



C·V·R·D

**NOTICE OF
ELECTORAL AREA SERVICES COMMITTEE MEETING**

**Tuesday,
November 3, 2009
Regional District Board Room
175 Ingram Street, Duncan, BC**

3:00 pm

A G E N D A

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8. **CORRESPONDENCE**

C1 Email from Kashmir Dasanjh resigning from the Board of Variance161

9. **NEW BUSINESS**

10. **PUBLIC/PRESS QUESTIONS**

11. **CLOSED SESSION**

Motion that the meeting be closed to the public in accordance with the Community Charter Part 4, Division 3, Section 90(1), subsections as noted in accordance with each agenda item.

CSM1 Minutes of Closed Session EASC meeting of October 20, 2009162-163

12. **NEXT MEETING**

Tuesday, November 17, 2009

13. **ADJOURNMENT**

NOTE: A copy of the full agenda package is available at the CVRD website www.cvrld.bc.ca

Director B. Harrison
Director K. Cossey
Director I. Morrison

Director M. Marcotte
Director G. Giles
Director K. Kuhn

Director L. Iannidinardo
Director L. Duncan
Director M. Dorey

M I

Minutes of the Electoral Area Services Committee Meeting held on Tuesday, October 20, 2009 at 3:00 pm in the Regional District Board Room, 175 Ingram Street, Duncan, BC.

PRESENT

Director B. Harrison, Chair
Director M. Marcotte, Vice-Chair
Director L. Iannidinardo
Director G. Giles
Director K. Kuhn
Director I. Morrison
Director M. Dorey
Director L. Duncan
Director K. Cossey

CVRD STAFF

Tom Anderson, General Manager
Mike Tippett, Manager
Rob Conway, Manager
Dana Beatson, Planner
Brian Duncan, Chief Building Inspector
Nino Morano, Bylaw Enforcement Officer
Warren Jones, Administrator
Cathy Allen, Recording Secretary

APPROVAL OF AGENDA

The Chair noted changes to the agenda which included add-on material to agenda items D2 and SR2, additional Delegations D5 and D6, one hand out letter regarding fireworks, New Business item new APC member, New Business zoning item, and two closed session.

It was Moved and Seconded
That the agenda, as amended, be accepted.

MOTION CARRIED

M1 - MINUTES

It was Moved and Seconded
That the Minutes of the October 6, 2009, EASC meeting be accepted.

MOTION CARRIED

BUSINESS ARISING

There was no business arising.

DELEGATIONS

D1 - Huot

Rob Conway, Manager, presented Application No. 4-I-09DP (Clem Huot) regarding Development Permit and Development Variance Permit for construction of a single-family dwelling built to a height of 11.5 metres at 11617 Cowan Road and in accordance with the provisions of the Watercourse Protection Development Permit Area.

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The Committee directed questions to staff.

Clem Huot, applicant, was present. He provided further information and presented pictures showing the adjacent neighbour's view of the lake.

The Committee directed questions to the applicant.

It was Moved and Seconded

1. That Application No. 4-I-09DP by Clem Huot for the construction of a single family dwelling on Lot 4, Section 45, Renfrew District, Plan 19229 be approved, subject to compliance with the measures and recommendations outlined in RAR assessment report No. 1327
2. That Application No. 2-I-09DVP by Clem Huot for a variance to Section 5.1(5) of Zoning Bylaw No. 2465, by increasing the permitted height of a residence from 10 m to 11.5 m on Lot 4, Section 45, Renfrew District, Plan 19229, be approved, subject to the applicant providing a survey confirming compliance with the approved height limit.

MOTION CARRIED

Note: Director Cossey arrived to the meeting at this point.

D2 - Tomaszewski

Mike Tippett, Manager, presented request by Mill Bay Marina for an extension of a development permit Board resolution regarding Application No. 9-A-07DP.

Max Tomaszewski, applicant, was present and explained the request for an extension, citing causes of the delay in fulfilling the conditions. They request a one year period to fulfil the conditions.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That the request by Mill Bay Marina Residences Ltd. to extend the validity of CVRD Board Resolution No. 07-830 respecting Application No. 9-A-07DP, be denied and that Board Resolution 07-830 be rescinded.

MOTION CARRIED

D3 - Hartwig

Rob Conway, Manager, presented Application No. 1-A-09DP (Gerald Hartwig) for a development permit for Phase 10 of the Mill Springs development north of Bucktail Road.

Gerald Hartwig, applicant Aecom Canada Ltd., was present and provided further information.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

1. That Application No. 1-A-09DP (Aecom Canada Ltd./Phase 10, Mill Springs) be approved and the Planning and Development Department be authorized to issue a development permit to 687033 BC Ltd. for an 18 lot phase of subdivision on District Lot 46, Malahat District, except parts in Plan VIP68911, VIP78297, VIP82480 and strata Plan VIS4795 (Phase 3, and 5 to 9) and Except Plan VIP83878, and VIP85356 and VIP85745.
2. That the Ministry of Transportation and Infrastructure be requested to remove the fire gate at Deloume Road (west of Phase 10) and open the road to public traffic.

MOTION CARRIED

D4 - Partridge

Mike Tippett, Manager, presented Application No. 4-D-09DP (Craig Partridge) to allow construction of a 14 unit apartment building at 1670 Botwood Lane, Cowichan Bay.

Karen from Hillel Architecture was present and provided further information.

The Committee directed questions to staff and the applicant.

It was Moved and Seconded

That Application No. 4-D-09DP (Craig Partridge/Ron Sharpe) be approved, and that a development permit be issued to 0708322 B.C. Ltd. for the construction of a 14-unit apartment building on Botwood Lane, Cowichan Bay, on Amended Lot 1 (DD 90309¹) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-325-298); Amended Lot 2 (DD EP44723) Block N, Section 6, Range 4, Cowichan District, Plan 79 (PID: 009-329-552); and Amended Lot 3 (DD EP44724) Block N, Section 6, Range 4, Cowichan District, Plan 79, except that part lying West of the East boundary of the Island Highway (PID: 009-329-889), subject to:

- a. submission of a suitable lighting plan which limits off-site glare, prior to permit issuance;
- b. The protection of the building by sprinkling;
- c. Access to the site being acceptable to Cowichan Bay Volunteer Fire Rescue, specifically NFPA 299 and 1141;
- d. Consolidation of the three subject properties into a single lot.

MOTION CARRIED

D5 – De Lisle

Dana Beatson, Planner, presented Application No. 1-F-07ALR (Ian De Lisle) to include 50 hectares of land within Gordon Bay Provincial Park on Gordon River Road into the ALR.

