

REGIONAL DISTRICT OF NANAIMO

**COMMITTEE OF THE WHOLE
TUESDAY, JUNE 13, 2006**

A D D E N D U M

PAGES

COMMUNICATION/CORRESPONDENCE

- 2-3 **Harold and Marianne Robinson**, re Building Permit for 2991 Northwest Bay Road – Area E.
- 4-6 **Ross Peterson**, re Building Permit for 2991 Northwest Bay Road – Area E.

June 7th 2006

To RDN Board Members;

From Harold and Marianne Robinson;

Re: Building Permit for 2991 Northwest Bay Road-Area E;

I am writing this to give everyone on the Board a better understanding of ourselves, and explain the lead up to us buying our property starting construction on our new home and preparing for a Development Permit application.

I am well aware of the environmental concerns of doing a project of this nature in this location.

I was born in Nanaimo and have lived here for over 52 years. My wife, Marianne, and I have 5 children and grandchildren. I have always been involved in earth related construction and the following is a list of some of the environmentally sensitive projects I have been involved with.

A] Rip rap the foreshore at the Harmac and IPD Mills in Nanaimo, approximately 1 kilometer.

B] Shore work at Duke Point Ferries.

C] Approximately \$1,000,000 stream work along Nanaimo River.

D] River work at Haslam Creek.

E] Rip rap Nanaimo River for Cedar District.

F] Numerous stream projects for Department of Highways.

F] Work on South forks Dam, First Lake Dam, Arrow smith Dam and Elsie Lake Dam.

G] Stream work on the Englishman River, French Creek, Whiskey Creek to name only a few.

H] Numerous projects in wetlands for Ducks Unlimited.

I] Just recently worked for the City of Nanaimo on two streams for construction of fish habitat.

I am presently the site supervisor for the Wolley Creek project for the RDN. This project involves total construction of about 1000 feet of new fish habitat.

I have been involved with many different groups. To name only a few, they are, Ministry of Environment, Nanoose First Nations, Streamkeepers, Ducks Unlimited and many Forestry companies.

Prior to purchasing our property at 2991 Northwest Bay Road, we talked to our neighbours on the adjacent lot East of ours and got a feeling of the water situation. I also talked to the Ministry of Environment in regards, to what was allowed to be done in the area as far as building goes. Basically, I got sent to the RDN Official Community Plan.

I looked at the drawings and found I needed a development permit if I planned any work on the South 30 metres or so of the land and the rest of the area had to be built to the flood plain grade elevation requirements. We then purchased the property.

Just after we purchased our property at 2991 NWB Rd., my wife, Marianne and myself, stopped by and introduced ourselves to our new neighbors, Carl and June Rosen. June took us on a tour of their fish farm and we then all talked about our properties.

Carl and June told us all the water for their fish and domestic came from the ground. Carl had also dug ditches throughout all the area that is now our property and the next property. He had made dykes to stop the water coming in during a combination high

tide and winds and water runoff. They both wanted us to repair and raise the height of the dykes. June wanted us to make the dykes amore natural looking as Carl had done them in straight lines. We talked about cost sharing a project that would fill in the ditch down our property line and running the water through a pipe. The ditch had been excavated by a large excavator within the past year without the previous owner of our property's permission. They showed us the high water mark as being the concrete box down near the pond [Patti Brook]. I think that box was for their septic field that is so old now there is no record of it. The last thing Carl asked us, is if he could have permission to chase any of those fisheries and stream keepers off our property. We didn't give him permission.

We then spent the following 14 months or so getting drawings, planning our new home and gathering all the reports to finalize our building permit. In January this year, well before the issues of us building came up, I met with a representative from the Nanoose First Nations, and a biologist to go over our plans of building ponds, wetlands, fish spawning channels and wildlife habitat. I wanted their input into our project that would restore and turn back to nature, approximately $\frac{3}{4}$ of our low land that is now a cultivated field that has been let go and is steeply trenched on 2 sides, and a V ditch on one. After our meeting, I started to draw up ideas to give to the Biologist and Nanoose First Nations, so they could go over it with the local Streamkeepers and the Department of Fisheries, for their input. I now have given our drawings back to them and also hired a Biologist who specializes in wetland construction for additional input. We will be forwarding all our information and design when we request a Development Permit in future.

