

**Bylaw No. 1400.03 – OCP Amendment – Fairwinds –  
The Lakes District Neighbourhood Plan – Area ‘E’  
PL2009-225**

**Attachments No. 7 and No. 8**

**Summary of the Public Information Meetings**

**and**

**Submissions Received**

**Summary of the Public Information Meeting  
Held at Nanoose Place, 2925 Northwest Bay Road, Nanoose Bay  
June 28, 2010 at 7:00 pm**

*Note: This summary of the meeting is not verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.*

There were approximately 220 persons in attendance.

Present for the Regional District:

George Holme, Chairperson

Carol Mason, Chief Administrative Officer

John Finnie, General Manager, Regional & Community Utilities

Wayne Moorman, Manager, Engineering Services

Dale Lindsay, Manager, Current Planning

Susan Cormie, Senior Planner

Present for the Applicant:

Russell Tibbles, Vice President, Development & Operations, Fairwinds, Bentall Kennedy (Canada) LP / Agent, on behalf of 3536696 Canada Inc. and bcIMC Realty Corporation

Edward Porter, Consultant, Ekistics Town Planning

Karly O'Connor, Consultant, Ekistics Town Planning

Matt Hammond, Consultant, Pottinger Gaherty Environmental Consultants

The Chairperson opened the meeting at 7:10 pm and outlined the agenda for the evening's meeting. The Chairperson then stated the purpose of the Public Information Meeting and requested the Senior Planner to provide background information concerning the Official Community Plan (OCP) amendment process.

Ms. Cormie gave a brief outline of the application process.

The Chairperson then invited representatives of the applicant to give a presentation of the proposed OCP amendment applications. Mr. Porter and Ms. O'Connor presented the proposed OCP amendment applications for Schooner Cove and The Lakes District.

Following the presentation, the Chairperson invited questions and comments from the attendees.

Gord Buckingham, 3370 Redden Road, Nanoose Bay, spoke to the native habitat of the area and the need to preserve this environment. Mr. Buckingham also quoted the OCP concerning non-automobile modes of transportation on trails and referred to the RDN sustainability document concerning important ecosystems and features are protected. A copy of this presentation is attached to and forms part of this summary.

Michael Jessen, 1266 Jukes Place, French Creek, spoke as a private individual and outlined similar developments which occurred in Alberta. Mr. Jessen asked what provisions have been made for medical services for incoming people and what land has been allocated for this purpose.

Terry McIntosh, Vancouver, explained that he is an interested botanist representing himself and that he was invited by the Nanoose Naturalists to review the Garry oak ecosystem. Mr. McIntosh stated that he has not seen a better conditioned ecosystem on Vancouver Island, but felt that the rare plant inventory needs to be completed, demarcation of the Garry oak habitat needs

confirmation, and that the proposed condominiums in the middle of the Garry oak habitat should be abandoned as they would negatively impact the Garry oak habitat.

Don Lawseth, 1895 Sea Lion Crescent, Nanoose Bay, stated that he was representing himself and outlined his presentation concerning The Lakes District including the need to follow the OCP; the process and how it relates to environmental considerations; concern for how the environment will be protected; the need to ensure who will take responsibility for environmental protection of the proposed park lands; and the need to have the future development reserves as park land. A copy of this presentation is attached to and forms part of this summary.

Diane Pertson, 2971 Dolphin Drive, Nanoose Bay, spoke to the history of Fairwinds and her concern for the environmental impact the proposed development would cause. Ms. Pertson comments that it is wrong for the taxpayers to have to buy a part of the Lookout area. Ms. Pertson also commented that there should not be higher residential uses next to the Crown land and a road should not be constructed next to the beaver ponds. Ms. Pertson commented that the environmental concerns that have been raised have not been answered. Ms. Pertson raised other concerns including water supply and septic disposal. A copy of this presentation is attached to and forms part of this summary. Ms. Pertson asked if there is still high density proposed for the Lookout area or is it now proposed to be a reserve for future purchase.

Mr. Porter explained that it is his understanding that the proposal is for a reserve lands with an option to purchase.

Ms. Pertson noted that when the Community Advisory Group (CAG) last met, it was to be a multi-family area.

Mr. Porter confirmed that this was correct.

Mike Patterson, 3292 Renwick Place, Nanoose Bay, expressed concern for access to the water through Schooner Cove. Mr. Patterson also commented that whether there is a boat ramp or jib crane, the problem of parking remains. Mr. Patterson commented that boating is important in this area and there is a shortage of boat ramps. Mr. Patterson made a request that the RDN ensure that there is a boat ramp in Electoral Area 'E' for public use and that this needs to be included in the Official Community Plan (OCP) as it is as important as other activities such as hiking and walking.

Tony Ransom, 2460 Ainsley Place, Nanoose Bay, spoke on behalf of the Nanoose Naturalists, and provided background information concerning the Nanoose Naturalists and raised a number of issues including covenants are difficult to monitor; future development reserve area should be incorporated into park land; the social and educational components of the ESAs need to be addressed, and there will be control issues with buffer zones; development permit areas need to be designated; an arborist needs to be hired to provide a report on individual parcels; and invasive species need to be monitored and managed. Mr. Ransom further stated that they agree with the park land ownership / management with the RDN and in conclusion, monitoring is needed to achieve protection. A copy of this presentation is attached to and forms part of this summary.

Chris Junck, Victoria, stated that he was representing GOERT and was not intending to take sides, but rather provide scientific information. Mr. Junck spoke to the spirit of cooperation and the need to offset the carbon footprint.

Mike Wilby, 3530 Grilse Road, Nanoose Bay, stated that he was addressing the Schooner Cove area and that the proposed increase in residential density from 188 to 395 is a change in the OCP. Mr. Wilby further stated that the RDN needs to take into consideration the immediate neighbours and commented that no one is interested in over development. Mr. Wilby commented that with density comes increased traffic flows and they are trying to put too much into a small space. Mr. Wilby also commented that there is a visual loss of privacy and that there would have to be a huge parking area to serve the people visiting Schooner Cove. Mr. Wilby suggested that the medical offices would be better suited for Red Gap instead due to the number of daily patient trips. Mr. Wilby further commented that there will be a 1,000 people at Schooner Cove. Mr. Wilby commented that the sound carries over the water creating noise pollution. Mr. Wilby also commented that he and his neighbours are opposed to the boardwalk on the breakwater, but will support the extension only as he believes it will have a negative effect on properties.

Ken Woodward, 1972 Eagle Ridge Place, Nanoose Bay, stated that he cannot support the high density on Schooner Cove. In addition, Mr. Woodward commented that the community would be better served with a boat ramp in the area. A copy of this presentation is attached to and forms part of this summary.

Jim Lettic, 2855 Ashcraft Road, Nanoose Bay, stated that he was concerned with the issue of large scale development and the implications that come about from such development including future costs and servicing issues. A copy of this presentation is attached to and forms part of this summary. Mr. Lettic asked throughout the last 2 years and 51 events, what has the developer learned about the community and how has it changed the proposed plans.

The applicant's agent replied that the residents are passionate and cherish their area. The applicant's agent gave examples of how they have listened to the community including working with GOERT to establish the Garry oak areas.

Ross Peterson, 1482 Madrona Drive, Nanoose Bay, stated that he was speaking on his own behalf, and spoke to four major areas of concern – the Garry oak ecosystem near the Lookout; the beaver ponds; the Coastal Douglas fir forest; and the Fairwinds environmental impact assessment and its lack of social values. Mr. Peterson concluded by providing recommendations including the need for the omissions in the biological studies to be addressed; that there should be no development on the road clearing at the Lookout area; that the Schooner Cove Road extension should be rejected, and more environmental impact studies should be undertaken. A copy of this presentation is attached to and forms part of this summary.

Ann Ward, 2140 Sherbrooke Road, Nanoose Bay, spoke concerning Schooner Cove and commented that there has not been enough information given in that sketches have been presented but we do not know which building will be in what location and how high they will be. Ms. Ward commented that in order to make a valid response more specific information is needed.

Mike Cassidy, 2305 Coventry Place, Nanoose Bay, commented that this is a unique area and it is important to do the right thing and that additional information is needed for the environmental aspects. Mr. Cassidy commented that there is nothing about LEEDs for buildings.

Berni Pearce, 793 Temple Street, Parksville, spoke on behalf of Arrowsmith Parks and Land Use Council, raised concerns with the environmental impact assessment and stated that there are 14 changes that would be required in the OCP' environmental policies to accommodate the development. A copy of this presentation is attached to and forms part of this summary.

Christopher Stevens, 3724 Ermineskin Road, Parksville, spoke on behalf of Arrowsmith Parks and Land Use Council, highlighted deficiencies in the OCP and ESA and spoke about the bird populations and the natural habitat of The Lakes District area which supports rare species including species at risk and endangered species. Mr. Stephens requested the RDN to retain a new biologist to re-review The Lakes District for conservations and biodiversity. Mr. Stephens commented that the proposed greenways are not sufficient to support habitat protection; the beaver ponds and the road through this area has not been addressed; and there are sensitive areas that should still be protected. Mr. Stephens concluded by stating that the application should not be approved until further study including a proper assessment of the bird species be conducted.

Phil Carson, 1504 Winchester Road, Coombs, Chair, Mount Arrowsmith Biosphere Reserve, recommended that due to the scale and density of this project, the whole region should be reviewed before considering this application and that a proper ecosystem based plan is needed first.

Barb Murray, 3362 Rockhampton Road, Nanoose Bay, stated that she is concerned with no wildlife/ human / urban assessment being conducted and stated that the deer and beavers will be affected by the proposal. Ms. Murray stated that the beaver habitat should be protected and that the road way is already unacceptable on many levels. Ms. Murray recommended more wildlife mitigation and wildlife corridors. A copy of this presentation is attached to and forms part of this summary.

Gail Hill, 2360 Bonnington Drive, Nanoose Bay, stated that while she admired many elements of the development, there is a concern with traffic patterns in Nanoose and that doubling or tripling the traffic volume will affect the deer.

Enid-May Sangster Kelly, 1234 Grafton Avenue, Errington, expressed concern with wording such as giving back to the waterfront and revitalization.

Tony Young, 3595 Dolphin Bay Road, Nanoose Bay, stated that he is concerned about the reality of Schooner Cove development and asked if the proposed densities are reflective of what people want in the area and that the development should not take away from the present population. Tony also commented that at the time of zoning and subdivision approval, things have changed from the original proposal.

Daphne Davis, 3429 Redden Road, Nanoose Bay, asked about the water issue and how will the development proceed without water and that the RDN needs to keep this in mind.

The Chairperson asked if there were any other questions or comments.

The Chairperson asked a second time if there were any other questions or comments.

The Chairperson asked a final time if there were any other questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at 9:42 pm.

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Susan Cormie  
Recording Secretary

**Submissions Received**

**RDN Public Information Meeting-- 28 June 2010- Fairwinds Real Estate Mgmt Lakes District**

My name is Gordon Buckingham and I live on the land-view side of Redden Road in Fairwinds.

I am really fortunate [*actually, I'm damn lucky*] to have lived in Nanoose Bay since 1996 – The longest time, I have ever lived in one place, in my life.

First, as a sailor, I want express my thanks to the individuals and agencies, some of whom are here tonight, who have ensured the protection of the Winchelsea Archipelago on the north side of the Nanoose Peninsula.

Second, I'm a cyclist and if you are up early on a Sunday morning, you may see me riding the Rocking Horse Loop and or going, very slowly, up Doctor's Hill on Powder Point Road. However, yesterday morning, coming down Stewart Road, past the turn off to Moorcroft, I was coasting down Davenham Road, when a two point buck cut across the road, right in front of me, to join two does. Unfortunately, there is nothing George Holme can do to protect us from those four-legged residents of our peninsula!

BUT, now to the point, I am a two-legged walker and a very slow jogger, which is why I am addressing you this evening.

For the past decade, or so, I have enjoyed the footpaths and game-trails throughout the Lakes District and through District Lot 137. As an outdoor enthusiast and an active member of the Scouting Movement, I have derived much satisfaction and pleasure in observing the fauna and flora of this incredible little "refugia", one of the few remaining examples of the once great, Coastal Douglas Fir ecosystem.

As a former naval person, I had, for five short years, responsibility for one of the last south-facing, stretches of natural shoreline on Vancouver Island. So I am aware of the importance of the protection and the stewardship of small tracts of natural ecosystems, wherever they still exist [in that case, along the north shore of Nanoose Harbour]. Unfortunately, some people only see these areas in terms of their dollar-value as real estate, not in terms of "natural capital" which provides extensive services by cleaning our air and water, in addition to being the habitat for untold numbers of God's creatures.

The RDN Has made the case for protecting significant aspects of “natural capital” in at least two recent and relevant documents:

- A. The Official Community Plan for Nanoose Bay– Articles 1.5.3 Protecting Rural Integrity; 1.5.4 Protecting the Natural Environment and 1.5.5 Improving Mobility. Regarding Mobility, I quote **“The Nanoose Bay OCP supports the Regional Growth Strategy policies to encourage non-automobile modes of transportation along safe pathways and trails.”** And
  
- B. *Prospering Today, Protecting Tomorrow: The State of Sustainability of the Regional District of Nanaimo* dated September 2006, states on page ii of the Executive Summary: **“Important ecosystems and ecological features are protected, healthy and productive.”** Also, **“Land resources are efficiently used and negative impacts of land use and development are minimized.”**

So, while considering the merits of the Fairwinds Real Estate Mgmt Development Application, I sincerely hope that the members of the RDN Staff and the Board of the Regional District will show leadership and follow the spirit of their policies, not just the letter of the law. The owner of the property has the right, under the law, to develop this property. However, as a recent newspaper article observed: **The law protects corporations, absolutely; the individuals, somewhat; but the environment, not at all.**

The current application proposal would put a road through several wetlands, would break up significant areas of wildlife habitat and would impinge on several Environmentally Sensitive Areas. **This is in contravention of policies of two of the RDN’s own publications.**

Therefore, it is now up to the individuals of the RDN Staff and the elected members of the RDN Board to **“DO The Right Thing AND to Do Things Right”**.

**In my opinion, the current application, as proposed, should NOT be approved.**



**RDN/Fairwinds Presentation**  
**Open House and Public Information Meeting**  
**June 28, 2010**

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- Thank you for the opportunity to speak and express my thoughts on the proposed neighbourhood plan for the Fairwinds property.
- I will confine my comments to the Lakes District only, and my focus will be its ecological values and land use planning.

### **1. Official Community Plan**

- The Neighbourhood Plan proposes to change zoning by amending the OCP – which as we see unfolding in the John Les case in Chilliwack, really means changing the law.
- Although I would really like to see the property associated with the Fairwinds Neighbourhood Plan reserved, and the associated intact ecosystems protected in their entirety, I must accept the will of the community in designating the area as Urban Containment in the Official Community Plan.
- However, that designation in the OCP comes with goals and policies that must be met. For example:
  - Section II, Objective 1 of the OCP states *“Identify, protect and conserve environmentally sensitive areas within the natural environment.”*
  - Section II Policy 9 requires:  
*“Applications to change the zoning of land adjacent to a watercourse or containing a sensitive ecosystem shall only be supported if reasonable and acceptable evidence is provided that the proposed development will not adversely affect the environmentally sensitive area”*
  - I do not believe that the Neighbourhood Plan meets these tests, and therefore does not meet the wishes of the community as expressed in the OCP.

### **2. The Process:**

- I commend Fairwinds for undertaking a thorough and highly professional consultation process – perhaps an indication that lessons were learned from their illegal intrusion into a Garry oak ecosystem a couple of years ago.
- However, the key question is: did this process meaningfully consider input by local citizens?
- The answer to this may be yes, for much of the urban housing design features, but not for environmental and ecological considerations.

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- A couple of examples:
    - The proposed arterial road from Schooner Cove along the north end of Enos Lake and through to Powder Point Road cuts through the middle of two invaluable wetland ecosystems:
      - This is an unacceptable and unnecessary intrusion into two areas that need to be protected and conserved. Fairwinds has not responded to the concern of many about this.
      - This road will be one of the first developments, acting as a highway for construction traffic during the Schooner Cove development.
      - The road will likely be a decade or more in advance of subdivision development in the area, thereby destroying the key habitat features of the area to just sit there, paving the way for future development, so to speak.
    - Habitat fragmentation:
      - Despite much protest and scientific literature provided, Fairwinds has not listened to and acted upon complaints that much of the proposed “park lands”, particularly the buffers around the subdivisions, look nice on a map and provide a nice urban feel, but are too small and fragmented to support sensitive species, and thus functioning ecosystems.
    - Environmentally Sensitive Areas:
      - ESAs have been delineated, but inadequately, and lacking sufficient buffers around them. Without significant buffer areas, these sensitive areas will be subject to a number of intrusions. The BC Sensitive Ecosystems Inventory Manual states:

*Wherever possible, the sensitive ecosystem would consist of a core area surrounded by a vegetated buffer designed to isolate the ecosystem from outside disturbance. Buffers would bear the brunt of edge effects such as windthrow, invasive species colonisation, and increased access.*
      - **This has not been done.**

### 3. Environmental studies and impact assessments:

- The proposed neighbourhood plan espouses **preservation** of natural areas and wildlife – the underpinning of these claims are based on an incomplete technical studies and a flawed impact analysis:
  - For example:
    - Inventory of rare and endangered species is incomplete
      - no indication that surveys were carried out at a time of year and with a frequency that would provide proper plant identification
      - No inventory of species in the Environmentally Sensitive Areas
      - From this, the conclusion is drawn that the inventory did not encounter any rare and endangered species. If you don't look in the right places, you are sure not to find them.
    - The EIA essentially re-iterates content from the technical reports, but provides no new work and little in the way of deterministic or quantifiable assessment. The assessments are subjective and vague.
    - The scope of the EIA with respect to the environment was limited to “valued ecosystem components”, rather than considering ecosystem integrity on a local, regional or provincial scale.
    - The EIA claims that the Enos Lake stickleback are extinct and leaves the impression that they are no longer designated as endangered by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) or protected by federal legislation.
      - This astounding lack of understanding of species at risk legislation and policies shakes one's faith in the rest of the assessment.
      - That they are extinct is the opinion of a small group of scientists – not yet supported by due scientific peer review processes

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- The stickleback pairs remain listed as endangered by COSEWIC and remain protected by the federal Species at Risk Act AND protected under the provincial Riparian Area Regulations as a “regionally significant species”.
  - In any case, these technical reports claim that impacts to the environment will not be significant IF their recommendations for mitigation are implemented.
    - However, I don't see many of these recommendations reflected meaningfully in the Neighbourhood Plan e.g.:
      - Construction Environmental Management Plan,
      - Environmental Monitor,
      - Stormwater Management Plan,
      - Enos Lake Monitoring Plan,
      - Environmental Homeowner's Manual,
      - etc..
    - Having said all that, I don't see in the Neighbourhood Plan, nor the technical studies, any supportable assurances that environmental values will be protected during construction and post-construction phases.
      - For example, one might be assured by details that explain:
        - How water runoff and associated siltation will be prevented from entering Enos Lake during and after construction
          - The Bonnington subdivision experience showed this to be more difficult than expected.
        - How construction companies will be prevented from taking shortcuts, such as “nuking” every tree on site during construction? Financial incentives, such as bonding, should be introduced to maintain accountability.
          - The Rockcliffe Park development is an example of how Fairwinds seemed to lose control of a third-party developer.
      - How the spread invasive species by residents will be prevented after construction? A long-term education and monitoring program should be introduced.

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- How sensitive ecosystems such as the rare and endangered Garry Oak meadows be protected from trampling by people, motorcycles and pets?
  - How wildlife corridors will be designed to not disturb wildlife and not just become people and utility corridors?
  - How the integrity of some of the last intact rare and endangered coastal Vancouver Island Douglas-fir ecosystems that are on the property will be maintained.
  - And I don't see any plans for adaptive management – if something is not working, and ecosystems are degrading, are there mechanisms in place to change the plan to restore damage or enhance protection?

#### 4. Land Use Planning

- The plan proposes 33.7% of the land base be designated as “Regional Park” and another 11.2% for “Community Park” – adding up to 44.9% of the land base that will be set aside for protection of the “natural environment”. Active Community Parks do not qualify for these purposes.
  - It's not clear who will take responsibility for management and environmental protection responsibilities of these lands, including: operational management, education programs and long-term monitoring?
  - This should be very clear before the plan is accepted.
  - By the way, the proposed Regional Park and Community Park areas are made up of land that is either protected by laws or policies already, and steep slopes that are not economically developable.
- Proposed “future development reserves”
  - One is in the middle of a rare and endangered Garry Oak ecosystem near the Lookout where Fairwinds punched an illegal road into the middle of a sensitive ecosystem.
  - The other rings the Notch half way up, potentially hindering free migration of sensitive species between undeveloped land on the Department of National Defence property and parkland at the top of the Notch.
  - Fairwinds now wants to sell these properties to the RDN or develop them.

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- These properties should be protected as environmentally sensitive areas, as part of the proposed regional park, and not sold to me so they can be protected.

**5. In summary:**

- The RDN should reject this plan and only consider a subsequent application in which:
  - The technical information gaps have been addressed,
  - much better protection for sensitive ecosystems is in place,
  - remaining environmental impacts have been identified more comprehensively,
  - the plan is in full compliance with the OCP objectives and policies, and
  - The RDN is ready to state its commitment to take responsibility and dedicate resources required for management of the proposed public lands.
- Finally, the RDN should NOT consider purchasing the “future development reserve” lands, but protect them with existing laws.

Thank you

Don Lawseth  
250-468-1420

PUBLIC INFORMATION MEETING  
Lakes District and Schooner Cove  
June 28, 2010

These Development Plans propose the most monumental impact in our community's history except for the original foolish decision to make the tip of an ecologically sensitive peninsula into an Urban area.

This was in the early 1980's when these were Crown lands. Since that time, the figure of 2500 residential units has been used for the total build-out. *The Plans should not be rushed through now as part of the Bylaw Review Process.*

I have always believed this could be done and still preserve the sensitive ecosystems. This Lakes District Plan makes token acknowledgment of the rare and endangered ecosystems with development crowding them out, reducing them, and even making inroads into them, such as the road that was pushed up to the Lookout. The Plan does not respect them. \* ↓

As an Alternate Representative for NPORA on the Community Advisory Group, I can tell you that CAG members <sup>were not instrumental.</sup> ~~did not play a part~~ in the making of these plans; we were a mock audience to give the appearance that the developers were consulting the representatives of the community. The environmental concerns I expressed during the process are still very grave concerns. There are concerns about the future water supply and handling of storm and septic sewers – and they need to be addressed and reassurance given that RDN Staff is not creating some irreversible damage by approving them. Each of the Schedules attached to the Plans <sup>to this.</sup> ~~should~~ require its own public meeting.

I will detail my concerns with a follow-up. A meeting like this should not have been scheduled with short notice and inconveniently for many, during the summer.

Diane Pertson

2971 Dolphin Drive

\* I think it is wrong that the Lookout area ~~is~~ a Future Development Reserve to be purchased with taxpayers' dollars; I think it is wrong that the Sensitive Ecosystems below the Crown land are crowded to oblivion by residential lots. It is wrong that the main connector road goes between the two Beaver Ponds. There are other ways to do this. Question: Is the Dev. Reserve at the Lookout in lieu of the high-density unit there?

Nanoose Naturalists

Stewardship Committee

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Comments – Fairwinds Lakes District Neighbourhood Plan Submittal to RDN

Public Meeting, Nanoose Place, June 28<sup>th</sup>, 2010

The Nanoose Naturalists was established in 2002 and we currently have 60+ members from in and around Nanoose Bay. We are a full member of BC Nature, also known as the Federation of BC Naturalists, with over 50 clubs throughout BC and several thousand members. When I was President of our club in 2003/4, we established a Stewardship Project as our main local focus – the project area comprises the important watershed between Dolphin and Enos Lakes. In order to be effective within this predominantly privately-owned area, we approached the owner's managers for their cooperation. At that time, we were met with a decidedly luke-warm response and we were naturally quite frustrated. This attitude changed markedly for the better with the introduction of a new management team at roughly the same time that Fairwinds started getting serious about planning the development into what is now referred to as The Lakes District.

During the past 2+ years, the Nanoose Naturalists were represented by members of our Stewardship Committee at all the CAG meetings, we have attended all the open-house forums and we have had several one-on-one meetings with the Fairwinds Development team and their lead consultants. During most of these sessions we have found Fairwinds and their consultants very cordial and receptive to open discussion regarding our many concerns and issues. Taking an objective, big-picture view, we commend Fairwinds for undertaking a thorough and highly professional consultation process during which they evolved their plans and thinking from an ordinary, run-of-the-mill development concept, to the present Neighbourhood Plan which, despite what certain parties may challenge, contains a significant amount of "green" planning concepts and attributes consistent with the Nanoose Bay OCP and the Regional Growth Strategy.

However, having said that, we remain very concerned with respect to several issues that are either not covered, or are inadequately covered in the Neighbourhood Plan ("the Plan") or the accompanying technical reports. Also, we remain sceptical about Fairwinds' ability to *implement* the Plan once and if it is approved, in whatever form. The reason for this scepticism is the very poor track record they have established for themselves during previous phases at Fairwinds. The LOCAL development management has shown little or no ability (or willingness) to address constant violations of the covenants, covenants largely set by themselves! Concrete examples of this are the recent Phases known as Rockcliffe and Bonnington Heights, both of which commenced under the current senior management team, where trees and other natural vegetation have been stripped from most of the lots prior to and during construction:

Short-term Impact Concerns:

The following major design-related concerns need addressing:

1. Main Access Road – i.e. - The link between Fairwinds Drive (near the 4-way stop) and Schooner Cove Drive: The proposed routing of this road is not appropriate. It affects both beaver ponds and the important surrounding wetland ecosystems. Also, the proposed road compromises a stand of large, significant cedar trees where it crosses the southernmost creek.
2. All areas currently mysteriously designated "Future Development Reserve" should be formally incorporated into the parklands in which they are situated – specifically: (i) the area south off



Bonnington Road that impinges the Environmentally Sensitive Area (“ESA”) ecosystem surrounding the Lookout and; (ii) any such areas surrounding Notch Hill.

3. Any planned walkways/trails within the ESA’s should have finitely defined boardwalks (and fencing where appropriate) to limit human impacts.
4. The social and educational aspects of the important ESA’s and the wetlands should be addressed in more detail.

In addition, the following “control function” aspects need to be addressed in greater detail than is currently provided in the Plan or any of the reports attached to the submittal:

5. Covenants, covering the buffer-zones within and between individual development property/lots and the boundaries of designated parklands, need to be carefully designed and an enforcement mechanism acceptable to the Community put in place. The Covenants should be supplemented by the requirement that Owners and Building Contractors (especially site-preparation contractors) make a SUBSTANTIAL cash security deposit against adherence to the Covenants - with a *Zero-Tolerance PENALTY* for violators.
6. Individual Building Permits should only be issued to each owner once a FINAL Building Envelope Plan has been approved. Such permit would require the owner (and their contractors) to adopt “minimum disturbance” or “Site Adaptive Design” practises taking the ecological characteristics of each site into consideration. A specific requirement before submitting a Building Envelope Plan would be that each property has an Arborist (or a similar qualified expert?) Report detailing the significant flora requiring protection. The Owner’s deposit referred to in #3 above would also cover this aspect of development and should be withheld until after final approved landscaping of each property. [Note: Covenants related to construction materials and building specifications are separate from these items]
7. Control of invasive species: The developer, not the contractors, should be responsible for controlling any infestation by invasive species, for example Scotch Broom, in areas disturbed by site clearing, road and infrastructure construction, etc
8. Debris disposal and management....

**Long-Term Impact Concerns:**

1. Parkland Ownership and Management: Fairwinds has stated they do not wish to own or manage the designated parklands. This issue needs to be carefully resolved prior to commencement of the project. The Land Conservancy or similar organization should be approached to assess interest levels and qualifications.
2. Long-term Monitoring: Procedures should be established to perform regular monitoring – both of the integrity of ecological aspects within the whole area and especially within the designated parklands as well as monitoring owner-adherence to the various covenants. As stated in #5 above, an acceptable and meaningful enforcement mechanism has to be established to penalize infringements. Remedial procedures and programs need to be defined for any adverse compromise of ecological integrity.
3. On-going educational programs need to be held for residents and the public.

4. Control of the introduction of *invasive species* including, inter alia, plant species and any aquatic species into the lakes and ponds. Penalties and remedial procedures and requirements need to be defined.

In conclusion, some concerned parties are calling for additional technical/scientific studies. Whereas we agree that the present reports and EIA are lacking certain specific detail, our contention is that further technical assessment of the area will serve only a limited purpose. If one assumes that development will eventually take place subject to the very strict guidelines that we are all demanding, then it will be the *vigilant* and *carefully-monitored* **IMPLEMENTATION** of each stage of the development that will result, ultimately, in achieving minimum impact to the ecology of the area – a goal which we all share.

Respectfully submitted:

Tony Ransom

Vice President, Nanoose Naturalists

Member: Stewardship Committee.

June 28 2010

Mr. George Holme  
Director, Area E,  
Regional District of Nanaimo

Dear Mr. Holme:

The Official Community Plan for the Nanoose Bay area was developed by the residents of this community to provide direction on the evolution of land use and development in their community.

The residents place a high priority on protecting the quality of life in the area. The highest value of all is the natural environment and of its protection. This includes access to the local beaches and the waters.

According to the OCP, the environment is the primary determinant of growth and development. The environment is not a commodity that can be bargained with. The RDN has a primary role in the protection of the right to free access to the beaches and to the waters. Indeed, the policy of the RDN does not support the construction of structures on the foreshore that impedes or limits public access to or navigation of the waters.

The development plan proposed by the Bentall Corporation would create a commercial centre and residential accommodation within the Schooner Cove Urban Containment Boundaries. While it may be argued that an increase of population and of services is desirable, the plan proposed does so at the expense of services that exist now.

The plan proposed would significantly reduce services available at the Schooner Cove Marina and have a detrimental effect those of us who operate boats. By filling in the area currently occupied by the boat ramp and the tide grid, the developers would eliminate these services that are so important to the boating public.

I would point out that this development proposal was not put forward by local residents but by a group from outside the community that holds values that are far different than those of the community itself.

During the public consultation process it was made overwhelmingly clear by the members of the community that the continued existence of these services were important components to the operation of the marina. They are vital to maintain the public's access to the water that is adjacent to this community. The response of Bentall was that if members of the community wish have access to the water, they should be prepared to travel outside of their community to do so. If the continued existence of a boat ramp and tide grid at the marina is contrary to Bentall's vision of our community, then I suggest that Bentall's vision of the community is contrary to community's vision of itself.

Land that provides the public access to the water is an increasingly rare and valuable asset. It is not something that should be surrendered without consideration of those of us who depend upon the use of this resource. With the prospect of an increasing population in the area, we will be needing more such services, not less.

I urge the members of the Regional District to uphold the rights of the residents of this community to maintain the free access to the beaches and to the local waters that they have cherished for so many years.

Ken Woodward.

CC: Susan Cormie  
Planning RDN

## SPEAKING NOTES

- The area in question is not owned by the developer. It is foreshore land, that is land below the high watermark. As such, it is public property, Crown Land administered by the Province.
- People who operate trailerable boats depend upon the launch ramp for access to the water. For the many of us in this situation, who have used the ramp for many years, and who operate in the local waters, traveling to launch at another location is not feasible.
- The tide grid is used by larger vessels in order to conduct below waterline maintenance such as replacing anodes and changing propellers. It is also occasionally used for emergency repairs such as when vessels are damaged below the waterline. In such dangerous situations, travel to another location is not an option.
- The response of Bentall is that if members of the community wish have access to the water, they should be prepared to travel outside of their community to do so. If the continued existence of a boat ramp at the marina is contrary to Bentall's vision of our community, then I suggest that Bentall's vision of the community is contrary to community's vision of itself.
- According to the OCP Fairwinds is intended to be urban. The Schooner Cove are is less than five hectares in size while Fairwinds is 500 ha. Yet it is in the Schooner Cove urban containment area that they wish to turn into a commercial centre and to significantly increase the population density.
- Could not some of this activity be accommodated in the Fairwinds Containment Area?

June 25, 2010

Nanoose Property Owners & Residents Association  
P.O. Box 76  
Nanoose Bay, B.C. V9P9J9

As the primary representative for the Nanoose Property Owners & Residents Association (NPORA) on the Bentall/Fairwinds Community Advocacy Group (CAG), I have reviewed the draft & final proposals for developing the Fairwinds & Schooner Cove properties by Bentall/Fairwinds Joint Venture (BFJV). After careful consideration, my comments focus on the issue of large scale "urbal" (urban features embedded in a rural setting) development in Nanoose Bay, with implications for Electoral Area "E" and perhaps the entire Region. Since the formal submission of the BFJV application to amend the Nanoose Bay OCP, it will now be incumbent on RDN Directors to comprehend and either adopt or reject what amounts to the largest urban development proposal in the primarily rural area of Area 'E'. A plan, by the way, which closely resembles the 35 year old plan to develop these areas and may be nothing more or less than a cosmetic rendition of a plan conceived in a bygone era when John Travolta danced on stage to the Bee Gees! Please consider the following comments as you examine and deliberate the details of the proposed amendment.

**- Conservations plans:**

A large portion (47%+/-) of the Fairwinds land is proposed to be dedicated as parkland or greenspace under the care and management of the RDN. These conservation areas, regional or community space, sensitive ecosystems, etc, are being promoted as a gesture of generosity by some and as an expression of the extent to which the proponent values the Nanoose Bay residents and community. Upon closer scrutiny, the dedication of this large portion of territory is more of a divestiture of areas not eligible for development as the result of Provincial legislation governing riparian zone protection, steep slopes, sensitive ecosystems, etc. I am concerned about the status of this 350+/- acre area and the responsibility for stewardship (local, regional, provincial, federal?), funding and enforcement. Without a working management & financial plan in place, I would suspect that the RDN will inherit the responsibility and Area "E" will be solely responsible for the expense. For instance, when applied to parks and public open spaces, the terms 'community' and 'regional' denote vastly different concepts of jurisdiction and financing. At the time of final submission, it would appear that RDN Parks staff has not come forward with a comprehensive plan for managing this endowment.

In terms of environmental protection, we are pleased to see that the RDN is moving toward the use of covenants to preserve natural vegetation on residential property as part of the development protocol & building scheme. This convention is currently enacted in such developments as Nuttall Ridge (WalBern Developments) where it was applied during the development phase and forward to the individual lots created by subdivision. This type of oversight will serve the community well and preserve the form and character of the developed areas, hopefully preventing the 'moonscape' results of previous phases. Covenants on natural features will aid in ensuring that future residents do not further 'urbanize' our community.

**- Utilities and servicing:**

With the potential for another 4000-5000(?) residents living on the Fairwinds and Schooner Cove properties, the questions of water, sewer & transportation corridors must be addressed during the initial planning stages. I have not seen a definite plan for future expansion that goes beyond the boundary of the Fairwinds property. When asked about the various conduits for servicing from source to the development area, the answer is usually vague but indicates that responsibility for these issues is believed to be with other parties.

Water might be the most important issue for Nanoose Bay as BFJV has begun developing a well field at the Parksville end of Area "E", using the AWS conduit along NW Bay

Rd. to deliver water to the development. There is also some suggestion that future capacity of the AWS Bulk Water system will be used to support future development. Financial and technical issues abound here and should be considered as a part of the overall plan. Also, in light of the current RDN program to protect drinking water and watersheds, there needs to be a determination of the impact of new well development on local aquifers, existing domestic wells and an assurance that supplies to current development will be sustained.

**- Public consultation, the RGMP/RGS & Area 'E' (Nanoose Bay) OCP:**

The Bentall/Fairwinds Community Advocacy Group (CAG) is a newly devised *preliminary* mechanism intended to solicit & survey community opinion through the input of local residents associations and stakeholder interest groups. In this instance, it precedes the formal Public Information Meeting/Public Hearing process and is intended to refine a development proposal before going to the general public for comment and to the Board for approval. Hypothetically, this pre-formal process should ensure a development proposal will have been vetted by a representative subset of the community. The response from some of our members has been to suggest that small sample of residents represented by the CAG delegates does not represent the sentiments of the community as a whole. Of concern is the role played by such 'stakeholders' as the Schooner Cove Yacht Club & the Fairwinds Golf & Country Club which are limited to boaters and golfers including those members who may live outside Nanoose Bay. They will not be served or satisfied until they are convinced that the regional and electoral area planning procedures are respected.

It will be the task of the Boards (EAPC & COW) to determine how much importance to place on the prolonged & sometimes tedious 'consultation' process sponsored and controlled by the proponent and the fee-for-service planning team. Careful thought should be given to the value of open houses, workshops, media events & CAG meetings and the relationship of these structured occurrences to the final proposal. Now that the circus has packed up and left town, it is time for the community and the RDN to carefully consider the impact of large scale, "urban" development on the entire community.

Respectfully,

  
James A. Lettic, President

NPORA

[npora@shaw.ca](mailto:npora@shaw.ca)

## Public Meeting on Fairwinds Development

### Comments on Fairwinds Lakes District Neighbourhood Plan.

By: Ross Peterson.

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2010 is the United Nations Year of Biodiversity. I hope that our local government knows this and understands the significance of this proclamation. The RDN has an opportunity to provide leadership in protecting biodiversity in this area by making the right decisions concerning the proposed Lakes District development.

As a biologist, I would prefer that there be no development on the Fairwinds property. However, if there is to be some development, and if it is to be done with minimal impact (as Fairwinds says it wants to do), and if it is to comply with various RDN policies and bylaws for environmental protection (as it must), then there remains a lot of work to do.

I recommend that RDN not consider this development proposal further until major errors and deficiencies in the environmental studies have been adequately addressed.

Errors and deficiencies in the environmental studies have led to erroneous conclusions of minimal impacts in the environmental impact assessment report. I speak specifically of inaccurate ecological boundaries around several important Sensitive Ecosystems, inadequate protective buffers, inappropriate use of the Riparian Areas Regulation protection bylaw for purposes of wetland protection, failure to consider the social values attached to environmental assets and measure public opinion of potential impacts.

I wish to focus my comments on four major areas of concern.

#### 1. The Garry Oak Sensitive Ecosystem near the Lookout.

Fairwinds has identified two separate Garry Oak ecosystems in this area, bisected by the illegal road built several years ago to accommodate the development proposal at that time.

In reality, there is only one large Garry Oak ecosystem, not two smaller ones. The clearing done for the illegal road does not change this fact. Therefore, the proposed multi family development on the site of the clearing is actually within the ecological boundary of the one large Garry Oak ecosystem. I therefore think it is inappropriate for Fairwinds to propose that this particular development be labeled as "Future Development Reserve", subject to purchase by RDN in order to protect it. This site is, or certainly should be, under the RDN environmental protection policies, and therefore should be off limits to any development. The public should not have to buy this site back for its protection.



## **2. The Two Beaver Ponds.**

The ecological boundaries around the two beaver ponds have also been incorrectly defined. The application of the Riparian Areas Regulation for their protection does not allow for the protection of beaver or red tailed frogs; both of which require substantial terrestrial habitat contiguous with the wetland. The Riparian Areas Regulation and its 30 metre safety buffer was established by the province for the protection of fish and fish habitat in streams, not for the more general needs of wetlands where more generous setbacks are often required. In fact, the beaver inhabiting these ponds demonstrated to me this past winter just where the ecological boundary of their habitat really is. I observed 62 deciduous trees gnawed down beyond the proposed RAR 30 metre protection zone, mainly on the proposed Schooner Cove Drive extension right of way. My guess is that this right of way would permanently remove almost all of the beaver deciduous wood supply. The proposed roadway is therefore within the ecological boundary of this Sensitive Ecosystem, as are several proposed housing development areas.

## **3. Coastal Douglas Fir Forest.**

Much of the proposed development is in the Coastal Douglas Fir Forest, an ecosystem that has been declared by the provincial government to be extremely rare, and has been subject to preservation measures on Crown land in the Mid-Island area. The proposed development would fragment much of this forest ecosystem, leaving little that would continue to have any natural ecological function.

## **4. Environmental Impacts.**

None of the above three issues has been specifically mentioned in the Fairwinds environmental impact assessment – yet these are critical issues.

Also, the Environmental Impact Assessment report devotes little attention to the social values attached to the environmental attributes of the area. This is a serious omission in this development submission, as social values (including recreational, cultural and educational values) form an important basis for public expression of acceptance or rejection of the proposed development. Although the Lakes District Neighbourhood Plan has been “two years in the making” to quote Mr. Tibbles, there has been no opportunity given to the public (until tonight) to discuss and comment on the really important part of this whole planning exercise – the impacts that would be created, and whether the public finds them acceptable, or not acceptable.

Surely, the RDN cannot take this process further until a thorough discussion has been held on the potential impacts. If it does proceed, then it would be making unwarranted assumptions about the public's wishes, without even asking them. I don't think that RDN staff have the training, experience or the information necessary to make such predictions of the public view on their behalf. The brief exposure tonight cannot take the place of meaningful discussion of the potential impacts.

Of course accurate descriptions of environmental impact will require reliable baseline information; including accurate ecological boundaries and adequate buffers as a first step.

**Recommendations.**

RDN should not consider this application for development further until the inaccuracies and deficiencies of the biological studies have been adequately addressed.

RDN should reject the location of any development on the road clearing near the Lookout, and should not purchase this land for protection.

RDN should reject the proposed Schooner Cove Drive extension near the two beaver ponds, as it poses a high risk to the ponds' ecological integrity, and to the ecosystems' social values.

RDN should require a more complete environmental impact assessment; one that is based on corrected biological studies, that takes into consideration the various social values attached to the environmental assets of the area, and that systematically measures the public opinion on the acceptance or non acceptance of the calculated potential impacts.

In closing, although I acknowledge that the Fairwinds land is privately owned, the animals that live there are not – they are public assets, and we should all accept the responsibility for their protection.

Signed:

Ross Peterson



Arrowsmith Parks  
and Land-Use  
Council

An association of individuals and groups committed to engaging with community, government, and industry to advocate for the conservation and expansion of parks and protected areas within the Mount Arrowsmith watersheds.

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COPY

June 25, 2010

Susan Cormie, Planner  
George Holme, Area E Director  
Regional District of Nanaimo

Dear Ms. Cormie and Mr. Holme,

Re: Briefing Paper on Fairwinds Lakes District Neighbourhood Plan

The Arrowsmith Parks and Land-Use Council (APLUC) is submitting this briefing paper for your consideration as you review the Fairwinds Lakes District Neighbourhood Plan. As you can see, we have identified many problems with this development proposal, and we are asking that the RDN not consider this development proposal further until these issues have been adequately addressed.

We would welcome a meeting with appropriate staff so that we can discuss these issues, and perhaps arrive at appropriate limitations to development around the Nanoose Lakes area. We would like to send three APLUC members who are equipped by both training and experience to discuss these matters.

As we have pointed out in our briefing paper, there are many opportunities for the RDN to apply strict control on this proposed development, and satisfy the many obligations for environmental protection that RDN has articulated in various bylaws and policies.

We would appreciate your distribution of this briefing paper to all RDN Board members and to all relevant staff, especially those staff who will be attending the Public Meeting on June 28.