Ian De Lisle, applicant, was not present.

There were no questions from Committee members to staff.

It was Moved and Seconded

That Application No. 1-F-07ALR submitted by Ian De Lisle of Hancock Forest Management made pursuant to Section 17(3) of the *Agricultural Land Commission Act* to include land within the Agricultural Land Reserve (ALR) be forwarded to the Agricultural Land Commission for their consideration with a recommendation to approve the application and further if the application is approved that the portions of the subject properties within the ALR be re-designated from Forestry to Agriculture within the Official Community Plan.

MOTION CARRIED

D6 - CVRD

Dana Beatson, Planner, presented Application No. 3-F-08RS (CVRD) to rezone Lot 1, South Shore Road, Gordon Bay Provincial Park, from A-1 and F-1 to P-1.

There were no questions from Committee members to staff.

It was Moved and Seconded

That Application No. 3-F-08RS (CVRD for Ministry of Environment) to amend Electoral Area F – Cowichan Lake South/Skutz Falls Zoning Bylaw No. 2600 by rezoning Lot 1, Section 37, Renfrew District (Situates in Cowichan Lake District) Plan VIP82826, be approved and that proposed Zoning Amendment Bylaw No. 2981 be forwarded to the Board for consideration of first and second reading; that a public notice process occur in place of a public hearing; and further that the referral to the Ministries of Transportation and Infrastructure, Community and Rural Development, and Environment, the Agricultural Land Commission, Ditidaht First Nation, Lake Cowichan First Nation, Hul'qumi'num Treaty Group be accepted.

MOTION CARRIED

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STAFF REPORTS

**SR1 – Building
Permit Fees**

It was Moved and Seconded
That Building Fee Amendment Bylaw No. 3327 be referred back to the Regional Board for consideration of three readings and adoption.

MOTION CARRIED

SR2 – Inwood Creek

It was Moved and Seconded
That consideration of amendment bylaws respecting Application No. 2-E-08RS (Inwood Creek Estates) be referred to the next EASC meeting.

MOTION CARRIED

SR3 - Fireworks

It was Moved and Seconded
That CVRD Ticket Bylaw No. 3209 not be enforced respecting sale and discharge of fireworks during the 2009 Halloween season, and further that the existing Fireworks Safety Awareness Information be made available to the public and require that the Fireworks Operator form be submitted.

MOTION DEFEATED

It was Moved and Seconded
That ticketing only be enforced respecting the “sale of fireworks” and “discharge of fireworks in public places” in accordance with CVRD Ticket Bylaw No. 3209; that the existing Fireworks Safety Awareness Information package be made available to the public and require that the Fireworks Operator form be signed and returned; and further, that the CVRD embark on setting up an education program and permit system for next year’s Halloween season.

MOTION CARRIED

APC

**AP1, AP3, AP4, AP5,
AP6 - Minutes**

It was Moved and Seconded
That the following APC minutes be received and filed:

- Minutes of the Area I APC meeting of October 6, 2009
- Minutes of the Area A APC meeting of September 30, 2009
- Minutes of the Area H APC meeting of September 10, 2009
- Minutes of the Area H APC meeting of September 14, 2009
- Minutes of the Area D APC meeting of September 22, 2009

MOTION CARRIED

AP2 - Resignation

It was Moved and Seconded

That the resignation of Gary Fletcher from the Area H Advisory Planning Commission be accepted and that a very "Special" letter of appreciation for his valuable and lengthy term of service be forwarded to Mr. Fletcher.

MOTION CARRIED

INFORMATION

**IN1 – Thetis Is.
Minutes**

It was Moved and Seconded

That the minutes of the Thetis Island Port Commission meeting of April 27, 2009, be received and filed.

MOTION CARRIED

IN2 – Building Report

It was Moved and Seconded

That the September 2009 Building Report be received and filed.

MOTION CARRIED

NEW BUSINESS

1 – APC resignation

Director Giles advised that Joanne Bond will be replacing John Bertinoli who is retiring from the Area C Advisory Planning Commission. The APC appointment will be going through the Board and a letter of appreciation needs to be sent to Mr. Bertinoli.

It was Moved and Seconded

That the resignation of John Bertinoli from the Area C Advisory Planning Commission be accepted and that a letter of appreciation be forwarded to Mr. Bertinoli.

MOTION CARRIED

2 – Asphalt Recycling

Director Duncan stated that an asphalt batch plant is operating on Allenby Road and requested that staff look into whether or not asphalt recycling is permitted in the I-4 zone.

Mr. Anderson advised that staff will look into the situation and advise on the appropriateness of that activity.

RECESS

The Committee recessed for a short five minute break.

CLOSED SESSION

It was Moved and Seconded
That the meeting be closed to the public in accordance with the *Community Charter* Part 4, Division 3, Section 90(1), subsections as noted in accordance with each agenda item.

MOTION CARRIED

The Committee moved into Closed Session at 5:36 pm.

RISE

The Committee rose and reported as follows:

It was Moved and Seconded
That a zoning amendment bylaw be prepared to amend the Electoral Area E Zoning Bylaw No. 1840 to rezone existing I-2 (Heavy Industrial) zoned properties to a new Forest Industrial zone in order to achieve compliance with Electoral Area E Official Community Plan Bylaw No. 1490. [Section 90(1)(g)]

MOTION CARRIED

ADJOURNMENT

It was Moved and Seconded
That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 5:55 pm.

Chair

Recording Secretary



C.V.R.D.

D1

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE
OF NOVEMBER 3, 2009

DATE: October 27, 2009 FILE NO: 2-H-09 ALR
FROM: Alison Garnett, Planning Technician BYLAW NO:
SUBJECT: Application 2-H-09 ALR (Hobson)

Recommendation:

That Application No. 2-H-09ALR (Hobson) regarding a second dwelling on Lot A, District Lot 89, Oyster District, Plan 41057, be forwarded to the Agricultural Land Commission with a recommendation to approve, on the condition that the existing 83 m² residence is decommissioned when it is no longer required for use by family.

Purpose:

Pursuant to Section 20(3) of the *Agricultural Land Commission Act*, for approval to retain a second residence on the subject property.

