosystems. I think this is an important step in recognizing the value that the community has placed on these unique treasures. I hope that a process can be found to develop and implement a long term management plan for these ecosystems that will protect them from the effects of surrounding activities (such as by establishing a suitable buffer zone) and control the effects of human access onto the fragile soils and vegetation. This will take cooperative effort, but I'm sure the community's citizen experts and organizations will be willing to participate in such a process.

The issue of runoff management remains an important concern with this amended development plan. The control of storm flows and water quality from the development area, both during construction and following, will be important considerations in the ongoing protection of the wetland sensitive ecosystems and Enos and Dolphin lakes.

I am hoping that the Regional District of Nanaimo will play an instrumental role in this work; honoring what I believe to be its mandate and obligation in the administration of the Nanoose Bay Official Community Plan, and its Development Permit Area provisions, and in the assumption of provincial government responsibilities for habitat protection.

Ross Peterson  
(250) 468 2730  
1482 Madrona Drive,  
Nanoose Bay, B.C. V9P 9C9.

**Fairwinds Revised Application**

**Part of Rem DL 78 & part of Rem of DL 30, Nanoose LD**

- ❖ Thank you. My name is Don Lawseth, and I'm here to speak about my concern for protection of the sensitive ecosystems that are identified in the Official Community Plan.
- ❖ First, I would like to **commend Fairwinds** on backing off its original proposal to develop over top of some treasured sensitive Garry Oak ecosystem, and listening to the community's will.
- ❖ And **thank the RDN** and Fairwinds for putting on this PIM to listen to concerns and answer questions about the current proposal.
- ❖ The current proposal is indeed an improvement, but with the information provided leaves many questions.
- ❖ It appears to me that the **southern development still encroaches** or overlaps sensitive ecosystems identified on the OCP maps. My concern here is that the ecosystem could suffer the **death of a thousand cuts** – or its integrity be totally compromised by a dozen applications.
- ❖ The '**study area**' seems like a reasonable concept, for now, but what does that mean?
  - Who is going to study it?
  - To what end?
  - What will the process be?
  - Will the community be involved and have a say?
  - What expertise will be brought to the exercise?
- ❖ The sensitive ecosystem need **protection from** damage from:
  - Human settlement
  - Invasive plants – on people's boot/clothes, from lawn clippings, and so on
  - Activities that tear up the fragile mosses and turf
  - House and yard pesticides and herbicides
  - Potentially hazardous run offs into Enos Lake – home of the rare and endangered Enos Lake stickleback pair populations
  - And a host of other things

❖ I have some suggestions to offer:

1. **Before anything is done**, or any application approved, I recommend:
  - A 30 meter buffer of no development activity around the SE's on the OCP maps be maintained
  - A rare flora and fauna inventory study be completed -- early spring 2007 would be the earliest

Then,


2. The **RDN should use its powers** under the Local Government Act to take the sensitive ecosystems out of harm's way. It has a number of tools available:
  - Conditions on development permit areas -- a precedence has been set in the vigorous approach the RDN took with property owners near Coastal Bluffs
  - RDN-enforced covenants
  - Land swaps or density bonuses
  - Outright purchase of the property
  - A combination of all the above
3. The RDN and Fairwinds should work with a number of **partners** to accomplish these goals:
  - The Garry Oak Ecosystem Recovery Team -- has offered to provide expert advice
  - Land conservancy organizations -- who can monitor and protect the ecosystems and provide education programs for residents
  - And, of course, community representatives
4. I would also ask that Fairwinds undertakes an **invasive plant removal** program, particularly along the road off Bonnington Drive that was so rudely and illegally punched in up to the sensitive ecosystem last year.



5. The storm water system installed to accommodate the Bonnington developments proved last fall to be inadequate to protect the quality of water flowing into Enos Lake. Silt and contaminants from these developments may very well threaten the survival of the endangered Enos Lake stickleback pairs unless potential seepages and storm water run offs are properly treated and managed.
  
6. Finally, if after all this a determination is made to develop on or near the sensitive ecosystems, I would insist that a full and proper environmental impact study is undertaken so that Fairwinds, the RDN and community members all know what the tradeoffs might be.

Note that the assessment prepared by the Keystone consultants was not an impact study; it was only an assessment of the area and didn't deal with potential impacts.