Yours truly,

On behalf of the Arrowsmith Parks and Land-Use Council

*Paul Grinder*

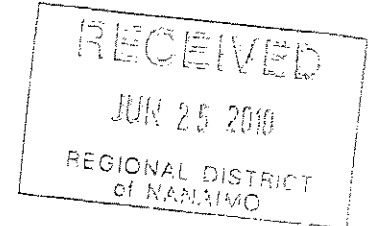
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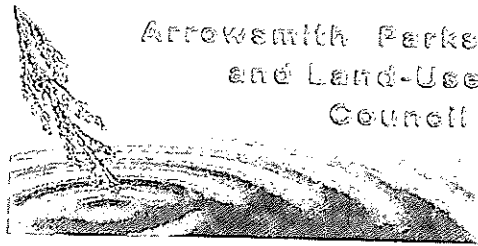
Attachments:

1. APLUC Briefing Paper "COMMENTS ON FAIRWINDS LAKES DISTRICT NEIGHBOURHOOD PLAN"
2. Appendix – Sensitive Bird Species in the Lakes District

CC:

Joe Stanhope, Director and Chair, Regional District of Nanaimo  
Phil Carson, Chair, Mount Arrowsmith Biosphere Foundation/Reserve  
Scott Fraser, MLA Alberni-Pacific Rim  
Ron Cantelon, MLA Parksville-Qualicum  
Barry Avis, AVICC





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BRIEFING PAPER  
COMMENTS ON FAIRWINDS LAKES DISTRICT NEIGHBOURHOOD PLAN

Submitted by:  
Arrowsmith Parks and Land-Use Council, Qualicum/Parksville/Nanose  
Endorsed by  
Arrowsmith Naturalists  
Oceanside Coalition for Strong Communities  
Arrowsmith Watersheds Coalition Society  
June 25, 2010

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## 1. Deficiencies in Environmental Studies

### Biological Inventory.

There are some serious errors and deficiencies in the biological inventory, including the following, that severely compromise the formulation of meaningful impact assessments:

- Incorrect identification of ecological boundaries for Sensitive Ecosystems; particularly the Garry Oak Ecosystem near the Lookout, and the wetlands or beaver ponds above the end of Enos Lake.
- Insufficient protective buffers around Sensitive Ecosystems; including inappropriate use of the Riparian Areas Regulation for the protection of wetlands.
- Incomplete inventory of species present.
- No systematic inventory of plants and animals in Sensitive Ecosystems (erroneous assumption made that this was not needed as these areas would be "protected").

### Environmental Impact Assessment.

There are serious flaws in the Environmental Impact Assessment report, stemming from the following:

- Impact assessments were based on incomplete and faulty biological inventory data. Therefore the report's claim of "minimal impact" cannot be supported by the baseline data.
- Impact assessments did not consider the forest fragmentation issue – a major source of potential impact.
-

- There was no consideration of the social values attached to the Sensitive Ecosystems, such as recreational and educational values, and the associated potential impacts on these values.
- There was no public input to the calculation of potential impacts, and no opportunity for the public expression of the acceptance or rejection of the potential impacts – an extremely critical omission from a meaningful impact assessment.

The provincial government's *Develop With Care: Environmental Guidelines for Urban and Rural Land Development in B.C.*, mentioned by Fairwinds as a guideline that was followed in their planning, states that: "*the precautionary principle be applied in situations where significant impacts could arise*". We contend that because of the inadequate environmental studies conducted, there is every chance that impacts could be very significant, and that therefore the precautionary principle should have been applied in the establishment of ecological boundaries and protective buffers around Sensitive Ecosystems.

Of special concern in the biological inventory and the environmental impact assessment reports is the failure to consider the impacts of forest fragmentation and loss of forest interior habitat from the proposed development on sensitive bird species found in the area. Please see the Appendix for a list of bird species and their sensitivities to development-related impacts.

Also lacking is any consideration of the implications of losing this significant remaining intact habitat on the overall conservation of the endangered Nanaimo Lowlands Ecoregion and Coastal Douglas Fir forest zone.

## 2. Lack of Compliance with RDN Environmental Protection Policies

The submitted Lakes District Neighbourhood Plan does not comply with RDN policies and other protective obligations as stated in the Nanoose Bay OCP, RDN Regional Growth Strategy, and the RDN Sustainability Report.

### NANOOSE BAY OCP:

Section II, 2.1 Objective 1. "*Identify, protect and conserve environmentally sensitive areas within the natural environment...*", and "*Support site specific evaluation of properties with environmentally sensitive features when the development of these properties is proposed by the landowner*".

Comment: The inaccurate and inadequate biological inventory and EIA preclude the protection and conservation of environmentally sensitive areas or even the proper identification of these areas.

NANOOSE BAY OCP (continued):

Section II, 2.1 Policy 9 *"Application...shall only be supported if reasonable and acceptable evidence is provided that the proposed development will not adversely affect the environmentally sensitive area"*.

Comment: We do not believe that there is "... reasonable and acceptable evidence...that the proposed development will not adversely affect the environmentally sensitive area". The inaccurate and inadequate biological inventory precludes the assertion of "minimal impact" as stated in the EIA.

Section IV, 4.2 Objective 8. *"Protect environmentally sensitive features..."*.

Comment: We do not believe that the proposed development adequately protects environmentally sensitive features.

DPA IV.

Comment: We do not believe that the proposed development complies with the stated Purpose of this DPA; that is *"the protection of the natural environment, its ecosystems, and biological diversity"*.

RDN REGIONAL GROWTH STRATEGY:

Policy 4A. states: *"the RDN ...agree to work as partners and individually to protect open space that reflects the region's landscape character and ecological integrity, and forms a system of interconnected areas and natural corridors capable of sustaining native plant and animal communities"*.

Comment: A key term here is "ecological integrity". This infers protection in the broadest and most useful ecological sense. That is, protection, not just by placing borders around an area, but by ensuring that all ecosystem functions are maintained.

This requires knowledge of these functions to start with, and a commitment that natural or ecological boundaries are used to define these functions, and that protective buffers are large enough to protect these functions from outside influences. In addition, natural corridors have to serve to protect and sustain plant and animal communities.

We do not believe that the proposed development plan focuses on ecosystem functions, or appropriate corridor uses by wildlife.

Policy 4B includes a commitment to better understand environmentally sensitive areas.

Comment: RDN can demand compliance by requiring adequate long-term monitoring of ecosystems by the developer.

Policy 4C includes a commitment to consider the ecological character in making land decisions.

Comment: RDN can demand compliance by requiring that Fairwinds subscribe to the "Site Adaptive Design" principle espoused by Will Marsh. This principle requires that socially important resources (including Sensitive Ecosystems) be identified and mapped first, and that these become the determiners of development location. We believe that the proposed development unduly compromises Sensitive Ecosystems by improperly defining ecological boundaries, by not allocating sufficient protective buffers, and by letting a preferred road location dictate ecological boundaries.

**RDN SUSTAINABILITY REPORT ("Prospering Today, Protecting Tomorrow, Recommendations for a Sustainable Future", 2007):**

The following excerpts from this document define areas of non-compliance by the Fairwinds Lakes District Neighbourhood Plan, and opportunities for RDN to seek compliance.

#### **Environmental Integrity**

*Page 7. Preamble. "...we need to improve our knowledge and understanding of the status of our sensitive aquatic and terrestrial ecosystems, with improved research and data collection".*

Comment: The incomplete and inaccurate biological inventory does not do much to improve knowledge and understanding. RDN should demand more complete inventories of plants and animals throughout the development areas, including in the Sensitive Ecosystem areas.

*Page 7. No. 25. "Strengthen RGS policies to emphasize prevention and mitigation rather than remediation to protect the environment (for example through the use of "Site Adaptive Design" principles that preserve sensitive and important ecosystems by restricting development activities to relatively non-sensitive lands)".*

Comment: The Site Adaptive Design principles were clearly not followed by Fairwinds in the Lakes District Neighbourhood Plan. Examples of this omission include the proposed multi family development on the Garry Oak ecosystem near the lookout, the proposed roadway near the two beaver ponds, and the fragmentation of the rare Douglas Fir forest ecosystem. Overall, there is little evidence of avoidance of impact as a primary principle.

*Page 7. No. 26. a. "Expand the mapped inventory of important and sensitive ecosystems and features to include evaluation of their sensitivity to various types of disturbances, and prioritization for protection".*

Comment: Although there was a limited attempt to describe vulnerabilities, or sensitivities, in the Fairwinds consulting report, there was little detail. Also, vulnerability assessments were compromised by inadequate and inaccurate biological inventories. It would be useful for RDN to demand more detail from Fairwinds, once accurate and complete biological inventories have been submitted.

**Page 7. No. 26. b. *"Maintain this inventory and calculate area losses and gains from time to time, and identify any change in the health and productivity of these areas as measured by selected indicators"*.**

Comment: We do not know whether RDN made the above measures clear to Fairwinds at the start of the planning process, but the lack of specificity in biological assessments by Fairwinds will seriously compromise RDN's ability to make such measurements on ecosystems affected by the development, and thereby undermine RDN's opportunities to fulfill this obligation. Of course, it's not too late. RDN can still require such detail from Fairwinds.

**Page 7. No. 26. c. *"Maintain natural corridors for water, wildlife and vegetation"*.**

Comment: The biological inventory and the environmental impact assessment work are not adequate to verify whether the proposed corridors are adequate for wildlife. In particular, the planned shared use with human hikers, and the proximity to urban development raise questions about their suitability.

**Page 7. No. 26.e. *"Maintain and enhance biodiversity through the planning and maintenance of RDN parks and open spaces and increasing the area of RDN parkland through subdivision rezoning, donation and acquisition from developments"*.**

Comment: Although Fairwinds proposes to cede much of its proposed "parkland" to RDN, its biodiversity cannot be ensured unless a suitable management scheme is in place. None is identified in the Fairwinds plan.

**Page 27 to 30. No. 27. a to e. *This document identifies several opportunities to preserve environmental integrity through:***

- *Landowner education regarding RDN protection policies.*
- *Incentive schemes for environmentally friendly activities.*
- *Promotion of xeriscaping and use of indigenous plants.*
- *Improved enforcement of environmental protection bylaws.*

Comment: Some of these are mentioned in the Fairwinds plan, however there are no detailed procedures identified. There is an opportunity for RDN to require more detail on the first, third and fourth items.



### 3. *Water Demand and Supply*

The developments should base the demand requirements on projected design principles that might apply at the time of full build out. Designing a project of this size using today's standards is unacceptable. Reduced consumption must be achieved and built into this project now.

Although the report states "potable water will be provided by the RDN" we seek assurances that the developer will be responsible for sourcing all water needed to satisfy design demand (as above). And the developer shall install all treatment facilities, storage and delivery systems to provide water that meets or beats the Canadian Drinking Water Guidelines – and turn the system over to the RDN utility division. The Arrowsmith Water Service is available for supplemental supply. Therefore the developer must be responsible for providing sufficient water for a minimum of 20 years to meet say 75 per cent of total design demand. And further, such supply must be provided from within the "watershed" of the planned development.

We would anticipate that the developer would include in any building scheme absolutely minimum need for man-made irrigation. Education alone is not enough.

Imposing costs for the additional system on existing ratepayers is completely unacceptable – unless the current system does not meet codes or insurance requirements. The existing system provides "intangible" benefits to latecomers and therefore the existing ratepayers' contribution is the fact that there are services available from the current system.

Water systems are primarily based on fire flow volumes. Does topography of the new area suggest problems for adequate fire flows? Again, cost "premiums" for a system sized to achieve fire flows in difficult topography should not be borne by existing ratepayers.

If the area is to be supplied by groundwater that may be under the influence of the "Lakes" or other surface water bodies, will drawdown standards or limits be set so that pumping ceases when water levels in wells or water bodies reach certain limit points? More importantly, will factors of safety be applied to licensed well capacity to ensure that there will not be unacceptable drawdown of any connected surface supply?

## RECOMMENDATIONS

RDN should **not** consider this application further until the inaccuracies and deficiencies of the biological studies have been addressed.

RDN should demand a more comprehensive environmental impact assessment to be completed -- one that is based on more accurate biological studies, and one that includes an assessment of the social values associated with the environmental assets of the area

and a measure of the public's attitude about the impacts (whether the public accepts or rejects the impacts).

It is questionable whether the Nanoose Peninsula is the right location for a development of this size and scale. It is very likely that the water requirements will have to be met by inter-watershed transfers which should be deemed an unacceptable design practice. That being said, if this development should proceed further it must be designed to make most efficient use of the provided fresh water supplies and should adopt latest technologies for rainwater capture and reuse of waste water (or provide for "two pipe systems") - and bylaws should be changed to accommodate such features.

In the continued absence of accurate biological work and impact assessment, RDN should adopt a precautionary approach to environmental protection. That is, development should be pulled back from sensitive ecosystems unless better information can demonstrate minimal or acceptable levels of impact.

Prepared for APLUC by:

Ross Peterson  
Christopher Stephens  
Michael Jessen

June 25, 2010

Appendix – Sensitive Bird Species in the Lakes District

Prepared by Christopher Stephens, Arrowsmith Naturalists – June 25, 2010

The Biological Inventory and Environmental Impact Assessment fail to address the impacts forest fragmentation and related edge effects from the proposed development would have on sensitive forest bird species in the Lakes District. There is also a lack of consideration of the importance of this habitat within the context of the larger region in sustaining bird populations and species diversity.

The Lakes District is a highly important bird habitat within our region, supporting many sensitive species that depend on intact forest habitat. This includes several species at risk. Few such diverse, extensive and intact areas of habitat remain in the coastal lowlands.

According to local wildlife consultant and field ornithologist Guy Monty, impacts on birdlife from the proposed development would be significant. It is well known in scientific literature that forest fragmentation and development leads to disappearance and declines in bird species dependant on intact forest ecosystems. Mr. Monty further states that if the proposed development were to go forward, the Ruffed Grouse, Sooty Grouse and Western Screech-owl would face extirpation from the Nanoose Peninsula.

Species at risk such as the Band-tailed Pigeon and Common Nighthawk would be affected by cumulative human impact associated with the development as well as habitat loss. Forest songbirds in this area would be seriously impacted as they rely on unbroken forest for successful nesting. Cowbirds and crows are serious threats to nesting songbirds on the Nanoose Peninsula, according to Mr. Monty. The Lakes District provides a vital cowbird and crow free nesting area for songbirds, important for sustaining populations and species diversity in the area. The fragmentation of the forest by the proposed development would give these nest predators and parasites access to nest sites.

Following is a taxonomic list of some of the sensitive species occurring in the proposed development area that stand to be affected. Species of highest concern due to rarity, endangerment, sensitivity and reliance on this habitat for survival in the region are highlighted in red.

<u>Taxonomic List of Birds</u>	<u>Comment</u>
Wood Duck	
Ruffed Grouse	Faces extirpation from Nanoose Peninsula if development goes forward
Sooty Grouse	Blue-listed species; possible extirpation from Nanoose Peninsula if development goes forward
Great Blue Heron	
Turkey Vulture	
Cooper's Hawk	
Sharp-shinned Hawk	

Merlin	
Band-tailed Pigeon	Blue-listed species; listed as threatened under <i>Species at Risk Act</i> ; sensitive to human disturbance
Western Screech-Owl	Blue-listed species; the proposed development threatens continued existence in region
Northern Pygmy-Owl	Blue-listed species; extremely sensitive to disturbance of forest habitat
Northern Saw-whet Owl	
Common Nighthawk	Listed as threatened under <i>Species at Risk Act</i> ; development could result in increased nest disturbance
Hairy Woodpecker	
Downy Woodpecker	
Pileated Woodpecker	Affected by forest disturbance and fragmentation
Red-breasted Sapsucker	
Northern Flicker	
Olive-sided Flycatcher	Blue-listed species; listed as threatened under <i>Species at Risk Act</i> ; development impacts unknown; more research needed
Pacific-slope Flycatcher	
Hammond's Flycatcher	
Cassin's Vireo	Forest fragmentation allows nest parasitism by cowbirds
Hutton's Vireo	Development would result in habitat loss
Warbling Vireo	Forest fragmentation allows nest parasitism by cowbirds
Purple Martin	Red-listed; has come very close to extinction in BC; nests at Schooner Cove and requires inland forested areas for foraging – uses the Lakes District for this purpose
Chestnut-backed Chickadee	
Red-breasted Nuthatch	
Brown Creeper	Sensitive to loss of interior forest nesting habitat
Winter Wren	Sensitive to increased predation from forest fragmentation
Golden-crowned Kinglet	
Ruby-crowned Kinglet	

Swainson's Thrush	Sensitive to forest fragmentation and nest parasitism
Varied Thrush	Uncommon to rare nesting species; extremely sensitive to forest fragmentation
Orange-crowned Warbler	
Yellow Warbler	
Yellow-rumped Warbler	
Black-throated Gray Warbler	
Townsend's Warbler	Highly sensitive to forest fragmentation
Wilson's Warbler	
Western Tanager	Fairly sensitive to forest fragmentation
Black-headed Grosbeak	
Dark-eyed Junco	
Song Sparrow	Highly vulnerable to cowbird parasitism. Development and forest fragmentation near wetlands would provide parasitic cowbirds with access to nest sites.
Purple Finch	
Red Crossbill	

Development impacts include:

- Serious disruption of the forest bird community through habitat alteration by fragmentation.
- Extirpation of species dependant on this intact forest habitat from Nanoose Peninsula.
- Significant loss of key nesting habitat for sensitive species
- Drastically increased nest predation by crows as a result of the edge effect
- Parasitism of bird nests by cowbirds as a result of habitat fragmentation
- Competition for nest sites by European Starlings and House Sparrows aided by fragmentation

The projections in the biological inventory of overall minimal impact to sensitive species and ecosystems fail to take into account these important considerations. In addition, mitigation and enhancement strategies proposed such as placement of nest boxes, will not compensate for loss of nest trees, as these will be taken over by starlings and house sparrows, unlike natural nest sites within the forest.

As the Biological Inventory and Environmental Impact assessment fail to take into account key principles of forest ecology and bird conservation in assessment of potential development impacts, they are inadequate and consequently, do not provide a sound basis for evaluating this application. The potential for serious impacts to the region's birdlife have not been duly evaluated. The RDN should take this application no further without requiring that a proper assessment be conducted that addresses the impacts of the proposed development on forest birds.

June 28, 2010

Dear Regional District of Nanaimo,

Re: OCP amendment application for The Lakes and Schooner Cove Area of Nanoose Bay (Electoral Area E)

I am a relatively new resident in the Fairwinds development as of 2.5yrs ago and <sup>I</sup> understood there would be more development of the Fairwinds properties before moving here but did not understand the process of the rezoning or the timeframe. It has taken me somewhat by surprise that ~~both~~ the re-development of the existing Schooner Cove site would be parceled in with the undeveloped pristine 'lakes lands which includes environmentally sensitive wetlands'. It would be my wish that the Regional District staff reconsider this objective and split the two very separate and distinct 'parcels' of land under the current OCP amendment application into two separate applications.

Further concerns have arisen for me as I have investigated and enjoyed the amazing network of trails in amongst the wetlands and lakes here in Fairwinds. I <sup>came</sup> ~~have come~~ <sup>full-time</sup> to Nanoose Bay fresh off my 8 year experience as a founding member and volunteer for the North Shore Black Bear Network. I worked closely with the community, <sup>the</sup> district, RCMP and conservation officer service to educate the public and try and mitigate wildlife conflicts within the urban/forest interface.

I do not have the concerns for bear conflicts <sup>at this time</sup> here but I have growing concerns for the deer-human conflicts and am interested to see how they will be handled. I have not read anything in the Amended OCP that addresses human-urban wildlife conflicts for either deer or beavers, of which both will be dramatically affected by this proposal.

Beavers are protected under the Wildlife Act as they are considered 'nature's engineers' and to disturb them and their habitat will affect everything from the smallest microscopic aquatic life to the deer, herons, woodpeckers, migratory birds etc.... They need an inordinate amount of land to do their extraordinary work. Before roads and bridges are considered there should be community and municipal plans devised to ensure they are protected thereby protecting the all important and sensitive wetlands. Careful consideration of the effects of human develop and road building near beaver habitat needs to be done.

We have an opportunity here to do it right in the phase of development for the Lakes District. <sup>we can</sup> be proactive and responsible stewards for our green spaces and wildlife and not reactive. With the increased population and roadways and road traffic proposed in this plan the vehicle collision rate with deer in the Nanoose Peninsula will dramatically increase over it's already unacceptable level. I have seen up close how expensive and controversial reactive programs and decisions can be when a community is faced with conflicts with their beloved wildlife. The negative association with a community that has had to cull their wildlife, whether it be bear, deer or beaver is long lasting and avoidable in today's planning.

So before considering going to a Public Hearing, atleast on the Lakes District portion of this OCP amendment, I would strongly request that the Regional District ask for more work to be done by the development corporation and the stakeholders and <sup>community on wildlife mitigation and consider wider corridors, possible areas for fencing, bridges rather than culverts, ~~etc~~, and institution of a community education program on the how to live in deer and beaver country to reduce the conflicts later on.</sup> ~~etc~~, and institution of a community education program on the how to live in deer and beaver country to reduce the conflicts later on.

Sincerely yours,



Barbara Murray 3362 Rockhampton Road, Nanoose Bay, BC V9P 9H5 250-468-7718

**Cormie, Susan**

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**From:** Boogaards, Stephen  
**Sent:** June 14, 2010 10:06 AM  
**To:** Cormie, Susan  
**Subject:** FW: RGS and Fairwinds

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**From:** charna macfie [mailto:charna00@shaw.ca]  
**Sent:** Friday, June 11, 2010 7:11 PM  
**To:** Boogaards, Stephen  
**Subject:** RGS and Fairwinds

Stephen Boogaards,

I have browsed parts of Fairwinds Environmental Impact Assessment by Pottinger Gaherty Environmental Consultants who have surely been guided and directed by bcIMC Realty Corporation to bias their report in favor of this massive development in Nanoose.

There are claims made in Fairwinds' The Lakes District and Schooner Cove Neighbourhood Plans, of the RDN's Regional Growth Strategy that I have questions about.

In the transportation overview report, it states, "*Fairwinds, including the Lakes District and Schooner Cove is within an area designated by the Regional District of Nanaimo (RDN) as an Urban Containment Area in the Regional District's Regional Growth Strategy. In doing so, the Regional District recognizes that area within Fairwinds is suitable for growth and the RDN's policy is to encourage the development of compact, complete communities within these boundaries.*"

When the RDN created the designated areas of growth or extent of allowable growth in the RGS, I was not following those discussions. Therefore, I am ignorant of how the RDN came to the conclusions they did about the Fairwinds development, its Urban Containment Boundary and so-called encouragement for the build out of Nanoose Bay.

Now that the RGS is undergoing a review process and questioning the inconsistencies of "sustainable growth", I question Fairwinds 1983 Master Plan and current plan for 2,688 residential units in Lakes District and Schooner Cove. Is this large scale development actually a sustainable plan for Nanoose and the region? How is the RDN interpreting sustainability? How is Fairwinds Real Estate Management Inc. interpreting sustainability?

I am skeptical about the tactics and reasoning for Fairwinds' development application to amend Nanoose Bay's OCP to fit with the development plans of this corporation. For example the report states, "*Based on the analysis in this report, it is our opinion that the Nanoose Bay OCP policies regarding Schooner Cove should be amended to support the implementation of the Regional Growth Strategy objectives, by allowing a higher density of residential development at Schooner Cove Village.*" The RGS is being used by Fairwinds as a rationale and justification for their development plans and OCP amendment.

I understand the concept and policy in the RGS of compact communities as a way to discourage urban sprawl and is an attempt by the RDN to manage growth. And I consider the concept that encouraging growth and denser populations in designated areas along the coast and in and around environmentally sensitive areas and watersheds is one of the weaknesses of the RGS.

Although Fairwinds Real Estate Management Inc. is claiming they are a sustainable development, this couldn't be farther from the truth.

Another inconsistency in their neighbourhood plan are the two statements, to "Foster a vibrant and diverse age-mixed community." and "The planned residential development in the Lakes District is oriented towards retirees and an older demographic."

The demographics in Oceanside and Victoria are unbalanced. The older demographic dominates, and we lack a youthful population and a stable workforce. Does the region really need more large scale older demographic oriented developments? Problems resulting from this unbalanced demographics have already manifested and will continue to do so, unless city planners, communities, and government address this problem and find creative solutions.

Has the RDN analyzed the impacts of our region's water supply or infrastructure costs for such a large scale development? Since no one really knows how many people, businesses, industries, golf courses and institutions our aquifers and surface water sources can support, should we continue growing and developing at such a scale and rate imposed upon us by the development community? As the RDN revises the Regional Growth Strategy, are they asking the right questions?

C. Macfie  
Parksville



**Cormie, Susan**

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**From:** ross.peterson [grpeteron1@shaw.ca]  
**Sent:** June 17, 2010 3:55 PM  
**To:** George Holme  
**Cc:** Cormie, Susan  
**Subject:** Fairwinds Public meeting

George;  
I'm concerned that too much is being asked of the public by holding essentially four meetings on June 28th. I think there will be enough information on either the Lakes District and Schooner Cove to warrant separate sessions for each. Also, I think too much is being expected of the public to go right from the Open House to the Public Meeting (with some seeing the information for the first time) and expect much in the way of reasoned, well thought out, comment.

I'm assuming here, that RDN values reasoned, well thought out comment.

So, in the interest of good public consultation, I suggest that 4 separate sessions be held, with enough time between the Open House and Public Meeting to allow for adequate thought.

Pushing everything together will be seen as a rush job by RDN, in defiance of good consultation, and I'm sure everyone wishes that things be done and be seen to be done correctly the first time.

Ross Peterson

**Cormie, Susan**

**From:** John Manoin ( Coast RV ) [jemanoin@shaw.ca]  
**Sent:** June 17, 2010 11:50 AM  
**To:** Cormie, Susan  
**Cc:** creative@pqbnews.com  
**Subject:** schooner cove boat ramp

The community has serious concerns about the elimination of the schooner cove boat ramp. This ramp has served the community well for many years. There are no more viable options close by in the area French Creek marina and boat ramp is currently over taxed and over used and the elimination of yet another boat ramp in the community will also hurt or tourism. Schooner Cove will argue that the ramp does not make money. The reason for this is this marina has been mismanaged for years. it is a well known fact that ramp fees, slip fees, are hap hazardly collected. With a proper team schooner cove has no valid arguement. Many residence in Nanoose Bay, myself included enjoy using the ocean on day trips. The elimination of this ramp will take this away from all of us. A lift will have to have appointments made be costly and take away our basic freedom. I strongly oppose the elimination of our communities ONLY boat ramp.

John Manoin

2:

*270* rascal lane

Nanoose Bay

B.C.

250 248 1089

June 21, 2010

Regional District of Nanaimo  
Development Services and Board of Directors

Re: Development at Schooner Cove and Lakes District

As this development is on a peninsula without its own aquifer, where will the water supply come from?

Our area is already under strict water consumption regulations every summer and we should not be adding more homes to our limited resources.

Having this development on a peninsula also puts an undue strain on our roads which were never intended for all the extra traffic.

This whole development seems to be planned as if it were a separate entity and that it will have no detrimental effect on the surrounding neighbourhood.

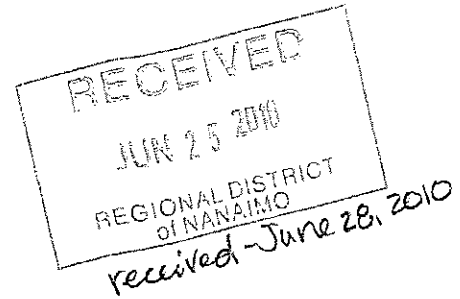
Where will all the extra sewage go? Will it have secondary treatment or is it all to be dumped in the ocean?

Yours truly,  
Karen Zaborniak  
2621 Northwest Bay Rd  
NanOOSE Bay BC  
V9P 9E7  
kaza2@shaw.ca  
250-468-7416

3427 Dolphin Drive  
NanOOSE Bay, BC  
V9P 9H7

June 21, 2010

Susan Cormie  
Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Rd  
Nanaimo, British Columbia.



Re: Submission for Consideration with Fairwinds Development Application, The Lakes District and Schooner Cove Amendment Application, NanOOSE Bay.

Dear Susan Cormie:

The foundational rhetoric leading up to the application in question has been nothing short of stellar with concerns for local opinions, the environment and concerns for local flora and fauna in the NanOOSE Bay area. This is commendable in showing care and concern for all elements that can be affected by such a large undertaking. I cannot claim to be all knowledgeable in detail of plans that deal with basic services, but there is one service that is personally acute for myself and one other household because of where we reside. My home is immediately adjacent to the breather pipe that flushes Fairwind's sewage into Georgia Strait. I would expect since there are only two households affected by the horrific stench from the breather pipe, you will not likely receive too many complaints in this regard. As a matter of fact, most people in the area don't even know this breather pipe exists.

The method employed to silence this horrific stench has been a very amateur set up in which a hoaky charcoal filter is expected to quell the odour, an odour which has increasingly been more present as the size of Fairwinds has grown over the past twenty years. Quite often one of the households must call Mr. Halderson at the French Creek plant to complain about the stench and eventually the filter is changed. Almost immediately after the filter is changed, the odour is unchanged. I contend that not adequately dealing with this issue seems to demonstrate a general lack of will to professionally address a waste issue of already major proportions but hidden from general knowledge. It also flies in the face of the RDN's Waste Management Policy. Number one goal states "to not exceed the capacity of the environment to assimilate waste" etc. and number 6 goal "to take measures to mitigate odour". I guess we could say that the first goal is being adhered to as the waste is going into the strait off shore and is covered from the eyes of all until possibly some future date. One wonders what date that might be when this new development is added to the flow. As to goal number six, the RDN has taken measures to mitigate odour, but has not dealt with the odour in a substantial manner. When the new development

is added to an already overtaxed system, one wonders how these goals will be met when they are not met now.

My point here is that the Application before you is flawed in the most negative terms environmentally unless professional substructure and solutions are forthcoming before any future growth in the Fairwinds area is allowed to go forward. Another concern is that I would hope the current breather pipe situation could be dealt with in a serious way. Fairwinds is too big for a toy as a solution to an ever increasing problem.

Thank you.

Sincerely,



Ian Garrioch  
tel. 250-468-2772  
email vkg@shaw.ca

cc: Mr. Les Vivian

Message

**Cormie, Susan**

**From:** ronq@telus.net  
**Sent:** June 24, 2010 10:47 PM  
**To:** Cormie, Susan; tosborne@rdc.bc.ca  
**Subject:** Schooner Cove

Susan and Tom, I would like you to know how disappointed I am at the prospect of the Schooner cove launch ramp being removed. It's not a great ramp, but there are no other alternatives in this area, except Beachcomber. Beachcomber is also not much of a ramp. The RDN should have seen this coming years ago. Is that not what the planning department is there for? As our paid local representatives, it is your responsibility to provide the facilities that taxpayers need and expect.

All regions of Vancouver Island are known as areas that see heavy recreational boating. Have any studies been undertaken to assess the need for a ramp in the Nanoose area? If so, how were the results handled? Has a section of waterfront been purchased and reserved for the inevitable, eventual construction of a facility?

I apologize if the wording of this letter appear too direct or combative. It is not my intention to imply that you are not doing a good job. It just so frustrating, dealing with Bureaucracies (not just Regional and Municipal) that, as a whole, often forget why they are in place. Thank You for your attention.

Doug Ronquist  
1981 Gull Rd  
Nanoose Bay, BC  
V9T 9H8  
250-468-9474

25/06/2010

**Cormie, Susan**

**From:** John Davis [j.davis@shaw.ca]

**Sent:** June 24, 2010 7:27 PM

**To:** Cormie, Susan

**Subject:** Scooner Cove

I believe the boat ramp is an important part of Schooner Cove and should not be given up.

John Davis

25/06/2010

**Cormie, Susan**

**From:** mexi [mexi@shaw.ca]  
**Sent:** June 24, 2010 3:35 PM  
**To:** Cormie, Susan; Osborne, Tom  
**Subject:** please, we need the boat ramp

WE LIVE IN AN ISLAND SURROUNDED BY WATER.....

WE, THE NANOOSE COMMUNITY NEEDS A BOAT RAMP. PLEASE LISTEN TO THE PEOPLE AND NOT THE CORPORATION.

PLEASE, BE PART OF US.

patricia ruiz  
2381 arbutus cres.  
nanoose bay, bc. V9P9G1

25/06/2010



**Cormie, Susan**

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**From:** Wayne Newhouse [newhousewm@shaw.ca]  
**Sent:** June 24, 2010 2:51 PM  
**To:** Cormie, Susan  
**Cc:** Osborne, Tom  
**Subject:** proposed boat ramp removal Schooner Cove

We are very much opposed to the removal of the boat ramp at Schooner Cove. We actually bought our property in Fairwinds because of the Marina and the Boat Ramp. The proposed jib crane will not suffice in lifting boats safely if they are more than 22 feet. We along with all boaters accessing and paying high rentals at Schooner Cove are very disappointed. Why have public hearings and information sessions and then continue to ignore what the people want! Wayne and Sandra Newhouse

**Cormie, Susan**

**From:** Ron and Carolyn [ron-cardodd@shaw.ca]  
**Sent:** June 24, 2010 1:14 PM  
**To:** Cormie, Susan  
**Subject:** Schooner Cove Boat Ramp

Hi There;

It is vital to the local boating public that we have access to an in area boat ramp. The subject ramp meets the needs of those of us with trailered boats. Additionally, it should be pointed out that the improvements in the breakwater after two(2) previous storms were paid for through public monies. This in itself is more than adequate justification to demand that the existing ramp be retained. The crane proposal is nothing more than a cash grab by Fairwinds; it does nothing to either enhance their operation or improve public access to public waters. I live in Fairwinds, and have done so for 16 years; I have seen nothing that Fairwinds' has done for our general area that they didn't first consider lining their pockets. RDN does its level best to keep things on an even keel, and that is appreciated. I look forward to you continuing in that vein with regard to the subject ramp.

Ronald A. Dodd  
2345 Eaglesfield Place  
Nanoose Bay, B.C.  
V9P 9G7  
250-468-5437

**Cormie, Susan**

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**From:** Warren Bailey [island-dreamer@telus.net]  
**Sent:** June 24, 2010 10:55 AM  
**To:** Cormie, Susan; Osborne, Tom  
**Cc:** gholme@shaw.ca; Joe Stanhope; kenwoodward; Mike Paterson  
**Subject:** Fairwinds Proposal for Schooner Cove

Unfortunately I'll be in Alaska for the public meeting regarding the Fairwinds proposal on June 28. I'll rely on Mike Paterson, Ken Woodward, and others to express their opinions, which I share.

The most important point is that the foreshore and waters of Schooner Cove are public property! It's mine, and yours! Fairwinds Inc. was granted the rights to use that property for profit, but in return have an unwritten responsibility to provide the community with a modicum of services! Do you-- or they-- really believe that if they were applying today for their first lease on this property without including a launch ramp and some provision for dry docking a boat for bottom work, that they'd have a chance of being given the lease? Substitution of the ramp with a "jib boom" is an insult to all of us who use those facilities. The boom will be operational only during restricted hours, and more than likely be mechanically non-operational during much of the business day. What if a vessel in the marina develops a fuel leak or other serious problem requiring a quick haul-out? You'll have an environmental disaster on your hands!

The current proposal is an obvious move to maximize corporate profit, at the expense of any service to the community! My personal desire would be for the province and/or RDN to cancel the Fairwinds' foreshore lease and give it over to someone who can provide a service to the boating community!

Sincerely,

Warren Bailey  
366 Judges Row  
Qualicum Beach, BC V9K 1G6

## Cormie, Susan

---

**From:** Warren Bailey <island-dreamer@telus.net>  
**Sent:** Thursday, June 24, 2010 10:55 AM  
**To:** Cormie, Susan; Osborne, Tom  
**Cc:** gholme@shaw.ca; Joe Stanhope; kenwoodward; Mike Paterson  
**Subject:** Fairwinds Proposal for Schooner Cove

Unfortunately I'll be in Alaska for the public meeting regarding the Fairwinds proposal on June 28. I'll rely on Mike Paterson, Ken Woodward, and others to express their opinions, which I share.

The most important point is that the foreshore and waters of Schooner Cove are public property! It's mine, and yours! Fairwinds Inc. was granted the rights to use that property for profit, but in return have an unwritten responsibility to provide the community with a modicum of services! Do you-- or they-- really believe that if they were applying today for their first lease on this property without including a launch ramp and some provision for dry docking a boat for bottom work, that they'd have a chance of being given the lease? Substitution of the ramp with a "jib boom" is an insult to all of us who use those facilities. The boom will be operational only during restricted hours, and more than likely be mechanically non-operational during much of the business day. What if a vessel in the marina develops a fuel leak or other serious problem requiring a quick haul-out? You'll have an environmental disaster on your hands!

The current proposal is an obvious move to maximize corporate profit, at the expense of any service to the community! My personal desire would be for the province and/or RDN to cancel the Fairwinds' foreshore lease and give it over to someone who can provide a service to the boating community!

Sincerely,

Warren Bailey  
366 Judges Row  
Qualicum Beach, BC V9K 1G6

**Cormie, Susan**

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**From:** Sanders, Karen on behalf of email, planning  
**Sent:** June 25, 2010 8:11 AM  
**To:** Cormie, Susan  
**Subject:** FW: The Lakes District

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**From:** B & P Adam [mailto:b.padam@shaw.ca]  
**Sent:** Thursday, June 24, 2010 5:13 AM  
**To:** email, planning  
**Subject:** The Lakes District

Please accept our comments to the community plan proposed for the the Lake District.

We are neighbors to the proposed Notch Hill Future Development Reserve. We know the area quite well and were surprised this is not environmentally protected land. There are groves of Garry Oaks, Arbutus, and Douglas Fir all very mature as well on very steep topography. As well by increasing development in this area we have concerns about drainage, slides, environmental erosion, damage to our properties to just name a few that would be affected by subdividing the Bluffs of Notch Hill. This is very much a destination Region Area and a community asset.

If you walk this area you can not imagine it being developed. It is pristine, environmentally sensitive with views that rival anything Vancouver Island has to offer. This area is a park, should be named a park and should be protected, for our generation and a legacy for the future.

The Bluffs of Notch Hill are hard to access and would result in major environmental damage to put roads sewer, water mains, to name a few that would have access to the Bluffs. Now they are a hiking destination for central Vancouver Island. Hiking above the water storage facility is being in a park, but totally unique to this area. It is well used by the community and has a history running back to the First Nations. To overrun these trails with a development would be disgrace and anyone that has walked these sensitive areas would know.

We would like to the proposed Notch Hill Development Reserve be a legacy of Parkland. As adjoining neighbors with 3 acres we understand the trust we have been given to provide a stewardship to these lands for us and for our future generations.

Sincerely,  
Bran & Patricia Adam  
Lot A,  
District 78,  
Nanoose District Plan 45913

**Cormie, Susan**

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**From:** adriaan\_dejong@shaw.ca  
**Sent:** June 25, 2010 10:21 AM  
**To:** Cormie, Susan  
**Cc:** tosborn@rdn.bc.ca  
**Subject:** Schooner Cove baot ramp

good morning

I have concerns regarding the removal of the boat ramp in the Fairwind Schooner Cove proposed new development plan.  
As we know Fairwinds is developing a community that is going to house many new families. Not all the people play golf they also go fishing or just go boating or kayking to do this in a growing community we need a safe boat ramp.

Today the excisting BOAT RAMP is very busy so how can Fairwinds development just close it.

Please don't let this happen, thank you

Adriaan de Jong  
2381 Arbutus cres  
Nanoose Bay BC  
V9P9G1

**Cormie, Susan**

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**From:** Heikki Heinonkari [heikkih@shaw.ca]  
**Sent:** June 25, 2010 11:09 AM  
**To:** Cormie, Susan  
**Subject:** Schooner Cove Boat Ramp

Dear Ms. Cormie,

Unfortunately, I won't be able to attend the Public Information Meeting regarding the proposed land development project by Fairwinds.

I'm sending this email to give my opinion about the boat ramp. That was one of the reasons to move this area, an easy access to launch the boat. At the moment I use it two times a year but in the near future the plan is to downsize to a smaller boat. Store it by the house and use the ramp every time I go out. That would be at least twice a week during the summer months.

The boat ramp and the associated parking is very important facility for our area.

Sincerely,  
Heikki Heinonkari

25/06/2010

**George Holme**

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**From:** "Jill Davies" <jilldavies@shaw.ca>  
**To:** "George Holme" <gholme@shaw.ca>  
**Sent:** June 26, 2010 7:53 PM  
**Subject:** Fairwinds

Dear George

I want to register my strong opposition to the proposed Fairwinds development. I feel strongly that it exceeds the OCP and sets an immediate precedent for any developer, large or small, who believe that once they have a permission to develop it is a passport to anything further they want to do in the future.

I understand that when the existing development was allowed it was on the basis that the remaining land would be protected. The land in question at Fairwinds has a rare beauty and is clearly a habitat for wildlife that will be lost if this development is allowed.

Too much of our carbon sink is being eroded with a cost to the island now and generations in the future.

I also regret the proposed development at Schooner Cove. The unique charm of the Cove will again be lost in the name of greed. What once made Fairwinds an attractive community will be changed forever.

I will be away on Monday and therefore not able to attend the meeting at Nanoose Place. I hope as our local representative you will be able to add my name and voice to those who believe that further development should not be allowed.

Sincerely  
Jill Davies

9-1600 Brynmari Road  
Nanoose Bay BC. V9P 9E1

28/06/2010



Cormie, Susan

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**From:** Glenn [glennemery@shaw.ca]  
**Sent:** June 26, 2010 9:34 AM  
**To:** Cormie, Susan  
**Cc:** Osborne, Tom  
**Subject:** Boat ramp

#### Boat ramp

I am a local resident with a small boat that requires a ramp for the purpose of launching. With the upcoming closing of the ramp at Schooner Cove my options are very limited. The ramp at Beachcomber is only accessible depending on the tides and also provides very limited parking for truck and trailer.

French Greek ramp is very busy and puts a small boat out into more open waters and not necessarily the location you want to be. It is also a much greater distance to travel. After speaking to a number of people on this issue, a much needed ramp in the Nanoose area is required. There are many others with these small boats that have moved into the area knowing a close ramp was available with Schooner Cove advertising it's self as a full service marina. Please give some thought on this matter as a launching ramp is as important as a local park to the areas residents.

Thank you for your support,  
Glenn Emery, 1530 Bell Rd Nanoose Bay  
glennemery@shaw.ca

28/06/2010

**Cormie, Susan**

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**From:** bartlicks@shaw.ca  
**Sent:** June 28, 2010 8:17 AM  
**To:** Cormie, Susan; Osborne, Tom  
**Cc:** Mike Paterson  
**Subject:** Nanoose planning  
**Importance:** High

Good Morning,

We cannot express strongly enough, and we voice the opinion of everyone we've been in contact with, that Nanoose Bay is incomplete as a community if it doesn't have a working, public boat ramp! With all the advancements that are being made, it's ludicrous to move so far backwards as to eliminate the one reliable boat ramp which could be used at most tides and not provide a replacement.

The plans for a development that is "more accessible" is in truth eliminating access by those who access it the most. It will now be a "look, but don't touch" accessibility for people on shore who don't have yachts moored at the marina. You are not serving the community by taking away a part of it's lifestyle that promoted an appreciation for our island, healthy recreation and family time out on the water. A hands on boating experience can't be replaced by a boardwalk or cycling path without feeling you've been grounded. With today's youth tied to screens, and being frustrated with nothing to do, you are closing off healthy alternatives.

Again, I cannot stress it strongly enough that you need to listen to the people you are hired to serve, people who are relying on you to sustain our island experiences. Please, since it appears too late to integrate a boat ramp in the new Schooner Cove plan, immediately seek out alternatives, possibly Moorecroft, but don't just let this part of our lifestyle become extinct. It's unfair and so needless in a progressive community such as Nanoose Bay.

Please, and Thank you for hearing all of us.