Background:

Location of Subject Property: 13801 Hill Road

Legal Description: Lot A, District Lot 89, Oyster District, Plan 41057 (PID: 000-491-004)

Date Application and Complete Documentation Received: April 20, 2009

Owner: Stephen Hobson

Applicant: As above

Size of Parcel: 2.9 Ha (7.2 acres)

Existing Zoning: A-1 (Primary Agricultural)

Minimum Lot Size Under Existing Zoning: 12 hectares

Existing Plan Designation: Agriculture

Existing Use of Property: Residential and small scale agriculture

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Existing Use of Surrounding Properties:

North: Residential/Agricultural (Regional District of Nanaimo)
 South: Residential/Agricultural
 East: Residential/Agricultural
 West: Residential/Agricultural

Services:

Road Access: Hill Road
Water: Well
Sewage Disposal: On-site septic

Agricultural Land Reserve Status: Property is located within the ALR

Environmentally Sensitive Areas: The CVRD Environmental Planning Atlas has identified a stream with confirmed fish presence along the northern parcel line of the subject property. A site visit confirms that this stream appears as a wetland in the northeast corner of the lot.

Archaeological Site: We have no record of any archaeological sites on the subject property.

Soil Classification:

Canada Land Inventory Maps: ±60% 7R; ±30% 3A/P (3A/P); ±10% 5W (3W)

Soil Classification	% of subject property (Unimproved)	% of subject property (Improved)
2	-	-
3	30	40
4	-	-
5	10	-
6	-	-
7	60	60
TOTAL	100	100

Explanation of Land Capability Classifications:

- Class 1 lands have no limitations for Agricultural Production
- Class 2 lands have minor limitations, can be managed with little difficulty
- Class 3 lands have moderate limitations for Agricultural Production
- Class 4 lands have limitations that require special management practices
- Class 5 lands have limitations that restrict capability to produce perennial forage crops
- Class 6 lands suitable for domestic livestock grazing, may not be suitable for cultivation
- Class 7 lands have no capability for arable culture.
- Subclass "A" indicates soil moisture deficiency, improvable by irrigation
- Subclass "C" thermal limitations
- Subclass "D" indicates low perviousness, management required
- Subclass "P" indicates stoniness, improvable by stone picking
- Subclass "R" indicates bedrock near the surface or rock outcrops
- Subclass "T" indicates topography limitations, not improvable
- Subclass "W" indicates excess water, may be improvable by drainage.

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Policy Context:

The Official Community Plan, Bylaw No. 1497, supports the designation and retention of agricultural lands. The following policies are derived from the Agricultural section of the OCP, and are meant to guide development within lands designated as Agricultural.

“Policy 5.1.1:

All lands within the Agricultural Land Reserve (ALR) as well as other lands considered to be agricultural in character or supportive of agricultural lands shall be designated Agricultural in the plan map.

Policy 5.1.2:

a) all uses and subdivision of ALR land except those lands exempted under Section 19(1) of the Agricultural Land Commission Act shall be in accordance with the provisions of the Act, regulations thereto, and orders of the Land Commission.

Policy 5.1.3

Subject to the policies contained within this Plan, agricultural pursuits shall be given priority within the Agricultural designation and the only uses permitted are those which shall not preclude future agricultural uses.

Policy 5.1.17

The Regional Board shall request and encourage the Agricultural Land Commission to permit two dwellings on parcels with a size of two hectares or larger in North Oyster-Diamond.

Planning Division Comments:

The subject property is located at 13801 Hill Road and is bounded by the Regional District of Nanaimo to the north. There is currently an 83 m² (895 ft²) residence on the lot, as well as several accessory buildings. The subject property is zoned A-1 Primary Agriculture, and is located within the Agricultural Land Reserve (ALR). Though used primarily for residential purposes, the applicants use the land to operate a modest hobby farm.

The applicants are constructing a new 260 m² (2800 ft²) dwelling on the 2.9 hectare sized subject property. Electoral Area H Zoning Bylaw No. 1020 permits two dwellings on parcels 2 hectares or larger that are zoned A-1 (Primary Agriculture), therefore this proposal complies with CVRD zoning bylaws. However, the Agricultural Land Commission (ALC) permits only one single-family residence on lands within the ALR, and any subsequent residences require an application to the Commission for a Non-Farm Use. The applicants are requesting to retain the existing 83 m² house for use as a secondary residence by family.

In compliance with the ALC's regulations, the applicants were required to register a covenant on title, to ensure that the original house will be decommissioned or removed when final occupancy is issued for the new house. Pending the Board and the ALC's decision on this Non-Farm Use application, this covenant would be discharged to allow the 83 m² house to remain as a secondary residence for use by family.

A site visit has confirmed that the existing residence is located on the southeast corner of the lot, and is surrounded by small fenced areas for the applicant's farm animals. The location of the new dwelling is in the centre of the lot, in a relatively level and cleared area (please see attached

site plan). The northwest corner of the lot is undulating and heavily treed. There is a large wetland located in the northeast corner of the lot, and a stream which runs along the northern parcel line. Surrounding properties range in size from 2 hectares to 30 hectares, and appear to be used primarily for residential purposes with some small scale agriculture.

The subject property is served by two established driveways, one which provides access from Hill Road to the existing residence. The other driveway currently provides access to the "shop" (located on the attached site plan) and will also provide access to the new dwelling.

The Canada Land Inventory soil classification identifies the agricultural capacity of the subject property to be limited to a majority of Class 7 (approximately 60 %) and Class 3 (approximately 30%) and Class 5 (approximately 10%) soils with subclasses noted above, in particular stoniness, soil moisture deficiency, and bedrock near the surface. In this instance, the soil capability for the Class 5 soils could be improved with the appropriate techniques to Class 3 soil.

Advisory Planning Commission Comments:

This application was referred to the Electoral Area H Advisory Planning Commission, who provided the following recommendation at their meeting held September 14, 2009:

"That this APC support this application and recommend approval for two dwellings on the subject property provided that the smaller building which is to be used for family member, be decommissioned after the building is no longer required for that purpose."

Options:

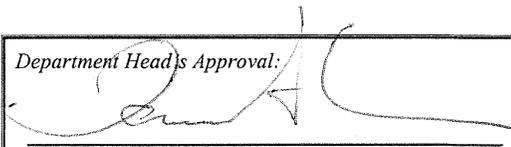
1. That application No. 2-H-09 ALR (Hobson) regarding a second dwelling on Lot A, District Lot 89, Oyster District, Plan 41057 be forwarded to the Agricultural Land Commission with a recommendation to approve, on the condition that the existing 83 m² residence is decommissioned when it is no longer required for use by family.
2. That application No. 2-H-09 ALR (Hobson) regarding a second dwelling on Lot A, District Lot 89, Oyster District, Plan 41057 be forwarded to the Agricultural Land Commission with no recommendation.
3. That application No. 2-H-09 ALR (Hobson) regarding a second dwelling on Lot A, District Lot 89, Oyster District, Plan 41057 be forwarded to the Agricultural Land Commission with a recommendation to deny.