Then after, and only after, all these things are in place would I feel the work has been done to support this and any further proposals near the sensitive ecosystems of the Nanoose peninsula.

  
Don Lawseth  
1895 Sea Lion Crescent  
Nanoose Bay, BC  
V9P 9J3

May 11, 2006



May 17, 2006

File: 58000-35/05-RD19-E

Attention: Susan Cormie  
Planner

Dear Susan Cormie:

Re: Review of Keystone Environmental Ltd., Report of Findings for Fairwinds Community and Resort Phases 9B Lot 4, 9C, 10, 11 and Catchment Area south of Dave's Lookout, Nanoose Bay, British Columbia

I have reviewed the two reports prepared by Keystone Environmental, dated November 2005, with respect to potential impacts associated with Phases 9B, 9C, 10 and 11 of the Fairwinds development and consistent with provincial urban and rural development guidelines, including the draft Environmental Best Management Practices for Urban and Rural Land Development in British Columbia ("Develop with Care") found at: [ftp://ftp.env.gov.bc.ca/pub/outgoing/For\\_BMP\\_PDF/](ftp://ftp.env.gov.bc.ca/pub/outgoing/For_BMP_PDF/) the BC Stormwater Guide <http://www.env.gov.bc.ca/epd/epdpa/mpp/stormwater/stormwater.html>, the Best Management Practices for Amphibians and Reptiles found at: <http://www.env.gov.bc.ca/wld/BMP/bmpintro.html#provincial> and the draft Best Management Practices for Raptors in British Columbia. Unfortunately, due to time constraints this review should be considered cursory.

The consultant has rightly identified all Coastal Douglas fir (CDFmm) vegetation communities on the subject parcel (and throughout Nanoose) as red-listed in British Columbia. It was unclear however if they might have confused the references for the Biogeoclimatic Classification (BEC) and the Sensitive Ecosystem Inventory (SEI) in a few locations throughout the document. For example on page 23, under Swamps they have discussed Western Red Cedar plant communities but referenced the SEI. Note that in this case the BEC variant system should be referenced. These apparent errors should be checked the documents to confirm assumptions and conclusions, and thus their recommendations. Throughout the document the consultant has emphasized the need for protection of Garry Oaks, however it is important to understand that Garry Oaks are only one component of the range of rare vegetation communities present in CDFmm ecosystems and on the subject parcel. What measures will be taken to ensure continued protection of whole plant communities as the lots are developed and after they are sold?

Ministry of  
Environment

Vancouver Island Region  
Environmental Stewardship Division

Mailing Address:  
2080A Labieux Rd  
Nanaimo BC V8T 6J9

Telephone: 250 751-3100  
Facsimile: 250 751-3208  
Website: [www.gov.bc.ca/env](http://www.gov.bc.ca/env)

We were gratified to note that the consulting biologist is recommending that the developer establish restrictive covenants to preserve red listed vegetation communities on the subject parcels. However we ask that such protection mechanisms be enshrined in the lot titles to ensure continued protection of these plant communities. A local land trust or other conservation organization may consider acting as transferor for these covenants.

The consultant is recommending the establishment of "largely interconnected park set-asides". What management regimes would be considered for these set-aside areas to ensure natural plant associations will remain undisturbed? How will human access be controlled and what measures will be taken to prevent the encroachment of invasive alien plant species into these red-listed communities?

We note that the proposed development in Phase 9C will result in the removal of all of SEI Herbaceous Terrestrial (HT) polygon #N0499 and portions of polygons N0500 and N0503. Will the developer be considering mitigation and buffering measures consistent with the recommendations of SEI Conservation Manual?

The consultant notes the presence of mature trees and snags, and says that the development will not adversely affect local raptor populations. Unfortunately, the surveys were apparently conducted in August, when raptors are least likely to be present in their breeding territories. Because the remaining mature timber in Nanoose provides important nesting, roosting and recruitment breeding habitat for raptors, especial Bald Eagles, we recommend that the mature trees and snags on the subject parcel be carefully checked at a more appropriate time of year (spring) to ensure the proposed development layout will not adversely affect present or future breeding habitat of raptors that may have been missed in the previous field surveys.

We note that the stormwater management recommendations of the report did not mention the need for preparing or applying integrated stormwater management planning consistent with the BC Stormwater Guide.

M.E. Henigman, MA, CCEP  
Ecosystems Biologist  
Environmental Stewardship, Nanaimo