Very sincerely,  
Dave and Crystal Bartlick  
Nanoose Bay residents & avid boaters

28/06/2010

**Cormie, Susan**

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**From:** Bill email [billratcliff@shaw.ca]  
**Sent:** June 28, 2010 9:21 AM  
**To:** Cormie, Susan; Osborne, Tom  
**Subject:** Schooner Cove boat launch

The loss of the boat launching ramp at Schooner Cove marina would be a very serious loss to many boaters in the greater Nanoose region. It is the only launching facility between Nanaimo and French creek that can handle trailered boats over about 17 feet. The launching ramp at Beachcomer marina is too shallow for anything larger than that, and parking facilities for cars and trailers are almost non-existent. The Schooner Cove plan will eliminate access for all but those who can wish to, or can afford to, keep and maintain larger vessels. That is a very, very small portion of the citizens of this area.

Access to the sea is difficult as it is. Please, please, do not allow it to deteriorate further.

Bill Ratcliff  
Nanoose Bay

28/06/2010

George Holme

From: "Nettie Kokura" <nkokura@shaw.ca>  
To: "George Holme" <gholme@shaw.ca>  
Sent: June 28, 2010 4:27 PM  
Attach: Unsafe Drinking Water Quality.vps  
Subject: As requested

Nettie and William Kokura

3483 Redden Rd.,

Nanoose Bay, BC, V9P 9H3

Phone: 250 468-7854

Email:

June 21, 2010

Mr. Barry Boettger,

Provincial Drinking Water Officer,

4-2, 1515 Blanchard Street,

Victoria, B.C. V8W 3C8

Dear Mr Barry Boettger:

RE: Unsafe Drinking Water Quality,

The enclosed pictures are of bottled water taken from our tap during the summer of 2009 and 2010 to date, water running in our sink 2010, and the sludge drained from our hot water tank. We are desperate! It is our hope that reporting to the most senior levels of drinking water stewardship, will assist in obtaining water that is usable on a daily basis for ordinary use such as drinking, brushing your teeth, cooking, laundry, showering etc. The water we receive is only useful for watering gardens and flushing toilets.

The well water provided by the Regional District of Nanaimo (RDN) has never met requirements for Quality when it comes to iron and manganese. The Test results are available on the RDN website clearly indicating that iron and manganese exceed acceptable limits by unreasonable high amounts. We have lived here fifteen years, and over the years the community residents have complained to the Developer and RDN, formed community associations and sub committees etc. to deal with water quality. Individuals including ourselves complained continuously. Individuals were always told they were the only ones complaining, that they should install an in home water treatment system, and many residents did. However, many treatment systems do not work well and at times not at all, and all are expensive to install and maintain.

I could provide you with hundreds of copies of emails, that have passed between all the parties involved including the local health unit and drinking water officer in Nanaimo. The end result is we are told it is only an aesthetic problem and the water will not harm us. Would you drink, cook your food, brush your teeth, wash your clothes or even shower in this water.

An appropriate filtration/treatment system should have been installed many years ago. The RDN was well aware of the hard water, with High dissolved mineralization and iron and manganese in excess of acceptable levels. Excuses that the cost of

06/07/2010

installing the

2.....

appropriate system was to costly is not valid. The costs incurred by residents installing and maintaining in home filter systems, purchasing bottled drinking water. Doing laundry at the laundrette, ruined clothing, and at least an increase of 25% in metered water fees running water trying to clear the sludge from lines (under the advise of the RDN), far exceed the amount the RDN Filter/treatment system would have cost individual residents.

When we originally moved to this community the water was hard, often smelled of hydrogen sulphide, with occasional silt and Brown/yellow colour. There was very few homes, and subdivision development continued. Water quality deteriorated on a yearly basis as more homes were built and connected to the water system. The Department of National Defence (DND) are also connected to the system. They always requested water treatment and advised the RDN that the water did not meet the requirements of the Federal Government for drinking water. At their base on Nanoose Bay and Winchelsea Island they have always had a "do not drink the water" warning and installed a filtration system of their own for the Nanoose Bay facility. They buy Drinking water for Winchelsea Island, although a pipe line supplies the installation from the RDN water system. In addition to the homes and the DND water is supplied to the Golf Course, Fairwinds Recreational Centre, and the Schooner Cover Marina and Hotel complex.

In 1996 a referendum was held and the RDN built the Arrowsmith Dam (AWS). The RDN advised that we would never have water problems again. The Dam was completed and held an official opening in 2002. Although we have been paying a parcel tax annually for the Arrowsmith Water System (AWS) since 1996, we did not get any water from the system, until late 2009, and then only on an intermittent basis, as a result of severe anger on the part of local residents.

The water is taken from 3 wells. The wells originally theoretically produced 380 imperial gallons per minute. Over the past 6 years the average usage per unit during the summer billing period is 1.47 cubic meters per day and during the winter billing period when many residents are gone for 6 months and others are away 6-8 weeks 55.6 cubic meters. (The 2009 averages were 1.40 and .52 respectively). During the winter our water is less problematic than the summer. The well capacity has lessened over the years and the usage capacity exceeds the well production capacity during the heavy usage hours of the day. During peak period usage ( 3hrs. in the am and 3 hrs. in the pm) the usage could easily require a pumping capacity of 450IGPM just to serve the 500 existing homes but there is the DND and Commercial units in addition drawing water. The RDN have admitted that the aquifer is unable to replenish itself at the current usage rates.

We have been suffering with unsafe drinking water for years. As homes are built additional units are added and the quality of the water deteriorates. Currently, within the Fairwinds subdivision there is 800 units approved. Only 500 of the 800 are built on and connected. When the RDN approves building permits for all 800, another 300 units (60% more) will be added. During peak periods of use we would require a pumping capacity double the current 380 Igpm. According to both the RDN and the Developer there is no plans to bring on any new supply before 2015, and even then the supply source is unknown and the date is not firm.

The Developer plans further development and has made application to the RDN for a development permit. The residents are fearful that this powerful developer (BCIMC Realty Corporation, a.k.a., Fairwinds Development) will befriend, manipulate and intimidate the RDN and other approving authorities with their money and power. The newspaper headline "\$2 Billion, 2,075 Homes" on Thursday May 13<sup>th</sup>, 2010 is indicative of this. The water service report contained within the developers submission is prepared by Koers Engineering. The report is vague at best about total usage. All calculations are based on the number of residential units, and skirts around the water requirements for Commercial and Recreational usage. At no point in past or current planning are allowance made for the commercial and recreational use like power washing marina docks and boat washing. Restaurants and DND use, or supplying water to other users and water districts on the Nanoose Peninsula. The Developer is requesting a reduction for water from the existing bylaw provision of .43 Igpm/unit to .32 Igpm/unit (in Koers Report). The wells at Wall Brook are on the same aquifer as the wells currently being used. Other wells on the Nanoose Peninsula also draw their water from the same aquifer. We do not believe the Koers Engineering report can be relied upon to protect the interests of the community. It is an engineering report paid for by the developers ; for the developers and reflects the developers wishes. Will any of the authorizing authorities including the RDN Board of Directors, question the report or the developer? We doubt it.

The RDN have not been able, as purveyors of water to provide "POTABLE WATER" as is required by the *DRINKING WATER PROTECTION ACT* on a consistent basis and during the spring, summer and early fall, not at all for long periods of time. Allowing for reduction in supply and/or allowing further development without supplying existing residents should not be considered.

06/07/2010

Residents are at their wits end. Reporting to the Health Unit was futile, RDN administration have ignored existing residents while catering to the developer, The RDN Board of Directors rely on staff reports, our local Director suggested we not email him any more with complaints. His solution in his last email is "I feel the Developer and/or Realtors should warn the buyers that there is a water problem. This does not mean that the RDN can sit back and play wait and watch, but the sewer users that hook on the better at this time". Now there is a transfer of power and responsibility. The RDN have the power to refuse building permits and halt future development until such time as appropriate "Potable Water" can be guaranteed. The current available water resources (including the Wall Brook set of wells) are not sufficient to service the approved number of units once they are built on and connected to the water system.

The Board is neglecting their duties, No action will be taken. BCIMC, the developer is too influential.

4.....

We are not against development, but we do want the safe assured water supply we are promised and have been paying for but not receiving. We are told by the RDN it is the Developer's responsibility to supply water before development is allowed. The Developer (BCIMC all BC Government employees pension funds) at a public information meeting clearly stated that water was the responsibility of the RDN. The potential for intimidation and conflict of interest is too great. Each and every decision maker's pension is involved.

Individuals and other residents requesting minor subdivisions and or just subdividing one lot into two lots are told by the RDN, that subdivisions are not allowed because there is no water. But a Developer (BCIMC) flashing \$2 Billion, 2075 Homes are allowed to get subdivision approvals and building permits, while the residents face dirty brown/yellow water with a potential for severe water shortages in future. \$2 billion is an excessive amount to supply 2075 units and the proposed commercial space. (just under \$1 Million per unit, not at all likely to be spent.) Surely something should be spent on water supply.

If appealing to senior levels of Government is inappropriate, please advise what options are available to the residents. We don't want another Walkerton or the likes of it in our community.

Respectfully,

Nettie & William Kokura.

CC:

Ministry of Community and Rural Development

Honourable Bill Bennett:

Provincial Health Officer

Dr. Perry Kendall.

Minister of Health Services,

Honourable Kevin Falcon

Provincial Approving Officer

Bob Wylie.

06/07/2010

REGARDING THE DEVELOPMENT PROPOSAL FOR THE  
LAKES DISTRICT by FAIRWINDS

Dear Susan Cormie,

June 28, 2010

I am writing as a concerned Nanoose Bay resident and on behalf of the endangered Garry Oak , Coastal Douglas Fir ecosystems which cannot speak for themselves. Some countries have actually given nature legal rights something we need to do before it is too late.

It is deplorable to think of 1675 houses replacing this wonderful at present intact system which has taken thousand of years to evolve, do we have the right to destroy it, just to make some money for the BC Civil Servants pensions. There must be other less destructive ways of finding funds.

I am sure the majority of Nanoose Bay residents would prefer to see Fairwinds allowed to have a higher density of development in the Schooner Cove and Dolphin Lake areas in exchange for leaving the Garry Oak meadows, Enos Lake and wetlands intact with no development.

Regarding the road, which is set to destroy the wetlands and the ancient cedar trees [how many old ones do we have left, very few] a less destructive and less costly route would be though the adjacent subdivision. I am sure there would be complaints from neighbours, but too bad, the wetlands would complain too if they could be heard.

Where will our children be able to learn about these Ecosystems if they are all destroyed? Surely, we owe it to the next generations to leave some of the World intact for them to enjoy and appreciate as we have been privileged to do.

Before accepting and signing off on these plans as they stand please consider the presentations made by the scientists amongst us who are pointing out the many irregularities of the proposals and environmental studies. We would like assurance that Fairwinds will be held to their promises of ecofriendly and not repeat the destruction as in some of the past developments. Destruction is quick, repair expensive and often not possible.

The RDN holds the future of this wonderful, irreplaceable piece of land in its hands, please think carefully before allowing this development to go ahead without further, more scientific studies to limit irreparable damage. Please take account of our OCP, which we all worked hard to produce.

Thank you for your attention,

*Vicki Voros*

Vicki Voros

vwworos@shaw.ca

Cormie, Susan

---

**From:** cliff (cliffchudy@shaw.ca)

**Sent:** June 28, 2010 8:31 PM

**To:** Cormie, Susan

**Subject:** boat ramp

I don't need one myself but I feel there is a great need for one.....or more.



**Cormie, Susan**

**From:** Sylvia St Denis [sylviastdenis@shaw.ca]  
**Sent:** June 28, 2010 1:33 PM  
**To:** Cormie, Susan; Osborne, Tom  
**Subject:** Re Boat Launch Ramp at Schooner Cove

**Attention:** Susan Cormie, Planning  
Tom Osborne, Parks & Recreation

We would like to put it on record that we feel very strongly against the removal of the Boat Launch Ramp at Schooner Cove. This ramp has been in place for many years and is used constantly by boaters in this area. Not only is it used by boaters who take their fishing boats in and out on a regular basis but it is also used by many of us with boats at the Marina who have to launch our dinghys in order to get them down to our boats which are moored in this marina. We think that both Fairwinds and the Regional District of Nanaimo are making a very big mistake in removing this Boat Launch Ramp from Schooner Cove.

Yours truly,

Sylvia and Rod St. Denis  
3300 Rockhampton Road  
Nanoose Bay, B.C. V9P 9H5

28/06/2010

**Cormie, Susan**

**From:** Rick Stobie [rstobie@shaw.ca]  
**Sent:** June 28, 2010 1:34 PM  
**To:** Cormie, Susan  
**Subject:** Schooner Cove Boat Ramp

Unfortunately we are unable to attend the Open House and Meeting re Schooner Cove Development Plan. I did want to mention that we use this boat ramp almost exclusively to launch our boat and it would be a travesty if this is taken away from our neighborhood. The only other launch is Beachcomber's and it is not really a great boat ramp for us as the dock is not long enough. Thank You

28/06/2010

3370 Redden Road  
Nanoose Bay, BC V9P 9H4  
30 June 2010

Joe Stanhope, Board Chair  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Mr Stanhope,

On Monday evening, 28 June 2010, I made a verbal submission at the RDN's Public Information Meeting regarding the Development Application by Fairwinds Real Estate management. Had I been speaking from a purely pragmatic perspective, I would have raised such issues as the adequacy of the Nanoose Peninsula water supplies, the provision of appropriate waste water treatment facilities and the impact of the increased population on all aspects of infrastructure and social services.

However, I started my comments with a quote by Dr Martin Luther King, Jr. :

"Our lives begin to end the moment we become silent about things that matter to us."

For the past decade, or so, I have enjoyed the footpaths and game-trails throughout the Lakes District and through District Lot 137. As an outdoor enthusiast and an active member of the Scouting Movement, I have derived much satisfaction and pleasure in observing the fauna and flora of this incredible little "refugia", one of the few remaining examples of the once great, Coastal Douglas Fir ecosystem, which also incorporates some of the best Garry Oak ecosystems on Vancouver Island.

As a former naval person, I had, for five short years, some responsibility for one of the last south-facing, stretches of natural shoreline on Vancouver Island. So I am aware of the importance of the protection and the stewardship of small tracts of natural ecosystems, wherever they still exist [in that case, along the north shore of Nanoose Harbour]. Unfortunately, some people only see these areas in terms of their dollar-value as real estate or as potential generators of property taxes, not in terms of "natural capital" which provides extensive services by cleaning our air and water, in addition to being the habitat for untold numbers of God's creatures.

The RDN has made the case for protecting significant aspects of "natural capital" in at least two recent and relevant documents:

- A. The Official Community Plan for Nanoose Bay– Articles 1.5.3 Protecting Rural Integrity; 1.5.4 Protecting the Natural Environment and 1.5.5 Improving Mobility. Regarding

Mobility, the following statement is made: "The Nanoose Bay OCP supports the Regional Growth Strategy policies to encourage non-automobile modes of transportation along safe pathways and trails." And

- B. Prospering Today, Protecting Tomorrow: The State of Sustainability of the Regional District of Nanaimo dated September 2006, states on page ii of the Executive Summary: "Important ecosystems and ecological features are protected, healthy and productive." Also, "Land resources are efficiently used and negative impacts of land use and development are minimized."

The owner of the property has the right, under the law, to develop this property. However, as a recent newspaper article observed: **The law protects corporations, absolutely; the individuals, somewhat; but the environment, not at all.**

The current application proposal would put a road through several wetlands, would break up significant areas of wildlife habitat and would impinge on several Environmentally Sensitive Areas. **This is in contravention of policies of two of the RDN's own publications.**

Therefore, it is now up to the individual members of the Board of the Regional District and of the RDN Staff to show leadership and follow the spirit of their stated policies, not just the letter of the law.

I implore the RDN Board and Staff to "DO The Right Thing AND to Do Things Right" by ensuring the appropriate level of protection for this remarkable remnant of a spectacular ecosystem. The current application, as proposed, should NOT be approved.

Yours sincerely,

O.S.B.

Gordon Buckingham

Cc: George Holme, Dir Area E; David Bartram, Dir. Area H; Bill Holdom, Councillor; Carol Mason, C Admin O; John Finnie, GM Regional & Community Utilities; Dale Lindsay, Manager Current Development

**Cormie, Susan**

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**From:** ahransom@gmail.com on behalf of Tony Ransom [ransom@shaw.ca]  
**Sent:** June 30, 2010 9:49 AM  
**To:** Cormie, Susan  
**Cc:** Ron and Carolyn  
**Subject:** Fairwinds Neighbourhood Plan - The Lakes District  
**Attachments:** NanNats\_Stewardship\_Fairwinds\_Lakes District\_Neighbourhood Plan\_Comments\_AHR\_062710.doc

Hi Susan,

Thank-you to you, George and the rest of the RDN team for hosting the Open House and PIM on Monday evening - I believe it went off fairly well with only minor non-constructive rhetoric from a few speakers..... certainly better than I had anticipated. Hopefully you and the planning team and ultimately the EAPC will benefit from the many constructive ideas that were presented.

I handed you a hard copy of my presentation on behalf of the Nanoose Naturalists, and I have hereto attached an e-copy for your convenience. This has a few very minor revisions (edits really) and I would therefore ask that you use this version as our official response.

Many thanks.

Kind regards,

Tony.

Vice President - Nanoose Naturalists

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Tony Ransom  
2460 Ainsley Place  
Nanoose Bay, BC. V9P 9G9  
+1 (250) 618-2336 (cell)  
+1 (250) 468-5346 (home)

Nanoose Naturalists  
Stewardship Committee

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Comments – Fairwinds Lakes District Neighbourhood Plan Submittal to RDN

Public Meeting, Nanoose Place: June 28<sup>th</sup>, 2010

The Nanoose Naturalists was established in 2002 and we currently have 60+ members from in and around Nanoose Bay. We are a full member of BC Nature, also known as the Federation of BC Naturalists, with over 50 clubs throughout BC and several thousand members. When I was President of our club in 2003/4, we established a Stewardship Project as our main local focus – the project area comprises the important watershed between Dolphin and Enos Lakes. In order to be effective within this predominantly privately-owned area, we approached the owner's managers for their cooperation. At that time, we were met with a decidedly luke-warm response and we were naturally quite frustrated. This attitude changed markedly for the better with the introduction of a new management team at roughly the same time that Fairwinds started getting serious about planning the development into what is now referred to as The Lakes District.

During the past 2+ years, the Nanoose Naturalists were represented by members of our Stewardship Committee at all the CAG meetings, we have attended all the open-house forums and we have had several one-on-one meetings with the Fairwinds Development team and their lead consultants. During most of these sessions we have found Fairwinds and their consultants very cordial and receptive to open discussion regarding our many concerns and issues. Taking an objective, big-picture view, we commend Fairwinds for undertaking a thorough and highly professional consultation process during which they evolved their plans and thinking from an ordinary, run-of-the-mill development concept, to the present Neighbourhood Plan which, despite what certain parties may challenge, contains a significant amount of "green" planning concepts and attributes consistent with the Nanoose Bay OCP and the Regional Growth Strategy.

However, having said that, we remain very concerned with respect to several issues that are either not covered, or are inadequately covered in the Neighbourhood Plan ("the Plan") or the accompanying technical reports. Also, we remain sceptical about Fairwinds' ability to *implement* the Plan once and if it is approved, in whatever form. The reason for this scepticism is the very poor track record they have established for themselves during previous phases at Fairwinds. The LOCAL development management has shown little or no ability (or willingness) to address constant violations of the covenants, covenants largely set by themselves! Concrete examples of this are the recent Phases known as Rockcliffe Park and Bonnington Heights, both of which commenced under the current senior management team, where trees and other natural vegetation have been stripped from most of the lots prior to and during construction, without regard of the ecological values:

**Short-term Impact Concerns:**

The following major design-related concerns need addressing:

1. Main Access Road – i.e. - The link between Fairwinds Drive (near the 4-way stop) and Schooner Cove Drive: The proposed routing of this road is not appropriate. It affects both beaver ponds and the important surrounding wetland ecosystems. Also, the proposed road compromises a stand of large, significant cedar trees where it crosses the southernmost creek. Viable alternates appear to exist and should be further investigated.

2. All areas currently (mysteriously) designated “ Future Development Reserve” should be formally incorporated into the ESA/parklands in which they are situated – specifically: (i) the area south off Bonnington Road that impinges the Garry Oak Environmentally Sensitive Area (“ESA”) ecosystem surrounding the Lookout and; (ii) all such similarly designated areas surrounding Notch Hill.
3. Any planned walkways/trails within the ESA’s should have finitely defined boardwalks (and fencing where appropriate) to limit human impacts.
4. All current and potential bald-eagle nesting and perching trees should be accurately mapped and excluded from development sites. Appropriate buffers should be created surrounding each if these important trees. With the constant degradation of suitable old-growth or semi old-growth tree habitat, bald eagles are finding it increasingly difficult to find suitable nesting sites.
5. The social and educational aspects of the important ESA’s and the wetlands should be addressed in more detail.

In addition, the following “control function” aspects need to be addressed in greater detail than is currently provided in the Plan or any of the reports attached to the submittal:

6. Covenants, covering the buffer-zones within and between individual development property/lots and the boundaries of designated parklands, need to be carefully designed and an enforcement mechanism acceptable to the Community put in place. The Covenants should be supplemented by the requirement that Owners and Building Contractors (especially site-preparation contractors) make a SUBSTANTIAL cash security deposit against adherence to the Covenants - with a *Zero-Tolerance PENALTY* for violators.
7. Individual Building Permits should only be issued to each owner once a FINAL Building Envelope Plan has been approved. Such permit would require the owner (and their contractors) to adopt “minimum disturbance” or “Site Adaptive Design” practises taking the ecological characteristics of each site into consideration. A specific requirement before submitting a Building Envelope Plan would be that each property has an Arborist (or a similar qualified expert?) Report detailing the significant flora requiring protection. The Owner’s deposit referred to in #3 above would also cover this aspect of development and should be withheld until after final approved landscaping of each property. [Note: Covenants related to construction materials and building specifications are separate from these items]
8. Control of invasive species: The developer, not the contractors, should be responsible for controlling any infestation by invasive species, for example Scotch Broom, in areas disturbed by site clearing, road and infrastructure construction, etc
9. Debris disposal and management....

#### **Long-Term Impact Concerns:**

1. Parkland Ownership and Management: Fairwinds has stated they do not wish to own or manage the designated parklands. This issue needs to be carefully resolved prior to commencement of the project. The Land Conservancy or similar organization should be approached to assess interest levels and qualifications.
2. Long-term Monitoring: Procedures should be established to perform regular monitoring – both of the integrity of ecological aspects within the whole area and especially within the designated parklands as

well as monitoring owner-adherence to the various covenants. As stated in #5 above, an acceptable and meaningful enforcement mechanism has to be established to penalize infringements. Remedial procedures and programs need to be defined for any adverse compromise of ecological integrity.

3. On-going educational programs need to be held for residents and the public.
4. Control of the introduction of *invasive species* including, inter alia, plant species and any aquatic species into the lakes and ponds. Penalties and remedial procedures and requirements need to be defined.

In conclusion, some concerned parties are calling for additional technical/scientific studies. Whereas we agree that the present reports and EIA are lacking certain specific detail, our contention is that further technical assessment of the area will serve only a limited purpose. If one assumes that development will eventually take place subject to the very strict guidelines that we are all demanding, then it will be the *vigilant* and *carefully-monitored* **IMPLEMENTATION** of each stage of the development that will result, ultimately, in achieving minimum impact to the ecology of the area – a goal which we all share.

Respectfully submitted:

Tony Ransom

Vice President, Nanoose Naturalists

Member: Stewardship Committee.



**Cormie, Susan**

---

**From:** dianejac@shaw.ca  
**Sent:** July 4, 2010 10:24 AM  
**To:** Cormie, Susan; Osborne, Tom  
**Subject:** Schooner Cove Redevelopment

As a concerned citizen living in this area for 16 years, I would like to express my opinion particularly regarding the possible removal of the boat ramp at Schooner Cove. I would like to believe that this project has considered the interests of our community, two of which are boating and fishing. Our boat ramp is used by many locals to fish the abundant waters of the Strait and also for those wishing to get crab and prawns. We're encouraged to shop locally yet if you take the ramp owoy it becomes more difficult to "shop" for the fish in our waters.

Also many boaters have to launch and bring in their dinghys and the ramp also serves that purpose. There have also been times when a boat in trouble has needed to get to the grid, beside the ramp and thereby inspect their boot for damage. It would be a great determent to not include the ramp and grid in your redevelopment plans.

See you on the 28th.

Peter and Diane Jacobson  
3750 Mallard Place  
Nanoose Bay, BC V9P 9H1  
250-468-9177  
[dianejac@shaw.ca](mailto:dianejac@shaw.ca)

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I am using the Free version of SPAMfighter.  
SPAMfighter has removed 24893 of my spam emails to date.

Do you have a slow PC? Try free scan!

July 4, 2010

George Holme  
Regional District of Nanaimo

Dear George,

On behalf of the Oceanside Coalition for Strong Communities, of which I am a member, I would like to provide you with some feedback regarding last Monday's public presentation of the proposed development plan for Fairwinds Lakes District and Schooner cove. The Oceanside Coalition, as part of its mandate, works to provide the public with the information necessary to make informed decisions regarding best choices for the community – both social and economic. We commend the RDN for providing this information session to the residents of Nanoose Bay.

As I'm sure you are aware, virtually all of the residents who approached the microphone spoke in opposition to the proposed development, for a myriad of reasons – too many to mention here. On behalf of the Coalition, which has great concern for the effects of overdevelopment, and sustainability of a strong community and healthy environment and lifestyle, we would like to add our voice in opposition to this massive and unwieldy development. We have some specific reasons for this position, as follows:

1. The destruction of a significant natural green space, with all its precious component flora and fauna – particularly in the light of the impending logging of crown land lot 33. Nanoose is severely deficient in natural park and green space as seen by the recommendations of the singular Parks and Open Space Committee report.
2. The destruction of the recreation and heart-healthy opportunity of the natural trail system so kindly provided by Fairwinds for many years. The beauty and spiritual quality of this forest and wetland is treasured daily by many – both Nanoose and other Oceanside residents – hikers, cyclists, dog walkers, runners and strollers. It is a rare and valuable asset to the Oceanside and particularly Nanoose community.
3. The Nanoose infrastructure of roadways and water systems would be seriously impacted and overloaded by this development. In the last couple of years a cyclist was killed on Powder Point Road; although the cause was indeterminate, Nanoose Peninsula residents are well aware of the danger with the current traffic load.
4. As the elected representative for the Nanoose area, we believe that you have been given a mandate by the voters to act in their best interest and to respond to their apparent wishes by using your voice to stand against this

development as it has been presented. It is the people of Nanoose Bay that you represent. The non-resident share holders of this profit driven corporation, no matter how they spin it, do not act in the best interest of the community.

Thank you for your consideration of our concerns.

Yours truly,  
Susan Croskery  
Oceanside Coalition for Strong Communities.

cc: Joe Stanhope

RDN	
CAO	<input checked="" type="checkbox"/> GMR&PS
GMDS	<input checked="" type="checkbox"/> GMAT&SWS
GMF&IS	<input checked="" type="checkbox"/> GMWWWWS
JUL - 6 2010	
SMCA	BOARD
CHAIR	<input checked="" type="checkbox"/>
G. Holme	

1

Nettie Kokura and William Kokura  
3483 Redden Road  
NanOOSE Bay, B.C., Canada, V9P 9H3

Phone: 250-468-7854  
E-Mail: [nkokura@shaw.ca](mailto:nkokura@shaw.ca)

July 9, 2010

ELECTORIAL AREA PLANNING COMMITTEE,  
REGIONAL DISTRICT OF NANAIMO,  
6300 Hammond Bay Road.  
Nanaimo , B C , V9T 6N2

RE: AREA E, Proposed Lakes District and Schooner Cove Development

Dear EAPC:

We attended the Public Information Meeting on June 28<sup>th</sup> and reviewed the submitted plans as provided by The RDN and Fairwinds Development Corporation (Fairwinds) and found little or no change from the original plans that Fairwinds asked residents to comment on. At that time we presented comments and suggestions, along with many others, all of which have been ignored.

The submission indicates that it was prepared with the co-operation and support of the RDN. Quotations such as “supporting RDN’s own sustainability goals”, and “taking direction from the RDN’s Regional Growth Strategy, the Lakes District Neighbourhood plan reconfigures the currently approved 1675 units”, implies submission to RDN’s wishes, and recognition of the OCP (2005).

The OCP was last amended in 2005. Residents and Community groups put a great deal of time and effort into the development of the 2005 OCP. New residents purchased into the area believing they could rely on the contents of the OCP to give them some assurance of what to expect in their future. **Fairwinds submission does not reflect what is in the OCP nor does it reflect the wishes of the majority of the residents.**

**SCHOONER COVE; Bylaw 1400 (2005) OCP should not be amended to accommodate Fairwinds proposal. They were present and party to the preparation of Bylaw 1400. The current OCP allows for all of the residents requests such as food facilities etc. It also provides reasonable limits for residential units at a maximum of 188 with restrictions for structures “2 c) to be developed to a height that maintains human scale (generally less than three storeys”. The OCP also provides protection for current residents in DPA 1 Guidelines @ 1 a), 2 c), 2 g)**

for the protection of views. These are totally ignored by the Fairwinds Proposal. No consideration was given to views of bordering and nearby property owners.

The OCP allows for a MAXIMUM of 2500 units within Fairwinds. According to Fairwinds the RDN's Regional Growth Strategy has approved 1675 additional units for The Lakes District. The 800 existing approved units plus 1675 equal 2475 units. An additional 188 units at Schooner Cove would mean 2663 units. The proposed 395 units in addition to commercial must be rejected by the RDN. The site cannot accommodate the proposed commercial and overbuild of residential units.

Schooner Cove should provide only those few services the site can accommodate after allowing the 188 units allowed for in the OCP. More extensive services and commercial facilities may be provided elsewhere within the development and at Red Gap as is provided for in the OCP. Residents and community input groups did not ask for six (or more) storey buildings and 395 residential units at Schooner Cove and if the RDN staff did; it is not with the blessing of the community.

The Land Use and Subdivision Bylaw @ Section V1 Policy requiring a "Setback of 15 m from the natural boundary of the sea in addition to the existing 8 m Setback from the top of the bank, whichever is greater", Should not be changed and should be strictly upheld. Also the existing boat ramp should be retained. The boat ramp is a prized community facility along with the open and accessible Bay along Dolphin Drive. Both of these will be lost forever, with this development. Residents will lose access to the Sea.

The RDN has not been able to provide "potable water" on a consistent basis to the existing 500 homes in Fairwinds and many other water communities on the Peninsula. The Fairwinds proposal clearly does not provide sufficient current water or water in the future to serve the proposed development. Water has been a long time problem and we do hope the RDN Board will remember Area E Representative George Holmes promise at a meeting in August 26<sup>th</sup>, 2009 of "No water, no development".

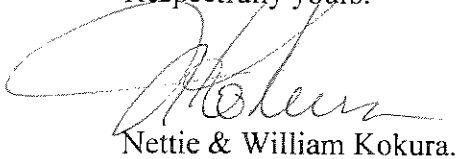
Presentations have previously been made to the RDN's planning department regarding transportation, parking and traffic congestion. Fairwinds proposal assumes only small slow vehicles, bicycles and the likes will be used. This is not practical nor is it probable. Buses cannot and will not meet the needs of those travelling to work, to acquire daily needs and or services. This proposal does not meet the definition of "Sustainable Development" that is "Development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

The Lakes District proposal requests the RDN acquire the "Protective Areas" at market rates. The RDN does not have authority to "acquire" any lands without a

referendum. The OCP provides @Section 4 Page 6, 13) "The Province of BC shall be encouraged to acquire this area pursuant to the Protective Areas Strategy" Any acquisitions of lands should be left to the Province to deal with. By accepting this proposal the RDN is agreeing to this acquisition. They do not have this authority, they can only agree to encourage the Province to do so.

The development is too large and complicated for the RDN to approve at this time. The RDN will loose control of all decision making powers now and forever into the future. Fairwinds have given the illusion of co-operation and consultation while using Social Manipulation to circumvent the intent of the OCP and desires of the majority of the Nanoose Peninsula residents.

Respectfully yours:



Nettie & William Kokura.

Cc: Planning, Regional District of Nanaimo.

Joe Stanhope: Chairman of the Board RDN

George Holme Area E Representative.

RON		
CAO	GMR&PS	
GMDS	GMT&SWS	
GMF&IS	GMWWWWS	
JUL 12 2010		
SMCA	BOARD	
CHAIR		
G. Holme		

July 6, 2010

Directors of the Board of the Regional District of Nanaimo  
6300 Hammond Bay Road,  
Nanaimo, BC V9T-6N2

Dear Directors of the Board,

My name is Dr. E. Michael Wilby and my wife Jan and I reside at 3530 Grilse Road in Nanoose Bay. We are immediate neighbours of Schooner Cove and we reside across from the proposed Schooner Cove development. We represent a majority of the local residents whose properties include the shoreline bordering the Cove and we have a signed petition to indicate our solidarity. Thank you for the opportunity to voice our concerns at the meeting of June 28<sup>th</sup> 2010.

We all are deeply concerned about the extent of the proposed development, and also with its design and impact on the immediate community. We agree that development can be an asset to the community but on a controlled, unobtrusive, and harmonizing plan. Fairwinds Development Corporation has advertised their intent to "Harmonize with the Neighbourhood and the Environment". They said they would "not infringe upon the views of existing homes". They said they would "respect local residents" and their plans would "maintain the aura of the natural views without overwhelming public presence".

Well, Jan and I would like to be the voice of the residents of Schooner Cove whose properties extend to the shoreline of the Cove itself. Although we have concerns about the extent of condo development with its relative effects on the immediate neighbourhood, we are also deeply concerned about the plan to extend the development out into the ocean on top of the proposed enlarged breakwater. We are in favour of the enlargement of the height of the breakwater for the protection of the marina, but we are not in favour of further extensions of the wall and we are profoundly against building a boardwalk for public access out onto this breakwater. The sacrifice is just too great to the environment. The term environment not only implies the effect on the wildlife that we have seen frequenting the breakwater wall but also on the serene natural views that presently are unencumbered by the presence of people walking back and forth. Other significant sacrifices would be visual privacy and noise pollution – obviously we have all experienced how sound carries so well across the water. This breakwater is presently the only side of the Cove that is without the presence of human beings. We local residents are extremely passionate about our view over the breakwater as well as the visual and sound pollution that will be associated with the human traffic on the breakwater. Our view is an asset to the neighbourhood and an asset to our properties. I'm sure that others along the shoreline would be

irate if their views and privacy would be sacrificed. Also the developer refers to the spectacular views from the shoreline boardwalk. Surely that is enough without extending the human footprint out onto the breakwater.

As said in the Schooner Cove Neighbourhood Plan Proposal, in its Executive Summary, the developer would be “engaging local participation in the drafting of the Plan” – this I believe definitely includes those who would be mostly affected by the Plan as we immediate local residents would be. We are definitely not in favour of an unnecessary extension of the development onto the breakwater for the purpose of expanding human presence at our sacrifice. They refer to a “Sustaining Community” – well this must include the preservation of the natural environment and the pre-existing assets of the neighbourhood. The developer continues to refer to the “particular attention to adjacent neighbourhoods” and a “consideration for Community Values” – well this community enjoys our wildlife and privacy and views without over extension of the human element onto the breakwater. The developer refers to “Best Management Practices (BMP’s) for Environmental Management” and also to “Protect the Integrity of Rural and Resource Areas”. By these words it seems that we are all on the same side of opinion and that the breakwater boardwalk with its accessories (buildings et cetera) will be eliminated from the development plan.

It is evident that the RDN has a mandate in the Regional Growth Strategy Plan for “Environmental Protection” which surely includes the only non-humanized side of Schooner Cove. Preservation of the “natural” (as much as possible seawall) without the presence of humans and preservation of the natural “environmental” views without human presence is obviously in the best interest of the community and especially those people intimately associated with the Cove. The Regional Growth Strategy refers to “Protection of Rural Integrity and an End to Sprawl” – well people flowing out onto the breakwater would be sprawl. Natural environmental beauty does not include humans in the middle of it. Every person who resides along this lovely coast obviously has respect for the beauty and serenity of the shoreline and would want to preserve it as naturally as possible without sacrificing even more of it than absolutely necessary. Surely the residents of Fairwinds community can empathize with the position of the immediate neighbours of Schooner Cove and show support to eliminate the proposal for a walkway out onto the breakwater. We must all work together to create, through the developers and the RDN, a result that fulfills the needs of the Community without destroying any natural assets or overwhelming the community with overdevelopment and over-presence of human beings. As is promoted by the developers we must accept only a plan that respects and harmonizes with the environment and the neighbourhood.

We appreciate the extent of communication and input from the neighbourhood that has been allowed by the developers in preparation of their final proposal to the RDN although, in some respects, we are still waiting to see the effects of our communication. We urge the developers to abide by their advertised intent without misrepresentation. We especially appreciate and thank the RDN for representing our community and, according to the Regional Growth Strategy, with our local values in mind.



2140 Sherbrooke Road  
Nanoose Bay BC  
V9P 9J8  
250 468 9052  
ian.anne.ward@shaw.ca

July 6, 2010

Dale Lindsay  
Manager Current Planning  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo BC V9T 6N2

Dear Mr Lindsay

We have lived at 2140 Sherbrooke Road, directly overlooking the Schooner Cove development area for the past four years. We are very concerned about the impact of the Schooner Cove Neighbourhood development on us personally, on the Fairwinds community and on the Nanoose Bay peninsula.

People move to the Nanoose Bay peninsula because it is a semi rural area which is rich in nature, offers ocean-side living yet is close to urban centres. The proposed redevelopment plan makes the Schooner Cove Neighbourhood Centre into an urban area with dense housing at city heights. We need only to look at the city of Parksville, an urban area, which approved buildings too high for the city and too close to the waterfront, blocking both view and access for residents and tourists. It is a blight in a once beautiful place. We don't want that to happen in our community.

We have participated in all steps of Fairwinds' process over the past two years. Fairwinds states that "Over the past two years, we have worked closely with local Nanoose Bay residents and community leaders to develop neighbourhood plans for Schooner Cove and the Lakes District." This is not entirely accurate since they set the agendas and directed the activities without incorporating any input about density, height or traffic concerns in the application. This feedback is ignored in the final application and questions about these concerns aren't answered. When we asked about specific details of the development, we were told that more specific information would be revealed as the process moved to the development application stage. This was not done. We have seen sketches of the development, but no specific plans that include placement of buildings or

height of specific buildings; therefore, we don't really know the total impact of the development.

Our concerns relate to two specific items: density and height and their impact.

First, we believe that approving 315 or 395 housing units is unreasonable and unwise (the application states 315 units, but at the public meeting we were told 395). The current OCP (Bylaw 1400, 2005) allows 188 units. The increase in both vehicle and pedestrian traffic in the immediate area cannot be accommodated by Dolphin Drive. In the area of Schooner Cove, the road is narrow, winding and hilly with little or no shoulder. Since there are no "no parking" signs, many residents park on the road, even overnight, and many commercial vehicles servicing the existing homes park on the road leaving at best a lane and a half. Add to this the pedestrians on the road since there are no sidewalks and there is an existing problem without adding the residents of 395 new homes in the immediate area.

As well, there will be increased foot and vehicle traffic on Sherbrooke Road simply because it's there and to access the trail system in Fairwinds. Sherbrooke Road is the entry to Schooner Ridge which is bare land strata making the roads private. The Strata has installed signs indicating that the roads are private, but the existing traffic problem of non-residents using the roads continues. Adding double the number of housing units currently approved will only multiply the problems.

Second, we are very concerned about the proposed height of "up to six stories." We feel this should not be approved. The existing Nanoose Bay Official Community Plan bylaw No. 1400, 2005, states in section VIII Development Permit Areas, DPA I "2. c) be developed to a height that maintains 'human scale' (generally less than 3 storey)" The lot we purchased from Fairwinds was advertised as "ocean view." We knew there would be future development of the Schooner Cove area, so we researched the OCP and felt we would still maintain an ocean view from a home on that lot. We felt protected by the OCP and so paid a premium for the view lot. Approving six storey buildings is not acceptable. Six story buildings will block our view; we would be looking directly into other people's homes and they into ours. The OCP also states: "2. g) be designed to maintain views wherever possible" which should surely apply to existing housing, not just to new development. The loss of our view along with the proximity to high density housing will also mean a dramatic drop in the value of our home.

The changes proposed to the Lakes District are an improvement over the existing OCP, but the changes to the Schooner Cove Neighbourhood Centre are inappropriate and unacceptable.

We love living in both Fairwinds and Nanoose Bay and sincerely hope that the RDN will listen to the area residents so that we and residents of an appropriately developed Schooner Cove Neighbourhood can continue to reside in this beautiful semi-rural area.

Regards

A handwritten signature in cursive script, appearing to read "Ian & Anne Ward".

Ian and Anne Ward

TOTAL  
7 PAGES

Petition Template - Cover Page

Petition to Central Coast Council

Subject matter: *[Print a clear and concise statement identifying the subject matter.]*  
EXTENSION OF PUBLIC BOARDWALK  
OUT ONTO BREAKWATER WALL.

Statement of subject matter and action requested: *[Print a brief statement of the subject matter and the action requested. This statement must appear on each page of the petition.]*  
PETITION TO STOP PLANS TO  
EXTEND PUBLIC WALKWAY  
OUT ONTO BREAKWATER WALL.

Signatories: *[Print a statement specifying the number of signatories.]*  
- SEVENTEEN SIGNATORIES  
(SHORELINE NEIGHBOURS.  
OF SCHOONER COVE.)