Option 1 is recommended.

Submitted by,



Alison Garnett,
Planning Technician
Development Services Division
Planning and Development Department

<p>Department Head's Approval:</p> 
<p>Signature</p>



Cowichan Valley Regional District

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This map is compiled from various sources for internal use and is designed for reference purposes only.

The Regional District does not warrant the accuracy.

All persons making use of this compilation are advised that amendments have been consolidated for convenience purposes only and that boundaries are representational.

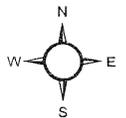
The original Bylaws should be consulted for all purposes of interpretation and application of the Bylaws.

FILE: 2-H-09-ALR

ZONING

Legend

-  Subject Property
-  Zoning Electoral Area H



Regional District of Nanaimo

RANGE 4 REGIONAL

REGIONAL DISTRICT

L. 25

L. 89

SUBJECT PROPERTY

GWENS LANE
41057
'A'

CEDAR LAND DISTRICT

OYSTER LAND DISTRICT

SEC. 1 RANGE 3

SEC. 2

REM. SEC. 1 R. 4

PL. 21860

PL. 432 R.

Lot 1
3199 PL. 2357

D.D. P32843

Z. P. 435 R.

PL.

24049 2786

GWENS PL.

2804

. 5D

A-1

10883

41512

H

32136

23578

8863

10098

31416

17096

A

8967

22712

1

39136

A

32417

1

2

32458

'A'

'B'

433 R

HILL ROAD

MARTELLA ROAD

HILL ROAD

107 ROAD 3110

3120

0 25 50 100 Meters

PART SEVEN

AGRICULTURAL AND FORESTRY ZONES

7.1 A-1 ZONE - PRIMARY AGRICULTURAL

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following uses and no others are permitted in an A-1 zone:

1. agriculture, horticulture, silviculture, turf farm, fish farm;
2. one single family residential dwelling or mobile home;
3. two single family residential dwellings or mobile homes on parcels of 2.0 hectares or larger;
4. horse riding arena, boarding stable;
5. home occupation;
6. bed & breakfast accommodation;
7. sale of products grown or reared on a farm;
8. day care, nursery school accessory to a dwelling;
9. separate or secondary suite on parcels 2 ha. or larger (may be subject to Provincial Agricultural Land Commission approval).

(b) Conditions of Use

For any parcel in an A-1 zone:

1. The parcel coverage shall not exceed 15 percent for all buildings and structures, except for greenhouses which shall not exceed a parcel coverage of 50 percent;
2. The setbacks for the types of parcel lines set out in Column I of this section are set out for residential and accessory structure uses in Column II and for agricultural, stable and accessory structure uses in Column III:

COLUMN I Type of Parcel Line	COLUMN II Residential & Accessory Uses	COLUMN III Agricultural & Accessory Use
Front	7.5 metres	15 metres
Side (Interior or Exterior)	3.0 metres	15 metres
Rear	4.5 metres	15 metres

PLAN 24049

Site Plan

GWEN ROAD

REM SECTION 1 RANGE 4

810000

HILL ROAD

PLAN 41057

LOT/A

7.205 ACRES

POND

PLAN 41057

LOT B

7.2 ACRES

PLAN 1488 R/W

EXISTING

Cabin

New House

SHOP

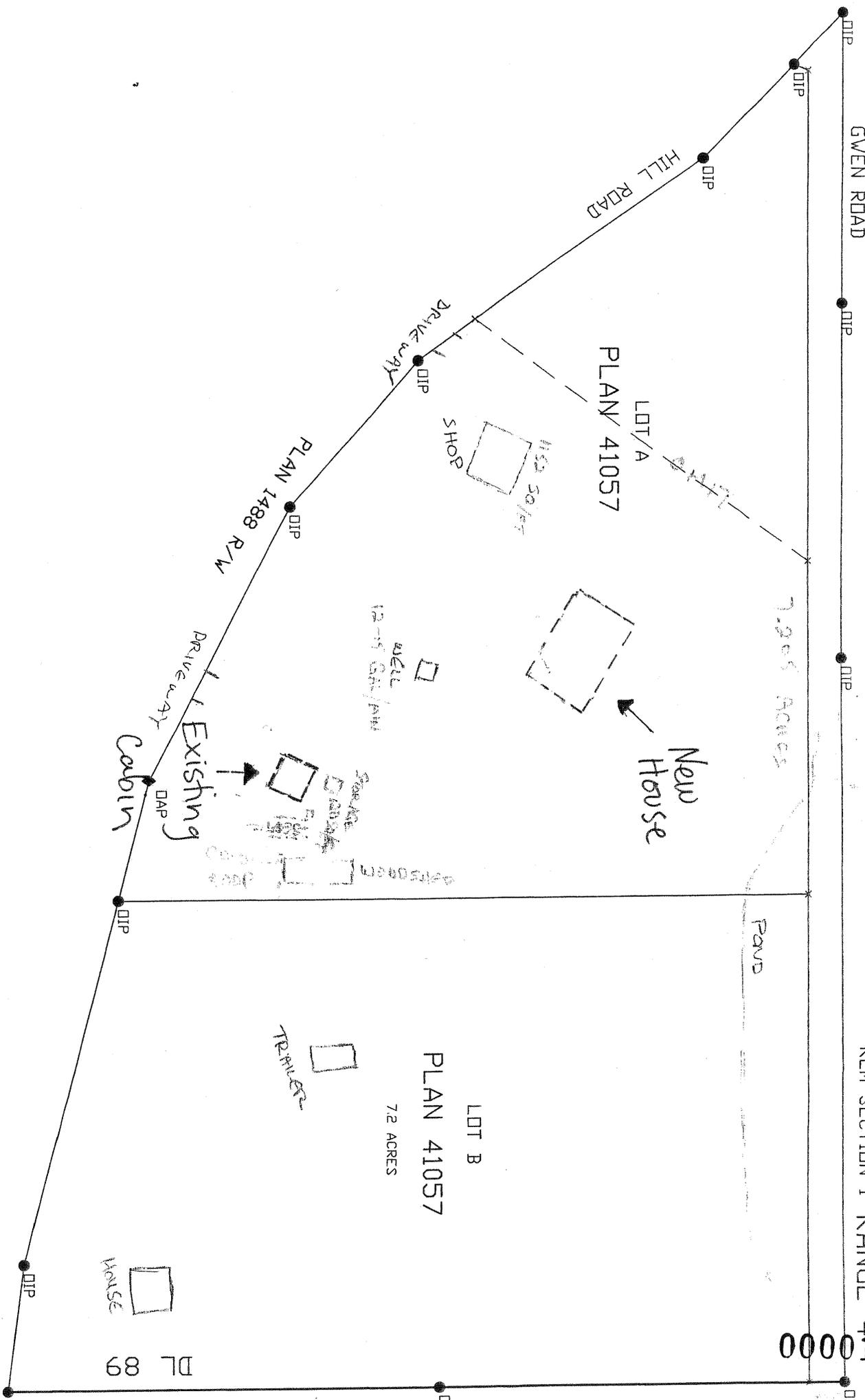
152 50' x 103'