Attached are some pictures of environment issues belonging to our adjacent property that is leaching into our waters, we are addressing.

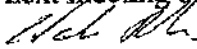
Also attached, is an Official Community Plan drawing, showing no significant visible signs that our adjacent property has any streams, dams, ponds or watercourse and wetlands running through it. That would appear their property was not considered in the same "sensitive land" the Rosen's claim ours is in. Interesting, because on their [Rosens] report to you, dated May 9th, page 2 of 4, shows clearly the defined brooks, ponds and ditches.

Note: June Rosen has been a member of the Nanoose Bay Official Community Plan Advisory Committee.

Notes regarding Flooding;

The high water in February of this year, pictured on the front page of Rosens' report, was the highest water the neighbour to our East has seen since they moved there in 1991. This high water event did not even flow over Rosen's dyke as indicated on page 3 of 4 of their report where they say, "the major events typically only occur once or twice a year and over top the dykes where the entire flood zone is utilized."

Thank you for taking the time to read this. If you have any comments or questions, I'll be at the next meeting or you can call me earlier at 758-5010 or my cell at 741-4332.


Sincerely, Harold Robinson

Burgoyne, Linda

From: ross peterson [grpeter1@shaw.ca]
Sent: Thursday, June 08, 2006 1:09 PM
To: Burgoyne, Linda
Subject: Proposed development on Nanoose Estuary
Attachments: June 8 B&B.doc

RDN Board Members;

Attached is my letter requesting that RDN revoke the building permit issued for construction of a B&B on the Nanoose Estuary at 2991 Northwest Bay Road., in Nanoose Bay.
Ross Peterson.

6/8/2006

June 8, 2006

RDN Board
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C.

Board Members;

**Re: Proposed Bed and Breakfast Construction on Nanoose Estuary, at 2991
Northwest Bay Road.**

There are times when in the affairs of local governance, errors are made and the best thing to do is acknowledge the mistake, make appropriate reparation, and move on; and in the process learn something from the experience. The issuance of the building permit for the proposed B&B on the Nanoose Estuary is one such example. In this case, I feel the RDN should acknowledge the building permit is contrary to federal protection policy and public wishes, negotiate some settlement with the property owner to compensate for his costs after the permit was issued, and through this process regain the public's confidence that the regional District of Nanaimo is indeed operating as a responsible steward of the natural environment, and respecting the public's wishes for protection.

Technically, the proposed siting of the B&B is clearly within the biological estuary zone, and there is no way to mitigate or offset the habitat loss. The federal Department of Fisheries and Oceans exercises a "no net loss" policy in its habitat protection practices, and there would be no means of achieving this with a building constructed directly on the estuary habitat. Also, the current Nanoose Bay Official Community Plan shows this part of the estuary to be within a Sensitive Ecosystem (Wetland), and therefore subject to protection from development impacts. While the 1999 OCP neglected to include this Sensitive Ecosystem designation, the RDN had the relevant mapping of the Sensitive Ecosystem areas years before that clearly shows the location of this wetland.

It seems to me that a simple site visit by RDN staff as part of the building permit review process would have shown that the proposed B&B infringes on the active estuary or Sensitive Ecosystem. This should have been enough to deny the permit. Perhaps a site visit was not conducted(?). Or perhaps staff do not regularly consult environmental protection mapping.

I understand that the federal Department of Fisheries and Oceans is currently reviewing this proposed development and may recommend that RDN exercise its authority to exclude development from the estuary. But, I think the public needs to know that its local government also cares about the protection of the natural environment, and has the will to act by revoking the building permit, regardless of any recommendation by the DFO.

Please do the responsible thing, and demonstrate that the public's wishes for environmental protection are not being ignored.

Sincerely,

Ross Peterson, Retired Aquatic Biologist.
1482 Madrona Drive
Nanoose Bay, B.C.
V9P 9C9