**Petition Template - Final Page**

Petition to Central Coast Council

Person lodging  
petition:

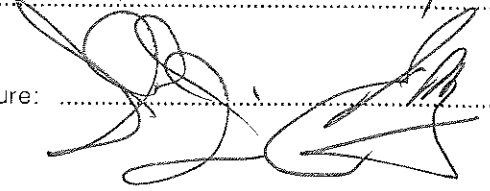
*[Print full name, address and signature of the person lodging the petition.  
This must appear at the end of the petition.]*

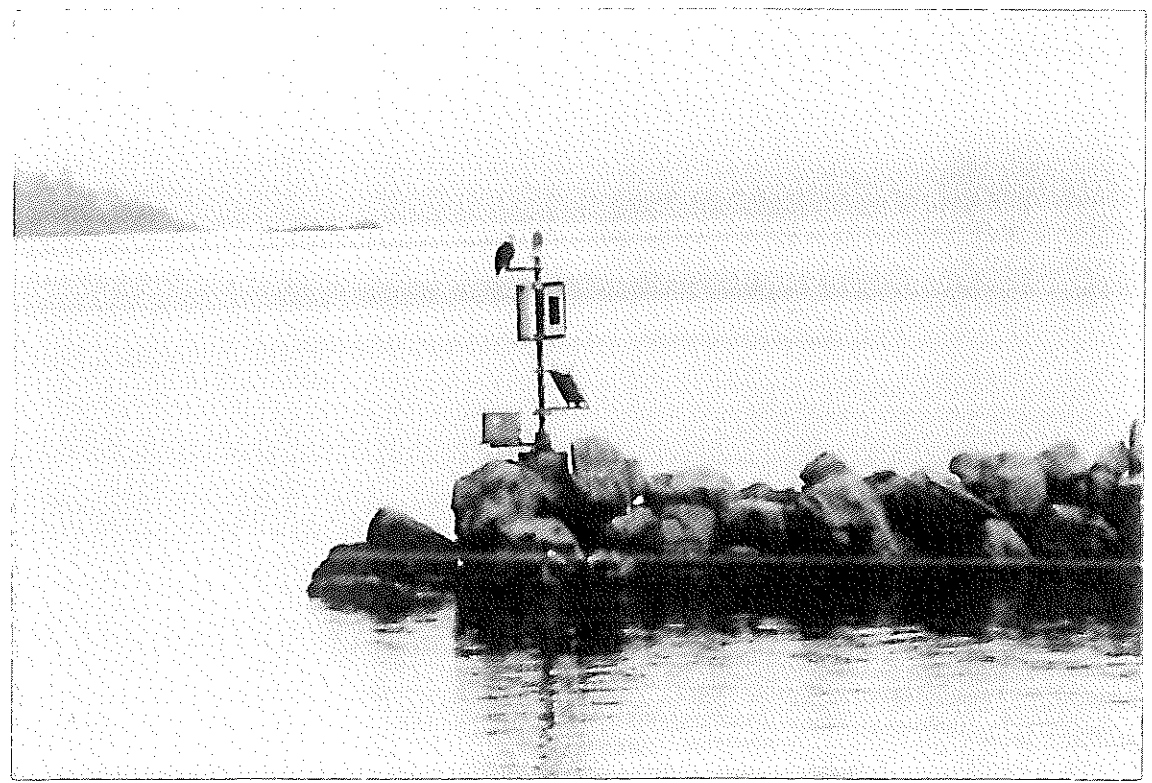
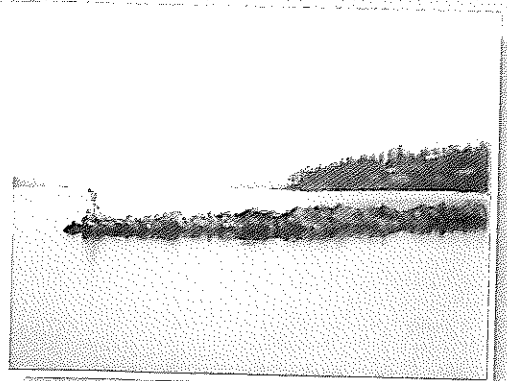
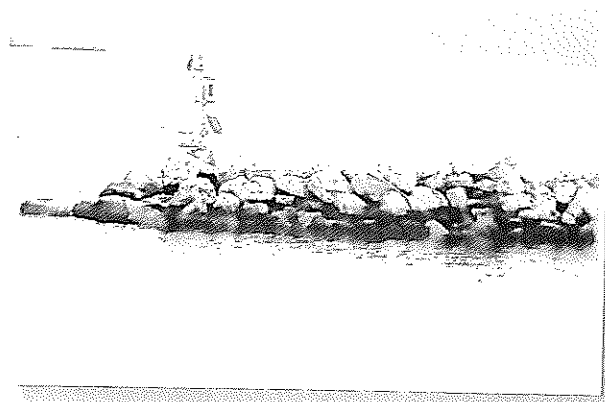
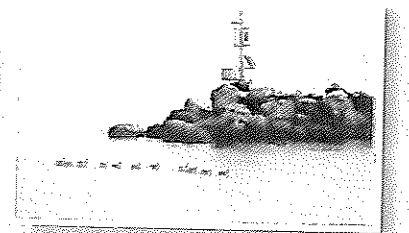
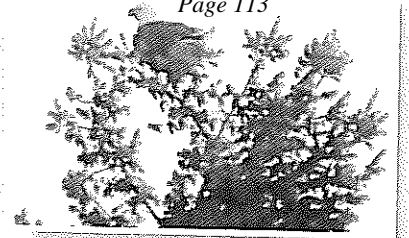
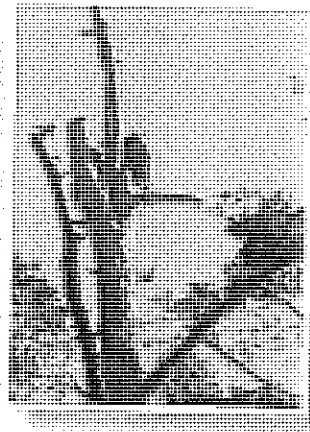
The person lodging this petition is:  
(Please print)

Full name: ..... JAN AND E. MICHAEL WILBY

Address: ..... 3530 GRILSE RD.

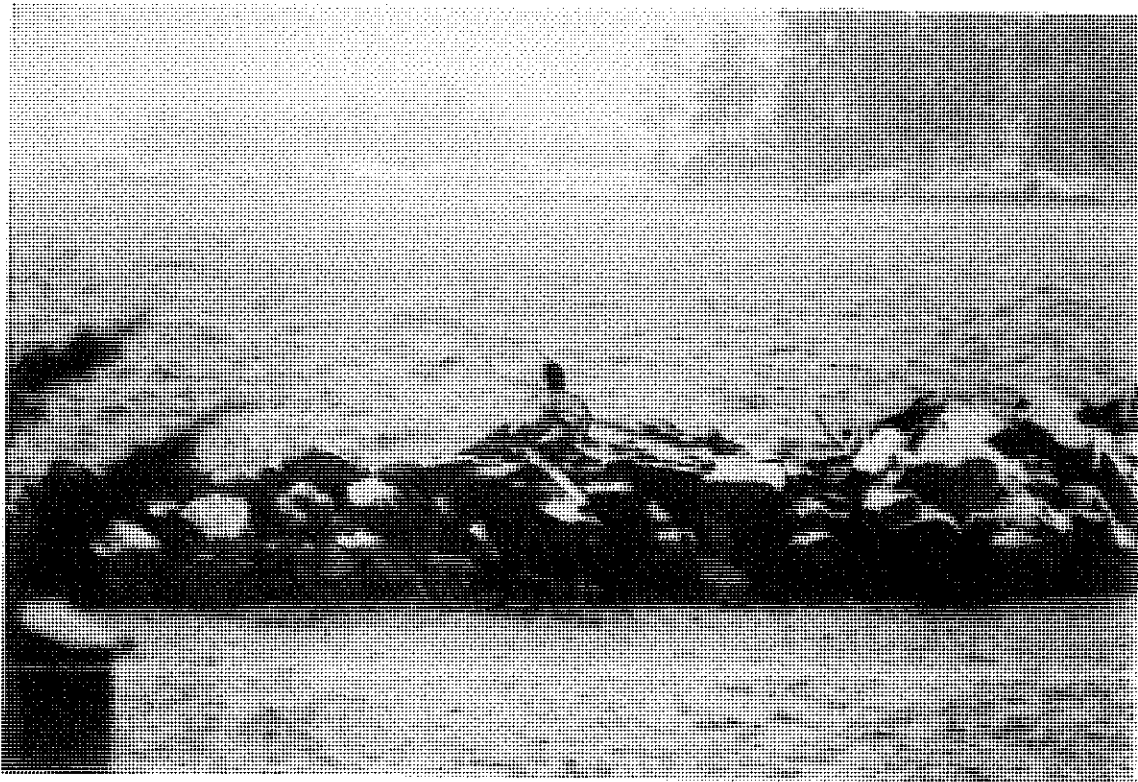
..... NANOOSE BAY P.O. BOX 159

Signature: .....  ..... NANOOSE BAY  
V9P 9J9

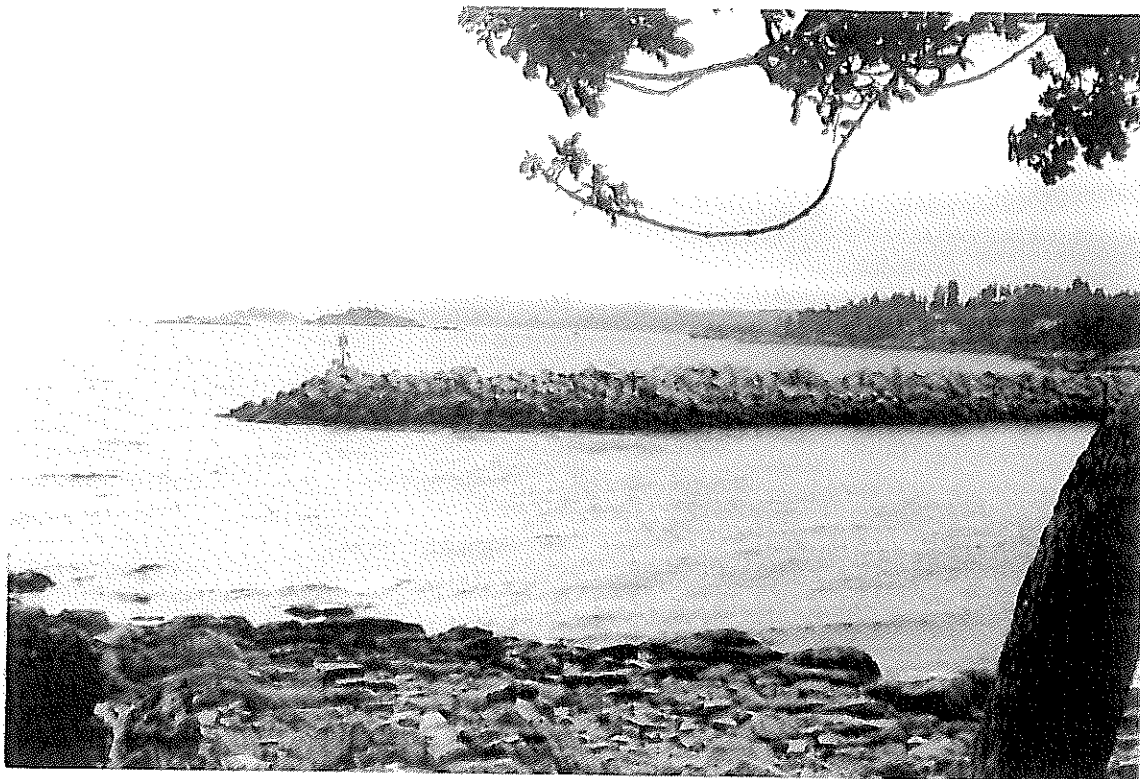




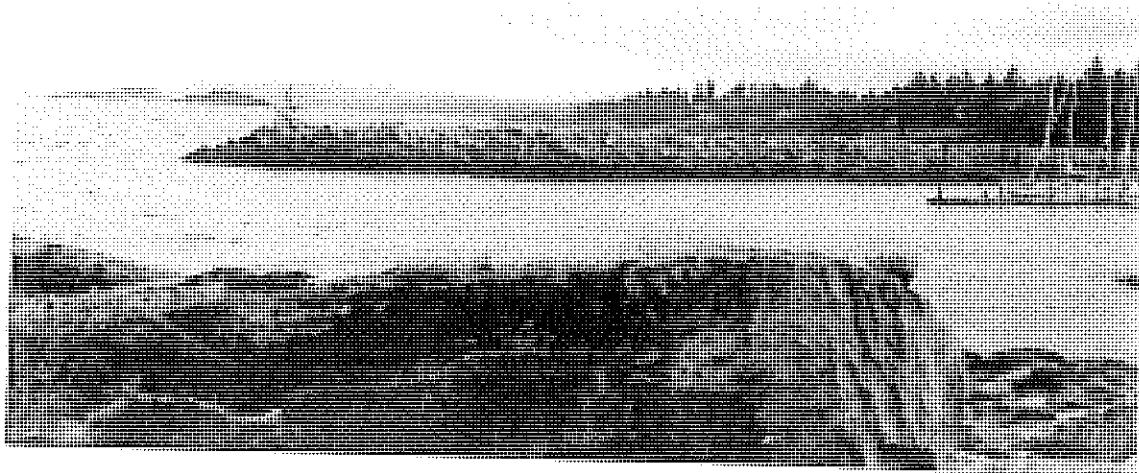












**Cormie, Susan**

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**From:** Chris Junck <chris.junck@goert.ca>  
**Sent:** Wednesday, July 07, 2010 2:15 PM  
**To:** Cormie, Susan  
**Subject:** GOERT comments at Fairwinds PIM  
**Attachments:** 2010 06 28\_Fairwinds PIM presentation.doc

Hi Susan,

I finally found some time to type up my speaking notes. I believe that the notes are reasonably accurate, but during the presentation I was flipping between two versions of the hand-written notes and I may have deviated from the script a bit. At least now you have something to compare to the notes that you took during the meeting.

I want to respond to a point that Russell Tibbles made during the question period about GOERT's involvement in the planning process. He inferred that the "GOERT polygons" on their maps were delineated by us. To the best of our knowledge, the maps were produced by Fairwind's consultants, not by our staff or recovery team members. Nobody from our organization has ground-truthed the polygons either. It is more accurate to say that the information was available on the Fairwinds website, so we did have an opportunity to review and comment on the polygons.

Thanks,  
Chris

<<2010 06 28\_Fairwinds PIM presentation.doc>>

\*\*\*\*\*

Chris Junck  
Species at Risk Outreach Specialist  
Garry Oak Ecosystems Recovery Team  
209-606 Courtney St.,  
Victoria, BC V8W 1B6  
Office: (250) 383-3445 Cell: (250) 888-4086  
Fax: (250) 590-3410  
[www.goert.ca](http://www.goert.ca)

\*\*\*\*\*

"A lifeline for our rarest species"



Please print this email only if necessary

\*\*\*\*\*

June 28, 2010

## **Fairwinds Open House and Public Information Meeting – GOERT's Comments by Chris Junck**

Good evening. My name is Chris Junck and I am representing the Garry Oak Ecosystems Recovery Team.

I would like to start with a few comments to clarify our role in this process. We aren't here to take sides or pit one group against the other. We don't provide an opinion about whether or not a development should be approved. Our role throughout the planning process has been to provide scientifically based information about Garry oak ecosystems and protection measures to anyone that requested it – citizens, Community Advisory Group members, other organizations, Regional District of Nanaimo planners, the developers and their consultants. We try to develop and maintain good working relationships with everyone in the hope that this will result in better land-use planning decisions.

We want to acknowledge that Fairwinds involved us throughout the planning process and a lot of good work has been accomplished. I participated in the public open houses and workshop and our team was invited to provide input on the various versions of the plans. Many of the biologists on the team do this work on a voluntary basis in their spare time. They're very busy people, so sometimes our responses haven't been very timely. A good example of this is our review of the biophysical assessment. Dr. Terry McIntosh and others clearly articulated the biologists' concerns with the report, so I won't go over the details again. We realize that these concerns are coming late in the process and we understand the implications of that for the developer. However, we hope that the comments will be carefully considered.

We hope to continue to work with Fairwinds to protect the Garry oak ecosystems in this area. As an example, one of our members recently noticed some patches of invasive rose campion on the Notch. She and her husband and Fairwinds staff removed the plants using best practices information that we supplied.

We acknowledge that the developer proposes to set aside significant portions of Garry oak ecosystems. We also hope that the RDN will be able to use carbon offset trading or other creative ways to purchase as much of the remaining environmentally sensitive areas as possible. I can provide information about this idea if you wish.

We have concerns about how to manage and mitigate the impacts from increased numbers of residents and visitors to the proposed park areas, and the likelihood that invasive plants will escape from nearby yards. Careful planning,

June 28, 2010

public information, site monitoring and on-going management will be required to reduce the impacts.

In conclusion, we hope that everyone continues to work together in the spirit of co-operation that has been established.

June 28, 2010

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June 28, 2010

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In conclusion, we hope that everyone continues to work together in the spirit of co-operation that has been established.

**Cormie, Susan**

---

**From:** Daena Hamilton <dhamilton@fairwinds.ca>  
**Sent:** Thursday, July 08, 2010 10:46 AM  
**To:** Rusell Tibbles; Paul Sullivan; Chuck Brook; Paul Fenske; Karly O'Connor; Edward Porter  
**Cc:** Cormie, Susan  
**Subject:** Email Correspondence re SCLD

Hello Team

This message came into Kyla downstairs at the Info centre.  
d

-----Original Message-----

**From:** dave shaw [mailto:welds57@shaw.ca]  
**Sent:** Thursday, July 08, 2010 10:21 AM  
**To:** Kyla Karakochuk  
**Subject:** Re: Update - July Issue

is it true you plan to build a 27 meter high condo block next behind  
my garage on my property line with no setback?

This e-mail may be privileged and/or confidential, and the sender does not waive any related rights and obligations. Any distribution, use or copying of this e-mail or the information it contains by other than an intended recipient is unauthorized.

If you received this e-mail in error, please advise me (by return e-mail or otherwise) immediately.

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Toute diffusion, utilisation ou copie de ce message ou des renseignements qu'il contient par une personne autre que le (les)

destinataire(s) désigné(s) est interdite.

Si vous recevez ce courrier électronique par erreur, veuillez m'en aviser immédiatement, par retour de courrier électronique ou par un autre moyen.

**Cormie, Susan**

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**From:** Sanders, Karen on behalf of email, planning  
**Sent:** July 21, 2010 1:06 PM  
**To:** Cormie, Susan  
**Cc:** Lindsay, Dale  
**Subject:** FW: Fairwinds, Lake District & Schooner Cove, OCP Amendment Application  
**Attachments:** Fairwinds Public Meeting June 28th 2010.doc

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**From:** Shaughan [mailto:gointl@shaw.ca]  
**Sent:** Wednesday, July 21, 2010 11:03 AM  
**To:** email, planning  
**Subject:** Fairwinds, Lake District & Schooner Cove, OCP Amendment Application

Planning Department

Please see attached letter regarding Fairwinds OCP Amendment Application.  
I will also send a hard copy in the mail.

Regards  
Shaughan & Connie Holden



July 21, 2010

1985 Harlequin Crescent  
NanOOSE Bay, BC. V9P 9J2

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC. V9T 6N2

**Re: Public Information Meeting and Open House for the Lakes District and Schooner Cove, Electoral Area "E" – Fairwinds - June 28<sup>th</sup> 2010 - 7.00pm – 9.00pm**

In order for the RDN to be clear about public opinion on this proposed development, I would like to add my input and thoughts. (Our house borders on Fairwinds land and will be adversely affected by the new plans.) This meeting was well attended by several hundred people with standing room only. This shows that there is serious public interest in this proposed development.

It was soon painfully obvious to all present that there was no community support for the Fairwinds plans. Other than the Fairwinds representatives (and their hired consultants), those who stood up and voiced an opinion were against the Fairwinds proposals. Observing the Fairwinds team during the proceedings one saw a look of shock and bewilderment on their faces. They said they were very proud of all the public consultations they had held. Yet they were completely unaware of the extensive opposition in the community. Clearly, they had not heard or paid any attention or perhaps even noted the comments from residents affected by the development plans.

I think that The Fairwinds Team miscalculated, misled and misrepresented the majority of the NanOOSE Community. This community has a significant number of "boomers" who have had above average success in their work lives and are informed and astute. They know when they are being "snowed" or "blindsided".

There are many issues that have not been considered or addressed in an acceptable manner. I concur with all those present that the proposed development is objectionable for the following reasons:

1. The setback distances around lakes, sensitive wetland areas and riparian eco-systems are far too inadequate. The plan puts homes much too close to these areas. Wildlife will simply leave or be destroyed.
2. The proposal says there will be walking trails in forested areas. If 1600 more homes are built in the Lakes District, there will be no forest left to walk around in.

-2-

3. The sheer number of residencies proposed is appalling. The Nanoose Community does not want additional 2000+ residencies put into the Fairwinds area. Traffic volume on Dolphin Drive is already getting dangerously busy. It was never designed for thousands more cars. Adding one more through road (across the beaver pond) will not alleviate this problem. Water issues are also a huge concern out here with current water pressure being low. Proposals for dealing with water needs have not been even remotely or adequately addressed.

3. The single application is too large to be considered as one application. The two proposals have separate types of objections that need addressing.

4. The meeting also showed the inadequacy, bias and errors in the consultants reports (mainly the Environmental and Biophysical Assessments) affecting the ecosystems and wetlands. Experts in the audience showed how inadequate these reports were. Considering Fairwinds hired the consultants, this is clearly a conflict of interest situation where the faction paying the bill is not going to be contradicted by those being paid.

5. What also came out at the meeting was the fact that there was a lack of invitation to “proper and representative stakeholders”. Several groups who will be affected by the development were not included or invited to input the process.

When we first moved to this area six years ago, the existing OCP and Fairwinds development proposal showed no plans for development directly behind our house because of the Enos Lakes environmental area. We were assured that there was insufficient space to allow for the 30m setback from the Lake, a walking trail, road allowance, building lots and park space. I was shocked to see not only the “traditional and single family and duplex” homes designation but also a pump station right on top of a riparian ecosystem very close to our house and property line. The setbacks used on the new plans are 12m and 15m – not the 30m as recommended in Riparian Area Regulations. We will have a road and houses right up to our property line.

We (and other residents on Harlequin Crescent whose homes are adjacent to Fairwinds) have objections to these changes in the residential zoning proposed by Fairwinds. It will destroy and remove the reason we choose to live here.

In order to protect this precious and beautiful environment, we would ask the RDN to increase all setbacks in Riparian Ecosystems to at least 30m as per RAR. For wetlands this is a different matter, but a fair start would be to increase setbacks to at least 60m or more. The proposal for the position of a pump station should be away from riparian ecosystems and wildlife trees that are home to eagles and other birds.

-3-

These actions alone would go a long way to decrease the objections by the community. It would maintain forested areas (not remove them as proposed), assist in keeping walking trails, help protect the beaver ponds, and help maintain the bird population. Larger parks would mean less housing. We need to preserve the Lake Districts as it is one of our region's few remaining intact natural habitats.

We encourage the RDN to split the Fairwinds application into two: One for the Schooner Cove Development, the second for the Lake District Development.

In one of the earlier plans the proposed number of Schooner cove condos was around 180 and in the Lake District around 800 homes. Even these numbers may still be too high for the community to accept. The new plans have 400 condos and 1600 homes – more than double previous plans. This is outrageous.

To get a more accurate assessment of these development plans, independent consultants should be engaged either by the RDN or provincial government (this is a huge piece of land). They would provide unbiased reports and recommendations for the RDN to consider.

The developers of Fairwinds have clearly not listened to or considered the wishes of the residents of the area affected by all their plans – despite their boasting of many community meetings. They want to make money. It is possible for them to make money and still wreck less destruction on the environment..

Most of the community realizes, unfortunately, that there will be development. However, we would ask the RDN to NOT approve the application until the plans exceed environmental standards and meet the acceptance by the majority of the Nanoose community.

We encourage the RDN to seriously consider the huge repercussions of approving the new proposal to go through as is.

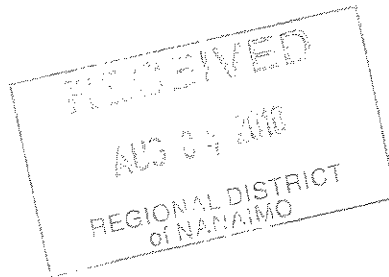
Yours truly,

Shaughan and Constance Holden

3431 Dolphin Drive  
NanOOSE Bay, B.C.  
V9P 4H7

July 25, 2010-07-29

Susan Cormie  
Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Rd.  
Nanaimo, B.C.



Re: Letter dated July 21, 2010 from Ian Garrioch of 3427 Dolphin Drive, NanOOSE Bay, B.C. This was in reference to the Fairwinds Development Application, The Lakes District and Schooner Cove Amendment Application, NanOOSE Bay.

Dear Susan Cormie:

I agree with Mr. Garrioch's facts and concerns regarding the sewer outfall and the pipe breather pipe located adjacent to our properties. The unbearable stench emanating from the sewer outfall is irritating making it uncomfortable to sit outside and prevents us from entertaining on our sundeck because I feel embarrassed to subject family and friends to this intolerable smell.

The hot summers are the most unpleasant time of the year, as the smell seems to linger around longer and more often. Doing work around the house and yard is difficult as sometimes the aroma is so strong you start to feel ill so I am forced to go inside until it gets easier to breathe.

This situation affects Mr. Garrioch more than myself, as he is a permanent resident whereas I only come to my place about 6 months of the year. Despite this, I am a taxpayer who feels strongly that this situation has to be rectified.

Even though I agreed to allow Ranch Point Estates, developers at the time, to put the outfall pipe through the property to save them thousands of dollars, which had the effect of being a shorter route to the waterfront. There was no mention of having a manhole or vent adjacent to our properties. We found this out later when the stench started to become a problem. As more homes were constructed in the area the smell got worse.

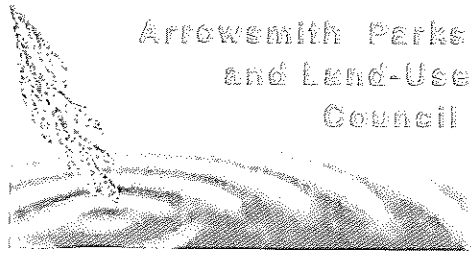
With the proposed development there appears to be a further 2000 homes along with a shopping centre to be constructed. I don't see how the current sewer outfall will be able to handle this, not to mention the aroma will get worse. Consideration should be given to relocating this to a different location where a larger sewer outfall can be constructed to adequately handle the proposed influx of residential & commercial buildings.

I would also like to point out that the sewer outfall has seriously decreased the value of our home and is more a detriment than a positive feature. A year ago we appealed our property assessment and were successful in having the value reduced because of this problem. It may have been a victory but I am not pleased that my property value has declined.

I request that you look into the matter with the view to having this intolerable situation corrected.

Yours truly,

Les Vivian  
250-468-9291  
250-477-1765



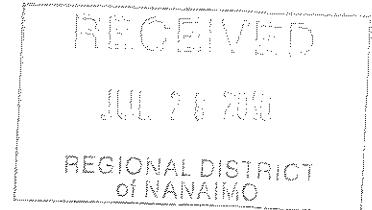
Arrowsmith Parks  
and Land-Use  
Council

An association of individuals and groups committed to engaging with community, government, and industry to advocate for the conservation and expansion of parks and protected areas within the Mount Arrowsmith watersheds.

3349 Blueback Drive  
Nanoose Bay, BC V9P 9H9  
250 468 1714  
pgrinder@gmail.com

July 21, 2010

George Holme, Director, Area E  
Dale Lindsay, Manager, Current Planning  
Susan Cormie, Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9P 6N2



Dear George, Dale and Susan,

**Re: Proposed Fairwinds Development**

The following represent issues and questions we would like to discuss with you regarding the proposed Fairwinds development at our meeting on July 27, 2010. Ross Peterson, Christopher Stevens and Michael Jessen will attend the meeting on our behalf.

**1. Procedures.**

What are the anticipated time lines for the various steps in the RDN review process?  
Will the minutes of the Technical Advisory Committees meetings be available to the public?

**2. OCP Amendment.**

Exactly what OCP amendments are being proposed by Fairwinds?  
Please describe the meaning and implications of the term "Comprehensive Development" that has been used by Fairwinds in its discussions with the public.

**3. Do we want or need this development?**

It is assumed that the RDN will be undertaking a formal analysis of the costs and benefits (to the community) of this proposed development; after all, RDN should be acting primarily on behalf of the public interest.

Please explain the process whereby the proposed development will be judged to be either good or bad for the Nanoose Bay community and the broader RDN area.

An important part of this analysis should be a review of the development proposal's compliance with the Regional Growth Strategy, the Nanoose Bay OCP, and the RDN Sustainability Report. Will RDN comment on how this compliance review will be carried out, and how areas of non-compliance will be handled.

How much will public opinion count in this analysis?

#### **4. Good science.**

Using the principle that its never too late to do the right thing, RDN assessment of the Fairwinds Lakes District proposed development should be postponed until the environmental studies and environmental impact assessment have been completed to a satisfactory standard. At this point, the RDN simply does not have adequate information for good decisions.

As an alternative, the RDN can apply the precautionary principle to the development, whereby the proposed development is pulled back from important and sensitive ecosystems so that the development location would have a smaller and more acceptable level of environmental impact.

As it stands, neither the RDN nor the public knows what the potential impacts are. This is a poor basis for making important decisions.

#### **5. Water.**

Explain how water availability will influence the RDN assessment of this proposed development. How will the proposed "use of RDN water" affect current users and uses? Does the RDN fully understand what the Nanoose Bay population carrying capacity is with respect to the availability of potable water?

#### **6. Regional park management.**

Is the RDN prepared to assume financial and management responsibilities for the proposed Regional and other parklands?

Have third party management arrangements been discussed, such as with conservancy organizations?

Is the RDN considering purchasing the proposed "development reserve" areas?

Why were the wetlands (classified as Sensitive Ecosystems) not included in the RDN request to Fairwinds for Regional Parkland?

#### **7. Proposed Schooner Cove Drive extension.**

What is RDN's view on the necessity of the proposed Schooner Cove Drive extension? Exactly what are the problems that this road is supposedly going to address and overcome? Or do the benefits of this road accrue to Fairwinds alone, by making the development simpler to design?

What is the history behind the resistance to choosing a Transtide/Florence alignment for this road? If agreements were made between Fairwinds and local residents to avoid this alignment, how binding are they?

## 8. Ecological and Conservation Considerations

According to the Biodiversity BC report, the Coastal Douglas Fir biogeoclimatic zone (CDF) is BC's rarest and most threatened biogeoclimatic zone, almost entirely restricted to the southeast coastal lowlands of Vancouver Island. Much of this habitat has been lost to development, in fact the highest percentage of any ecosystem in BC. The Lakes District is one of the most significant remaining unbroken tracts of habitat remaining in this threatened ecosystem. The directors of the RDN passed a motion to encourage the Provincial Government to protect the remaining intact CDF. Should it not support its own motion?

· Will the RDN consider the regional and provincial implications the proposed development could have on endangered species and ecosystems, in keeping with its own environmental protection obligations?

The RDN has legal authorities under the local Government Act and Community Charter to protect sensitive ecosystems, and zoning for development does not preclude the application of DPAs, OCP policies and other bylaw mechanisms to protect the environment.

· Are these various legal authorities in any way compromised by: (1) previous zoning of the Lakes District land as "RSIN" (residential), or (2) inclusion of the Lakes District land within Urban Containment Boundary?

The Regional Growth Strategy seeks a balance between conservation and development, and in Goal 4, Policy 4a, commits the RDN to "protecting open space that reflects the region's landscape character and ecological integrity...capable of sustaining native plant and animal communities". Sustaining our region's natural landscapes and the native biodiversity they support requires the consideration, in a regional context, of the amount of development that has taken place and the extent and integrity of remaining natural areas, in order to determine what must be set aside to maintain our region's ecosystems and biodiversity. The Lakes District is a significant remaining area of highly sensitive, endangered coastal lowland ecosystem, and consequently its protection is critical for maintaining our region's biodiversity.

· Will the RDN take this regional view in making its decisions?

The Lakes District is within Development Permit Area IV, which requires "the protection of the natural environment, its ecosystems and biological diversity".

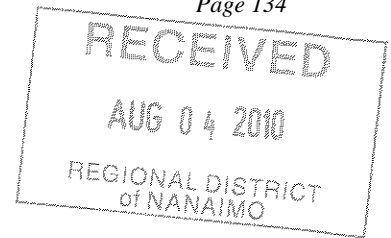
· How is the RDN prepared to assess what impacts to biodiversity this development could cause?

Sincerely,

On behalf of the Arrowsmith Parks and Land-Use Council,



Paul Grinder  
3349 Blueback Drive, Nanoose Bay, B.C. V9P 9H9  
Phone: 250 468 1714  
Email: pgrinder@gmail.com



July 21, 2010

1985 Harlequin Crescent  
Nanoose Bay, BC. V9P 9J2

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC. V9T 6N2

Dear Susan Cormie,

**Re: Public Information Meeting and Open House for the Lakes District and Schooner Cove, Electoral Area "E" – Fairwinds - June 28<sup>th</sup> 2010 - 7.00pm – 9.00pm**

In order for the RDN to be clear about public opinion on this proposed development, I would like to add my input and thoughts. (Our house borders on Fairwinds land and will be adversely affected by the new plans.) This meeting was well attended by several hundred people with standing room only. This shows that there is serious public interest in this proposed development.

It was soon painfully obvious to all present that there was no community support for the Fairwinds plans. Other than the Fairwinds representatives (and their hired consultants), those who stood up and voiced an opinion were against the Fairwinds proposals. Observing the Fairwinds team during the proceedings one saw a look of shock and bewilderment on their faces. They said they were very proud of all the public consultations they had held. Yet they were completely unaware of the extensive opposition in the community. Clearly, they had not heard or paid any attention or perhaps even noted the comments from residents affected by the development plans.

I think that The Fairwinds Team miscalculated, misled and misrepresented the majority of the Nanoose Community. This community has a significant number of "boomers" who have had above average success in their work lives and are informed and astute. They know when they are being "snowed" or "blindsided".

There are many issues that have not been considered or addressed in an acceptable manner. I concur with all those present that the proposed development is objectionable for the following reasons:

1. The setback distances around lakes, sensitive wetland areas and riparian eco-systems are far too inadequate. The plan puts homes much too close to these areas. Wildlife will simply leave or be destroyed.
2. The proposal says there will be walking trails in forested areas. If 1600 more homes are built in the Lakes District, there will be no forest left to walk around in.



-2-

3. The sheer number of residencies proposed is appalling. The Nanoose Community does not want additional 2000+ residencies put into the Fairwinds area. Traffic volume on Dolphin Drive is already getting dangerously busy. It was never designed for thousands more cars. Adding one more through road (across the beaver pond) will not alleviate this problem. Water issues are also a huge concern out here with current water pressure being low. Proposals for dealing with water needs have not been even remotely or adequately addressed.

3. The single application is too large to be considered as one application. The two proposals have separate types of objections that need addressing.

4. The meeting also showed the inadequacy, bias and errors in the consultants reports (mainly the Environmental and Biophysical Assessments) affecting the ecosystems and wetlands. Experts in the audience showed how inadequate these reports were. Considering Fairwinds hired the consultants, this is clearly a conflict of interest situation where the faction paying the bill is not going to be contradicted by those being paid.

5. What also came out at the meeting was the fact that there was a lack of invitation to “proper and representative stakeholders”. Several groups who will be affected by the development were not included or invited to input the process.

When we first moved to this area six years ago, the existing OCP and Fairwinds development proposal showed no plans for development directly behind our house because of the Enos Lakes environmental area. We were assured that there was insufficient space to allow for the 30m setback from the Lake, a walking trail, road allowance, building lots and park space . I was shocked to see not only the “traditional and single family and duplex” homes designation but also a pump station right on top of a riparian ecosystem very close to our house and property line. The setbacks used on the new plans are 12m and 15m – not the 30m as recommended in Riparian Area Regulations. We will have a road and houses right up to our property line.

We (and other residents on Harlequin Crescent whose homes are adjacent to Fairwinds) have objections to these changes in the residential zoning proposed by Fairwinds. It will destroy and remove the reason we choose to live here.

In order to protect this precious and beautiful environment, we would ask the RDN to increase all setbacks in Riparian Ecosystems to at least 30m as per RAR. For wetlands this is a different matter, but a fair start would be to increase setbacks to at least 60m or more. The proposal for the position of a pump station should be away from riparian ecosystems and wildlife trees that are home to eagles and other birds.

-3-

These actions alone would go a long way to decrease the objections by the community. It would maintain forested areas (not remove them as proposed), assist in keeping walking trails, help protect the beaver ponds, and help maintain the bird population. Larger parks would mean less housing. We need to preserve the Lake Districts as it is one of our region's few remaining intact natural habitats.

We encourage the RDN to split the Fairwinds application into two: One for the Schooner Cove Development, the second for the Lake District Development.

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Yours truly,

A handwritten signature in cursive script that reads "Constance Holden".

Shaughan and Constance Holden

**Cormie, Susan**

---

**From:** Hewitt, Nicole  
**Sent:** Wednesday, August 04, 2010 2:10 PM  
**To:** Burgoyne, Linda; Thorkelsson, Paul; Thompson, Paul; Cormie, Susan  
**Subject:** FW: B.Murray Addendum to Letter July 31st. Omission of Environmental Impact Assessment Information during 2yr of Public Consultation Process

---

**From:** Barb Murray [mailto:murrlaw@shaw.ca]  
**Sent:** August 4, 2010 1:36 PM  
**To:** Hewitt, Nicole  
**Cc:** jstanhope@shaw.ca; larry.mcnabb@nanaimo.ca; quailanding@shaw.ca; giselerudischer@gmail.com; maureen\_young@shaw.ca; gholme@shaw.ca; lwb@shaw.ca; dwbartram@shaw.ca; colinhaime@shaw.ca; bill.bestwick@nanaimo.ca; bill.holdom@nanaimo.ca; diana.johnstone@nanaimo.ca; jim.kipp@nanaimo.ca; john.ruttan@nanaimo.ca; loyd.sherry@nanaimo.ca; emayne@parksville.ca; mayor@qualicumbeach.com; 'Fairwinds Comm. Assoc.'  
**Subject:** B.Murray Addendum to Letter July 31st. Omission of Environmental Impact Assessment Information during 2yr of Public Consultation Process

August 04, 2010

To The Regional District of Nanaimo.

I would like to submit this addendum to my previous letter of July 31<sup>st</sup>.

re: Omission or Oversight of the Failure to Include an Important Environmental Assessment Report or Draft Copy Report by the Fairwinds Resort Corporation during their Public Consultation Process  
[http://sc.fairwinds.ca/downloads/technical\\_appendices/tr\\_lakes/Environmental%20Impact%20Assessment.pdf](http://sc.fairwinds.ca/downloads/technical_appendices/tr_lakes/Environmental%20Impact%20Assessment.pdf) by Pottinger Gaherty Environmental Consultants Ltd.

I would like to draw your attention to a very important report that came to my attention after attending last evenings Fairwinds Resort Corporation information session for members of the Fairwinds Community Association.

I was not aware until last night that there had been an Environmental Impact Assessment report completed by consultants in February, 2010.. When I looked for this report on-line today I could not find it but after calling Fairwinds Resort I was able to locate the link(see above). This report is dated February 2010 on the website but I was told by Fairwinds Resort staff that it was not posted until May 2010 when the Fairwinds application was submitted to RDN.

In the name of fairness and transparency in a process that could alter the nature and character of the community of Nanoose Bay forever this Environmental Impact Assessment Report needs to be allowed to be scrutinized and commented on by the public at large and the many stakeholders involved. After an appropriate time for review and input has passed and any necessary editing changes done then it should be re-submitted to the RDN staff and the various agency partners involved.

The two year public consultation process mainly drew from the resident's and stakeholder's spontaneous 'wish list and personal concerns' which is all very well and good but if they cannot re-evaluate their input after assessing the impacts or the unintended consequences of their 'wishes', and that of the developer, then how can the Board of Directors of the RDN properly assess the public's response to this proposal?

Thank you for your continuing attention to the Fairwinds Resort Application to Amend the Nanoose Bay OCP.

Yours sincerely,

Barbara Murray

3362 Rockhampton Road

Nanoose Bay, V9P 9H5

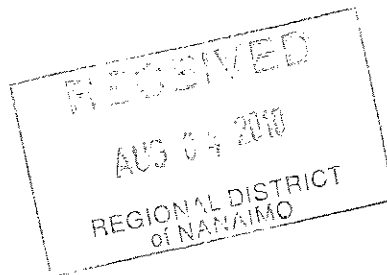
1-250-468-7718

[murrlaw@shaw.ca](mailto:murrlaw@shaw.ca)

3431 Dolphin Drive  
NanOOSE Bay, B.C.  
V9P 9K7

July 25, 2010-07-29

Susan Cormie  
Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Rd.  
Nanaimo, B.C.



Re: Letter dated July 21, 2010 from Ian Garrioch of 3427 Dolphin Drive, NanOOSE Bay, B.C. This was in reference to the Fairwinds Development Application, The Lakes District and Schooner Cove Amendment Application, NanOOSE Bay.

Dear Susan Cormie:

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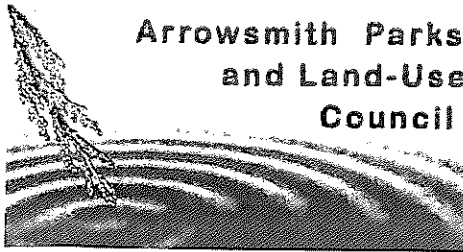
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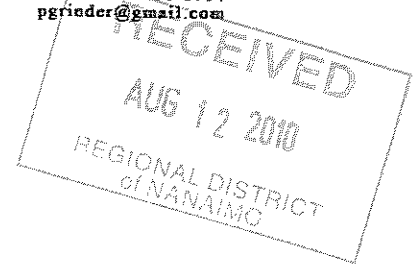
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**Arrowsmith Parks  
and Land-Use  
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*An association of individuals and groups committed to engaging with community, government, and industry to advocate for the conservation and expansion of parks and protected areas within the Mount Arrowsmith watersheds.*

3349 Blueback Drive  
Nanoose Bay, BC V9P 9H9  
250-468 1714  
pgrinder@gmail.com



August 7, 2010

George Holme, Director, Electoral Area E  
Joe Stanhope – Board Chair, Director, Electoral Area G  
Lou Biggeman - Director, Electoral Area F  
Dave Bartram - Director, Electoral Area H  
Joe Burnett - Director, Electoral Area A  
Maureen Young – Director, Electoral Area C  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9P 6N2

Dear members of the RDN Electoral Area Planning Committee,

The Arrowsmith Parks and Land-Use Council (APLUC) is concerned with the provisions for environmental protection with respect to the proposed Fairwinds Lakes District Neighbourhood Plan (a 700+ acre urban development proposal) in Nanoose Bay.

APLUC believes that the basic science behind this proposal is faulty and that the RDN review and assessment process that should ensure appropriate levels of protection of important ecosystems on this property is uncertain and is likely to lead to suspicion and mistrust by the public.

APLUC therefore offers several actions for EAPC consideration to improve the ecological understanding of the potential impacts, to set quantifiable environmental goals to satisfy "the broadest and most critical of issues" in the OCP, and to clarify the process used by RDN in evaluating this proposal.

APLUC would welcome the opportunity to discuss these suggestions further with members of the EAPC.

Sincerely,

On behalf of the Arrowsmith Parks and Land-Use Council,

A handwritten signature in cursive script that reads "Paul Grinder".

Paul Grinder  
3349 Blueback Drive, Nanoose Bay, B.C. V9P 9H9  
Phone: 250 468 1714  
Email: pgrinder@gmail.com

Cc:

Dale Lindsay, Manager, Current Planning, Regional District of Nanaimo  
Susan Cormie, Senior Planner, Regional District of Nanaimo

**APLUC Suggestions to the RDN Electoral Area Planning Committee  
Regarding the Proposed Fairwinds Development.**

---

**I. Informed Decision Making and Good Science.**

The Nanoose Bay OCP provides a vital context for RDN's decisions regarding this development proposal. Among other environmental protection provisions, the OCP states the following:

- *In recognition of the value the community places on protecting the natural environment of Nanoose bay, the Nanoose Bay OCP recognizes that the environment is the broadest and most critical of issues considered in this plan.*
- *The environment is the primary determinant of growth and development. It determines the ultimate build outs...*
- *Applications to change the zoning of the land, or subdivide land, adjacent to a watercourse or containing a sensitive ecosystem shall only be supported if reasonable and acceptable evidence is provided that the proposed development will not adversely affect the environmentally sensitive area...*

Applying these environmental protection obligations to this proposed development requires valid baseline data.

There have been a number of criticisms of the validity of the Fairwinds' biological data base and the environmental impact assessment. APLUC views these criticisms to be credible, as they have been made by people with academic standing and experience.

Because good decisions (by the RDN) require good information, APLUC is concerned that continued debate over the quality of information will call into question all RDN assessments and decisions.