12-15 GAR/PAD

TRAILER

HOUSE

DL 89



D2

From: Mike Tippett
Sent: Tuesday, October 27, 2009 3:37 PM
To: Cathy Allen
Cc: Rob Conway
Subject: FW: explore possibility of getting input into process that will be defined.

Request for delegation @ EASC.

Mike Tippett, MCIP
Manager
Community and Regional Planning Division
Planning and Development Department
Cowichan Valley Regional District
Telephone: 250-746-2602

If you are not the intended recipient of this e-mail and any attachments, please notify the sender by a return e-mail and delete the e-mail and any attachments immediately thereafter.

This e-mail and any attachments may be confidential and privileged. Confidentiality and privilege are not lost by this e-mail and any attachments having been sent to the wrong person. Any use of this e-mail and any attachments by an unintended recipient is prohibited.

From: Balaji Tatachari [mailto:tatach@shaw.ca]
Sent: Tuesday, October 27, 2009 3:19 PM
To: Mike Tippett; Rob Conway
Subject: explore possibility of getting input into process that will be defined.

Mike, Rob:

Friends of Saanich Inlet (a group of concerned residents in South Cowichan), proposes the following be added for EASC consideration on November 3.

Regards Bamberton application processing:

There must be a public meeting arranged before a public hearing for the public to provide input and have the opportunity to ask question regards the proposal.

Should we make the same request through a delegation status instead?

Thank you,
balu (Chair)
Friends of Saanich Inlet



C·V·R·D

D3

STAFF REPORT

**ELECTORAL AREA SERVICES COMMITTEE MEETING
OF NOVEMBER 3, 2009**

DATE: October 27, 2009 **FILE NO:** 4-A-06RS

FROM: Mike Tippett, Manager **BYLAW NO:** 1890, 2000
Community and Regional Planning Division

Rob Conway, Manager
Development Services Division

SUBJECT: Application No. 4-A-06RS - Bamberton
APC Advice and Recommended Process for Consideration

Recommendation:

That Bamberton Application No. 4-A-06RS proceed as follows:

- a. That detailed consultations with the Malahat First Nation, Ministry of Transportation and Infrastructure and other agencies as appropriate commence on the topic of the Bamberton application and that other local first nations on the original referral list plus Cowichan Tribes also be contacted regarding this application;
- b. That staff be directed to prepare a draft Official Community Plan amendment, Zoning amendment and Phased Development Agreement (PDA) in accordance with advice from the APC, staff and CVRD legal counsel over the coming months, and discussions with the applicants regarding proposed amenities be concluded in order to develop the PDA to draft stage;
- c. That these draft documents and an accompanying detailed staff report including referral agency comments be brought before a future Electoral Area Services Committee with a recommendation as to whether it is appropriate to proceed with the amendments to the public meeting/public hearing stage.

Purpose:

To provide the Committee with the Mill Bay/Malahat Advisory Planning Commission's advice on the application and to propose a method for preparing the application for detailed EASC review at a subsequent meeting.

Financial Implications:

In the event the Bamberton application is approved, the Committee should be aware that on-going development monitoring, application processing and managing other administrative issues associated with the development will impose a substantial burden on the Planning and Development Department and other CVRD departments. The form of development represented by the Bamberton proposal will require more active involvement from the CVRD than is typical for more traditional forms of development in the region.

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Interdepartmental/Agency Implications:

Referrals to numerous local governments, government agencies and First Nations were distributed following submission of the application in 2006 and following application amendments in 2007. As responses from some of the key referral agencies have not been received, staff have become more active in soliciting referral responses in recent months. This report will seek direction on the additional consultation measures that should be undertaken in order to obtain effective and timely input.

Background:

In late December, 2006, Three Point Properties Ltd. applied for an OCP and Zoning Bylaw amendment to develop lands south of Mill Bay, including the location of the former Bamberton cement plant, for a mixed use community of about 3,200 dwellings and commercial, retail, industrial and institutional uses. The Bamberton Lands comprise approximately 630 hectares of land and 17 legal parcels. The majority of the lands are on the east side of the Trans Canada Highway, between Bamberton Provincial Park and McCurdy Point on the Saanich Inlet. This portion of the site includes the former cement plant area and approximately 5.5 kilometres of shoreline along the Saanich Inlet. The application also includes lands on the west side of the Trans Canada Highway (the Northlands), land on the north side of Mill Bay Road (Bamberton Gate North), a 25 hectare triangle of land of land north of Mill Bay Road, between the Trans Canada highway and Mill Bay Road. 70 hectares of the site is located about three kilometers west of the highway, where Oliphant Lake and its watershed that is proposed to supply water for the development is proposed.

Following submission of the application, four public meetings were held in Mill Bay on the topics of environment, transportation and land use and servicing. In response to public input received at the public meetings, the application was revised and re-submitted in December, 2007.

In the spring of 2008, the Board decided to engage a consultant to review potential impacts of the proposal on the Mill Bay and South Cowichan communities. Trillium Business Strategies was selected as the lead consultant to undertake the Bamberton Regional Impact Assessment project, which concluded with the submission of a final report and a presentation of the assessment findings by the consulting team on June 27, 2009. Copies of the Impact Assessment final report have been previously distributed to EASC members, and an executive summary from the report is attached to this document. The Impact Assessment is also posted on the CVRD website (<http://www.cvr.bc.ca/index.aspx?nid=798>)

Although the Area A – Mill Bay / Malahat Advisory Planning Commission did a preliminary review of the Bamberton application in 2008, consideration of the application was tabled pending completion of the Bamberton Regional Impact Assessment. Upon completion of the Impact Assessment, the Bamberton application was again referred to the APC for review and comment. Due to the scale and complexity of the application, the APC, in consultation with planning staff, decided to review the application over a series of five meetings.

2009 APC Meetings:

The first APC meeting occurred on July 16, 2009, where Three Point Properties presented the application and answered questions regarding the application from APC members. This meeting was primarily an information session, with debate and discussion regarding the application deferred to subsequent meetings.

On July 28, 2009, the APC met to review a staff report focused on how the Bamberton proposal fits within the regional context, and whether the application has sufficient merit to warrant more detailed review at subsequent meetings. As noted in the meeting minutes, all nine APC members agreed the application had sufficient merit to proceed to a more detailed review.

The August 20, 2009 APC meeting primarily involved a review of the component neighbourhoods of the Bamberton application. The Commission also identified 11 topic areas that the APC felt needed further review and discussion before a recommendation regarding the application could be considered. The 11 topic areas were:

- Traffic and Transportation
- Water and Sewer Service
- Protection of the Saanich Inlet
- Affordable Housing
- Project Phasing
- Commercial and Retail Services
- Recreational Services
- Health Services
- Schools
- Proposed Amenities
- Development Control and Monitoring

To assist the APC with its review, planning staff prepared short reports on each of eleven topics. The topics were reviewed by the APC over two half-day sessions on September 30 and October 21, 2009. One of the outcomes of these sessions was the identification of a series of “principles” that could be used to guide a possible development approval and which could be incorporated into a recommendation to the electoral Area Services Committee and Regional Board. These principles are documented later in this report and in the attached meeting minutes.

At the October 21, 2009 meeting, the APC (seven of nine members were present) concluded its review of the Bamberton application by unanimously recommending that the application move forward. In reaching this recommendation, however, many of the members noted that the Bamberton development will change the Mill Bay community forever, and that it is essential for the project to be done right if the Board approves it.

Planning staff attended all of the APC meetings where the Bamberton application was reviewed, and observed the detailed and thorough attention the Commission gave to the application. Staff were extremely impressed with the time and effort all members of the APC devoted to this task and the commitment they displayed during the course of the review.

APC-Endorsed Principles to Guide Further Work on Bamberton:

The principles identified in italics in the following section are extracted from the APC minutes. Explanatory comments are also provided, where applicable. Together, the APC’s recommended principles provide a good guide as to how a development approval for the Bamberton application could be structured.

1. Traffic and Transportation Issues: Principles

- a) *Ensure a network of pathways and bike lanes are provided though-out the site to encourage walking and cycling.*

- b) *Support narrow road rights-of-way to minimize site disturbance, provided emergency vehicle access can be accommodated.*
- Bamberton is using Master Municipal Road Guidelines instead of MOT Standards.
 - MOT currently does not support the suggested road standards and needs the subdivision plan before making a decision. Different standards are most likely needed due to steep slopes of some areas.
 - How small and in what areas would narrow roads occur? The subdivision plan has to have roads in place.
 - Presently, MOT has Bamberton standards and is responding to Bamberton's requests.
 - Concern that the roads would accommodate emergency vehicle access. Three Point Properties has stated that emergency vehicle access will be assured.
- c) *Require some local commercial services to be developed concurrently with residential development to reduce external vehicle trips in the early phases of the project.*
- A South Vancouver Island transportation analysis needed (and is recommended in the Malahat Corridor Study) but probably not going to happen in the near future. Suggestion that the Bamberton developers could contribute funds toward a study.
 - TCH on the Malahat will be at capacity in 2025 with or without Bamberton.
 - There would be a mix of private, strata and MOT roads internal to Bamberton. MOT service main public roadways.
 - Residents of Bamberton would pay in property tax for road maintenance.
 - Bamberton believe it is not good public policy to rely on strata roads to solve issues on roadways.
 - Mill Bay Road presently is not safe for walking or cycling – Bamberton is contributing \$.5M at the front end of construction. Recommend a South end traffic study as condition of zoning approval.
- d) *Incorporate requirements for Transportation Demand Management a condition of development approval.*
- Commuter rail, potential station is in Shawnigan Lake, which is a long drive from Bamberton.
 - Difficult to predict what people will do as far as driving habits are concerned.
 - Market mix- more seniors now; foresee more young families in future.
- e) *Secure an "agreement in principle" from the Ministry of Transportation and Infrastructure for the development concept and proposed road standards prior to adoption of zoning.*
- f) *Upgrade Haul Road to major provincial road requirements.*
- Upgrade should allow for future extension beyond Bamberton boundaries. Should eventually reduce traffic on Trans Canada Highway.
- g) *Where feasible make as many roads as possible public roads.*
- Handle this in a phased development agreement.

- h) Conduct comprehensive traffic reviews as part of the PDA's for each phase.*
- Bunt and Delcan recommended comprehensive traffic reviews as a condition of the PDA's at each phase of development which is noted in the CVRD document – Page 5 issue i. How to conduct the study and how to monitor has not been established by the CVRD yet.

2. Water and Sewer Infrastructure Issues: Principles

- a) Apply standard water consumption rates for determining required water supply until reduced consumption rates can be proven for a sustained period.*
- b) Incorporate margins of safety into projections for required water supply to account for atypical drought conditions and unforeseen water demands.*
- c) Require a CVRD-approved plan for the expansion of Oliphant Lake, including a structural assessment of existing dams, prior to use of the lake as a domestic water source.*
- d) Require administration and implementation of water conservation measures to be funded by the Bamberton developer or water users within the development.*
- e) Protect identified waste water disposal areas from development until it can be proven they will not be required for that purpose.*
- f) Incorporate ground water protection measures into development approvals.*
- g) Ensure current technical memorandums regarding the application are available prior to a public hearing.*
- h) Establish a time frame when the system is taken over by CVRD instead of at initial stage of development. CVRD takes responsibility for after it is established and meets all standards.*
- New technology which may require time to get working properly. Community should not have to take responsibility for this.
 - Responsibility should reside with the developer until the systems are fully proved in.
 - Systems should meet CVRD standards before the CVRD takes control.
- i) Watershed Management –Further work regarding the implications and management of the watershed should be obtained as a condition of development approval. (CVRD document Page 5, item 5.)*
- i) ISSUE: CVRD and Bamberton need to come to an understanding about ownership and cost recovery of the sewer and water infrastructure before rezoning is given.*
- CVRD plan is to take over the systems once installed and operational. The CVRD wants to get in early to gain experience and understanding.
 - CVRD is expecting to have a two-year warranty in place backed up by a bond. In the Dockside development, the Ministry did not require this and the MSR was waived.