**APLUC therefore suggests two options to overcome this problem:**

- 1. Suspend review of the development proposal until appropriate amendments are made to the Fairwinds data base, to include a full inventory of species, accurate definitions of ecosystem boundaries, and descriptions of species and ecosystem interdependencies, or,**
- 2. Implement precautionary principles for this proposed development in the absence of reliable biological data. This would involve the withdrawal of physical development features further from the ecological boundaries of sensitive ecosystems so that any errors made would be on the side of environmental protection.**

## **2. Independent Ecological Review.**

Much of the argument and discussion concerning the proposed development is ecological in nature and understanding the issues requires good ecological science, both in terms of the biological data base and in the analysis of the data. RDN is not in a good position to adjudicate the Fairwinds data base nor the environmental impact assessment conclusions because of its own lack of academic training and experience. This problem has been exacerbated by the number of public criticisms of the Fairwinds biological data and conclusions.

**It is clear to APLUC that RDN should engage the services of an independent ecological consultant to advise staff on the credibility of the Fairwinds biological studies and the EIA conclusions.**

## **3. Survey of Social Values and Public Attitudes.**

A critical requirement for any RDN decision on the proposed development is an understanding of the public's views of the proposed development – particularly of the social values attached to the environmental assets and the potential impacts. This requires that the public be adequately informed, and then an assessment of their views should be undertaken. Unfortunately, Fairwinds has not provided this information to RDN, and this leaves RDN in a difficult position. To proceed with an assessment and decision without this social value and public attitude information would be a questionable if not a dishonest procedure; as RDN would be making an unwarranted assumption on public opinion, without any supporting evidence. The proposed development is simply too significant in terms of its potential impacts to allow this to happen.

**There is only one option left to RDN – that the public be adequately informed through a proper quantifiable environmental impact assessment process, and then RDN carry out a formal survey of the social values of the environmental assets and the public attitudes of the potential impacts of the proposed development.** APLUC believes that social values and attitudes towards impacts are as important as the ecological values themselves, as these determine how “the environment” defines or contributes to our desired lifestyle.

APLUC does not view the Fairwinds public consultation process as providing adequate information on social values or attitudes towards impact, as there was no consultation after the presentation of the development concept (May 2009) or after the publication of the Environmental Impact Assessment report (May 2010). The Fairwinds public consultation program was limited primarily to input on form and character.

Similarly, APLUC does not view the RDN – sponsored public information meeting in 2010 to be a suitable survey technique for public views. Although there were many speakers, they cannot necessarily be considered representative of the public at large.



Finally, the Fairwinds reports, including the Environmental Impact Assessment report did not include any analysis of social values or public attitudes towards the potential impacts.

APLUC would welcome the opportunity to participate in the development of the needed survey and in the analysis of the results.

#### **4. Clear Process**

In a meeting with Director Holme and RDN planning staff, it became clear to APLUC members that the process forward is not clear, and that there are uncertainties regarding RDN obligations for environmental protection. For example, what is the paramount consideration – the environmental protection provisions in the Nanoose Bay OCP, or the stated obligation by RDN staff to approve a development that “meets all regulatory requirements”? APLUC believes that since the OCP is an RDN bylaw, its environmental protection provisions are obligatory, and cannot be summarily dismissed or minimized by any other authority. If environmental protection provisions are overridden, then the rationale for doing so must be explained.

Uncertainty and lack of clarity in this regard creates doubt and suspicion in the minds of the public, and can taint the best-intentioned political decisions. **APLUC suggests that RDN lay out a clear, detailed and quantifiable pathway of procedures and decision criteria for the review process for this development.**

#### **5. Site Tour.**

Most people would acknowledge that the reality of the proposed development involves much more than lines and colours on a map. APLUC believes that those assessing the proposal and making decisions must have first-hand information on the landscape, its environmental assets and the proposed changes. **The best way to achieve this is via a site visit or tour of the property.**

APLUC would be pleased to assist in such a tour for RDN staff and EAPC members.

**Cormie, Susan**

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**From:** Paul Grinder <pgrinder@gmail.com>  
**Sent:** Monday, August 16, 2010 8:54 AM  
**To:** jstanhope@shaw.ca; lwb@shaw.ca; dwbartram@shaw.ca; quailanding@shaw.ca; maureen\_young@shaw.ca; Cormie, Susan; Lindsay, Dale; gholme@shaw.ca  
**Subject:** Suggestions to the RDN Electoral Area Planning Committee Regarding the Proposed Fairwinds Development

Dear members of the RDN Electoral Area Planning Committee, Dale, and Susan,

Below, please find the Arrowsmith Parks and Land-Use Council's "Suggestions to the RDN Electoral Area Planning Committee Regarding the Proposed Fairwinds Development." This document is a back-up copy of the letter we mailed to each of you on August 7, 2010. We look forward to hearing from you.

Sincerely,  
On behalf of the Arrowsmith Parks and Land-Use Council,  
Paul Grinder

**APLUC Suggestions to the RDN Electoral Area Planning Committee  
Regarding the Proposed Fairwinds Development.**

---

**1. Informed Decision Making and Good Science.**

The Nanoose Bay OCP provides a vital context for RDN's decisions regarding this development proposal. Among other environmental protection provisions, the OCP states the following:

- *In recognition of the value the community places on protecting the natural environment of Nanoose bay, the Nanoose Bay OCP recognizes that the environment is the broadest and most critical of issues considered in this plan.*
- *The environment is the primary determinant of growth and development. It determines the ultimate build outs...*
- *Applications to change the zoning of the land, or subdivide land, adjacent to a watercourse or containing a sensitive ecosystem shall only be supported if reasonable and acceptable evidence is provided that the proposed development will not adversely affect the environmentally sensitive area...*

Applying these environmental protection obligations to this proposed development requires valid baseline data.

There have been a number of criticisms of the validity of the Fairwinds' biological data base and the environmental impact assessment. APLUC views these criticisms to be credible, as they have been made by people with academic standing and experience.

Because good decisions (by the RDN) require good information, APLUC is concerned that continued debate over the quality of information will call into question all RDN assessments and decisions.

**APLUC therefore suggests two options to overcome this problem:**

1. Suspend review of the development proposal until appropriate amendments are made to the Fairwinds data base, to include a full inventory of species, accurate definitions of ecosystem boundaries, and descriptions of species and ecosystem interdependencies, or,
2. Implement precautionary principles for this proposed development in the absence of reliable biological data. This would involve the withdrawal of physical development features further from the ecological boundaries of sensitive ecosystems so that any errors made would be on the side of environmental protection.

## 2. Independent Ecological Review.

Much of the argument and discussion concerning the proposed development is ecological in nature and understanding the issues requires good ecological science, both in terms of the biological data base and in the analysis of the data. RDN is not in a good position to adjudicate the Fairwinds data base nor the environmental impact assessment conclusions because of its own lack of academic training and experience. This problem has been exacerbated by the number of public criticisms of the Fairwinds biological data and conclusions.

**It is clear to APLUC that RDN should engage the services of an independent ecological consultant to advise staff on the credibility of the Fairwinds biological studies and the EIA conclusions.**

## **3. Survey of Social Values and Public Attitudes.**

A critical requirement for any RDN decision on the proposed development is an understanding of the public's views of the proposed development – particularly of the social values attached to the environmental assets and the potential impacts. This requires that the public be adequately informed, and then an assessment of their views should be undertaken. Unfortunately, Fairwinds has not provided this information to RDN, and this leaves RDN in a difficult position. To proceed with an assessment and decision without this social value and public attitude information would be a questionable if not a dishonest procedure; as RDN would be making an unwarranted assumption on public opinion, without any supporting evidence. The proposed development is simply too significant in terms of its potential impacts to allow this to happen.

**There is only one option left to RDN – that the public be adequately informed through a proper quantifiable environmental impact assessment process, and then RDN carry out a formal survey of the social values of the environmental assets and the public attitudes of the potential impacts of the proposed development.** APLUC believes that social values and attitudes towards impacts are as important as the ecological values themselves, as these determine how “the environment” defines or contributes to our desired lifestyle.

APLUC does not view the Fairwinds public consultation process as providing adequate information on social values or attitudes towards impact, as there was no consultation after the presentation of the development concept (May 2009) or after the publication of the Environmental Impact Assessment report (May 2010). The Fairwinds public consultation program was limited primarily to input on form and character.

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Finally, the Fairwinds reports, including the Environmental Impact Assessment report did not include any analysis of social values or public attitudes towards the potential impacts.

APLUC would welcome the opportunity to participate in the development of the needed survey and in the analysis of the results.

#### 4. Clear Process

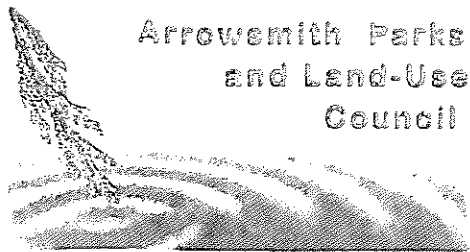
In a meeting with Director Holme and RDN planning staff, it became clear to APLUC members that the process forward is not clear, and that there are uncertainties regarding RDN obligations for environmental protection. For example, what is the paramount consideration – the environmental protection provisions in the Nanoose Bay OCP, or the stated obligation by RDN staff to approve a development that “meets all regulatory requirements”? APLUC believes that since the OCP is an RDN bylaw, its environmental protection provisions are obligatory, and cannot be summarily dismissed or minimized by any other authority. If environmental protection provisions are overridden, then the rationale for doing so must be explained.

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#### 5. Site Tour.

Most people would acknowledge that the reality of the proposed development involves much more than lines and colours on a map. APLUC believes that those assessing the proposal and making decisions must have first-hand information on the landscape, its environmental assets and the proposed changes. **The best way to achieve this is via a site visit or tour of the property.**

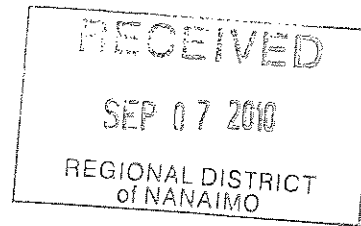
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**Arrowsmith Parks  
and Land-Use  
Council**

An association of individuals and groups committed to engaging with community, government, and industry to advocate for the conservation and expansion of parks and protected areas within the Mount Arrowsmith watersheds.

3345 Blueback Drive  
Nanosee Bay, BC V9P 9H9  
250 468 1714  
pgrinder@gmail.com



August 31, 2010

Dale Lindsay, Manager, Current Planning  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C. V9P 6N2

Dear Mr. Lindsay;

**Re: Proposed Fairwinds Development**

Thank you for your Aug. 23 response to our meeting comments.

Our document should have been titled "Comments arising from the meeting....", rather than "Minutes of the...". Our document was intended primarily for APLUC members, who were not at the meeting. Many of the comments in the document were indeed expressed earlier by APLUC, as they were included in our suggested meeting agenda. We will ensure that APLUC members receive all of the subsequent discussion arising from this initial record of comments.

We offer the following comments for further clarification, and questions that still need answering.

**1. Procedures.**

No further comments at this time.

**2. OCP Amendment.**

Thank you for adding the concept of a specific OCP amendment to "increase density beyond the 188 units for Schooner Cove". We didn't recall this specific mention at the meeting.

Question: Can you tell us which specific parcels (outside the UCB) will be removed from the plan?

**3. Do we want or need this development?**

Most of our comments were included in our previous submission to you and have been included here to provide context for our APLUC members.

Your comment that Fairwinds had initiated a substantial process to collect input and comments from the community needs to be addressed. Yes, a process was initiated, but fell short of providing a clear picture of public acceptance or rejection of the plan, as there was no consultation regarding the potential impacts – a rather serious omission in our opinion.

To clarify, regarding the DPA IV process, APLUC feels that some quantification (objective criteria) is needed for the term "...reasonable and acceptable evidence... that the proposed development will not adversely affect the environmentally sensitive areas". This is absolutely fundamental to any analysis of the acceptability of the proposed development.

Questions:

1. Can you provide us with your view of what would constitute "reasonable and acceptable evidence..."? Are you relying on Fairwinds' consultant's opinion?
2. Can you describe the process RDN will use to calculate the overall benefit/cost of the proposed Lakes District development?

You stated: "*When APLUC raised the option of rezoning the lands for conservation, I very clearly indicated that complete conservation of these lands was not under consideration. The lands are within an UCB and designated for development under the OCP*". This statement raises important questions. It must be recognized that the designation of land can be changed in response to conservation needs and new ecological information in order to achieve a sustainable situation where ecosystems and species are conserved. In this case, the endangerment of the Coastal Douglas Fir ecosystem and the significance of the Lakes District lands as a rare unbroken CDF ecosystem warrant reconsideration of the land's zoning as part of an integrated, sustainable planning process. Please see Section 8. below for further discussion.

Questions:

1. Is the RDN prepared to review the zoning designation of the Lakes District to reflect our new and greater awareness of the need for biodiversity conservation, and look at implementing the landscape and species conservation mandates of the regional Growth Strategy in Policy 4a?
2. Does the RDN agree that in order to be progressive and sustainable, we need to look at bringing past zoning into line with today's conservation needs?

#### 4. Good Science.

Question: Can you give us RDN staff's opinion on the quality of Fairwinds' environmental studies?

#### 5. Water.

No further comments at this time.

#### 6. Regional Park Management.

APLUC's statement that RDN did not view wetlands as important as Garry Oak Ecosystems should have been worded differently. It is our view that lesser emphasis is being placed on the protection of wetlands because of the different park status suggested by RDN.

Questions:

1. Why were the wetlands given a parkland status different from Garry Oak Ecosystems?
2. What criteria were used for this?
3. Does RDN feel that the protection of the wetlands is as important as that for the Garry Oak Ecosystems?

## 7. Proposed Schooner Cove Drive Extension.

As we have suggested, there is indeed legislation to protect beavers – the provincial Wildlife Act. Again, just because the beaver is ubiquitous does not make them any less important. Indeed, these particular beavers have a particular importance for many local residents who use the trails and wetlands for recreation and education. As we pointed out, the proposed road alignment would eliminate most of the beavers' deciduous tree resources, and the ecological boundaries for these wetlands should be set to accommodate this harvesting activity. In addition, the wetlands and their sensitive species such as the COSEWIC listed Red-legged Frog would face significant impacts from having an active road so close. Such effects include: noise, habitat fragmentation, pollution and degradation, direct mortality, and loss of critical buffer habitat.

- Questions:
1. How does RDN propose to evaluate other options for the proposed Schooner Cove Drive extension?
  2. What is the history behind the resistance to choosing a Transtide/Florence alignment for this road?

## 8. Ecological and Conservation Considerations.

Our statement concerning RDN's level of concern for CDF ecosystems came from your minimal response to our statements and questions, so yes, this is our opinion. Also, you did say something to the effect that "*not everything can be protected*" – a philosophy that may be acceptable in principle, if there has to be some level of development.

The Biodiversity BC report, produced by a collaboration of government and conservation organizations found that: "*The Coastal Douglas Fir zone is the rarest biogeoclimatic zone in BC, and is of great conservation concern. The CDF zone has experienced the highest percentage of ecosystem conversion of any of BC's ecosystems. The Coastal Douglas Fir zone also has the highest level of species of both provincial and global conservation concern*". Many of our region's land birds have declined due to habitat loss, with fragmentation of their required forest habitat being one of the most serious issues. The Lakes District provides rare contiguous CDF forest zone low elevation habitat that is key for many bird species, and is thus of importance for conservation of our region's bird diversity.

Questions:

1. Is RDN prepared to discuss with Fairwinds amendments to the plan to protect a greater percentage of intact (non-fragmented) CDF ecosystem?
2. Is RDN prepared to consider rezoning the CDF ecosystem to conservation status as a means of protecting this highly endangered ecosystem?

A final comment, referring to several of the above sections, involves the apparent sanctity of the current residential zoning for the Lakes District, and how this may be impeding good environmental protection practices.

The RDN's often quoted fall-back position when questioned about zoning changes to accommodate environmental protection is the presumed inviolate sanctity of the current residential zoning for the Lakes District, and that Fairwinds can go ahead with traditional development "*without significant input from the RDN and the community*" (as you have said). This is an inappropriate position for the regulator to take, as even Fairwinds has said that it does not wish to undertake a traditional development in the Lakes District. In some ways, Fairwinds has opened the door to more innovative approaches to development that preserves more important ecosystems, and it seems to us that RDN

should be pushing this envelope further to provide more protection on sensitive ecosystems than that suggested by Fairwinds. Again, the opportunity is there, but it takes some forward thinking to follow through. We urge RDN to consider the opportunity for at least some rezoning of the Lakes District lands to conservation status, particularly for the CDF ecosystem.

It is possible, and perhaps understandable that the “acceptance” of the current residential zoning for the Lakes District, and the inclusion in the UCB, may have been based on incomplete information (certainly incomplete ecological information from Fairwinds). In our view, a reconsideration should be undertaken of the area’s zoning, taking into account current information and the endangerment of the CDF ecosystem.

In our view, it’s never too late to do the right thing, and APLUC urges the RDN to work with Fairwinds to amend the Neighbourhood Plan for the Lakes District to set aside a significant portion of the endangered CDF ecosystem, and apply a conservation status through rezoning.

Ross Peterson  
Christopher Stephens  
Michael Jessen

Cc: Susan Cormie, George Holme



**Cormie, Susan**

---

**From:** david collyer <david.collyer@shaw.ca>  
**Sent:** Sunday, August 15, 2010 11:03 AM  
**To:** George Holme; Cormie, Susan  
**Subject:** Fw: Critique of Fairwinds Plans for the Lakes District and Schooner Cove  
**Attachments:** Emailing: Lots Mostly Left to Nature006.jpg

To George Holme and Susan Cormie,

I sent this critique to the FCA after their request. I would also like to draw your attention to my concern of unnecessary sites degradation which I think could be greatly reduced if Fairwinds would respond in a positive way to reduce it.

David Collyer

----- Original Message -----

**From:** david collyer  
**To:** [Fairwinds Comm. Assoc.](#)  
**Cc:** [scormie@dn.bc.ca](mailto:scormie@dn.bc.ca)  
**Sent:** Sunday, August 15, 2010 8:46 AM  
**Subject:** Critique of Fairwinds Plans for the Lakes District and Schooner Cove

I do not have objection to the content of the Fairwinds submission except it does not include sufficient means of protection for the sensitive environmental ecological systems. I have raised this concern at several of the joint Nanoose Naturalist Stewardship Committee/Fairwinds Planning Team meetings who met several times over the past three years at which we submitted our requests for consideration of good planning principles and to review/critique the proposed development plans. Fairwinds adopted many of our suggestions but little of how to protect the natural environment from wasteful and unregulated construction practices. The Fairwinds submission has vague reference to protection of the ecological systems but no limitations on entry into sensitive areas not necessary for their immediate construction contracts. All contractors have been allowed unlimited access to all land on and adjacent to their contracted construction site areas and this unlimited access has caused much of the unnecessary damage. Another way this type of damage has occurred is the way Fairwinds have installed site services, from phase to phase of the work, and also the way individual home contractors excavated and dumped their material over excessive areas. There was little if any protection of the sensitive and rare ecological systems. Much of the damage would have been prevented if the excavated material had been immediately removed to a final dump site, but it has constantly been dumped in the immediate area of the current phase under construction, and when the next phase happened it was picked up and dumped again. I believe, therefore, that the same conduct will be allowed on future work. A closely related cause of unnecessary site damage has been the continuous practice of allowing all contractors to again damage sensitive ecological systems by lack of concern by Fairwinds on site development of home lots with resultant haphazard and non native landscaping materials and practices which in most cases covered the entire lot area to the detriment of not only the sensitive ecological systems but also to the resultant use of irrigation over the entire lot not covered by homes and related pavement/patio areas. Both this site damage and excessive water use would be limited if Fairwinds imposed as one of the conditions for construction/site development controls on preventing these types of practices with penalties [covenants and performance bonds] for non compliance. The attachment provides a good guideline for limiting site damage while at the same time maximizing the area left to the natural ecological systems.

David Collyer [david.collyer@shaw.ca]

DEVELOPMENT

Oct 24/09 T.C.

# Lots mostly left to nature. It's no place for neat freak

## Wilderness kept around homes saves money in rural areas

MARTY HOPE  
Canwest News Service

For those who faithfully keep their lawns trimmed and carry out seek-and-destroy missions on dandelions, it's enough to make you cringe.

But while we urban neat freaks can't get our heads around the fact people actually let their grass grow knee-high — even mixed with randomly seeded wildflowers — there is a growing sentiment in rural areas to have exactly this happen.

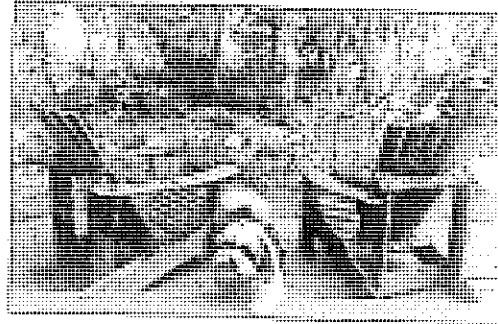
It's called conservation development and the newest example of this style is being proposed by Mark Kwasnicki, a high-end custom builder who now and again puts his talents to country residential land development.

His latest project is Silverhorn in the municipal district of Rocky View just north of Calgary, a largely rural area that is home to many a high-end home, estate or ranch.

To help bring Silverhorn along, Kwasnicki recruited Elvin Karpovich, a Calgary company director.

One of the more interesting elements of this type of land development is that it tries to reduce the size of the footprint it leaves on the land by preserving trees, sloughs, dugouts, natural vegetation and wildlife corridors, while giving potential homebuyers lots measuring from a half to a full hectare.

But here is another catch to conservation development: You can't



TIMES COLONIST ARCHIVE

Calgary developer catches on to a landscaping style that has long been familiar to Sooke homeowners.

just run around willy-nilly doing landscaping.

There are several elements to the home site.

The first is the building envelope, which will be large enough for a 4,500-square-foot two-storey home — or 6,000 if you want to go to three levels.

Then there is a five-metre area around the home for gardens or lawn, and beyond that, "It's a no-touch zone out there," says Kwasnicki. "Everything has to stay in its natural state."

The county endorses the conservation development idea. In fact, it was officials led by Rocky View reeve Lois Habberfield, who worked with Kwasnicki and Karpovich to refine the proposal.

But there are challenges to be faced for any jurisdiction considering this style of development, says Karpovich.

The biggest will be getting municipalities to accept and approve some of the design elements built into a conservation plan — things like road standards, non-manicured medians and boulevards, and using existing ponds and sloughs for stormwater run off, he says.

Other elements include

the communal sanitary treatment system, public open spaces that are created as natural areas, and the maintenance or non-maintenance of these spaces, says Karpovich.

"Our goal is to show that these spaces need minimal to no maintenance and that the natural environment is easy to maintain," he says.

"But in saying that, we have provided for smaller usable spaces within the building envelope to accommodate a manicured lawn. Our intent is not to completely eliminate a mowed lawn, but to substantially reduce the acres and acres of mowed grasslands you find in typical country residential developments."

It sounds like it might be time to put away that rider mower and find yourself a push one.

Promoting conservation measures has been done before and fiscally, it makes a lot of sense. More and more communities are getting out of the landscape upkeep business because of the cost and manpower involved.

Karpovich says the other challenge is getting builders and homebuyers to understand how conservation development will benefit them.

## Cormie, Susan

---

**From:** Hamilton, Karen on behalf of email, planning  
**Sent:** Monday, August 16, 2010 12:22 PM  
**To:** Cormie, Susan  
**Cc:** Lindsay, Dale  
**Subject:** FW: Fairwinds Development should follow existing OCP

**From:** MICHAEL SIMARD [mailto:mjsimard@shaw.ca]  
**Sent:** Friday, August 13, 2010 4:12 PM  
**To:** email, planning  
**Subject:** Fairwinds Development should follow existing OCP

RDN,

Re: Fairwinds proposed development application.

The existing OCP should be respected as it is a result of community consultation.

Fairwinds currently has approx. 700 units developed on approx. 50% of the community area.

The current proposal to add another 395 units in Schooner Cove & 1675 units in the Lakes District makes a total of 2070, three times the current amount and in my opinion far too many. 2070 units would add approx. 4000 vehicles to the community, too much traffic, too much noise.

Fairwinds is a beautiful rare community (similar to Pebble Beach California) not comparable to any other community in Canada.

Please do not allow Schooner Cove to become congested with 395 Condos & 1000 vehicles.

There can be a happy medium which respects the community residents & allows for development.

I would like the development to take place under existing OCP guidelines.

Michael Simard  
3484 Redden Rd.  
Nanoose Bay, B.C.  
V9P 9H3  
250-468-0277

**Cormie, Susan**

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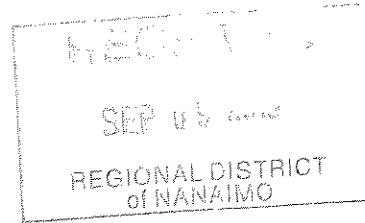
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APLUC would be pleased to assist in such a tour for RDN staff and EAPC members.

2346 Eaglesfield Place  
Nanoose Bay, B.C.  
V9P 9G7  
Tel(250) 468-7088

September 2, 2010



Ms. Susan Cormie  
Development Services Department  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2

Dear Ms. Cormie:

I attended last month's meeting held at the Fairwinds Centre sponsored by the Fairwinds Community Association and chaired by the President, Mr. Bob Pople.

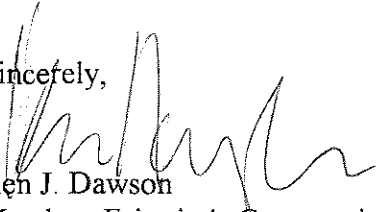
I heard presentations on the Lakes District Neighborhood Plan and the Schooner Cove Neighborhood Plan given by Mr. Paul Fenske of Ekistics Planning, Vancouver, and Mr. Chuck Brook of Brook and Associates, Victoria. There was also a model of the Schooner Cove Neighborhood Plan on display. Most of the 60 or so people present seemed impressed with what could be coming to their area in the way of two new well planned and researched communities.

I had taken the time in days prior to the meeting to read thoroughly the Lakes District Neighborhood Plan and Schooner Cove Neighborhood Plan proposals.

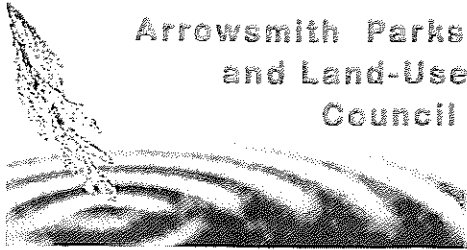
Based on what I have read and heard, I consider these excellent plans for Fairwinds and I hope they are favourably accepted by the Regional District of Nanaimo.

Thank you for considering my input and I look forward to watching for a speedy approval of the plans so the next step of the development process can get started

Sincerely,

  
Ken J. Dawson

Member, Fairwinds Community Association  
Former Member, Deep Cove Yacht Club, North Vancouver  
Vancouver Island mid island resident since 1997



**Arrowsmith Parks  
and Land-Use  
Council**

An association of individuals and groups committed to engaging with community, government, and industry to advocate for the conservation and expansion of parks and protected areas within the Mount Arrowsmith watersheds.

3349 Blueback Drive  
Nanacoost Bay, BC V9P 9H9  
250 468 1714  
pgrinder@gmail.com

September 13, 2010

George Holme, Director, Area E  
Dale Lindsay, Manager, Current Planning  
Susan Cormie, Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9P 6N2

CAO'S OFFICE		
CAO	<input checked="" type="checkbox"/>	GMR&PS
GMDS	<input checked="" type="checkbox"/>	GMT&SWS
GMF&IS		GMR&CS
SEP 17 2010		
SMCA		BOARD
CHAIR		G. Holme

Dear George, Dale and Susan,

**Re: Response to Pottinger Gaherty Environmental Consultants Limited (PLC)**

We, the Arrowsmith parks and Land-Use Council (APLUC), would like to offer the following comments in response to the August 24th letter from Pottinger Gaherty Environmental Consultants Limited (PGL) titled "Reponses to Environmental Concerns". We are in receipt of a copy of PGL letter and assume that the RDN has also been copied, so would like to ensure the RDN receives a balanced perspective on these issues. As PGL appears to have been selective in which comments from the June Public Information Meeting they have chosen to challenge, we assume they must agree with the numerous other public criticisms of their environmental impact assessment. Overall, it appears from the PGL comments that they (PGL) have not done any field observations or measurements on their own. Effective environmental protection cannot be done solely by adherence to written guidelines, best management practices, etc.

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no inventory of species in the Environmentally Sensitive Areas and from this, the conclusion is drawn that the inventory did not encounter any rare and endangered species. If you don't look in the right places, you are sure not to find them.

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Some of the proposed habitat patches are too small to maintain biodiversity, and in fact may have the opposite effect. Scientific research has shown that fragmented strips and patches can act as "population sinks" for sensitive forest species, which take them to be suitable habitat, making them unnaturally vulnerable to edge exploiting predators and invasive species. The fragmentation of the Lakes District landscape into patches connected by green strips significantly compromises its ecological integrity. Higher elevation habitat is also disproportionately represented, with far too little habitat in the wetland/riparian zones where many sensitive species occur.

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In fact, given the actual small size of the CDF zone, the levels of development within the CDF plus the especially high ecological integrity and diversity of the Lakes District, it is a very significant component of the remaining CDF ecosystem, of which 49 percent has been lost to development, the highest level of any natural habitat in BC.

Assessing the extent of the ecoregion represented by the subject lands, the extent of remaining natural habitat within the ecoregion, the ecological uniqueness/habitat values and integrity of the subject lands plus the level of impacts is at the foundation of the Environmental Assessment process. PGL has failed to correctly do this.

PGL arrives at an erroneous conclusion of minimal impact on the larger CDF ecosystem through failing to correctly factor the rarity of the Lakes District landscape as an unbroken CDF habitat, the size of the CDF zone, the amount of the CDF that has already been lost to development plus the scale of impacts to the Lakes District landscape. The Lakes District is in fact a critically important remaining tract of diverse, unbroken habitat in the threatened CDF zone.

#### **11 – Appendix – Sensitive Bird Species**

In citing availability of habitat for Ruffed Grouse provided by the proposed plan, PGL counts Notch Hill as Ruffed Grouse habitat. PGL then argues that sufficient habitat will be available to ensure the survival of Ruffed Grouse. However, according to our current knowledge, Notch Hill does not generally provide suitable habitat for Ruffed Grouse. Rather, these lowland birds rely mostly on the wooded areas and riparian zones surrounding the Beaver Ponds and lake, as well as mixed forest around Enos Lake. These areas would be significantly impacted by the proposed subdivision plan.

PGL fails to comment on some of the most serious bird conservation issues raised, including the presence of nesting Olive-sided Flycatchers, a COSEWIC listed, federally threatened species. The Lakes District provides rare remaining prime habitat for nesting Olive-sided Flycatchers in the form of treed uplands, snag wetlands, open forest, woodlands, and natural forest openings in a contiguous landscape. Research suggests that human impacts such as land clearing can cause Olive-sided Flycatchers to experience high rates of nesting failures due to increased predation.

Documented issues associated with effects of habitat fragmentation on other sensitive species we mentioned have not been addressed by PGL.

#### **12 - Conclusion**

The Plan does not protect the Garry Oak meadows "in their entirety" as claimed by PGL. As we have mentioned before, the Garry Oak ecosystem has not been accurately defined, and the Plan would encroach on the sensitive ecosystem.

APLUC does not agree with the claim that "the proposed Plan provides a significant benefit ..." The sensitive ecosystems in the Lakes District are already protected through various RDN mechanisms (OCP, RGS, Sustainability), despite the current Residential zoning. APLUC does not believe from a practical sense that this zoning necessarily trumps the environmental protection obligations of the RDN, and therefore does not accept that the proposed parkland is a "gift" from Fairwinds.

On behalf of the Arrowsmith Parks and Land-Use Council,



---

Paul Grinder  
3349 Blueback Drive,  
Nanose Bay, B.C.  
V9P 9H9  
250 468 1714  
[pgrinder@gmail.com](mailto:pgrinder@gmail.com)

**Cormie, Susan**

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**From:** al kirkley <akirkley@telus.net>  
**Sent:** Friday, October 22, 2010 9:05 AM  
**To:** Cormie, Susan  
**Subject:** Fairwinds Lake District Proposal

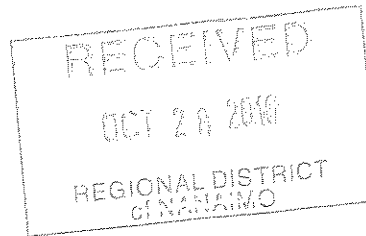
Please see the extract below.

If the Fairwinds Lake District Plan is approved as it stands with the road between the two beaver ponds we can expect similar results for the population of red-legged frogs that inhabit the area.

"The red-legged frog is one of several endangered species of wildlife living in Burns Bog. Recently, Robert Matas of The Globe and Mail reported that the frogs living in the wetlands around the new Sea-to-Sky highway to Whistler are not faring as well as their Burns Bog siblings. About 14 kilometres outside Whistler, the road runs right through the red-legged frogs' migration route. Unless the frogs ask for directions to the nearest wildlife tunnel under the road, they are stuck trying to cross the multi-million dollar highway. This is a skill the red-legged frogs haven't learned to master. "

Wayne & Donna Turner  
1981 Harlequin Crescent  
Nanoose Bay, B.C.  
V9P 9J2

05 October, 2010



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

Dear Sirs,

Please accept this letter as our statement of objection regarding the proposal for the Lakes District & Schooner Cove, Electoral Area "E" as submitted to the Regional District of Nanaimo by Fairwinds. While the renovations to the marina area, with new commercial space, would be a welcome addition, we have concerns regarding several other areas of Fairwinds proposal.

We are very concerned about the Lakes District portion of the proposal. The tranquil beauty of the area enjoyed by scores of residents, hikers and bikers would be forever altered. This unique eco-system of lakes and forest is one of the reasons people are drawn to the Fairwind area. When fully developed the forest, wetlands and wildlife will all be negatively impacted. Small pockets of green within subdivisions will discourage wildlife by transforming their traditional habitat including feeding, established movement patterns, access to breeding grounds, etc.

Adding over 1500 homes will affect the area with increased traffic on already very narrow, busy roads. Streams of cars will add noise and pollution to our peninsula. According to Fairwinds proposal there appears to be provision for *limited* support services for the significantly increased population. Therefore, the populace will be required to drive to access full services elsewhere. The building of one thoroughfare that bisects Fairwinds property (Schooner Cove Drive) does NOT solve the problem of volume that will absolutely develop if this proposal goes forward.

There are many knowledgable challenges to Fairwinds research on issues such as setbacks, proximity to waterways, unique eco-systems identification as well as water and sewer objections. We would like to add our names to the long list of opponents, including all those that spoke against the proposal at the 28 June, 2010 meeting as well as the large number that did not get the opportunity to voice their concerns. It appears that Fairwinds has not done due diligence in its research and has presented flawed findings to both the Regional District of Nanaimo and the general public.

We urge the Regional District of Nanaimo to consider the objections of many learned contributors providing feedback and exercise extreme caution in accepting **any** development plans for this unique area.

Thank you.

Wayne Turner  
250-468-9651

Donna Turner

Donna Turner

**Cormie, Susan**

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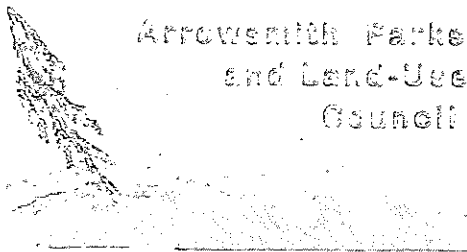
**From:** J&H Nickson <thenicksons@shaw.ca>  
**Sent:** Monday, November 15, 2010 1:51 PM  
**To:** Cormie, Susan  
**Subject:** Fairwinds application

Susan ;

Please take note, if the Planning Dept already hasn't, the road network throughout the Nanoose Peninsula is not capable of handling the volume of traffic that will be generated by the proposed number of homes and condos that are being asked for in the proposal.

Access and egress to the Fairwinds area is simply not up to date, to service the build-out population, This needs further attention.

Sincerely  
John Nickson  
2389 Arbutus Cres  
Nanoose Bay



Arrowsmith Parks  
and Land-Use  
Council

An association of individuals and groups committed to engaging with community, government, and industry to advocate for the conservation and expansion of parks and protected areas within the Mount Arrowsmith watersheds.

3349 Blueback Drive  
Nanoose Bay, BC V9P 9H9  
250 468 1714  
pgrinder@gmail.com

November 16, 2010

Maggie Henigman  
Acting Senior Ecosystems Biologist  
Ministry of Environment  
2080A Labieux Road  
Nanaimo, B.C. V9T 6J9

CAO'S OFFICE		
CAO	<input checked="" type="checkbox"/>	GMR&PS
GMDS	<input checked="" type="checkbox"/>	GMT&SWS
GMF&IS		GMR&CS
NOV 29 2010		
SMCA		BOARD
CHAIR		
<i>G. Holme</i>		

Dear Ms. Henigman:

Re: Environmental Implications of Proposed Road for Fairwinds Development

We, the Arrowsmith Parks and Land-Use Council, have reviewed the comments of the MoE and the MoT&I regarding the Fairwinds Lakes District Neighbourhood Plan and find there is no mention of the proposed location of the east/west connector (Schooner Cove Drive Extension) and its potential ecological impacts.

We are concerned that the proposed alignment of this connector would have serious and permanent impacts on the ecological functions of two beaver ponds, defined as Sensitive Ecosystems in the Federal-Provincial Sensitive Ecosystem Inventory Program.

We do not believe that the Fairwinds' application of Riparian Areas Regulations (RAR) provisions is adequate to protect the ecological functions of these beaver ponds. It is our understanding that the RAR provisions were drafted by MoE to protect fish and fish stream habitat, and not the more general and sometimes broader needs of wetlands, and particularly beaver ponds.

In the case of the Fairwinds Lakes District beaver ponds, there are significant areas where the proposed road alignment would encroach on important wetland resources, and where even the RAR setback provisions would not be met, especially along the western margin of the more northerly beaver pond.

The proposed alignment would remove almost all of the beavers' deciduous tree resources. In November 2009, beaver had felled 64 saplings on the right of way of the proposed road, which represents virtually all of the beaver's harvest of that year. There are beaver trails in many places along the proposed right of way, and Fairwinds' assurance that planned culverts would provide needed access across the road does not address the issue of compromised food supply.




The proposed road alignment does not accommodate the terrestrial habitat needs of the Blue Listed Red Legged Frogs found in the area. There is no identification of where the frogs' terrestrial habitats are in relation to the road alignment, and Fairwinds' plans for culvert access provisions are not convincing. We draw you attention to the attached news coverage of frog mortality on the Sea to Sky Highway ("*Despite tunnels, many amphibians flattened while trying to cross highway, experts say*").

We believe that avoidance of impacts is preferable to mitigation and restitution. We think there other alignments for this road that should be considered in order to reduce ecological impacts. One of our members, when serving on the Community Advisory Group for this development, attempted to persuade the Fairwinds consultants to consider other alignment options, but except for a statement to the effect that the proposed alignment was the best available, no systematic comparison of routes was undertaken. We think this still needs to be done. If a connector road is required, we prefer a route that avoids the area between the two beaver ponds. One option that seems worth considering includes an alignment that essentially follows along the western edge of the Fairwinds property from Fairwinds Drive, before turning east to join the existing Schooner Cove Drive.

We feel there is still time for a comparative analysis of optional routes, and ask that your Ministry request that this be done. We look forward to your reply.

Sincerely,

On behalf of the Arrowsmith Parks and Land-Use Council,

  
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Paul Grinder  
3349 Blueback Drive, Nanoose Bay, B.C. V9P 9H9  
Phone: 250 468 1714  
Email: [pgrinder@gmail.com](mailto:pgrinder@gmail.com)

Cc:

Debbie O'Brien, Senior Planning Technician, MoT&I  
Angela Buckingham, Chief Environmental Officer, MoT&I  
George Holme, Director, Regional District of Nanaimo, Area E  
Dale Lindsay, Manager, Current Planning, Regional District of Nanaimo  
Susan Cormie, Senior Planner, Regional District of Nanaimo

Minister of  
Fisheries and Oceans



Ministre des  
Pêches et des Océans

Ottawa, Canada K1A 0B6

OCT 27 2010

Mr. Paul Grinder  
3349 Blueback Drive  
Nanoose Bay, British Columbia  
V9P 9H9

Dear Mr. Grinder:

Thank you for your correspondence of September 15, 2010, in which you provide the Arrowsmith Parks and Land-Use Council's response to the Proposed Fairwinds Lakes District Development Review.

I appreciate learning the Council's views on this matter and welcome the opportunity to respond to those sections of your letter that relate to Fisheries and Oceans Canada (DFO). Typically, local governments have jurisdiction over their municipal zoning and development permit processes and are responsible for ensuring that developers meet broader provincial and federal regulatory requirements.

The British Columbia Riparian Areas Regulation (RAR) enables local governments to allow development within 30 metres of the high-water mark of a stream, provided that prescribed riparian assessment methods have been followed. The assessment methods require that a qualified environmental professional (QEP) determine a development setback from the stream, define measures to protect the riparian area and provide an opinion on whether or not the proposed development will result in the harmful alteration, disruption or destruction (HADD) of riparian fish habitat.

In cases where the QEP determines that the development, according to RAR, will not result in a HADD of riparian fish habitat, the local government can allow the development to proceed without review by DFO. The majority of RAR submissions fall within this category.

.../2

Canada

- 2 -

However, when the QEP determines that the development is likely to result in a HADD of riparian fish habitat, the RAR requires the QEP to include approval from the Department with the assessment. This triggers a review under the *Fisheries Act* by DFO's Habitat Management Program in accordance with DFO's *Policy for the Management of Fish Habitat*, which can be found at < [www.dfo-mpo.gc.ca/oceans-habitat/habitat/policies-politique/operating-operation/index\\_e.asp](http://www.dfo-mpo.gc.ca/oceans-habitat/habitat/policies-politique/operating-operation/index_e.asp) >, as well as the *Canadian Environmental Assessment Act* and *Species at Risk Act*.

You are concerned that the proposed Fairwinds Lakes District development could affect Enos Lake benthic and limnetic stickleback. You are correct in stating that the species of Enos Lake stickleback are currently listed as Endangered on Schedule 1 of the *Species at Risk Act* and are, therefore, protected under that legislation. This makes it unlawful to harm Enos lake stickleback or to destroy their critical habitat without a permit.

I thank you for taking the time to share your concerns.

Sincerely,



Gall Shea, P.C., M.P.

**Cormie, Susan**

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**From:** Paul Grinder <pgrinder@gmail.com>  
**Sent:** Wednesday, September 15, 2010 1:25 PM  
**To:** Lindsay, Dale; Cormie, Susan; gholme@shaw.ca  
**Subject:** APLUC response to PGL report: e-mail copy

Hello George, Dale and Susan,

Below, please find the Arrowsmith Parks and Land-Use Council's response to the document submitted by Pottinger Gaherty Environmental Consultants Limited (PLC) to the Fairwinds Planning Team. The following is a back-up copy of the letter we mailed to each of you on September 13, 2010.

Sincerely,  
Paul Grinder

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**Comments 10. "lacking is any consideration of the implications of losing this significant remaining intact habitat on the overall conservation of the endangered Nanaimo Lowlands Ecoregion and Coastal Douglas Fir Forest zone".**

There is misinformation in Pottenger Gaherty's description of the extent of the Coastal Douglas-fir zone, which seriously compromises the validity of their statements on this keystone issue. Pottenger Gaherty incorrectly states that the Coastal Douglas-fir ecosystem extends on Vancouver Island "from Campbell River to the island's southern tip". In fact, the CDF only extends north to slightly past Bowser. Having grossly overstated the size of the CDF zone, PGL then concludes, based on that error, that the Lakes District is "a small portion of this land mass".