- Bamberton's position is that a financial mechanism needs to be in place that allows for recovery of system costs. In the Dockside model, the developer funded the costs and the residents pay for it. Need to ensure that the economic model for Bamberton is workable.
- Bamberton stated that it must have design input and control.

3. Protection of the Saanich Inlet: Principles

- a) *Ensure zoning drafted for the Bamberton Lands excludes uses potentially harmful to the Saanich Inlet.*
- b) *Require on-site environmental monitoring during construction to ensure works to protect the Saanich Inlet are correctly installed and maintained.*
- c) *Implement an educational program for future occupants of the Bamberton Lands to increase awareness of the sensitivity of the Saanich Inlet and to discourage practices that may negatively impact the Inlet.*
 - Saanich Inlet will be protected in development stages of Bamberton – after the development is completed the community needs to take responsibility for no impact on the Saanich Inlet.
 - The Saanich Inlet is shared by the GVRD communities e.g. Saanich, Brentwood, etc. all should be part of the quality of water entering the Inlet.
- d) *Support and encourage the progressive approach to storm water management proposed in the Bamberton application.*
- e) *Require a detailed and rigorous storm water management plan prior to any development occurring on the site.*
 - Storm water to be reused if feasible.
- f) *The Recommended Mitigation Measures and BMPs outlined in the Bamberton Rezoning Application July 2009 List of Project Appendices 8 Ecological Overview and Environmental Best Practices pages 26-36 should be incorporated by the CVRD as guidelines in PDA's or other control document principles for Bamberton if rezoning is approved. (Unless CVRD has other standards that it wishes to utilize.)*
- g) *The issues affecting the Saanich Inlet to apply to all regional districts or municipalities so everyone on the Saanich Inlet works together to implement the protection of the Inlet. Bylaws should be established by the CVRD that pesticides, herbicides or other chemicals with a negative impact on the waters of the Saanich Inlet would no longer be allowed.*

4. Project Phasing: Principles

- a) *Incorporate phasing commitments into development approvals.*
 - PDA's would apply to each neighbourhood plan and be available before a public hearing.
 - Restrictions for phasing not carved in stone developer can come back to the CVRD with requests.

- b) *Include sustainability criteria and a phased development approach in development approvals.*
- CVRD requires more information on phasing conceptual plans have been presented so far.
 - Definite boundaries for each of the phases.
 - Phasing needs to be tied down, if start another phases we will never see what the first community would look like at completion.
 - Northlands is an acceptable starting point if we can see a different concept of a community with cost effective housing.
 - Changing the nature of the Mill Bay community in putting high density residential with industrial. *Bamberton Rezoning Application Land Use Plan Table 5, page 28* is a vague list of Industrial land uses permitted. With APC providing parameters for the industrial park proposed for Northlands, Mike Tippett will complete an acceptable industry list for the public hearing.
 - Bamberton representative, Ross Tennant will provide a list of businesses that have expressed an interest in being located in the Northlands industrial park.
- c) *Require a detailed neighbourhood plan before development is authorized in the individual neighbourhoods that would, among other things, document sub-phasing and the delivery of services and amenities associated with development of the neighbourhood.*
- Confusion between phasing and neighbourhoods. Each neighbourhood will have a detailed layout plan with details of the phasing of each neighbourhood.
 - Access to businesses in Northlands Industrial Park will be revised and will be an issue dealt with in the neighbourhood plan.
 - Industrial at ocean site for revenue – how long is this allowed to continue? Developers will define what industrial activities would continue and what will stop. Industrial activities could be part of a PDA or in zoning.
 - APC agree with the Northlands Industrial Park in the first phase of development.
 - What happens if property sold after rezoning? CVRD has yet to define the parameters.
- d) *Ensure some local commercial development is provided prior to 75% completion of each neighborhood.*
- e) *With each neighbourhood plan, the phasing needs to be defined and compliance with the PDA assured with agreed boundaries before another neighborhood can begin.*
- “The applicants have indicated there likely will be an overlap of neighbourhood phases, whereby the development of neighbourhoods may commence prior to the completion of prior phases.” (CVRD document, page 2)

5. **Affordable Housing: Principles**

- a) *Establish minimum unit sizes for small lots and proposed affordable housing units.*
- Size of unit on small lot can be dealt with zoning.
 - Benchlands has secondary suites with small lots. Will need to ensure parking available on property. And not on roadways.
 - Small lots limit house size.

- b) *Require purpose built rental housing and a social housing site as conditions of development approval.*
- Designated rental units.
 - Affordable housing vs. social housing.
 - Need to ensure building to same standard of the other housing in the development, if this is a separate entity.
 - Social housing can destroy strata because of management. May be better to consider developer contribution to social housing off site.
- c) *Require more detail from the applicant regarding the affordable housing strategy and separate commitments that are intended to be secured through the development approvals from those that are intended to be unsecured.*
- Some affordable housing available for a starting price of \$225,000 (today's dollars). Plan is to sell affordable housing at 25% below market rates.
 - Consider if appropriate for "CVRD to waive development charges and building permit fees for job creation units, limited equity townhouses, rental units and secondary suites."(Affordable Housing document p.3)
- d) *Do not compromise sustainable development practices and features to enhance housing affordability.*

6. Commercial and Retail Services: Principles

- a) *Require some local commercial services to be developed concurrently with residential development.*
- b) *Ensure there is sufficient land available within Bamberton to accommodate increased demand for local commercial and retail use as a result of changing economic conditions.*
- Room to expand in some areas - larger amount of commercial space available if needed in some neighbourhoods. E.g. there is 35,000 Sq. ft of commercial and 5,000 Sq. ft retail in the Triangle area.
 - Can be dealt with through sub phasing for each area.
 - Light industrial/service commercial need to support individuals to work and live in the area.
- c) *Employ rigorous design controls and selective zoning to successfully integrate neighbourhood commercial/retail with residential use.*
- Zoning provide right mix of uses – lots of attention needed by CVRD
- d) *Ensure neighbourhood commercial and retail uses are well connected to residential areas with pedestrian and cycling trails.*
- e) *Consider neighbourhood commercial and retail uses are well connected to residential areas with pedestrian and cycling trails.*
- f) *Consider land for future commercial uses in the Mill Bay community through future OCP reviews and bylaw amendment processes.*

- g) *Should the Bamberton project reach 30% build-out with no new commercial/retail services available, then Bamberton would be required to fill the gap and begin large-scale commercial development.*
- If the Stonebridge development does not materialize, Bamberton would need to move forward quicker to provide commercial space
- h) *Consider lands for future commercial uses in the Mill Bay community through future OCP reviews and bylaw amendment processes.*