In fact, given the actual small size of the CDF zone, the levels of development within the CDF plus the especially high ecological integrity and diversity of the Lakes District, it is a very significant component of the remaining CDF ecosystem, of which 49 percent has been lost to development, the highest level of any natural habitat in BC.

Assessing the extent of the ecoregion represented by the subject lands, the extent of remaining natural habitat within the ecoregion, the ecological uniqueness/habitat values and integrity of the subject lands plus the level of impacts is at the foundation of the Environmental Assessment process. PGL has failed to correctly do this. PGL arrives at an erroneous conclusion of minimal impact on the larger CDF ecosystem through failing to correctly factor the rarity of the Lakes District landscape as an unbroken CDF habitat, the size of the CDF zone, the amount of the CDF that has already been lost to development plus the scale of impacts to the Lakes District landscape. The Lakes District is in fact a critically important remaining tract of diverse, unbroken habitat in the threatened CDF zone.

## **11 – Appendix – Sensitive Bird Species**

In citing availability of habitat for Ruffed Grouse provided by the proposed plan, PGL counts Notch Hill as Ruffed Grouse habitat. PGL then argues that sufficient habitat will be available to ensure the survival of Ruffed Grouse. However, according to our current knowledge, Notch Hill does not generally provide suitable habitat for Ruffed Grouse. Rather, these lowland birds rely mostly on the wooded areas and riparian zones surrounding the Beaver Ponds and lake, as well as mixed forest around Enos Lake. These areas would be significantly impacted by the proposed subdivision plan.

PGL fails to comment on some of the most serious bird conservation issues raised, including the presence of nesting Olive-sided Flycatchers, a COSEWIC listed, federally threatened species.

The Lakes District provides rare remaining prime habitat for nesting Olive-sided Flycatchers in the form of treed uplands, snag wetlands, open forest, woodlands, and natural forest openings in a contiguous landscape. Research suggests that human impacts such as land clearing can cause Olive-sided Flycatchers to experience high rates of nesting failures due to increased predation. Documented issues associated with effects of habitat fragmentation on other sensitive species we mentioned have not been addressed by PGL.

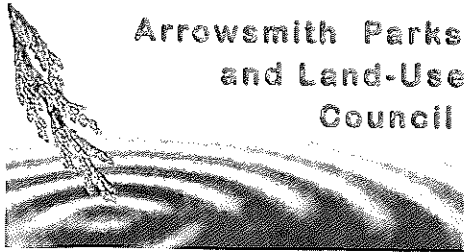
## **12 - Conclusion**

The Plan does not protect the Garry Oak meadows "in their entirety" as claimed by PGL. As we have mentioned before, the Garry Oak ecosystem has not been accurately defined, and the Plan would encroach on the sensitive ecosystem.

APLUC does not agree with the claim that "the proposed Plan provides a significant benefit ..." The sensitive ecosystems in the Lakes District are already protected through various RDN mechanisms (OCP, RGS, Sustainability), despite the current Residential zoning. APLUC does not believe from a practical sense that this zoning necessarily trumps the environmental protection obligations of the RDN, and therefore does not accept that the proposed parkland is a "gift" from Fairwinds.

On behalf of the Arrowsmith Parks and Land-Use Council,

Paul Grinder



An association of individuals and groups committed to engaging with community, government, and industry to advocate for the conservation and expansion of parks and protected areas within the Mount Arrowsmith watersheds.

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September 13, 2010

Hon. Barry Penner  
Minister of Environment and Stewardship  
PO Box 9047, Stn. Prov. Gov.  
Victoria, B.C. V8W 9E2

### **Proposed Fairwinds Lakes District Development Review**

We, the Arrowsmith Parks and Land-Use Council (APLUC), are writing to you regarding the proposed Fairwinds Lakes District development in Nanoose Bay and your review of this application. We ask that you not approve this proposed development in its present form, as there are serious environmental protection concerns that need to be addressed. The Lakes District has significant endangered CDF forest, endangered Garry Oak meadow and wetland ecosystems that would be significantly impacted by this proposed development.

#### **1. Endangered Coastal Douglas-fir (CDF) Ecosystem**

The Lakes District is a significant and rare remaining area of unbroken habitat within the threatened Coastal Douglas-fir biogeoclimatic zone, a region which supports some of the highest diversity of birds, invertebrates, amphibians, plants and other species in Canada. Forty nine percent of the Coastal Douglas-fir zone has been lost to development, which is the highest level of conversion to human use of any of BC's natural environments. The CDF, which occurs mostly on southeast Vancouver Island and the Gulf Islands is the rarest biogeoclimatic zone in BC, and is one of Canada's four most endangered ecosystems. CDF forests and associated ecosystems contain the most species of global and provincial conservation concern of any natural habitat in BC.

Much of the above information consists of findings from Taking Nature's Pulse: The Status of Biodiversity in British Columbia, a 2008 report produced by Biodiversity BC, a partnership of government and nongovernment conservation organizations working to provide a comprehensive assessment of the state of ecosystems and native species in BC.

As one of the most significant, ecologically diverse remaining habitats in Vancouver Island's CDF zone coastal lowlands, the Lakes District is of paramount importance for maintaining plant, animal and ecosystem diversity and landscape level ecological integrity on a local and provincial scale. The Lakes District CDF ecosystem presents both an urgent conservation need and an opportunity to support threatened species and ecosystems in the face of extensive habitat loss. In addition, given the high levels of land conversion and development within the Regional District of Nanaimo portion of the CDF zone, the Lakes District is a critical remaining natural habitat and CDF landscape. The proposed development as it stands is of great concern due to the impact on this unbroken CDF ecosystem, which supports an abundance and diversity of sensitive species. Given these factors, the state of the CDF, and in light of recent government statements and reports highlighting the critical need for CDF conservation, we ask that you not support the proposed development.



### **Garry Oak Meadows and Freshwater Wetlands: Sensitive and Rare CDF associated ecosystems**

The proposed development area contains rare and sensitive Garry Oak ecosystems and freshwater wetlands. These stand to be compromised by the proposed development.

The wetlands and Garry Oak meadows in the Lakes District are of regional significance, representing rare remaining habitats that are subset ecosystems within the Coastal Douglas Fir Zone. The conservation significance of these natural habitats for maintaining ecosystem integrity and supporting native species is in part due to their being part of a contiguous natural landscape. The proposed development provides inadequate, or in some cases nonexistent buffers to these areas. In addition, according to a PhD Botanist with expertise in Garry Oak ecosystems, the ecological boundaries of the Garry Oak ecosystems have not been accurately mapped by the consultants.

Issues include loss of sensitive species due to disturbance and development intrusion, fragmentation and habitat degradation from road alignments that are too close to wetlands, increased predation from invasive species, loss of connected habitat elements, and noise disturbance.

Of special concern to APLUC is the proposed extension of Schooner Cove Driver, due to its alignment through sensitive wetland and riparian habitat near beaver ponds and a creek. COSEWIC Red-legged Frogs occur in the riparian zone that the road would be going through. Breeding habitat is provided by the wetlands, and upland habitat by the bordering forest. Both habitats would be significantly impacted by the proposed road. According to our current knowledge, Common Mergansers occur in this wetland area and may be nesting. Waterfowl nesting sites are relatively uncommon in the region and are sensitive to disturbance.

### **Inadequate Environmental Impact Assessment**

The Environmental Impact Assessment conducted for this development by Pottinger Gaherty Ltd. contains major failings, as it does not take into account and/or meaningfully address several critical factors. These include:

- The ecological significance of the Lakes District as an extensive, ecologically diverse landscape representative of the globally imperiled Nanaimo Lowlands/CDF zone forest ecosystem
- Repercussions on a larger scale resulting from loss and degradation of this habitat.
- The core “big picture” issues associated with this development, these being the rarity and environmental sensitivity of this tract of intact habitat representing an endangered ecosystem, its high biodiversity, and the impacts associated with the proposed development.
- The impacts of habitat fragmentation, edge effects, development encroachment and loss of forest interior habitat impacts on the diverse, sensitive and to varying degrees threatened, birdlife inhabiting this area. Neotropical and other forest birds are at some of their highest diversity in the coastal lowlands, where much habitat has also been lost. Scientific studies have noted the disappearance and decline of forest songbirds when forest habitats are fragmented or encroached on by development. This important issue has not even been touched on in the environmental impact assessment. Compromise of the Lakes District would be especially serious in a regional context due to the limited availability of unbroken forest for sensitive forest bird species.
- Failure to consider the full implications of development on viability of functioning ecosystems and sensitive species in the Lakes District
- Failure to inventory sensitive species in identified environmentally sensitive areas, based on the errant assumption that this was unnecessary, given the planned protection of certain areas These

- areas should have been surveyed, given secondary use of surrounding habitat by species primarily dependant on these areas, and impacts from surrounding development
- Failure to assess effects of the proposed development on ecosystem diversity and integrity in the Mount Arrowsmith Biosphere Reserve
  - Failure to adequately map the extent and distribution of the Garry Oak woodlands and meadows.
  - Failure to adequately consider the effects of invasive species encroachment following habitat fragmentation and loss of forest interior habitat.
  - Failure to make the environmental assessment available for public comment until after the meetings hosted by Fairwinds were concluded. This prevented meaningful public input on the acceptability of impacts.

### **Coastal Douglas-fir Ecosystem Conservation Goals in BC:**

Recent statements by the Integrated Land Management Bureau highlight the need for CDF ecosystem protection and possible steps to be taken by government. In a July 30<sup>th</sup> 2010 news release by the ILMB announcing protection of selected Crown CDF parcels and discussing conservation of the CDF, it was noted that work with local government will be needed to protect the CDF ecosystem. You are the ministries/agencies in the position to do this firsthand by not supporting this development proposal and instead, providing input on alternatives to the Regional District of Nanaimo.

DL 137, one of the new CDF Crown protected areas announced by the ILMB, borders the proposed development area. Together, they form a contiguous, Coastal Douglas-fir ecosystem that supports many sensitive species and species at risk dependant on this habitat. These include Band-tailed Pigeon, Olive-sided Flycatcher, Ruffed Grouse, Red-legged Frog, Purple Martin, American Kestrel, Pacific Sideband Snail, Sooty Grouse, Western Screech-owl and possibly, Painted Turtle. If the Lakes District were developed, not only would its own CDF/Garry Oak conservation and habitat values be lost, but the ecological viability of DL 137 as a CDF protected area would be severely degraded.

### **Sensitive Ecosystems**

Many of the ecosystems represented in the Lakes District including Garry Oak Meadows, CDF forests, Arbutus/conifer woodlands, wetlands, sparsely vegetated areas, glades and creeks were identified in the 1997 Sensitive Ecosystem Inventory for Southeastern Vancouver Island. A major factor contributing to the ecological significance of the Lakes District is the occurrence of these sensitive ecosystems together in an unbroken CDF ecosystem landscape covering over 700 acres. The proposed development would destroy and degrade a significant proportion of these sensitive ecosystems, while fragmentation would remove much of the landscape's habitat values and ecological integrity. Given the endangerment and biodiversity of this ecosystem, from our perspective this level of impact is not acceptable. Especially given the high percentage of SE Vancouver Island's nationally significant sensitive ecosystems that have been lost or degraded due to insufficient attention to conservation, it is highly important that the ecological values represented in the Lakes District be protected.

### **Species at Risk and Habitat Notes**

The Enos Lake Benthic and Limnetic Three-spine Stickleback, SARA listed endangered species, have not been confirmed to be extinct, contrary to the environmental impact assessment's claims. The occurrence of this fish and protection of the habitat surrounding the lake must be taken into consideration. COSEWIC listed Red-legged Frogs are easily found in the wetlands and creeks,

which would be severely impacted by the proposed road alignments that do not take into account upland buffer needs around wetlands. The Arbutus/Garry Oak Coastal Douglas-fir ecosystems of the Lakes District provide prime habitat for the blue listed Band-tailed Pigeon. Red listed Purple Martins nesting nearby at Nanoose Bay use the forests and wetlands as a source of areal insect food. Of special concern is the fact that the COSEWIC listed Olive-sided Flycatcher nests in the Lakes District's Garry Oak Meadows and woodland habitats. This species has recently been recognized as a threatened species in Canada. The Lakes District is one of the few suitable habitat areas in the region's lowlands for this bird. There are many other species here that are sensitive, at risk or rare.

The blue listed Pacific Sideband Snail occurs in the CDF forests. Red listed plant communities of the Coastal Douglas Fir Zone, including those associated with dry forest, Arbutus woodlands and subset Garry Oak ecosystems characterize much of the Lakes District. According to a local ornithologist and wildlife consultant interviewed by APLUC, the Lakes District provides essential unfragmented habitat for regional populations of nesting forest birds.

Professional ecologists, botanists and ornithologists, plus members of the birding and naturalist community familiar with the Lakes District know this CDF landscape and natural habitat to be of high ecological significance. The Lakes District is recognized for its importance in maintaining biodiversity at a regional and larger level as rare remaining habitat, representative of the biologically diverse, threatened coastal lowlands CDF ecosystem, sustaining a rich and threatened diversity of plant and wildlife species dependant on this habitat.

### **Implementing the Convention on Biodiversity**

As decision makers of the BC government, a supportive province in a country signatory to the United Nations Convention on Biodiversity, and decision makers of the federal government, you are in a position of responsibility to take actions that are in keeping with the legally binding conservation mandate resulting from this agreement. This requires achieving significant reductions in biodiversity loss by 2010, the International Year of Biodiversity. The Lakes District is an integral part of the United Nations designated Mount Arrowsmith Biosphere Reserve. The location of the Lakes District within a UNESCO biosphere reserve makes conserving the ecological integrity of this imperiled ecosystem within a national biodiversity "hotspot", all the more important. Supporting protection of the Lakes District is a concrete step you can take to help BC and Canada implement the Convention on Biodiversity.

### **Zoning: Opportunities for Conservation**

The Lakes District was designated for single family residential use in the 1980's, while full understanding of the critical need to conserve our remaining CDF ecosystems has been gained more recently. The Green Bylaws Toolkit, developed in partnership with the BC Government, states that past zoning enacted without sufficient knowledge of ecology and conservation can be changed to reflect newly understood conservation needs, i.e. "Conservation Zoning". APLUC feels that an urban development designation for Lakes District is inappropriate due to its ecological rarity and environmental sensitivity.

### **Concluding Comments**

Given the fact the Lakes District is an ecologically significant natural landscape in the endangered CDF zone and in light of recent government statements regarding the need for CDF ecosystem conservation, we request that you recommend that this development proposal not be approved. We also request that you recommend rezoning the Lakes District to an appropriate conservation designation in line with the critical need to protect the endangered ecosystems we have described and all their associated species.

Sincerely,  
On behalf of the Arrowsmith Parks and Land-Use Council,

Paul Grinder  
3349 Blueback Drive,  
Nanoose Bay B.C. V9P 9H9  
250 468 1714  
pgrinder@gmail.com

Cc. Hon. Shirley Bond, Minister of Transportation and Infrastructure  
Hon. Ben Stewart, Minister of Community and Rural Development  
Rob Fleming, MLA Critic for Environment and Stewardship  
Scott Fraser, MLA Critic for Community and Rural Development  
Harry Bains, MLA Critic for Transportation and Industry  
Hon. Gail Shea, MP Minister of Fisheries and Oceans



**Arrowsmith Parks  
and Land-Use  
Council**

An association of individuals and groups committed to engaging with community, government, and industry to advocate for the conservation and expansion of parks and protected areas within the Mount Arrowsmith watersheds.

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G. Holme	

December 8, 2010

Mr. George Holme  
Director, Electoral Area E  
Regional District of Nanaimo  
6300 Hammond Bay Rd  
Nanaimo, B.C. V9P 6N2

Dear George;

**Re: Potable Water provisions for the Proposed Fairwinds Developments (Lakes District and Schooner Cove).**

Thank you for your response to our Nov. 1, 2010 letter regarding the above topic.

We have a few additional questions and comments arising from your response, and look forward to your reply.

**Further to Question 2;**

Has Fairwinds actually found and proved any new potable water sources?

If so, is the amount of proven water adequate to serve Fairwinds' total proposed build-out?

If not, will the proponent be required to resubmit a plan that only reflects the available proved water?

Your statement that "*RDN requires that water be provided for each stage of the development for which development approval is requested*" forces us to envisage a possible scenario where adequate new water is proved for the early development stages, but not for later stages. The high cost of up-front infrastructure to serve the "first dwelling" could lead to a desperate search for distant sources of supply in order to achieve financial payback targets – if not proved right at the beginning.

It is Arrowsmith Parks and Land-Use Council's contention that the issue of adequate water for the full build-out be resolved up front. To quote from the Nanoose Bay OCP, "*Acknowledge that freshwater is an essential element in our life support system and because of its finite supply, should be a determiner of further growth and development*" (from Section II, Environmental Protection). This is a pretty clear statement from the Nanoose Bay citizens that the approval process for any future development must follow the sourcing of an adequate and sustainable potable water supply.

With availability of water as the driver, and not as the servant of population growth, it makes sense that the assessment of water availability be carried out as a first and determining step. Can we expect that RDN will impose this requirement on the proponent?

Also, with the availability of water as the driver, we might see a total build-out somewhat less than that proposed, should the total amount of water available be insufficient for the original proposed number of dwellings.

**Further to Question 3;**

Your letter refers to: "*new water being provided by Fairwinds...*". This implies a new source has been found and is currently being used.

Can you confirm this?

Where is the new water source? Is it the Heringa or the Wallbrook wellfield? If it is the Heringa or the Wallbrook wellfield, we have reasons to believe that this water may not be "*in a different aquifer, removed from current aquifers utilized by RDN*", as your letter claims. Also, we are not aware of a hydrogeological report proving this is "new water".

Further, we are concerned with your statement that neither the Sustainability Coordinator nor the Drinking Water and Watershed Protection Coordinator will have a role in the assessment of Nanoose Bay's limited water supply. Who within the RDN, if not these two people, will be responsible for decisions, or advising on decisions, regarding how much water is available for new uses as well as ensuring that existing water sources are not adversely affected?

It's fine to have groundwater professionals provide information, but they are not the ones who make decisions on water withdrawals that may be in conflict with existing uses. We think it appropriate that the two Coordinators be responsible for evaluating and reporting on the adequacy of the information delivered to the decision makers.

**Further to Question 4;**

It is our understanding that a subdivision servicing bylaw or an amended bylaw to accommodate Fairwinds' needs is required to satisfy the provincial Ministry of Transportation & Infrastructure before they grant approval. When do you see the bylaw or bylaw amendment happening?

**Further to Question 5;**

We strongly believe that this huge development proposal should require more than a fill-in-the-blank form for the serious issue of potable water (the C&SIR Form).

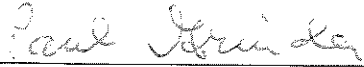
To put this in perspective, the full build-out of the Fairwinds proposed development would add another 4,000 to 5,000 people to Nanoose Bay; nearly doubling the present population. It's difficult to see where a doubling of the Nanoose Bay water supply will come from. Again, because of the potential for serious impacts and the limited water resources in Nanoose Bay, sensible planning would require that an assessment of the availability of water for the full build-out be required up front, and not piece meal for each development stage.

The above issues are important enough to the citizens of Nanoose Bay to warrant a public meeting solely on the issue of potable water. The citizens of Nanoose Bay must have the opportunity to hear

and discuss where the new water to serve the proposed Fairwinds' development will come from and what the implications will be to the existing water uses and users of the area.

Sincerely,

On behalf of the Arrowsmith Parks and Land-Use Council,



---

Paul Grinder  
3349 Blueback Drive, Nanoose Bay, B.C. V9P 9H9  
Phone: 250 468 1714  
Email: pgrinder@gmail.com

Cc:  
Joe Stanhope – Board Chair, Director, Electoral Area G

**Cormie, Susan**

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**From:** Drazic, John <John.Drazic@terasengas.com>  
**Sent:** Monday, December 27, 2010 5:11 PM  
**To:** Cormie, Susan  
**Subject:** Schooner Cover Boat Ramp Status

Hi Susan,

Your email address was provided on a web page as a link for information regarding the development of the Schooner Cover Marina in Nanoose.

As a local resident of Nanoose who lives outside of the Fairwinds development and a boater who uses the boat ramp at Schooner Cove on a regular basis, I would like to know if their plans to close the ramp have been approved?

Any owner of a boat that uses a trailer to launch will tell you that the ramps at the Nanoose Reserve or Beachcomber cant hold a candle to the one at Schooner Cover. The one at the reserve is miles from the areas that are most popular for fishing, crabbing and prawning. Miles by boat, and if you don't have a large boat, those extra miles are the difference between going out or not when time is limited or weather conditions are less than ideal. Beachcombers ramp is a single ramp with no wharf, washrooms, and limited parking that is next to impossible to use on low tide. Add the additional traffic and you will have boats and vehicles lining up for hours on nice days to get in or out.

It is unbelievable to me that they can get away with this. Times may change, but as long as we are an Island, affordable access to the ocean should remain a constant theme in any development proposals.

Can you also confirm if there were any conditions agreed to when the original marina and boat ramp were approved?

Thank you,  
John Drazic

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**Summary of the Public Information Meeting  
Held at Nanoose Place, 2925 Northwest Bay Road, Nanoose Bay  
January 31, 2011 at 7:00 pm**

*Note: This summary of the meeting is not verbatim recording of the proceedings, but is intended to summarize the comments of those in attendance at the Public Information Meeting.*

There were approximately 180 persons in attendance.

Present for the Regional District:

George Holme, Director, Electoral Area 'E', Chairperson  
Joe Burnett, Director, Electoral Area 'A'  
Dave Bartram, Director, Electoral Area 'H'  
Frank Van Eynde, Alternate Director, Electoral Area 'E'  
Carol Mason, Chief Administrative Officer  
Paul Thorkeleson, General Manager, Development Services  
John Finnie, General Manager, Regional & Community Utilities  
Tom Osborne, General Manager, Recreation & Parks  
Dale Lindsay, Manager, Current Planning  
Susan Cormie, Senior Planner

Present for the Applicant:

Russell Tibbles, Vice President, Development & Operations, Fairwinds, Bentall Kennedy (Canada) LP / Agent, on behalf of 3536696 Canada Inc. and bcIMC Realty Corporation  
Paul Fenske, Consultant, Ekistics Town Planning  
Chuck Brook, Consultant, Brook Pooni Associates Inc.  
Edward Porter, Consultant, Ekistics Town Planning  
Elysia Leung, Consultant, Ekistics Town Planning  
Matt Hammond, Consultant, Pottinger Gaherty Environmental Consultants  
Thomas Roy, Consultant, Cascadia Biological Services Ltd.

The Chairperson opened the meeting at 7:01 pm, outlined the agenda for the evening, and made introductions. The Chairperson then stated the purpose of the Public Information Meeting and requested the Senior Planner to provide background information concerning the Official Community Plan (OCP) amendment process.

Ms. Cormie gave a brief outline of the application process.

The Chairperson then invited representatives of the applicant to give a presentation of the proposed OCP amendment application. Mr. Fenske presented the proposed OCP amendment application for The Lakes District.

Following the presentation, the Chairperson invited questions and comments from the attendees.

Gord Buckingham, 3370 Redden Road, Nanoose Bay, spoke to the history of plans in Nanoose Bay and asked what mechanisms will the RDN put to place to monitor the proposed development. Mr. Buckingham asked what measures the RDN will take to protect the natural areas of the Lakes District. Mr. Buckingham referred to the regional growth strategy plan and the need to ensure environmental protection within the Lakes District. A copy of this presentation is attached to and forms part of this summary.

Mr. Lindsay outlined the official community plan framework and explained other application processes such as zoning amendment, subdivision, and development permit which would all require approvals as part of the development process.

Jim Lettic, 2855 Ashcraft Road, Nanoose Bay, commented that he would have expected better notification for this meeting and asked what amendments are proposed for the official community to recognize this neighbourhood plan. A copy of this presentation is attached to and forms part of this summary.

Mr. Lindsay stated that the most significant amendment would be the adoption of the neighbourhood plan as part of the OCP and that minor amendments would also be required to clarify that the development permit areas outlined in the neighbourhood plan would also apply.

Gerry Thompson, 1991 Highland Road, Nanoose Bay, stated that he has been involved in the Community Advisory Group and participated in the events and based on his participation, he felt that this Plan represents the best in planning and meets the OCP policies. Mr. Thompson commented that he completed an examination of the Plan including the environmental component and noted that more than 40% is proposed to be set aside for environmental protection and/or open space. Mr. Thompson further stated that he is satisfied the housing needs and traffic will be met and noted the parks and trail development. A copy of this presentation is attached to and forms part of this summary.

Ross Peterson, 1482 Madrona Drive, Nanoose Bay, stated that he felt the record of what the residents want is blank because the residents have not been asked. Mr. Peterson stated that the environmental resources of the Lakes District are the community's and the community should demand that more ecosystems be protected. Mr. Peterson also stated that the community should demand a better public process and a discussion of what is wanted to be protected. Mr. Peterson concluded that the RDN needs to consider the public opinion. A copy of this presentation is attached to and forms part of this summary.

Ross Peterson, on behalf of Terry McIntosh, Vancouver, read Mr. McIntosh's submission, a copy of this presentation is attached to and forms part of this summary.

Bob Popple, Nanoose Bay, stated that he was speaking on behalf of the Fairwinds Community Association and outlined that in a survey of their membership, 83% of respondents indicated that they supported the project with 57% fully supporting the project and 26% supporting with some reservations and 17% did not support the Plan. Mr. Popple concluded that they received double the normal return rate and as a result, the Fairwinds Residents Association is confident that the survey reflects strong support among the membership. A copy of this presentation is attached to and forms part of this summary.

Michael Jessen, 1266 Jukes Place, French Creek, spoke on behalf of the Arrowsmith Watershed Coalition Society, and stated that they remain disappointed for four reasons including Area G recently adopted new bylaws to restrict subdivision and reduce sprawl and with two service centres nearby whereas this area will be 15 to 20 minutes from centres; the proposal includes the Coastal Douglas Fir ecosystem which needs to be protected; the UCB is illogically placed with no service centre proposed to support the proposed residential area; and with the destruction of the ecosystem, the community will pay a heavy price. A copy of this presentation is attached to and forms part of this summary.

Susan Croskery, 3349 Blueback Drive, Nanoose Bay, stated that she was concerned with the public process and the Regional District does not know what people want. Ms. Croskery stated that all Nanoose residents need to be surveyed, not just Fairwinds residents. Ms. Croskery noted that the Parks Committee requested the Regional District to participate in a survey, but the request was turned down. Ms. Croskery asked the Chairperson why the survey was not supported.

The Chairperson explained that this OCP amendment is following the required public process. The Chairperson further explained that the Regional District does not partner another party for the purposes of conducting a poll.

Paul Grinder, 3349 Blueback Drive, Nanoose Bay, spoke to his concern with long term environmental issues and that the Regional District is relying on the PGL report. Mr. Grinder asked how do we ensure conservation of these sensitive areas and who will assume authority for the proposed environmental covenants, and who will be able to assess these areas such as the Garry oak areas. Mr. Grinder also asked how will the storm water management areas be managed and by whom. A copy of this presentation is attached to and forms part of this summary.

Ronda Murdoch, 215 Chestnut Street, Parksville, stated that without a full environmental report, nothing should go forward and any decision should be based on sound science. Ms. Murdoch further commented that good forests and natural ecosystems are hard to find and asked if this amendment protect these natural areas. A copy of this presentation is attached to and forms part of this summary.

Mr. Hammond explained that his company conducted a third party review which including defining the ecological boundaries of the sensitive areas. The environmental professional also explained that the third party review concluded that the environmental assessment was both sufficient and appropriate for the subject property and that the uniqueness of the property was recognized noting that key species were identified for protection through the protection of the habitats.

Bruce McLennan, 2928 Dolphin Drive, Nanoose Bay, indicated that he is part of a Speedwatch group and spoke to his concerns with traffic. Mr. McLennan asked if there will be consideration for traffic calming in the area and noted that traffic calming devices have been proven to work.

Mr. Fenske explained that all new street standards for the Lakes District have been developed which include a number of traffic calming measures.

Patrick Murray, 3362 Rockhampton Road, Nanoose Bay, stated that some points were missed in the Plan including fire services, ambulance services, road maintenance, traffic lights and traffic calming, school location, and the need for a new library. Mr. Murray asked what are the costs to support these extra residents. Mr. Murray also stated that there must be other alternatives to the new road location rather than through the ecosystem area. In addition, Mr. Murray asked if the Regional District would get a performance bond and felt that residents could suffer severe flooding if the property is not developed properly. A copy of this presentation is attached to and forms part of this summary.

Don Lawseth, 1895 Sea Lion Crescent, Nanoose Bay, stated that he while he commended the amount of Regional Park Land being proposed, it does not offset other impacts of the development. Mr. Lawseth stated he is concerned about the impacts caused by tripling the population and housing in the area. Mr. Lawseth also stated that development around Enos Lake and the beaver ponds are significant impacts and recommended that the area between Notch Hill and Enos Lake - height of land to height of land - be park land. Mr. Lawseth asked about the proposed phased development agreement and will it be available for public review.

Mr. Lindsay explained that the phased development agreement would be prepared at time of rezoning and would be based on the policies set out in the neighbourhood plan and that the rezoning process is a public process and residents would have an opportunity to comment on the proposed phased development agreement at that time.

Diane Pertson, 2971 Dolphin Drive, Nanoose Bay, spoke to her concern for the environmental impacts the proposed development would cause. Ms. Pertson stated that the proposed multiple dwelling unit area next to Bonnington Drive needs to be eliminated as it will get developed otherwise. Ms. Pertson stated that an alternate route is needed to avoid the high traffic area between the beaver ponds and felt that the original access off Transtide Drive is still a good choice as well as other possible options. Ms. Pertson also felt that there was not enough notice given for this meeting in order that she could prepare a response. A copy of this presentation is attached to and forms part of this summary.

Christopher Stephens, 3724 Ermineskin Road, Parksville, spoke to the ecosystems at risk, the birds at risk, and the RDN policies. Mr. Stephens explained that the Coastal Douglas Fir ecosystem is rare and listed some of the bird population that is under risk. Mr. Stephens stated that it is critical to maintain the Region's biodiversity and that the Regional District needs to protect this area to conserve the remaining forest. Mr. Stephens concluded that the future of the biosystem depends on the protection of the ecosystem. A copy of this presentation is attached to and forms part of this summary.

Barb Murray, 3362 Rockhampton Road, Nanoose Bay, stated that two amendment applications need to be considered separately and the connector road be taken out of the Lakes District proposal. Ms. Murray commented that she supports the Schooner Cove development only and Lakes District is too complex to consider at this time. Ms. Murray spoke to the time lines of the developments and felt that there are no long term guarantees and the development should occur in phases where good science and guidance is applied. A copy of this presentation is attached to and forms part of this summary.

Mr. Hammond stated that an ecosystem approach was taken and provided the calculations for the areas to be protected. The applicant's environmental consultant stated that the Plan is consistent with the environmental protection and noted that the average buffers are 35 metres on all the Garry oak meadows which exceeds the Ministry of Environment requirements. The applicant's environmental consultant also stated that the riparian areas will be well protected.

Berni Pearce, 793 Temple Street, Parksville, stated that she is concerned for the environment and noted that the Regional District has relied on the developer's consultant and requested that the RDN hire its own environmental consultant to assess the environmental risks and use the precautionary principle for this plan. A copy of this presentation is attached to and forms part of this summary.

Stan Spence, 2494 Parker Way, Nanoose Bay, commented that there are a number of wells going dry and asked how long before the wells go dry. Mr. Spence also commented on his concerns with traffic safety with 2,000 additional cars in the area and the need to draw up a plan for roads in the area.

The Chairperson explained that if there is no water there is no development.

Chuck Fenton, 1205 Bowley Road, Errington, commented that this development has significant impacts on the environment and to say otherwise is wrong and using the approach that the development is not a significant impact is not reasonable.

Annette Tanner, Qualicum Beach, stated that she is concerned about the area in which we live and displayed a map where the remaining Coastal Douglas Fire ecosystem is left along the east coast of Vancouver Island from Campbell River to the southern part of the Island. Ms. Tanner explained that the area is biologically diverse and is one of the most threatened areas in Canada due to its small size. Ms. Tanner further explained that the Ministry of Environment has stated that there is a high risk of extinction for the area and that only 2% has been protected. Ms. Tanner commented that sensitive ecosystems for Vancouver Island have been reduced in the last ten years from 80% to 40% and that the Lakes District needs protection.

Enid Mary Sangster-Kelly, 1234 Grafton Avenue, Errington, spoke to how sensitive an ecosystem can be and gave examples. Ms. Sangster-Kelly also spoke to the Drinking Water Protection Program and the importance of protecting our drinking water supply.

Gail Hill, 2360 Bonnington Drive, Nanoose Bay, expressed her concerns about the traffic infrastructure and the expected population. Ms. Hill stated that all the traffic goes through the peninsula and everyone is affected. Ms. Hill felt that the existing roads, built at rural standards, are now becoming urban roads, but not built to that standard. Ms. Hill concluded that she wants to support the development but we have to be able access our houses safely.

Phil Carson, 1504 Winchester Road, Coombs, stated that he is the president of the Mount Arrowsmith Biosphere Foundation and spoke to the endangered Coast Douglas Fir ecosystem. Mr. Carson referred to a nearby area which was described as critically endangered and globally impaired and felt that this would apply to the Fairwinds area as well. Mr. Carson also stated that he felt the application has not had a proper review.

Jill Davies, 9 – 1600 Brynmarl Road, Nanoose Bay, stated that while she appreciated the depth of study, it is still a commercial exercise. Ms. Davies also stated that information process should be exchanged in both directions, and asked what does the Regional District plan to do with the comments received tonight.

Mr. Lindsay explained that the all the comments received, both written and verbal, will be assembled into a summary and forwarded to the Electoral Area Planning Committee and Regional Board of Directors.

Ms. Davies asked for confirmation that it will be forwarded to the Regional Board.

Mr. Lindsay confirmed this is the case.

Ms. Davies then asked the Chairperson about the process for distributing this information.

The Chairperson confirmed the Board will receive all the comments and submissions.

Peter Law, 3417 Carmichael Road, Nanoose Bay, expressed his concerns with the water quality of Enos Lake, the parks policy, and the proposed location of Schooner Cove Drive. Mr. Law expressed concern that Enos Lake will need a water balance approach in order to ensure protection. Mr. Law commented that he is concerned with how the Regional District will ensure the ecological characteristics of the sensitive areas proposed for park will be ensured. Mr. Law also stated his concern with the proposed future development reserves and the need for further biological review. Mr. Law further commented that traditional methods do not work to save the wetlands along the proposed Schooner Cove Drive. A copy of this presentation is attached to and forms part of this summary.

Jim Lettic, 2855 Ashcraft Road, Nanoose Bay, spoke to the application process and requested clarification concerning the lack of the Community and Site Impact Review Form with the original application in 2008.

Mr. Lindsay explained that the applicant submitted the original application in 2008 as both OCP and rezoning applications, but withdrew the request to rezone; therefore the applications are for amendments to the OCP only. The Manager explained that the submission of the Neighbourhood Plan in May 2010 was supported with a number of supporting technical documents including traffic study, environmental review, and preliminary servicing assessments. Mr. Lindsay also explained that the Community and Site Impact Review Form and Sustainability Checklist are used for all development applications regardless of

the complexity of the application. Mr. Lindsay further explained that the applicant submitted all the required supporting documentation in May 2010 and once staff became aware that the checklist had not been submitted, the applicant was requested to submit this information, which was subsequently received in October 2010.

Michael Cassidy, 2305 Coventry Place, Nanoose Bay, commented that there is a unique opportunity to make a moral decision concerning this property which could be an example to other communities. Mr. Cassidy felt that while there were positive things in the Plan, he had some concerns too.

The Chairperson asked if there were any other questions or comments.

Ross Peterson, 1482 Madrona Drive, Nanoose Bay, suggested that the regional District hire an independent judge to review the Plan and requested that the RDN host a workshop / discussion to review the Plan.

The Chairperson asked a second time if there were any other questions or comments.

Annette Tanner, Qualicum Beach, provided clarification that the Coastal Douglas Fir Ecosystem is from Bowser, not Campbell River as she earlier indicated.

The Chairperson asked a final time if there were any other questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting concluded at 9:08 pm.

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Susan Cormie  
Recording Secretary

**Submissions Received**

## RDN PIM-31 January 2011- Fairwinds Real Estate Mgmt - Lakes District

My name is Gordon Buckingham and I live in Fairwinds.

First, I would like to acknowledge the impressive amount of time, effort and resources that have been applied to the preparation of the plan put forward by Bentall Kennedy, its subsidiaries and consultants, such as Cascadia and PGL, resulting in the January 27<sup>th</sup> revision.

Nevertheless, at this stage it is still just a plan!

In the history of Nanoose Bay, there have been other grandiose plans for development; one in 1912 and another in 1929 which, for different reasons came to nought. AND, if there were a second dip to the current recession, it is possible that this most recent plan will also have to be re-assessed by the investors.

So, while hoping for positive economic prospects, I have a question to pose to the RDN: ***What mechanisms will the RDN put in place to Monitor and Guide this development, which could take as long as twenty years to complete??***

It would be negligent for the RDN to approve the plan and, then, if any miscalculations were committed by the developers or their sub-contractors during build out, mutter a few politically correct words complaining about them, after the fact.

***That Would Never Happen***, you say. Well, perhaps a recent example in the Nanoose Creek Estuary should be considered as a case study! The phrase "Closing the barn door, after the horse has escaped" comes to mind. Apparently, an Estuary has to have a wealthy NGO in order for a Guardian to be appointed.

My point is: if it were not for the questions and comments posed by various *dedicated* residents of Nanoose Bay, by now, one of the previous versions of the plan would probably have been approved, thereby avoiding ~~many~~ revisions. However, these revisions have, without doubt, improved the developer's plan.

Just because the Lakes District, including the various wetlands, does not have a big NGO guardian angel does NOT mean that it is inferior to other Sensitive



Ecosystems. Unfortunately, it is possible that future modifications to the proposed plan are its only hope for protection!

Therefore, as a taxpayer in the RDN, I would like to know what measures the RDN will take to protect the Lakes District's "natural capital", which provides extensive services by cleaning our air and water, in addition to being habitat for numerous wild creatures.

***What will the RDN Staff actually do, during the multi-year implementation of the plan to ensure that:***

***"Land resources are efficiently used and negative impacts of land use and development are minimized." [those are the RDN's own words]***

Yes, there is a vision stated in the Regional Growth Strategy, that:

***"Important ecosystems and ecological features are protected, healthy and productive."***

However, without pro-active involvement in monitoring and guiding the process, there is a real danger that any public outcry, over a potential mistake, would be too little, too late for *this* important ecosystem.

So, while re-considering the merits of the Fairwinds Real Estate Management Development Application, I ask members of the Board and Staff of the Regional District to show leadership and follow the spirit of their policies, not just the letter of the law. The property owner has the right, under the law, to develop this property. However, ***"The law protects corporations, absolutely; the individuals, somewhat; but the environment, not at all."***

***Again, I ask "What procedures will the RDN put in place to ensure environmental protection within the Lakes District, during the various phases of the proposed development?" Thank you.***

## Lakes District Neighbourhood Plan Public Information Meeting

January 31, 2011

Thank you Mr. Chairman,

My name is Gerry Thompson and I live at 1991 Highland Road. I have been a member of the Community Advisory Group (CAG) since its inception approximately 2 years ago. As such, I have been intimately involved in the Lakes District planning process and have had access to all of the documentation related to the process.

The Nanoose Bay Official Community Plan (OCP) received final approval October 25<sup>th</sup>, 2005. It formally documents the expressed current public wish to see development proceed within Fairwinds, which in turn is within an Urban Containment Boundary outlined in the OCP. The Regional Growth Strategy (RGS) cited in the OCP, recognizes Fairwinds as one of the more urbanized areas in the region and designates the area for further growth and development. The OCP also encourages nodal development that provides a focus and identity within this Urban Containment Boundary. The OCP goes on to say that innovative and non-traditional forms of housing and services may be introduced. The OCP further states that development proposals will need to be evaluated at the neighbourhood scale in order to achieve nodal planning objectives. The OCP policies call for a range of housing types and densities, the provision of services, particularly including water supply, provision of open space, circulation and connectivity and proper attention to environmentally sensitive areas. Very importantly the plan requires an inclusive public involvement process leading to consideration of plan approval. Clearly it is the intention of the OCP that, within these guidelines, the Lakes District be developed. It is significant and fortunate that the ownership of the subject land is not fragmented, thereby facilitating a coordinated approach to realizing the goal of the Regional District as expressed in the OCP.

Based on my participation in the planning process for the Lakes District and based on many years of professional experience with similar development proposals, I can state with complete confidence that the Lakes District Plan currently before the Regional District, represents the best in terms of professional standards and more than meets the requirements of the OCP. The effort expended through specialist consulting in urban design, biology, ecology, architecture, engineering, transportation and public consultation has been exacting.

Of special note is the examination of the environment. This examination has been detailed and has involved an impressive level of consultation and information exchange which has materially informed and aided the planning process. It is significant to note the level of participation by very knowledgeable members of the community. It is, in my mind, extremely significant that the current plan sets aside more than 40% of the developable area for open space and/or environmental protection. This fact is even more

significant when one considers that the remaining area proposed for development is considerably less than what is presently zoned residential..

Similarly, I am satisfied that all other requirements of the OCP are met with respect to proposed housing types and densities, the provision of services and the provision of an imaginative vehicular and pedestrian circulation system which will preserve essential and specific elements that presently reflect the character of the Lakes District. Of note in this regard is the inclusion of walkable cluster or compact neighbourhoods, the provision for age – mixed neighbourhoods and within the Regional parks area, limited access, low impact trails and environmental interpretive facilities.

The consultation process strikes me as especially noteworthy. It has been long, detailed and most importantly, responsive. The current plan has evolved considerably since the start of the process and has benefited greatly from the candid comments and generous contributions of a large body of interested citizens. Is everyone in agreement on every point? Probably not; but I do think we have reached the practical limit of what might, or might not, be achieved through further examination. It is time to make a decision.

In summary Mr. Chairman, I believe that approval of the proposed Lakes District Neighbourhood Plan is in the public interest. The sooner we move to phased implementation the sooner we reduce uncertainty and begin to deliver the benefits of additional housing opportunities and lifestyle options, as fully anticipated in the OCP, to the residents of Nanoose.

Thank you.



Gerry Thompson  
1991 Highland Road  
Nanoose Bay  
250 468 1818  
gathom@telus.net

Nanoose Bay  
January 31, 2010

RDN Public Information Meeting ("Lakes District"): OCP Amendment  
Nanoose Place – 7:00pm

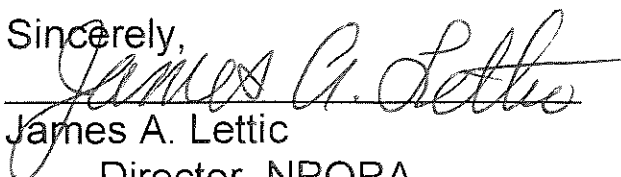
RDN Board of Directors/EAPC

Throughout the public relations effort carried out by Bentall/Fairwinds and their 'planning team', as a member of the Fairwinds Community Advisory Group I asked repeatedly for clarification on the relationship between the so-called 'neighbourhood plans' and the actual amendments to the Nanoose Bay OCP. This questioning elicited bafflegab and gobbledygook from the planning team and vague and deflective answers from the RDN representative responsible for clarification of RDN policy and procedures.

It wasn't until more than two years into the process that I had the answer to my question in the most unlikely of publications. In the Fall 2010 issue of the Electoral Area Update for Area 'E', Nanoose Bay, Director Holme stated that "... implementation of the neighbourhood plans for Schooner Cove & the Lakes District would require amendments to a variety of policies in the OCP." Requests to RDN staff for clarification on the policies subject to amendment were ignored.

The question I would have the EAPC ask planning staff is what are the policies in our OCP that will need to be amended in order to implement or make compliant the development proposals for the Lakes District? (This question was posed at the Jan. 31 PIM and the answer from Mr. Lindsay should be a matter of record in the recorded meeting minutes.)

Sincerely,



James A. Lettic

Director, NPORA

Representative, Fairwinds Community Advisory Group

Nanoose Bay  
January 31, 2010

RDN Public Information Meeting ("Lakes District"): OCP Amendment  
Nanoose Place – 7:00pm

RDN Board of Directors/EAPC;

After a two year public relations exercise and patiently enduring the seemingly endless drone of cyclonic presentations, residents of RDN Electoral Area 'E' anticipated a meaningful public consultation opportunity organized and facilitated by local government. What amounted to nothing more than a prolonged, elaborate and somewhat sophisticated distraction had come to an end and now residents would be served by RDN staff as they struggled to understand the details and potential impact of two massive development proposals.

On June 28, 2010, with the Area 'E' Director and senior RDN staff present, residents were subjected to what can best be called mayhem & confusion. What attendees experienced was 4 meetings rolled into one! Two Open Houses and two Public Information Meetings compressed into one 4½hr circus. Prior to the June 28 meeting, numerous appeals were made to the RDN to re-schedule the meeting with at least two PIMs, one for Schooner Cove and one for Fairwinds Development Lands ("The Lakes District"). These appeals were ignored and Director Holme stated that staff "thought they could get the job done with one meeting". When asked if staff had the last say in these matters, Director Holme stated emphatically NO! they did not. Obviously they did. Since that time, numerous requests for copies of the minutes from the June 28 PIM were denied by staff with the apparent support of senior RDN staff.

With the Jan 31 & Feb 01 meetings, (which I refer to as PIM 0.9 because we're going backwards), we have another bizarre situation. We *do* have, as requested previously, separate meetings for Schooner Cove (brown field) and Fairwinds (greenfield) development proposals. What we did *not* have is either adequate opportunity to review the revised plans (they were not made available until Jan 21) or adequate notification of the PIMs

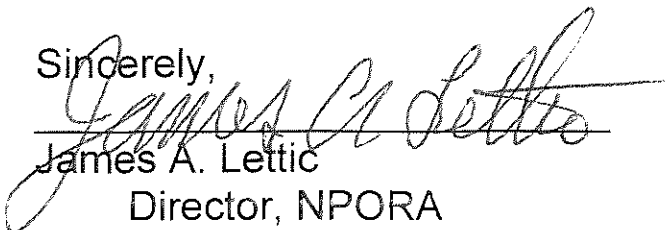
(announcement appeared in local paper on Jan 26). According to correspondence between the applicant's planning team and the CAG, the revised plans could have been made available to the public in late November 2010. Considering that Nanoose Place was booked for Jan 31/Feb 01 on November 21, 2010, almost 2½ months prior to the meetings, there appears to a serious impediment to information access and timely notification. Due to time constraints, appeals to staff were made to provide an executive summary of the changes to each plan since the May, 2010 submission. These appeals were either ignored or denied.

Sources confirm there was no attempt to use the Nanoose Business and Services Directory (NBSD) to advertise the PIMs. There have been repeated requests to local government to use the NBSD, the most efficient and cost-effective communication conduit we have in Nanoose Bay. But for the diligence of a concerned citizen who placed an ad at their own expense in the NBSD, the majority of residents in our community would have been without notification.

So far, the RDN managed public consultation events have denied residents meaningful opportunity to understand, question and comment on two development proposals that, if approved, would allow an expanded urban development to decimate the rural integrity we have valued as a priority in the Nanoose Bay Official Community Plan. In this instance, local government has displayed a blatant disregard for the spirit of public consultation and a lack of respect for Nanoose Bay residents who care enough to participate.

The question I have for the EAPC would be: "Is this approach to public consultation sanctioned by the Board and does it meet with your approval as our elected representatives? Or, is it an example of staff exercising discretionary authority without Board mandate or approval?"

Sincerely,



James A. Lettic

Director, NPORA

Representative, Fairwinds Community Advisory Group

## Comments on the Fairwinds Lakes District Neighbourhood Plan. Public Information Meeting, January 31, 2011.

**By: Ross Peterson**

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### Public Consultation

This is what Fairwinds wants to do (hold up the Lakes District Neighbourhood Plan).

This is a record of what you have said you want (hold up a blank sheet of paper).

And this is a record of comments from the public concerning the potential impacts from this development.

Yes, these pages are blank – Why?

Because neither Fairwinds nor the RDN has asked you what you want, or even asked you what you think of this final proposed plan. Sure, meetings have been held on form and character, but nothing on how this proposed development will really affect you, and the things you would like to see protected.

Does this matter?

Of course it matters. Here's why.

The environmental resources in the development area are yours. They belong to the public, so it should matter a great deal what the proposed development could do to your birds, to your beavers, to your red-legged frogs, to your endangered wetlands, Garry Oak meadows, and Coastal Douglas Fir ecosystems.

You should demand to be heard on this.

Suggestions for you:

1. Demand a more accurate inventory of sensitive ecosystems. The present one is faulty.

2. Demand a thorough public discussion of potential impacts. There hasn't been one.
3. Demand a discussion that includes what you want protected, and what you are willing to surrender, if necessary. These are your resources.
4. Most of all, demand a better public consultation process that involves your opinions. This process hasn't been completed.

Let's make sure that the RDN considers our opinions, and not just those of Fairwinds and their consultants.

Again, this report is what the developer wants – it doesn't say what you want.

Remember, at the end of the day, we'll get what we deserve.  
Let's not be sorry because we didn't speak up.

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

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January 31, 2011

Terry McIntosh Ph.D.  
3-1175 E. 14<sup>th</sup> Ave.  
Vancouver, BC  
V5T 2P2  
604-874-1175  
ttmcintosh@shaw.ca

To the Regional District of Nanaimo,

Thank you for allowing me to share my thoughts on the latest Fairwinds Lakes District Development Proposal. If you remember, I presented at the last open house in 2010. At that time, I noted a number of deficiencies and errors in the 2009 Fairwinds Biophysical Assessment. Since then, I have had a number of discussions with members of the Garry Oak Ecosystem Recovery Team (GOERT) and professional botanists regarding the serious problems in this assessment. I have also discussed these problems with Susan Cormie and a member of the Fairwinds Team. Unfortunately, except for the removal of any mention of GOERT in the 'new' proposal, I can see no other changes to the proposal which is both disappointing and mystifying, considering the ecological importance of this area both regionally and provincially.

Why haven't these concerns been addressed?

In review, here are my main concerns regarding the Biophysical Assessment:

1. There has not been a rare plant survey completed for this site by a competent botanist; the person who completed the original survey for the Biophysical Assessment is obviously unqualified given the low plant numbers observed and, in part, the erroneous species lists. I have made two short visits to the site, covering only a small portion of the property, and found two fairly obvious rare species, green-sheathed sedge (provincially Red listed) and Nuttall's Quillwort (Blue listed). I have no doubt that with more thorough surveys, more rare plants will be observed. This is an almost undisturbed Garry oak complex and it needs the attention it deserves. The official OCP guidelines clearly state that pre-construction plant species at risk surveys **must be completed by a qualified vegetation ecologist/botanist** to identify rare plants. This has not been done.
2. The boundaries of sensitive Garry oak habitats on the property have not been effectively defined. Although large areas of open outcrop habitat have been put aside (apparently for a network of trails), most areas of Oak-Arbutus have not been properly mapped and lie within the construction window. In fact, construction of many homes has already been completed in these sensitive areas. The original survey was completed by an unqualified 'ecologist'. One of the main aims of the OCP is to **protect and preserve identified Environmentally Sensitive Areas (ESAs)** and other natural resources. The OCP acknowledges the role of ESAs in structuring future development patterns and by providing irreplaceable habitat for flora and fauna. Protection of many areas of sensitive habitat will clearly not be accomplished if this proposal is accepted.

Lastly, if this proposal goes through as it stands, the near-pristine open areas will become degraded and infested by invasive alien plants, and their ecological heritage lost forever. This will happen even quicker if the large condominiums are built at the top of the property. They are in middle of sensitive habitat and will significantly increase human use in the nearby open habitats. These buildings should be taken from the plan and the area left alone.

Please contact me if you require more details.

With respect,

Terry McIntosh Ph.D.

Vancouver

FCA Presentation – Public Meeting - 31 January, 2011  
Lakes District Neighbourhood Plan

Mr. Chairman, Ladies and Gentlemen

My name is Bob Popple and I am here tonight representing the Fairwinds Community Association.

The Fairwinds Community Association is an organization of volunteers whose objective is quite simply to make our community the best that it can be.

We are fully constituted and have 52% of the 550 households currently in Fairwinds as members. We thus have a membership that is representative of our community.

Over the course of the last three years, we have had representation on the Community Advisory Group (CAG) formed to advise Fairwinds of community issues wrt the development of the Lakes District and been involved in the development of the plans for the project.

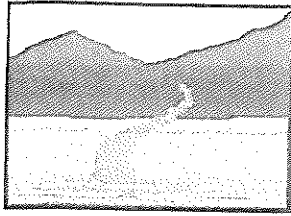
During that time, FW facilitated and sought input at workshops and hosted three open houses to keep the community informed on the evolution of the Lakes District Plan.

In August 2010, following a meeting to inform residents of the latest shape of the community plans, we surveyed our membership to determine the etw local residents support the proposed plan.

All FCA member households were asked whether they support the Lakes District Neighbourhood Plan as submitted to the RDN. An overwhelming 83% of the respondents stated that they support the proposed plan. That 83% is comprised of 57% who support the plan unconditionally and 26% who support the plan with reservations. 17% of the respondents stated that they could not support the proposed plan.

Our survey included the option of stating reasons for or against this development and we are thus aware of the diversity of viewpoint across the community. However, the high support level for the proposed development clearly dominates our survey results and the return rate on our survey, at 26%, is over double the typical return rate on surveys of this type. We are therefore confident that the survey results are genuine and reflect strong support among our membership for this development going ahead responsibly.

Thank you, Mr. Chairman.



## Arrowsmith Watersheds Coalition Society

c/o 1266 Jukes Place,  
Parksville, B.C. V9P 1W5

January 31, 2011

Re: Fairwinds OCP Amendment Application – Lakes District

We remain disappointed with this proposal.

1. The RDN has instituted bylaws to limit the subdivision of rural lands in Area G in order to reduce sprawl. These bylaw policies were passed to reduce the number of subdividable properties. And most of these properties are within a few minutes of downtown Qualicum Beach or Parksville – with full-service business centres. What is being proposed here tonight contains well over 1600 dwellings (2000 if Schooner Cove is included) and those households will be 15 to 20 minutes from service centres.
2. The proposal covers one of the last major remnants of the Coastal Douglas Fir ecosystem. We cannot protect the ecosystem by continuing to destroy and foul portions of it. We cannot continue to believe that biologists and engineers can improve what already exists.
3. The urban containment boundary provided for Fairwinds is an illogical construct. The urban containment boundary around Parksville/Qualicum Beach/French Creek includes all lands down to the shore. Further, the urban containment boundary in those three areas contains two complete service or business centres. We see almost nothing in the plans of this proposal that would indicate that the proponent is prepared to provide a service centre. The Town of Qualicum Beach has a full service centre and the population Fairwinds/Nanoose will have at full build out.
4. The community is paying a heavy price to see the destruction of the ecosystem upon which the development will intrude. We do not see environmental offsets such as enhanced waste water treatment or enlightened storm water management that should be part of this package to convince us that approving an OCP amendment creates a net benefit to the community.

Michael Jessen, P.Eng.  
Treasurer, Arrowsmith Watersheds Coalition Society

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Arrowsmith Watersheds Coalition Society

Email: [arrowsmithwater@shaw.ca](mailto:arrowsmithwater@shaw.ca)

RDN – Public Information Meeting, January 31, 2011  
Proposed Fairwinds' Development of the Lakes District

### Long Term Environmental Issues

According to the 2005 Nanoose Bay Official Community Plan Section II, 2.1 Objective 1, it is the responsibility of the RDN to “...*identify, protect and conserve* environmentally sensitive areas within the natural environment.”

It seems that the RDN is relying on the environmental assessment of the Fairwinds Pottinger Geherty report as far as the identification and protection of the sensitive areas in the Lakes District. Maybe a second opinion is in order.

But what about the third aspect of the RDN mandate? How do we ensure the **conservation** of these sensitive areas?

What guarantees do we have that environmental protection provisions will be locked in and assured over the long term in both the construction and post-construction phases of development.

Specifically:

1. Who will assume authority for environmental covenants, and how will they be enforced?
2. What standards will be set for “acceptable” practices and levels of impact?
3. Who will assume the costs of monitoring sensitive areas, collecting and recording data, assessing that data and deciding whether corrective measures need doing or whether an outright halt to further activity needs doing?
4. And will community members be invited in to, and have a meaningful part to play, in the monitoring, assessment, and decision making process?

To be very specific:

1. Who will assume the authority for the management of human use of the Garry Oak meadows?
2. Who will be responsible for the long term management of rainfall in terms of its collection and retention ponds as well as its maintenance, repair, and monitoring?

It is essential that long term monitoring of impacts be assured, and that the roles of RDN and the developer be identified.

These questions need to be addressed and answered long before approval of the construction of a village (and this is not a neighbourhood, it's a village) in the middle of extremely fragile ecosystem.

Submitted by,  
Paul Grinder  
3349 Blueback Drive, Nanoose Bay, 250 468 1714



Public Information Meeting – January 31, 2011-01-31

Following about 100 years of intense logging and urban development we find ourselves living in one of BC's most endangered ecosystems and yet developers are still proposing to alter its state even more.

When the Arrowsmith Parks and Land Use Council reviewed the Environmental Impact Assessment they noticed the impact assessment appeared to be based on incomplete faulty biological inventory data.

The Environmental Consultants, working on behalf of Fairwinds, response to APLUC's concerns were (*and I quote*) "*PGL conducted a review of the biological data to identify any possible gaps that might affect the completion of a thorough and comprehensive Environmental Impact Assessment. We consider the data to be sufficiently comprehensive to guide our recommendations of required mitigation measures, identify required specific management plans, and conclude on the potential for significant impacts. In our opinion, the biological studies made efficient use of data to provide the best advice to the project design, and ultimately provide confidence in the decisions made in an EIA. Based on our many years of professional experience in environmental assessment, we are confident that the data are sufficient to support the decisions made in the EIA.*" **End of quote**

I doubt I am alone in the opinion that there is nothing tangible in this reply. Basically it is saying we can take their word for it. Without a full biological inventory, the report's claim of minimal impact is meaningless.

Good decisions are based on sound science. Good decisions can be successfully implemented. Good decisions have a positive impact. Does this plan to alter more of an endangered ecosystem do any of those?

When things go wrong after the fact, is it the developer or the consultants who pay to remedy negative impacts? History shows it is almost always the taxpayer who pays. Costs from additional human wastes, sewage, pesticides, chemical fertilizer and increased automobile pollutants are just a few. They don't go away as there is no away. The developer and consultants get the profits, we get the costs. Can we afford those costs?

This is not a choice between growth or stagnation as sustainable economy's are about managing the transformation from an exhausting economy to a renewing economy. Does reducing life giving natural habitat to sterile concrete and asphalt accomplish supporting a renewing economy?

Good forests and natural ecosystems are hard to find- and must be planned for –Would this amendment to the OCP accomplish this?

Ronda Murdock  
Parksville BC

## BE REALISTIC WITH THIS DEVELOPMENT

Some points that seem to have been forgotten or overlooked in these development proposals are the future requirements of the Fire Services, Ambulance Services, Traffic Calming, Traffic Lights, Bus Transportation, Schooling, Libraries, Road Maintenance, Sewage Treatment Plants, Water

I would like to ask the RDN if they have addressed these important issues, and if so, what are the costs going to be to this community on an ongoing basis

We surely will not be able to expect our present, excellent Volunteer Fire Department to deal with all these extra residences.

The Ambulance service to this area is presently, at best, I understand patchy.

We then get to the new road or Parkway, as it is being referred to. I recently was shown the proposed route and some alternative routing by a Fresh Water Biologist . Surely there are acceptable alternatives such as utilizing the Florence Drive entry, purchasing some private land and keeping the road higher before it joins the Ennos Lake area. This would at least save some of the eco sensitive area from the devastation that will occur with the present routing proposed by the Developer.

Another point that concerns me.

Are RDN going to insist on a Performance Bond from the Developer ?

What happens if the connector Road/Parkway is built and then the Developer decides not to continue the development in the Lakes District or for that matter Schooner Cove.

There must be a financial penalty to them, if the Developer withdraws their proposals for any reason.



We could suffer severe flooding if the Lakes District is not developed correctly, water quality could suffer if the wetlands are not preserved correctly.

This is a major development for this area, let's get it right, for not only the present residents, but also for the future residents.

Patrick J Murray

3362, Rockhampton Road

Nanoose Bay, BC.      Tel # 250 468 7718

Received  
Jan 31, 2011

**CONCERNS Re:  
 Lakes District PIM  
 January 31, 2011**



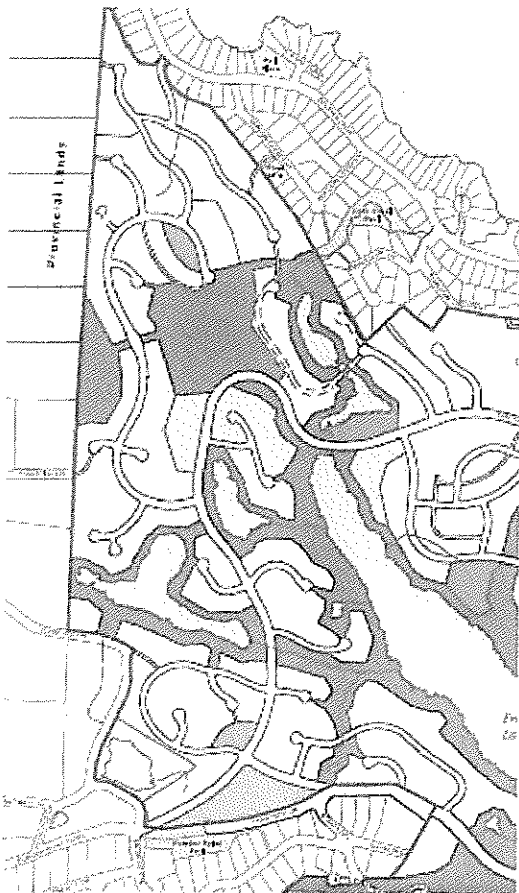
**FUTURE MULTIPLE DWELLING ON THE LOOKOUT**

The proposed multi-dwelling units on top of the Lookout should be removed from the plans before approval is given. The potential to develop any of the land beyond Bonnington Drive is a travesty.

**Schedule A1  
 LAND USE  
 DESIGNATIONS**

Comprised of a maximum of 1,675 single dwelling and multi-dwelling residential units (representing the remaining balance of the 2,500 dwelling units permitted in the OCP for the Fairwinds Urban Containment Boundary)

	Future Development Reserve 11,000 ha (27,000 ac)
	Single Dwelling 58,000 ha (143,000 ac)
	Single Dwelling Duplex 40,000 ha (99,000 ac)
	Multiple Dwelling 1,500 ha (3,700 ac)



**THE CONNECTOR ROAD BETWEEN THE  
 BEAVER PONDS**

An alternate route is needed to avoid having a high-traffic route between the ponds. A large block of undeveloped land should be left undisturbed between the ponds to preserve the integrity of these wetlands for wildlife.

The original proposed access off of Transtide is still a good option. The causeway across the north end of Enos Lake was originally engineered for this route.

There are other options as well, such as access off of Florence Drive and/or connecting the residential streets on either side of the drainage gully directly above Enos Lake. (See attached original proposals that I submitted last year.)

I submitted these scenarios last year to the RDN Planning, Fairwinds Development, and also to the Vancouver Island District MoTransport & Infrastructure. Debbie O'Brien, Senior District Development Technician advised me that the RDN felt that the Transtide Drive connection was not viable, so it was removed from the 2005 OCP. She also said that they certainly take into account sensitive

environmental areas so the alignment may have to be adjusted in order to avoid the wetlands and beaver ponds. At that time, the network plans were 'conceptual' only.

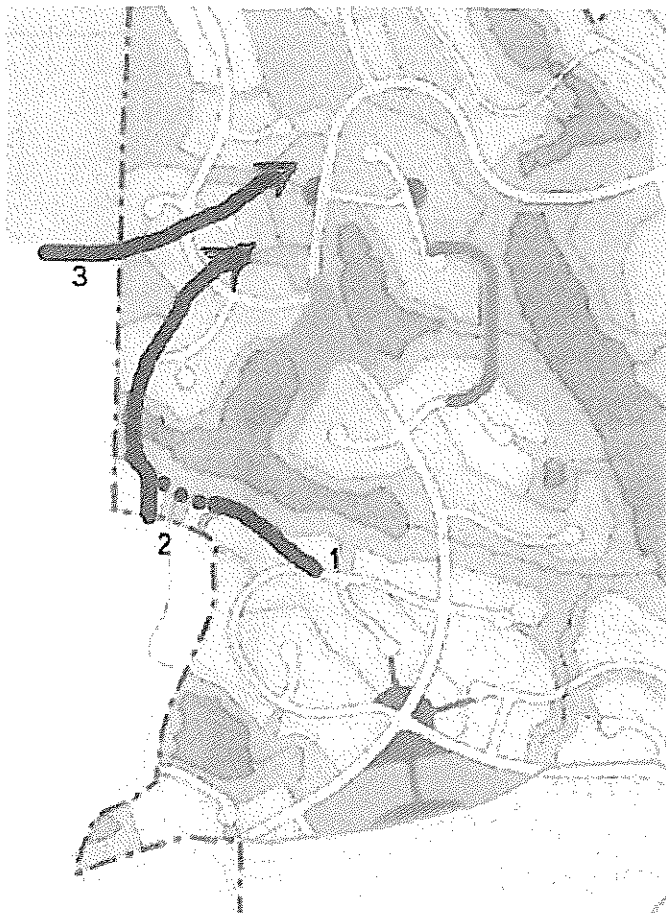
The Transtide Drive connection was originally proposed to connect in a west to east direction off of Northwest Bay Road, impacting a property at the west end of Transtide. This proposed route from NWB Road to Transtide has not been built but there are other routes to Transtide!!!

Further, this proposal was removed from the OCP **after** the residents had completed the workshops for the 2005 OCP; the new proposed route between the beaver ponds was added to the OCP **after** the residents had completed it; therefore, **the residents have not been consulted on this route** through a valuable and sensitive wetland ecosystem. I am sure that almost 100% of the residents of Nanoose Bay object to the main connector road going between the beaver ponds and the environmental damage it would cause.

Diane Pertson  
2971 Dolphin Drive

We have had less than a week's notice for this PIM which is very inadequate notice for such a monumental change to Nanoose Bay. This is further impacted by once again neglecting to put a notice in the only circulation that reaches every resident - the Business Directory. This oversight cannot be excused!!

Diane Pertson.



**ATTACHMENT to**

**CONCERNS Re:**  
**Lakes District PIM**  
**January 31, 2011**

Submitted 2010  
Diane Pertson

## **RDN PUBLIC INFORMATION MEETING ON JANUARY 31, 2011**

### **The Lakes District, Electoral Area 'E' (Nanoose Bay)**

#### **Comments from Christopher Stephens**

(714 Ermineskin Ave, Parksville, BC V9P 2L4; Tel: 250.954.3724; Email: [mnc.stephens@shaw.ca](mailto:mnc.stephens@shaw.ca))

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#### **Introduction**

Mr. Chairman,

My name is Christopher Stephens. I live at 714 Ermineskin Avenue in Parksville.

I am speaking here tonight as a member of the Arrowsmith Parks and Land-Use Council.

I will be addressing the following three points:

- Ecosystems at Risk
- Birds at Risk
- RDN Policies

I have been a birder in this area for the past 12 years and know this region well.

I was one of 6 winners of a national award for young ornithologists from Bird Studies Canada in 2008.

#### **Ecosystems at Risk**

The 700-acre Lakes District landscape represents one of the last remaining areas of the globally endangered Coastal Douglas-fir (CDF) ecosystem. It is one of the four most endangered ecosystems in Canada.

#### **Birds at Risk**

The CDF zone is one of two areas in BC where bird conservation is of highest concern. The CDF ecosystem supports special, range-restricted bird species including Canada's only forest doves, the Band-tailed Pigeon (blue-listed, of conservation concern), overwintering Hutton's Vireos and Black-throated Gray Warblers (restricted in Canada mostly to the Georgia Basin). This birdlife is a great and irreplaceable asset, something to be proud of and protected.

Some of the best birding experiences I have had, birding across Canada, were in the Lakes District. Being approached by a Cassin's Vireo; hearing the drumming of a displaying Ruffed Grouse; seeing the flash of brilliantly colored warblers from Mexico arriving on their nesting grounds in the Lakes District; and watching the flight of forest doves above rare arbutus forests while doing a bird inventory.

We have already seen the loss of bluebirds and meadowlarks on eastern Vancouver Island due to loss of grasslands to development. The endangered CDF ecosystem borders the grasslands. Will our land-use decisions cause the forest birds of the CDF ecosystem to follow?

### RDN policies

The RDN recognized the endangerment of the CDF in a recent RGS publication, noting the CDF makes up just 1% of BC's landmass and is under extreme threat from development. Most of the CDF lowlands within the regional district have been developed. The Lakes District is what remains, a critical, unbroken 700 acres supporting our threatened species and ecosystems of the CDF. To develop this CDF ecosystem, identified as one of the last on Vancouver Island by the Ministry of Environment, is not a tenable proposition. How can the RDN hope to meet its stated goals of ecosystem conservation if it does not protect this critical area?

There is good news!

The RDN has the ability to bring the designation of this important and rare ecosystem into line with its stated conservation goals. This relatively unknown legal power of local governments permits zoning designations to be changed based on new knowledge of conservation issues.

It's all here in the Green By-Laws Toolkit, which I believe is at the RDN office.

The Lakes District was zoned in the 1980s. Will the RDN use its powers to protect this endangered ecosystem? Please reflect on this. The future of our region's ecosystems, biodiversity and natural environment depends on the preservation of this irreplaceable CDF ecosystem.

Good Evening

Dear Chairman, Ladies and Gentleman,  
Holmes

January 31, 2011

My name is Barbara Murray and I live at 3362 Rockhampton Road,

My husband and I live beside Dolphin Lake Wetlands. We are very happy here and have met great new friends, enjoy the clubhouse, golf course and fitness centre. We are both volunteers in our community and hope to live here for many years to come. I especially appreciate the birds and habitat around me and often hike the Fairwinds trails and Notch Hill. What a wonderful privilege it is to live here.

not read out.

Tonight persons more knowledgeable than I have spoken to this point(or will speak to it) but I would like to repeat it:

“The Lakes District contains a significant amount of rare and endangered Coastal Douglas Fir Forest ecosystem. Only a small fraction of this ecosystem remains in the entire world, and it is ALL under threat from human-use development. If the proposed major construction-grade road is allowed to be built thru this ecosystem it would fragment it into small parcels of land and ~~then~~ would lose it’s ecological integrity.”

Currently residents and students alike have amazing access to an outdoor laboratory right here in Nanoose Bay and Fairwinds which is the envy of any freshwater biologist, botanist and ornithologist. This gem needs to be properly protected for future generations.

Director Holmes +

~~RDN staff~~, I appeal to you tonight to uphold your publicly documented commitment to build more sustainable ‘green’ communities and steward over our environmentally sensitive ecosystems. It is my humble wish as a tax-payer of your District that you go back to ~~elected officials~~ <sup>your Council</sup> and ask that they separate the Lakes District proposal, along with the corresponding ‘connector road’, out from this application process. Please recommend to them to approve the Schooner Cove development as soon as is reasonable.

The current application contains two large and very distinct developments applications that are meant to be phased in over a three to 25 year time frame. I believe this ‘phased’ development plan is prudent on the developer’s side ~~of things~~ and think this would also be most prudent on the District side ~~of things~~. <sup>each</sup> ~~Even~~ one of these developments will change Nanoose Bay forever so ~~each one needs~~ <sup>they both need</sup> to be dealt with carefully and separately to get it right. I have recently heard that if the road or Lakes District is NOT approved within this current application process it would jeopardize the badly needed and long awaited re-development of the Marina and Cove.

I suspect this rumor is not fact-based and I am confident that once the redevelopment approvals are obtained for the Schooner Cove area the current owners would not abandon their investment or at very least they would position it for sale to another developer. Rezoning for a hi-density development of 350 high-end condos at a marina on the waterfront would be highly prized by the investors.

Once the Schooner Cove application and rezoning is approved it is understood by many of us that it will be phased in over three to ten years in the best case scenario. After that development is under way it would be the proper time for the RDN staff to then start to deal with the more cumbersome and highly controversial Jumbo development of the Lakes District. What is being presently proposed would see a major Parkway intersecting the wetlands and providing access to highly desirable lake frontage and native <sup>endangered</sup> forest lands for another 3,500 people in 1,700 single family homes and as many as 4,000 vehicles. This development, we are told, would take ten to twenty-five years to realize.

Much can happen and change in this world in 5 years, let alone 25. There are no long term guarantees for any of our financial investments these days and I find it somewhat presumptuous that the elected officials of the day would even entertain granting such a large, two stage, development thus giving guarantees to a developer who may not even be here to develop it? We just don't know what the future holds and how governments and corporations will respond to changes in economic and other conditions <sup>in the future</sup>.

We need to proceed with as much good science and good guidance as possible and deal with this application in phases, as any good, profitable corporation would.

Thank you,  
Barb Murray



**Comments to Public Information Meeting – Nanoose Lakes Development  
Monday, January 31, 2011**

My name is Berni Pearce. I live in Parksville.

*Typical of the <sup>extreme</sup> Over-development we foresee in the larger region*  
I attended the RDN-sponsored Information Hearings held here more than six months ago. It was apparent that almost the entire public comment period at that event was devoted to concerns about environmental degradation and loss resulting from the huge intrusion into the sensitive Lakes District of Nanoose.

Many commentors, both tonight and six months ago, questioned the shortage of clear, comprehensive, eco-system-based analysis of the project. And, six months later, we find ourselves in the same position. Why? Because the RDN has done nothing to gather its own, unbiased data and analysis to answer the concerns of citizens and electors. *Instead it has relied on the developer's declarations.*

We know the RDN hires expert consultants in many other situations. How many contracts go to engineering companies to design a bridge? or design a new track and field recreational facility? Or any number of construction projects. But there is no equivalent investment in our environmental wellbeing – as if we could just take that for granted.

*It would be prudent to observe.*

In this development project, the RDN staff have relied entirely on the biased report of the developer. Now, I ask you, is a developer-hired environmental consultant going to tell its developer boss that the

installation of 1,650 homes, complete with water and waste management, and a road system to service the entire 1600 homes, built in a sensitive lakes area, is **not a wise course of action** because it will threaten animals, birds, rare fish, and even-rarer groundwater and forest habitat? ... Not likely.

Let me be clear. I'm not suggesting that anyone is outright lying. But we didn't fall off the turnip truck yesterday. We know that the outcome of a report has a pretty tight correlation with the terms of reference which the employer draws up at the beginning. If you ask for a consultant to investigate Topic "A", that's what you get. The mandate does not include Topic 'B', titled "**irreparable damage or unknowns which we can't predict**", and you will not get a report on that. Too bad, so sad, that subject has been eliminated by the terms of reference – no lying required.

And I have yet to see or hear of a case where the developer asked its environmental consultant to employ the precautionary principle in determining the desirability of a given plan.

Remember the precautionary principle? That's the one that says: in the absence of convincing proof of safety, **don't do it!**

Did the developer's consultant make its decisions and conclusion on such a basis?

The precautionary principle is widely-used today in environmental planning – and we need it desperately in the face of this huge development proposal. This is what it says:

When an activity raises threats of harm to the environment or human health, precautionary measures should be taken even if some cause and effect relationships are **not yet fully established scientifically**. In simpler language: Where there is the likelihood of harm, the action should be avoided, even if you can't prove the harm in advance.

The precautionary principle tells us to shift the burden of proof. When consequences are uncertain, it says we must give the benefit of the doubt to Nature, public health and community well being.

And I would add this comment. It is no longer safe to rely on developer-hired consultants for environmental protection.

I'm not a professional biologist or scientist of any kind. I'm like a lot of people in this room – concerned for environment, concerned for water and birds and so on. But more and more I'm coming to realize that we can't take for granted the sustainability of these things we love and need in Nature.

I absolutely insist that a professional ecologist be hired by the RDN to assess the environmental risks and apply the precautionary principle to this development plan. We need an unbiased, neutral assessment which gives the benefit of any doubt to Nature, public health and community well being, before either we, or our elected representatives, even consider a change in the OCP.

Respectfully submitted,

Bernadette Pearce  
793 Temple Street  
Parksville, BC

Jan 31 2011

Peter Low

3417

Carmichael Rd

- Issues Noted in Jan 2011 Lakes District Plan

Water Quality of Enos Lake and Wetlands

① ~~with~~ - ~~Principle~~ - ~~in~~ policies associated w/ Regional Park Development - ~~(Kam F)~~ - a commitment by Fairwinds to 'develop an Enos Lake (Water) Protection and Monitoring Program - to support the development of Water Quality Objectives for Enos Lake. This will be developed with the assistance of the Province of BC. I commend this initiative and will gladly volunteer my time as a resident of this area in developing objectives

environmental

for this important lake. This initiative must begin immediately, as over 75% of the proposed land development in the Lakes District will drain into this lake and associated wetlands. It will be important to control sediments generated ~~existing in the local government~~

by new construction and ensure the proper functioning of the hydrology of this small-unique watershed

→ In my reading of Plan (January 2011) -

I am concerned ~~however~~ that Fairwinds will not integrate this proposed land use plan ~~and~~ the associated ~~and~~ impervious structures like housing and street design, with a rainwater or stormwater plan that ensures the protection of historic water quality and hydrology of this basin. To set a goal of requiring the proposed rainwater management

plan to meet a simple set of agency guidelines that are not clear, ~~and~~ concise and brief

and refined for local conditions ~~and~~ ~~water quality~~ will cause the Eros Lake ecosystem to deteriorate in short order

*Policy for storm water*  
Traditional engineering approaches focused on runoff detention using ponds - rather

*storm pipes*  
than a "water balance" approach focused on ~~the~~ <sup>the</sup> development site, ~~with~~ ~~not~~ ~~cross~~ road layout, curb and gutter, ~~will~~ ~~with~~ ~~the~~ ~~loss~~

Fairwinds - Lake District Plans agencies must incorporate this new thinking and approach to "working with Nature". I encourage Fairwinds and its consultants to review this new thinking at the "Water bucket" website.

② Parks Policies

I see a significant commitment of Fairwinds to dedicate 118.55 hectares of the plan area to Regional Park. This includes areas that have been identified by this community (like the Notch and The Lookout) and that have high ecological and conservation values. I agree with many of the policies as laid out, however I am very concerned with how the Regional District of Nanaimo Parks Program will ensure the future high ecological characteristics of these lands. - ~~to ensure they~~

I note that Fairwinds have identified a future "Future Development Reserve" option for parkland acquisition at "Fairmarket values". I am familiar with these sites and "challenge" Fairwinds to provide the community with <sup>or RDN</sup> biological investigations that - in the opinion of the consultant - are suitable land for development - as opposed to land with a high ecological value - that border or provide connectivity to adjacent lands of high ecological value.

The "Future Development Reserve" - must be seriously questioned and reports reviewed.

### ③ Location of Schooner Cove Drive

The January 2011 Lakes Plan 'proposed development layout' - shows the location of Schooner Cove Drive being extended through ~~the~~ to meet Powder Point Road. The ~~the~~ location of this major connector between 2 significant wetlands and an outlet creek - to the west of Enos Lake is an issue that must be reviewed. The distance between these wetlands is less than 100 meters - ~~which with~~ There is no doubt that there are high ecological and connectivity values of amphibians and small mammals between these wetlands and outlet creek. To approach this issue with a technical solution of 'building more or larger culverts' is not going to ensure that the proposed heavy traffic volumes ~~is~~ will result in more road kill.

to provide wildlife passage

If the road cannot be moved - then the road should be elevated and bridge's designed to pass over these highly valued wildlife corridors.



January 31, 2011

George Holme Director Area E

Re: Applications for development of Lakes District and  
Schooner Cove

My concerns:

Where will the water supply come from to service all these new homes?  
Have Fairwinds wells been drilled near existing wells so that the same  
aquifer is being tapped?

How will our existing roads handle the enormous increase in traffic?

Will the present sewage treatment plant be upgraded to fully treat the  
sewage or will partially treated sewage be dumped into the ocean?

Karen Zaborniak  
2621 Northwest Bay Rd  
NanOOSE Bay BC  
V9P 9E7  
250-468-7416  
[kaza2@shaw.ca](mailto:kaza2@shaw.ca)



## Cormie, Susan

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**From:** david collyer <david.collyer@shaw.ca>  
**Sent:** Wednesday, February 02, 2011 2:17 PM  
**To:** Cormie, Susan  
**Subject:** Emailing: Emailing\_ Lots Mostly Left to Nature006\_.jpg.eml  
**Attachments:** Emailing: Lots Mostly Left to Nature006.jpg

Dear Ms Cormie,

I attended the Jan. 31 and Feb. 1 Fairwinds public information meetings, and was impressed again with the high design quality, based on solid research, and the overall status of the Fairwinds design team's work. I was an architect in my other life and from my professional experience I can say I would have liked to have offered congratulations but was reluctant due to my failure to keep up with the consultation and accommodation process that has occurred in the last while. I did, however, have a good discussion with Edward Porter of Ekistics on the concerns that I repeatedly expressed at the Nanoose Naturalist Stewardship meetings chaired by Ross Peterson. These concerns were of a site implementation control nature. Mr. Peterson in his wisdom never included them in any submissions that he made to the RDN and environmental agencies that he made submissions to relative to his dissatisfaction with the Fairwinds consultants' work. Mr. Porter said that the guidelines for approval and control of these concerns were covered under the general guidelines in the documentation portion of their work submitted to you in the ongoing approval process. I am certain that they will be covered but just in case they do not get the attention in the specifics of the developmental controls I would like to record them now. They are as follows:

### 1. Minimizing Home Site Degradation

The attached article describes an excellent way to integrate the construction of a house and the work area around it should be controlled relative to site disturbance to a maximum of 50% +\_ of the total site area. The rest could be left undisturbed.

### 2. Excavated Material Control

Excavated material should only be allowed to moved/dumped at designated areas which also should be part of the overall site development, and not to just the site area of the phase of work that was underway at the time of individual house construction. The surplus excavated material from all service work should also be controlled in a similar way.

### 3. Penalties For Not Complying With Site Disturbance Requirements

Both 1 and 2 should be controlled by the requirement to submit to the authority having jurisdiction and before work commences a plan showing the area of site disturbance. There should also be a requirement to submit a performance bond which would cover penalties for not following the site disturbance approved plan

This performance bond should be applied for and paid for. Before occupancy the owner should be required by covenant or bond to not disturb the undisturbed areas left by work's installation.

I hope these requirements will be given attention.

David Collyer [david.collyer@shaw.ca; 250.-468-7116]

ings to determine how attachments are handled.

DEVELOPMENT

Oct 24/09 T.C.

# Lots mostly left to nature. It's no place for neat freak

## Wilderness kept around homes saves money in rural areas

**MARTY HOPE**  
Canwest News Service

For those who faithfully keep their lawns trimmed and carry out seek-and-destroy missions on dandelions, it's enough to make you cringe.

But while we urban neat freaks can't get our heads around the fact people actually let their grass grow knee-high — even mixed with randomly seeded wildflowers — there is a growing sentiment in rural areas to have exactly this happen.

It's called conservation development and the newest example of this style is being proposed by Mark Kwasnicki, a high-end custom builder who now and again puts his talents to country residential land development.

His latest project is Silverhorn in the municipal district of Rocky View just north of Calgary, a largely rural area that is home to many a high-end home, estate or ranch.

To help bring Silverhorn along, Kwasnicki recruited Elvin Karpovich, a Calgary company director.

One of the more interesting elements of this type of land development is that it tries to reduce the size of the footprint it leaves on the land by preserving trees, sloughs, dugouts, natural vegetation and wildlife corridors, while giving potential homebuyers lots measuring from a half to a full hectare.

But here is another catch to conservation development: You can't



TIMES COLONIST ARCHIVE  
Calgary developer catches on to a landscaping style that has long been familiar to Sooke homeowners.

just run around willy-nilly doing landscaping.

There are several elements to the home site.

The first is the building envelope, which will be large enough for a 4,500-square-foot two-storey home — or 6,000 if you want to go to three levels.

Then there is a five-metre area around the home for gardens or lawn, and beyond that, "It's a no-touch zone out there," says Kwasnicki. "Everything has to stay in its natural state."

The county endorses the conservation development idea. In fact, it was officials led by Rocky View reeve Lois Habberfield, who worked with Kwasnicki and Karpovich to refine the proposal.

But there are challenges to be faced for any jurisdiction considering this style of development, says Karpovich.

The biggest will be getting municipalities to accept and approve some of the design elements built into a conservation plan — things like road standards, non-manicured medians and boulevards, and using existing ponds and sloughs for stormwater run off, he says.

Other elements include

the communal sanitary treatment system, public open spaces that are created as natural areas, and the maintenance or non-maintenance of these spaces, says Karpovich.

"Our goal is to show that these spaces need minimal to no maintenance and that the natural environment is easy to maintain," he says.

"But in saying that, we have provided for smaller usable spaces within the building envelope to accommodate a manicured lawn. Our intent is not to completely eliminate a mowed lawn, but to substantially reduce the acres and acres of mowed grasslands you find in typical country residential developments."

It sounds like it might be time to put away that rider mower and find yourself a push one.

Promoting conservation measures has been done before and fiscally, it makes a lot of sense. More and more communities are getting out of the landscape upkeep business because of the cost and manpower involved.

Karpovich says the other challenge is getting builders and homebuyers to understand how conservation development will benefit them.

3427 Simmons Place,  
Nanoose Bay, BC  
V9P 9J8

February 3, 2011.

Attention: **Electoral Area Planning Committee**,  
RDN Planning Department, 6300 Hammond Bay Rd., Nanaimo, BC, V9T 6N2  
Attention: Susan Cormie

**Reference: Fairwinds Lakes District Development, OCP Amendment Application**

I have attended the Public Information Meetings on January 31 & February 1, 2011, and was impressed with the positive response by the developer to the concerns of the interested parties. It is now time to move forward recognizing that the extension of Schooner Cove Drive is a necessary access route to the re-development of Schooner Cove Village as well as the community in general. While those that oppose development - whether perpetual activists, ecologists, environmentalists or ad-hoc groups responding to any specific agenda can conjure up an unending succession of reasons for delay or more study; we all must realize that this area is private land and has been designated for future urban development under the **OCP** for years. It is **NOT A PARK**. However, the real test to developing this area will come in how Fairwinds **implements** the planned development.

Suitable environmental controls should be in place during the development and installation of the infrastructure as part of the development permit. Likely an independent firm reporting directly to the RDN could serve as a "watch-dog" for this work, which may last several years.

Likewise, control of Scotch Broom and other invasive species should become a long term developer's responsibility (for at least 15 years) as the disturbed areas will invite intense infestation. In particular control of what may be planted close to the wetlands and ponds must be specifically controlled to avoid the introduction of invasive land or aquatic species into these sensitive areas.

When individual building sites are developed, both the developer and contractor must be held responsible for not destroying the surrounding area, whether it is a contiguous building site or ESA's. They can not, as in the past let contractors and excavators loose to turn beautiful lots into flat building sites, where there is existing steep topography. Covenants, or by-laws covering what is acceptable on or between individual property/lots, must be in place including an acceptable enforcement mechanism. This would likely include a substantial cash security deposit for adherence to these covenants.

The walking trails have become a local joke where dog owners let their dogs loose distributing water birds and other wildlife by throwing sticks into the ponds as well as scaring other walkers. Most of these trails have become **expensive dog walks**; it is time to move on with making better use of this valuable local land resource. This can be done by carefully developing this tax base while truly protecting the ESA's and buffer zones at the same time looking at ways to use these areas for education and enjoyment of everybody.

With these considerations in mind **I fully support the amendment application** to the OCP for this area.

Sincerely,

*James Sinclair* James Sinclair, 250-468-9374

To: RDN Planning Dept

From: Gabrielle Cartlidge, resident of 2443 Garry Oak Drive, Nanoose Bay.

Ref: The Lakes District REVISED Neighbourhood Plan (January 2011)  
P.I.M. January 31 2011

I have attended all the public consultation opportunities and, as a member of Nanoose Bay POSAC, participated in all meetings of Fairwinds Community Advisory Group on the Schooner Cove Neighbourhood Plan.

The changes incorporated into the REVISED Lake District Neighbourhood Plan on environmental issues, parks areas, and protection of the landscape, are re-assuring and in line with what I have read about urban planning.

I do not dispute the accuracy of opinions expressed at the P.I.M. in May 2010 which criticized the NP for its impact on the Garry Oak ecosystem and wildlife, but think those opinions should be balanced by fresh observations on, and examples of, urban development which allows the natural plant life and wildlife sufficient space to re-colonise, and more importantly re-generate. In this Neighbourhood Plan the buffers between natural areas and building activity are well in excess of the minimum laid down (and I presume that groups who have spoken on this topic contributed to establishing those minimums).

I have lived on Garry Oak Drive for 32 years. That is the span of time on which I base my observation that garry oak and arbutus continue to grow, and re-generate, on and around my property despite the unfavourable conditions caused by septic systems, invasive plants, and introduction of exotic species by gardeners. I would expect the same result to follow where conditions are favorable as a result of controls included in The Lakes Revised Neighbourhood Plan.

I hope the RDN Board gives its approval to this Lakes District Revised Neighbourhood Plan and the regulatory bodies concerned collaborate in monitoring its implementation.

*Gabrielle Cartlidge*

Gabrielle M Cartlidge

Feb 4 2011

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

Feb. 11, 2011

George Holme  
Director, Area E  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.

Dear George;

**Re: Proposed Fairwinds Lakes District Neighbourhood Plan - Resolution of Outstanding Ecological Issues.**

As I mentioned near the end of the public meeting on the Fairwinds Lakes District Neighbourhood Plan, January 31, 2011, I do not think that further public meetings on the Lakes District plan would be beneficial. I think we have all exhausted our arguments and the public meeting format does not encourage the type of meaningful discussion needed to resolve outstanding ecological issues.

There are many outstanding ecological issues, and the non-ecologically trained RDN staff is not at this time in a good position to prepare its report and recommendations to the EAPC. As I have mentioned previously, RDN staff, and the EAPC will by default be making ecological decisions on this proposed plan. However, as RDN staff do not have training as ecologists, these decisions cannot have the same credibility as those made either by those who do, or by staff having certified reliable ecological information at their disposal. Key questions here are: can staff and EAPC members differentiate reliable from non-reliable ecological information, and will staff and EAPC members rely on the Fairwinds consultants reports as their only source of ecological information?

I, and other biologists, do not believe the Fairwinds consultants' reports are reliable, and believe that it will be in everyone's interest to have disagreements on ecological issues resolved.

The public is owed a resolution to these issues as well. They deserve to know the truth about the level of environmental protection being offered and the truth about the potential impacts that might result. Without this information, how can the public be expected to provide meaningful comment on the proposed plans? RDN, with a responsibility to represent the public's interest, has an obligation to provide this information to the public.

The following outstanding ecological issues are leading to misunderstandings on environmental protection and potential impacts. They require resolution.

1. The ecological boundaries of the Garry Oak ecosystems. Currently, the protection of these ecosystems is compromised by inaccurate mapping of their ecological boundaries and protective buffers.
2. The suitability of the proposed condominium buildings near the Lookout to the stated protection of the functional integrity of this Garry Oak ecosystem. The proposed location of these buildings is within the ecological boundaries of the ecosystem and represents a major significant environmental impact, despite their "Future Development Reserve" status.
3. The proposed Schooner Cove Drive extension near the two wetland ecosystems to the west of the north end of Enos Lake, represent significant potential impacts, particularly with respect to the following:
  - Protection of the overall functional integrity of the ecosystems, considering displacement of habitat, noise and disturbance factors and water quality risks.
  - Protection of the keystone species, the beaver, and their deciduous tree supply.
  - Protection of the blue-listed red-legged frogs and the efficacy of the proposed tunnels to provide them access.
  - Preservation of the recreational and educational values of the wetlands.

Examination of these issues should lead to a comparative assessment of alternate road locations.

4. The potential impact of the proposed development in terms of the fragmentation of the rare Coastal Douglas Fir ecosystem.

The Fairwinds consultant claims that they "*do not expect this project to result in significant environmental impacts*". I, and others, disagree. I (we) feel that the impacts mentioned above will be significant, and that means to avoid or mitigate them should be investigated. First of all, there must be an accurate depiction of the ecological boundaries of sensitive ecosystems so that we can have a more accurate idea of what is at risk, and then we need an agreement on the significance of the resulting potential impacts on these ecosystems in order to identify the need for and the ways to avoid or reduce unwanted impacts. I therefore suggest two options for you to consider:

#### **Option 1. Workshops.**

One or more workshops should be held to attempt to resolve outstanding issues; including agreement on ecological boundaries of sensitive ecosystems, width of protective buffers, efficacy of mitigative measures, least harmful location of the Schooner Cove Drive extension, inclusion of social values of the ecosystems into the impact calculation, and the overall assignment of impact significance.

These workshops should involve Fairwinds consultants, RDN staff, and interested members of the public. Importantly, the workshops should be hosted by RDN and facilitated by an outside person hired by the RDN, preferably an ecologist who would have a basic familiarity with the issues to be discussed.

**Option 2. Consultant Ecologist (to RDN).**

RDN should hire a general ecologist with a good knowledge of the issues, to review all proposed plans, submitted documents, etc., and advise RDN staff and EAPC on the reliability of the information. The consultant should be free to interview and discuss the views and information from everyone, including the Fairwinds planning team, RDN staff, and members of the public.

Scheduling is important. Either of these two options should be carried out as a prelude to the RDN staff's preparation of its report to the EAPC. The resolution of outstanding ecological issues must be done now, and not delayed by incorporating this into the more detailed planning of the Phased Development Agreement process to follow.

I have been waiting for some time for RDN to take some leadership on this proposed development, to show that it understands the importance of its commitments for environmental protection imbedded in the Nanoose Bay OCP, in the Regional Growth Strategy, and in the report of the Sustainability committee (Regional Growth Management Committee). I urge RDN to pause in its deliberations of this proposed development, and facilitate a resolution to the many outstanding ecological issues. To steamroll ahead, according to the Fairwinds' timetable, would be irresponsible and grossly unfair to the public whose interests the RDN is obliged to protect.

Ross Peterson

cc Susan Cormie  
Maggie Henigman (MoE)



**From:** Sanders, Karen on behalf of email, planning  
**Sent:** Monday, February 07, 2011 4:19 PM  
**To:** Cormie, Susan  
**Subject:** FW: The development of the Lakes District, Electoral area 'E'

**From:** David & Pam Helem [mailto:dhelems@gmail.com]  
**Sent:** Monday, February 07, 2011 4:15 PM  
**To:** email, planning; George Holme  
**Subject:** Re: The development of the Lakes District, Electoral area 'E'

Dear Planners and George Holme

We wish to express our disappointment in the latest proposed Fairwinds Plan to develop the Lakes District. The planning process should be protecting the environment and the nature, which is one of the major goals of the OCP. A proper independent plant and animal survey needs to be done by biologist and submitted directly to the RDN and later paid for by the developer.

Any access roads can be planned after the sensitive habitat areas have been identified, so that there will minimal impact on the environment. The road and any development needs to avoid wetlands as much as possible. A possible wildlife corridor may need to be planned under or over the road.

The developer needs to consider planning a wildlife corridor which starts at Notch Hill and ends at Stewart Road, near some under developed lands would connect to the Moorecroft property which would include the the sensitive ecosystems in between.

This corridor could possibility include the west side of Enos Lake, the beaver ponds, Garry Oak Meadow areas and coastal Douglas Fir areas. Wildlife corridors are often proposed as solutions to the problems of habitat fragmentation -- the process of isolation of communities of animals and plants in increasingly smaller remaining habitat patches. This corridor should a minimum of 60 metre width and much wider in other places, that could meander through with a trail to give recreational value for any of Nanoose Bay residents. It also could be a great birding path.

There is also an need for riparian buffers -- the vegetated border along streams and wetlands -- may decrease the amount of nitrogen that enters water bodies. A 30 metre buffer needs to be planned right around Enos Lake.

Any of the existing Garry Oak Meadow areas should be left untouched by this development. This is rare endangered ecosystem which if we loose it will be gone forever.

The developer needs to use a little imagination to consider environment and sensitive ecosystems in making this development in our community. It is up the developer to fit in with our community. Most of the population of this area live here because they like the natural beauty of area. Let's not settle for anything less by destroying the environment.

Sincerely

Pamela and David Helem

1443 Marina Way, Nanoose Bay

## Cormie, Susan

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**From:** Sanders, Karen on behalf of email, planning  
**Sent:** Monday, February 07, 2011 8:21 AM  
**To:** Cormie, Susan  
**Subject:** FW: Schooner Cove and Lakes District Neighbourhood Plans  
**Attachments:** Moore, Doug.vcf

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**From:** Doug Moore [mailto:av8tor@shaw.ca]  
**Sent:** Sunday, February 06, 2011 3:51 PM  
**To:** email, planning  
**Subject:** Schooner Cove and Lakes District Neighbourhood Plans

Attn: RDN Planning Department

I write with reference to the Schooner Cove and Lakes District Neighbourhood Plans (January 2011) that are currently before the Regional District of Nanaimo for approval as an amendment to the Official Community Plan.

I am a Fairwinds resident, and my home, located in Schooner Ridge at 3421 Simmons Place, overlooks the Schooner Cove Marina. I am therefore directly affected, visually and otherwise, by the implementation of the Schooner Cove Neighbourhood Plan.

I am of the opinion that the developer has conducted a comprehensive, if not exhaustive consultative process with all interested parties. Since May 2008, I have personally attended most of the open houses for public input as well as most of the community advisory meetings. I am satisfied with the process as it has been conducted and I believe that all reasonable concerns of the interested parties have been examined and addressed.

I am also of the opinion that Schooner Cove Marina and Hotel is long overdue for re-vitalization. It served its purpose when our community was of a smaller size but it has remained stagnant while the community around it has expanded and thus it now fails to serve the needs of the community-at-large. The concept of a "mixed-use waterfront village" combining higher density housing and commercial usage is appropriate for the future expansion and development of the Fairwinds community.

The Lakes District Neighbourhood Plan represents a reasonable updating of the Master Plan for Fairwinds and once again is appropriate for the future expansion and development of Fairwinds.

Therefore, it is without hesitation that I support the application of the developer in the matter of the Schooner Cove and Lakes District Neighbourhood Plans (January 2011) that are currently before the RDN for its approval.

Sincerely,

Douglas Moore  
250-468-5554

7 February 2011

Mr. George Holme  
Director, Electoral Area E  
Regional District Of Nanaimo

CAO'S OFFICE		
CAO	<input checked="" type="checkbox"/>	GMR&PS
GMDS	<input checked="" type="checkbox"/>	GMT&SWS
GMF&IS		GMR&CS
FEB 14 2011		
SMCA		BOARD
CHAIR	<input checked="" type="checkbox"/>	

Dear Mr. Holme,

We would like to share with you today our opinions concerning the Fairwinds proposed development for the lakes district and Schooner Cove marina.

As Fairwinds residents and part of the silent majority, we are in favour and very excited about these projects.

We moved from Québec to Vancouver Island four years ago after much searching on the Island (from Victoria to Courtenay) and decided to buy a property in Fairwinds because of its beauty and all it had to offer to its residents. For the past two years, we have noticed a certain decline in the quality of life since many of the facilities that attracted us originally have closed (hotel, pub, restaurant, liquor store).

We really think that these two proposed plans are very important for the area and its residents; it will bring more interest and appeal to newcomers and will keep this beautiful community alive and restore the prestige that it deserves.

We find it very difficult to accept that just a few individuals mostly from outside of Fairwinds can derail this very well planned project.

In conclusion, Mr. Holme, we personally would like to thank you and everyone involved in the planning of this beautiful project and we sincerely hope that it will materialize in the near future. Our quality of life, our sense of attachment to the community and the value of our properties depend on it.

If we can be of any help, please do not hesitate to contact us.

Yours truly,



Diane Lauzon and François Panetta  
1983 Highland Road  
Nanoose Bay, BC  
V9P 9H6  
Tel.: 250-468-2744

✓ c.c.: Mr. Joe Stanhope  
Director, Electoral Area G, RDN

## Cormie, Susan

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**From:** Hewitt, Nicole  
**Sent:** Tuesday, February 08, 2011 9:47 AM  
**To:** Burgoyne, Linda; Lindsay, Dale; Cormie, Susan  
**Subject:** FW: Fairwinds Public Information Meeting January 31st

-----Original Message-----

**From:** Holly Clermont [mailto:clermont@island.net]  
**Sent:** Tuesday, February 08, 2011 9:29 AM  
**To:** Hewitt, Nicole  
**Cc:** Lou Biggemann  
**Subject:** Fairwinds Public Information Meeting January 31st

Hello,

I am Treasurer for Mount Arrowsmith Biosphere Foundation. I did not make a statement at the Public Information Meeting for Fairwinds on January 31st, but witnessed Phil Carson, MABF Vice President make an unauthorized statement representing our organization; he also misrepresented himself by calling himself our President. Prior to our board meeting next week, we would like to have the minutes pertaining to our organization (i.e. what the RDN recorded was said on behalf of MABF), so that we may discuss. It is possible that we will be formulating a retraction of these comments. Please let me know if there is a protocol for this. Thanks Holly Clermont Treasurer, MABF

3370 Redden Road  
NanOOSE Bay, BC V9P 9H4

17 February 2011

Joe Stanhope, Board Chair  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Mr Stanhope,

### ***Regional Growth – Area ‘E’***

I draw your attention to apparent discrepancies between the RDN’s stated Vision and the proposed development of the ‘Lakes District’ within RDN Electoral Area ‘E’.

Whereas, three decades ago, under different economic circumstances, when there was a need for development, the RDN agreed to the developers’ request for Fairwinds’ property, including the “Lakes District”, to be designated within, what is now, an Urban Containment Boundary (UCB).

Today, the urban/rural balance has tilted heavily in favour of development throughout Electoral Area ‘E’. Residential construction has significantly changed the rural nature of the peninsula. Furthermore, there is only a remnant of the Coastal Douglas Fir ecosystem readily accessible to the public.

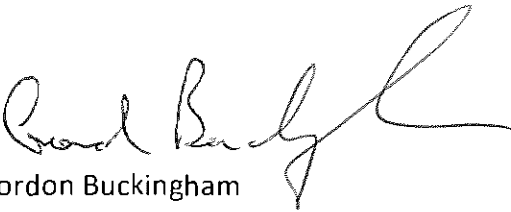
Therefore, in keeping with your published Vision, it is strongly recommended that the RDN review its previous decision to designate the ‘Lakes District’ within the UCB. The building of 1,675 homes in this particular area would NOT be consistent with the RDN’s stated Vision of a sustainable neighbourhood, which would balance ***Community Wellbeing, Economic Health and Environmental Integrity*** (State of Sustainability Report – December 2007). A development on this scale would alter the character of the NanOOSE Peninsula, forever.

Concerns, regarding the impact of such a big development on the peninsula’s water, waste-water and traffic circulation have only increased with the latest proposals released by Bentall Kennedy. ***The overall impact on the sustainability and the quality of life in Area ‘E’ needs to be given serious consideration by the RDN Board and Staff.***

The owner of the property has the right, under the current bylaws, to develop this property. However, as a renowned newspaper columnist observed: **The law protects corporations, absolutely; the individuals, somewhat; but the environment, not at all.** Outdated bylaws can be amended to reflect the current needs and wishes of the residents/electorate.

The current application proposal would put a road through several wetlands, would break up significant areas of wildlife habitat and would impinge on several Environmentally Sensitive Areas. **This is in contravention of policies of three of the RDN's own publications. It is time to review the applicable bylaws and the zoning of this sensitive and important ecosystem.**

Yours sincerely,

  
Gordon Buckingham

Attachment: three excerpts from RDN publications

Cc: Bill Holdom, Deputy Board Chair;

George Holme, Director Area E;

David Bartram, Director Area H;

Carol Mason, Chief Administration Officer;

Paul Thorkelson, General Manager Development Services;

✓ Dale Lindsay, Manager Current Development

The RDN has made the case for protecting significant aspects of “natural capital” in at least three recent and relevant documents:

- A. **The Official Community Plan for Nanoose Bay– Bylaw 1400, 2005** under the heading “... protection of the natural environment” states: **“Residents in Nanoose Bay place a high priority on the preservation of the natural environment, including important ecosystems, watercourses, green spaces, ... and on the protection of indigenous species and local wildlife.”**
- B. **Prospering Today, Protecting Tomorrow: The State of Sustainability of the Regional District of Nanaimo** dated September 2006, states on page ii of the Executive Summary: **“Important ecosystems and ecological features are protected, healthy and productive.”** Also, **“Land resources are efficiently used and negative impacts of land use and development are minimized.”**
- C. **State of Sustainability Recommendations Report –December 2007:** Under Section 3A – Actions the RDN Can Take: **“Strengthen RGS policies to emphasize prevention and mitigation rather than remediation to protect the environment”** (for example through the use of “Site Adaptive Design” principles that preserve sensitive and important ecosystems by restricting development activities to relatively non-sensitive lands). Furthermore, it was recommended, in paragraph 26, that the inventory of sensitive and important ecosystems be expanded to include **“evaluation of their sensitivity to various types of disturbances, and prioritization for protection”**. That report goes on as follows:

### **State of Sustainability Recommendations Report – December 2007**

#### **3A - Actions The RDN Can Take:**

25. Strengthen RGS policies to emphasize prevention and mitigation rather than remediation to protect the environment (for example through the use of “Site Adaptive Design” principles that preserve sensitive and important ecosystems by restricting development activities to relatively non-sensitive lands). C 1-6

26. Ecosystems:

a. Expand the mapped inventory of important and sensitive ecosystems and features to include evaluation of their sensitivity to various types of disturbances, and prioritization for protection. C 2

b. Maintain this inventory, and calculate ecosystem area losses and gains from time to time, and identify any change in the health and productivity of these areas as measured by selected indicators.viii C 2

c. Maintain natural corridors for water, wildlife and vegetation. C 2

**d. Purchase land that contains threatened, high priority, important and sensitive ecosystems or features, and to protect watersheds. C 2**

e. Maintain and enhance biodiversity through the planning and maintenance of RDN parks and open spaces and increasing the area of RDN parkland through subdivisions, rezonings, donations, and acquisitions from development. C 2

f. Work with the Ministry of Environment to develop a comprehensive program to eradicate invasive species such as Scotch Broom and the American Bullfrog. C 2

30. Water:

a. Adopt "The Drinking Water - Watershed Protection Action Plan" (Drinking Water – Watershed Protection Stewardship Committee, September 2007) and RDN climate change reports and the policy recommendations therein. C 1, 2, 4

b. Ensure that water needs for ecosystems (flora, fauna and aquatic beings), recreation and other social uses/values are part of the above Action Plan process. C 1, 2, 4

c. Establish watershed management committees to support a watershed-based approach to land and water use management for the protection of water and ecosystems. C 1, 2, 4

d. Reduce water consumption in all RDN facilities: establish reduction targets that will be achieved each year. C 1, 4



## Cormie, Susan

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**From:** Sanders, Karen on behalf of email, planning  
**Sent:** Friday, February 25, 2011 11:39 AM  
**To:** Cormie, Susan; Lindsay, Dale  
**Subject:** FW: Fairwinds Development Info Meetings Jan 31 and Feb 1st 2010.  
**Attachments:** Residential Lots Added.doc; Park Boundary changed.doc; Paths.doc; A Master Plan 1983.doc; Combo Master Plsn.doc

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**From:** Shaughan [mailto:gointl@shaw.ca]  
**Sent:** Friday, February 25, 2011 11:31 AM  
**To:** Paul Fenske  
**Cc:** email, planning; Joe Stanhope; George Holme  
**Subject:** Fairwinds Development Info Meetings Jan 31 and Feb 1st 2010.

Paul,

Thank you for being present at the info meetings and for answering questions from the audience. I think most of the people present would like the Schooner Cove Development to go ahead, after a few 'tweaks' to the plans .

Many people are very passionate concerning The Lake District and take a "stewardship" position on its' development, concerned with the environment, flora and fauna.

After the meeting had ended, myself and a few neighbours from Harlequin Crescent met with you and discussed our concerns with the Draft Proposal. It seriously affects the area immediately adjacent to our properties. We had sent letters to the RDN but have received little response. This makes us think that no one cares what concerned Nanoose residents think. You mentioned, to my surprise, that you had recommended at least a 10 metre "buffer" zone around the perimeter of the proposed development to the RDN and that they had rejected the idea. I would like to know who or what department did that without consultation with property owners on the perimeter? And also, what reason they gave for doing so? As you are directly involved with the Fairwinds planning and changes to plans, you suggested that we should write directly to you with our concerns/(objections) So I am writing to you with my objections. Others will be writing as well.

Several years ago we moved out to Nanoose Bay to retire. Before we bought our house, we checked with Fairwinds to see what their development plans were. The house we were interested in purchasing (and did purchase) on Harlequin Cres shares property lines with Fairwinds. Immediately behind the house, the old Fairwinds plans shows a park area (see Master Plan 1983). Fairwinds management informed us that development behind the house (now known as The Lake District) would not be for a few years and that the park would stay as a park as there was inadequate room to incorporate setbacks, road allowances, footpath/trails and building lots between the lake shore (high water mark) and our property line. Over subsequent years the RDN developed the Nanoose Bay OCP. We attended and participated in many of the meetings. Again I questioned Fairwinds personnel on their development plans, with specific reference to the Lake District area , and to the allocated park land adjacent to our property. We received the same response, "inadequate space to incorporate setbacks. road allowances, footpath/trails and building lots."

I think the first Public Open House that the Fairwinds Design Team presented was in November 2008. At that meeting I also talked with you regarding the Lake District area. At that time you suggested, which I and others thought an excellent idea and made sense, was a "buffer" zone all around the perimeter. (If you recall I also pointed out that your Team had incorrectly included parts of the streets Swallow, Dolphin, Sea Lion, Harlequin inside the Fairwinds boundaries, which you subsequently corrected).

After the Fairwinds public information meeting for Schooner Cove and Lake District on June 28th 2010, I sent a letter to several departments at the RDN and also included letters to yourself and Mr Tibbles.

I did receive a thoughtful response back from Mr. George Holme which, amongst other recommendations, insists on 30m setbacks from watercourses and a reduction in housing units to be more in line with 2500 in the OCP.

Your latest Public Information Meetings, Jan 31st & Feb 1st 2011 showed Draft Proposals for both the Schooner Cove and Lake District areas.

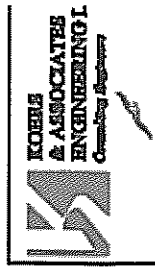
I have attached several portions of your proposals which show where and how we are adversely affected by changing the allocated park adjacent to our property lines to one including residential developments, road and trails. The Master Plan shows the park clearly; the Paths.doc shows a path, road as well as allocated building space directly adjacent to our property line. If this goes through, the development would give the public direct viewing into our kitchen, family room, bedroom and bathroom, which we strongly object to. It will also mean increased noise and traffic, include the removal of many large and beautiful trees as well as displacement of much wild life, especially the beavers which have returned to Enos Lake and the down-stream wetlands after an "absence" of a few years.

Surely the Fairwinds Design Team cannot be that insensitive to peoples needs for privacy, desire for quiet and enjoyment of nature?

Over the years we have been reassured by Fairwinds that the small park area directly adjacent to our property would not be used for residential building lots, walking trails yes, but no buildings. We expect Fairwinds to honour what they have been saying to us by keeping the original park area residence free. This would also increase the useable % parkland in the plan. The south facing exposure of the parks' shoreline would certainly encourage flora and fauna growth.

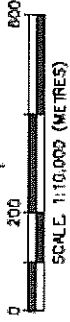
Yours sincerely,

Shaughan & Connie Holden  
1985 Harlequin Crescent  
Nanoose Bay



# FAIRWINDS

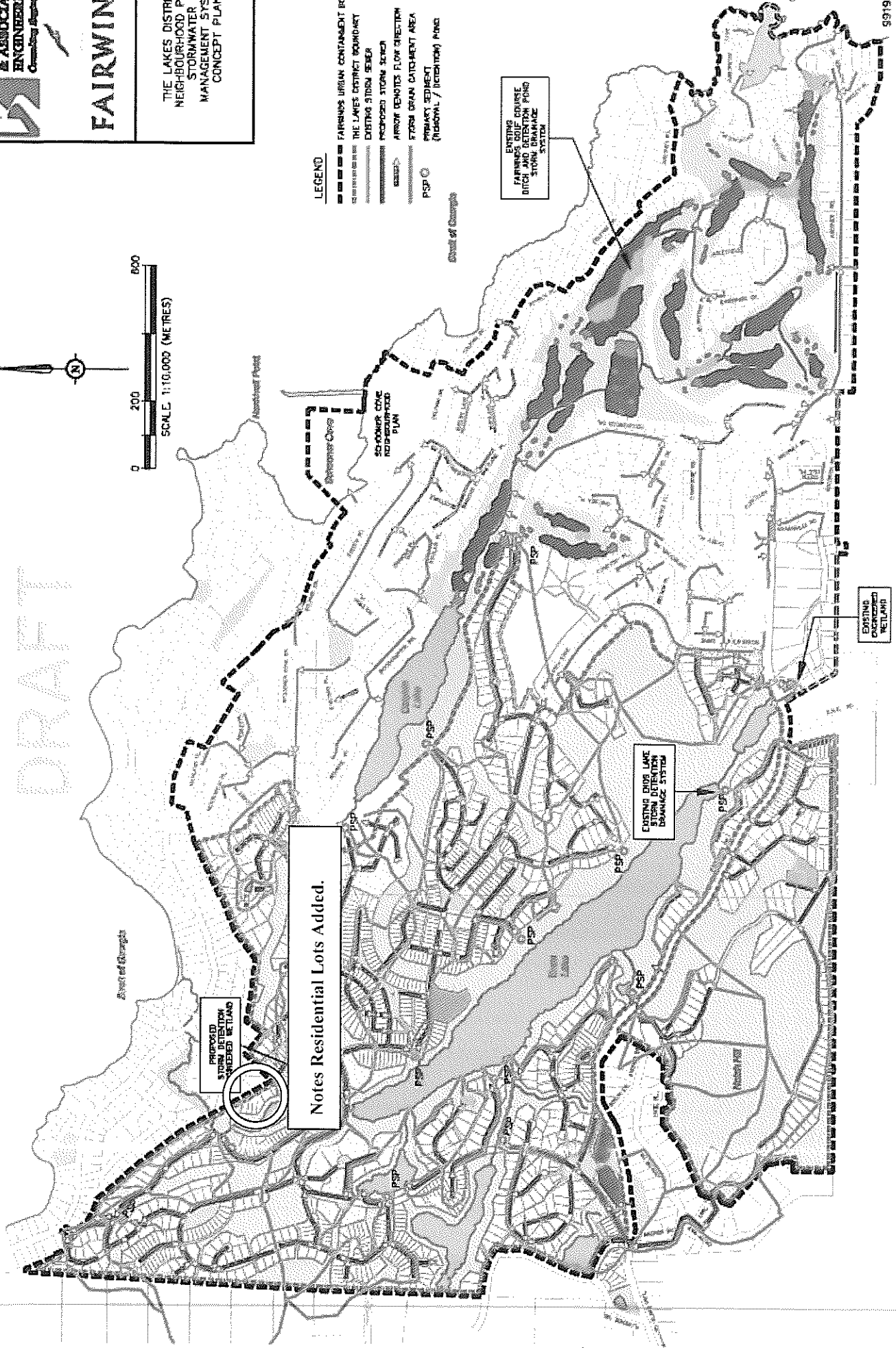
THE LAKES DISTRICT  
 NEIGHBOURHOOD PLAN  
 STORMWATER  
 MANAGEMENT SYSTEM  
 CONCEPT PLAN



### LEGEND

- FAIRWINDS URBAN CONTAINMENT BOUNDARY
- THE LAKES DISTRICT BOUNDARY
- EXISTING STORM SEWER
- PROPOSED STORM SEWER
- ARROW DENOTES FLOW DIRECTION
- STORM DRAIN CATCHMENT AREA
- PUMP STATION
- PUMP / DETENTION TANK

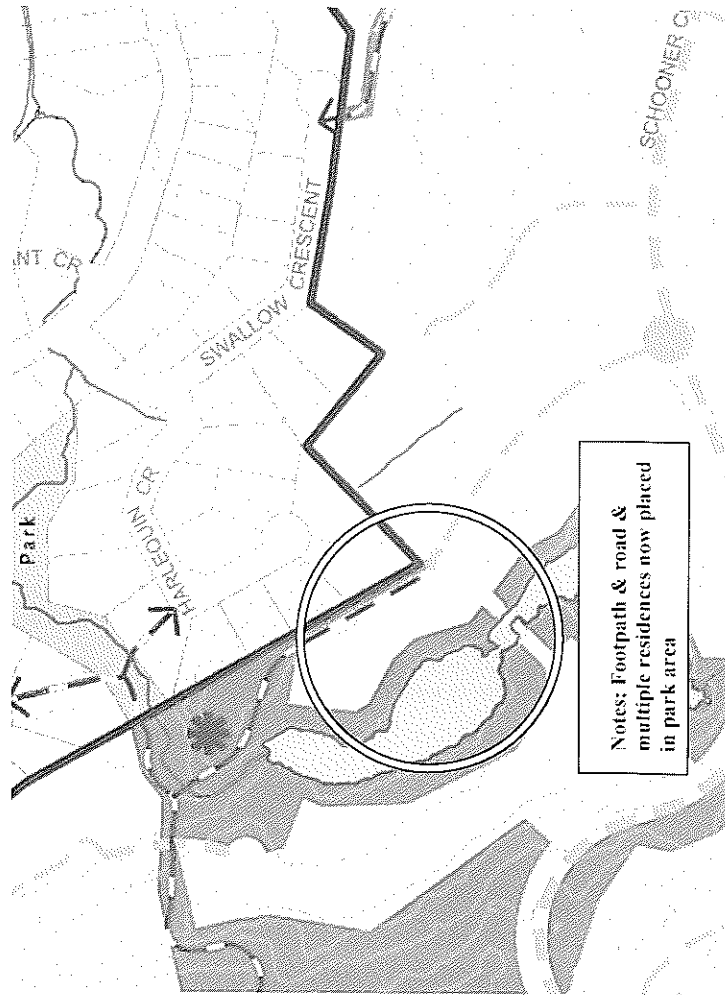
DRAFT

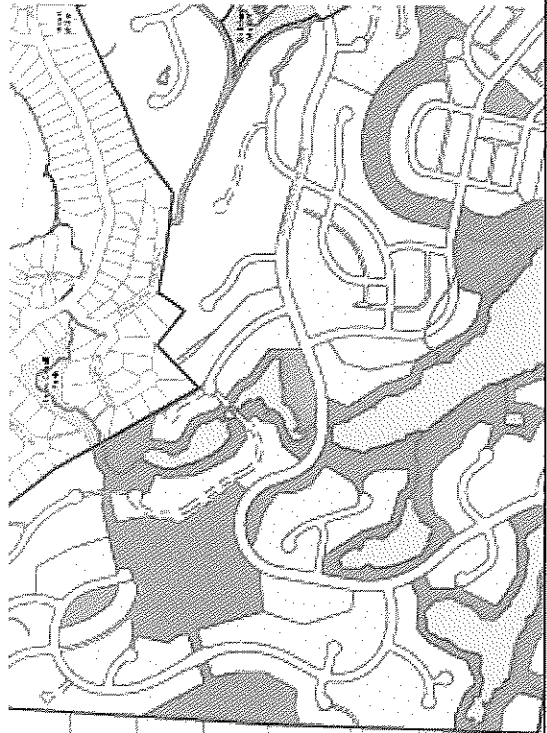


Notes Residential Lots Added.

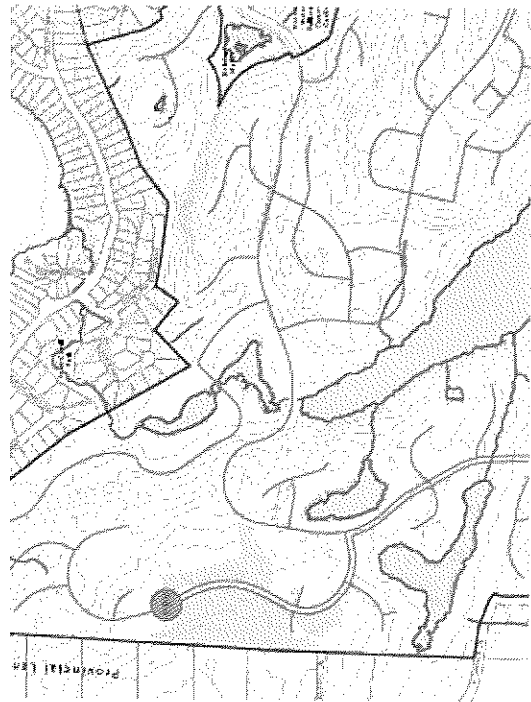


Comment [SH1]:

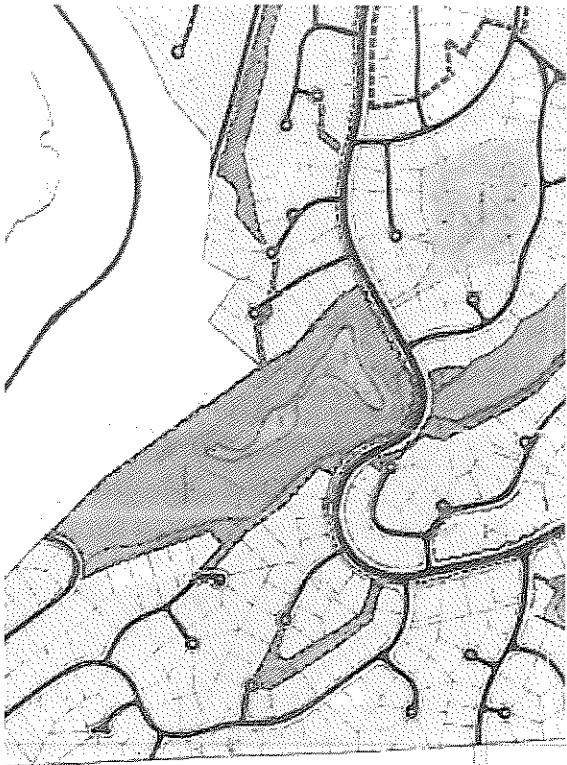




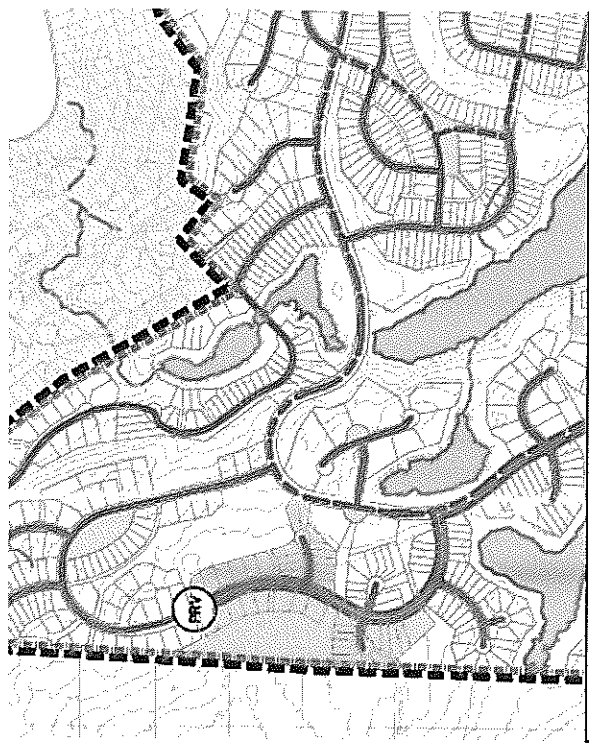
Notes ; Changed park , includes road. Path, residences



Notes ; Check steep contours in South park area!



Notes ; Original Master Plan Showing park



Notes ; Residential Lots

Don Lawseth  
1895 Sea Lion Crescent  
NanOOSE Bay, BC  
V9P 9J3  
dlawseth@shaw.ca

February 24, 2011

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

Attention: Electoral Area Planning Committee Members

Re: Fairwinds Application for Amendment to the NanOOSE Bay Official Community Plan.

I am writing to express my concern about several aspects of the current applications to amend the NanOOSE Bay Official Community Plan, and to urge the Regional District of Nanaimo (RDN) Electoral Area Planning Committee to defer a decision on the Lakes District application until:

1. The RDN conducts its own review of the environmental work that underpins claims of environmental preservation in the neighbourhood plan.
2. Consideration is given to re-routing the proposed connector road from Schooner Cove Drive to Fairwinds Drive to the original Transtide connection in the event that the Schooner Cove neighbourhood plan is approved.
3. Completion of the next Official Community Plan (OCP) in order to consider protecting sensitive ecosystems in the context of a proper park system for the area, thus setting the stage for connecting the Enos Lake corridor with the new Moorcroft Regional Park.

### **Environmental Review**

The much-touted environmental sensitivity and park set-asides of the Lakes District Neighbourhood Plan (LDNP) are based on incomplete data and a faulty environmental impact assessment. For example, the vegetation surveys carried out by Cascadia Biological were inadequate and carried out at the wrong time of year for identifying many of the endangered plant species that are likely in the area; also, the surveys were not carried out by a qualified botanist as is required by the profession. This view is supported by Dr. T. McIntosh, noted academic and expert botanist and Garry Oak Ecosystem Recovery Team member, who presented his concerns at both OCP amendment Public Information Meetings.

The environmental impact assessment reported by Pottinger Gaherty Environmental Consultants Ltd. is flawed in too many ways to deal with in this note, but the following are a couple of examples that put into question the veracity of the work.

First, the PGL Ltd. report is not a reliable environmental impact assessment: no new work was carried out; the report is merely a desk-job that only evaluates the work done by Cascadia Biological. In fact, the assessment claims there will be no significant environmental impacts, despite tripling the human population of Fairwinds and constructing 1675 dwellings on land that is now an intact coastal Douglas fir ecosystem, some of the last remaining such

ecosystem type in the world. This simply defies common sense, and undermines the credibility of the assessment and the environmental preservation claims of the neighbourhood plan.

Second, and probably most significant, the assessment supports placing the Schooner Cove Drive extension road through sensitive wetland ecosystems based on reported successful construction of wildlife underpasses. However, the key reference used by the consultant as evidence of success (Wildlife and Roads, 2009) has a significant caveat, as follows:

*“An important caveat is that the safety approach does not address any aspect of wildlife population response. As the models stand, their primary application is for the safety management of existing roads as opposed to design or planning applications for new or newly built roads. Significantly, the before-after analysis may be judged as successful from a road safety perspective, while at the same time the wildlife population concerned may be significantly reduced.”*

That the research referenced by the consultant does not actually support the effectiveness of wildlife underpasses on new roads, further evidenced by the failure of wildlife underpasses on the recent Sea to Sky highway expansion, is a strong indication that such mitigation will not work to protect wildlife resources in this area, thus nullifying the claim of no significant impact.

There is no doubt that the environmental consultants carried out their work to the limit of their professional expertise, but their task would be bounded by the terms of reference and budget established by the applicant. And the applicant may believe it operated with all due diligence, but to remove a perception of bias, and to clarify the errors and omissions in the technical work, I believe it is critical that the RDN carries out its own review and assessment with independent and highly qualified environmental expertise.

### **Connector Road**

Despite assurances of no significant impact, it is clear to anyone with common sense that running an arterial road between two sensitive wetlands will effectively destroy the ecological integrity of the related ecosystems. Beavers, which hold the place together, will be displaced, if not immediately then when they become a “nuisance” to property owners who become their neighbours. With the beavers, and thus the ponds, will go many of the sensitive birds, amphibians, reptiles and mammals that rely on the ponds for breeding, refuge and feeding. Other options exist for placement of this road, including the original plan of routing traffic through Transtide and Florence roads, as initially established in the RDN/MOTT long-term plan (before the RDN unilaterally and inexplicably changed the road placement to what is in the LDNP).

In any case, if it is deemed that the benefits of placing the connector road through a sensitive ecosystem outweigh the environmental costs, an honest depiction of expected impacts must be revealed. Furthermore, the road should not be built before the Lakes District development commences. In other words, this road should not be pushed through to facilitate Schooner Cove construction traffic. To ruin so much valuable ecosystem decades in advance of development in the area (perhaps never if the market for such real estate does not develop) is an ecological waste of immense proportions.

It has been argued that the LDNP is merely a concept, and that the detailed environmental work will be carried out at the subdivision permit stage. This will lead to a long series of compromises and trade-offs that each on its own may seem minor, but cumulatively will be devastating to the interconnectedness of the ecological values in the area. These important trade-off decisions must be made with the whole picture in view, at the neighbourhood plan level, and not in an incremental death-by-a-thousand-cuts manner. In fact, this “phased development” approach takes us back to 2005 when the citizens of Nanoose Bay filled



Nanoose Place to rage against the unpermitted intrusion into the Lookout sensitive ecosystem that was part of the Bonnington Drive extension.

### **An Effective Park System**

Finally, I am concerned that the applicant oversells the benefits of the regional park set-asides. The percentage of the property may seem impressive, but much of the set-aside land cannot be developed economically anyway, or would infringe upon sensitive ecosystems in a way that would not be tolerated in any case. The proposed regional park land is too fragmented to support the type of intact ecosystems that currently exist in the area; the widest part of the proposed park land is only about 400 metres at the widest – a five-minute walk for most people. This is a far cry from the aesthetic and ecological values that are presently there.

A more effective way to save the existing ecosystems and aesthetic values of the proposed park land, which I think would elevate the value and marketability for the company, would be to set aside one contiguous area from and including the Notch, then down the Enos Lake valley from height of land to height of land.

I urge the RDN Directors to take bold action and withhold approval of the proposed LDNP until completion of the next OCP, at which time consideration will be given to establishment of a protected area more fitting with our current level of sensitive ecosystem knowledge. This would better meet the RDN's official position on protecting coastal Douglas fir ecosystems, while putting in place another piece of a proper park system that has the potential to connect the Enos Lake corridor with the new Moorecroft Regional Park.

Sincerely yours,



Don Lawseth

cc: S. Cormie  
M. Henigman  
Debbie O'Brien