7. Recreational Services: Principles

- a) *The CVRD should balance the proportion of amenity cash contributions for recreation against other community amenity needs before committing to any particular formula.*
- b) *In the course of preparing a Phased Development Agreement, detailed specifications for the various improvements to outdoor recreation amenities will be defined and incorporated into the PDA.*
- Baseball, soccer fields, tennis courts, etc.
 - Maybe playing fields could be established on septic fields in each neighbourhood and/or on other lands reserved for future development e.g. commercial space, school site, etc.
 - Paved trails divided to provide for cycling.
- c) *The various land amenities will have to be defined in the PDA prior to being dedicated to the CVRD. The Southlands area and proposed Bamberton Provincial Park extensions in particular should be transferred either at the time of adoption of the amendment bylaws or in the initial phases of development.*
- d) *A community assembly facility should be designed in the Village to provide gathering and informal recreation opportunities for the future Bamberton residents.*
- Multipurpose building such as a community hall or centre provides a place for people to congregate.
 - If a Fire hall is built near the beginning of the project maybe meeting rooms of various sizes could be incorporated in the building design to provide an indoor place for the community to congregate for meetings, classes, etc.
- e) *A formal public waterfront walkway that is fully wheelchair accessible and is paved or built with other sustainable surfaces should be considered as part of the land amenities and incorporated into the PDA.*
- Mill Bay is a seaside community with limited access to the seaside. All commission members consider this issue a priority.

8. Health Services including construction and funding: Principles

- a) *The CVRD should consider setting up a Regional Health Services Committee which would develop a strategic regional plan for health care capital improvements and investments within the region and set policy with respect to capital reserve fund sources.*
- A Region Health Services Committee has already formed to get more funds directed to the Cowichan Valley. And it is in direct communications with the Ministry.

- b) *The various amenity contributions proposed with respect to the Bamberton application must be set at a level that is reasonable and sustainable by the developer, and the relative importance of the destinations for these contributions should be identified by the CVRD.*
- Health care dollars move with the individual and are provincially regulated.
 - Probably in the future more user pay centres will appear in the Cowichan Valley as are available Vancouver.
 - Health services will come with demand.
 - No hospital and no medical costs should be attributed to the developer.
 - A heli-pad may be needed for medical emergencies.
 - Does not make a lot of sense to require the developer to be asked to assist with health service costs. Health services are a Provincial responsibility.

9. Schools and related issues: Principles

- a) *Having a school in a development the size of Bamberton is mandatory for social networking, making the community attractive to young families and for social health in general.*
- b) *Three Point Properties should provide the land for a school site with a playing field under trust to the CVRD to insure it does not disappear at a future date.*

10. Proposed Amenities: Principles

- a) *Consider the applicant's commitment for low impact, sustainable development features and practices to be a community amenity and incorporate requirements into draft development approvals.*
- b) *Require any amenity contribution for low impact, sustainable development features and practices to be a community amenity and incorporate requirements into draft development approvals.*
- Mill Bay Fire District is not part of CVRD, Mill Bay residents pay total cost. Malahat fire protection is with the CVRD.
 - Heli-pad for medical emergencies would be valuable.
 - Fire hall for Bamberton is a necessity.
- c) *Ensure neighbourhood features identified in the application are incorporated into neighbourhood plans and are required as conditions of neighbourhood development.*
- Such as Amphitheatre, etc.
- d) *Ensure the applicant's commitments for amenities are clearly defined and secured before proceeding to public hearing.*
- Ownership issue regarding water and sewage services need to be clarified before public hearing.
 - APC expressed concern about the absence of a Regional Growth Strategy and Regional Recreational Plan
- e) *At the end of project build-out, the combined communities of Mill Bay and Bamberton will contain a population between 12,000 – 15,000 at a minimum. The CVRD needs to evaluate what amenities a community of this size needs and what a community of this size will actually need to function effectively.*

11. Development Control and Monitoring: Principles

- a) *Amenities associated with the Bamberton proposal will be clearly identified, along with their timing, and these will be incorporated into approvals using any possible means;*
- b) *Amenities associated with the Bamberton proposal will be clearly identified, along with their timing, and these will be incorporated into approvals using any possible means;*
 - *Requires careful monitoring.*
 - *Need flexibility for community and developer.*
- c) *Phased Development Agreement(s) (PDAs) will be used in order to secure amenities and control the timing of the various portions of the proposed developments;*
- d) *A Development Approval Information (DAI) provision will be enacted in the event of a phased zoning approach being adopted, in order to better identify and adopt to the impacts of development as the Bamberton site is built;*
- e) *The Official Community Plan (OCP) amendments will contain policies related to the longer-term build-out of the site, to ensure that if a PDA approaches expiry, a successor PDA would have to be developed, or the (undeveloped) balance of the site may be subject to down zoning.*
- f) *Consideration should be given to establishing a Bamberton Design Panel, to assist the CVRD in assessing development permit applications and other related matters;*
- g) *Opportunities for public participation in later stages of development should be sought out and incorporated – where possible – into the approvals process;*
- h) *Water and Sewer utilities will be owned and operated by the Cowichan Valley Regional District or an existing Improvement District, in part because control over these services will facilitate the orderly development of the project.*
- i) *The feedback of earlier phases of development being used to refine procedures and processes in future phases of the Bamberton development is important and some mechanism to ensure this takes place is needed.*
- j) *Zoning approvals should not exceed the terms of the PDA.*
- k) *A blanket PDA for the amenities package should be considered with supporting PDAs for the neighbourhoods/phases.*

Summary

The Bamberton application is one of extraordinary complexity, as the APC reports and meeting minutes highlight. The unique nature of this application calls for a special process. Rather than presenting an all-encompassing report with a recommendation at this time, we are proposing to separate the process from the substance of the application initially.

What staff will propose for this application is predicated upon the Committee expressing a measure of confidence in the detailed review that the APC has undertaken. As seen above, the APC has endorsed a set of principles that they believe should guide any approval. In order to more effectively bring the substance of this application before the Committee, additional work on the file has to be completed. This additional work would address the main concern of the Area A APC, namely to find if there is a regulatory means to ensure that the appropriate controls are in place to ensure the development will progress as proposed. Additionally, the principles identified in the APC minutes, so far as is possible, would be implemented in a set of proposed bylaws.

In order to effectively prepare the next report, some considerable effort would have to be expended on preparation of draft amendment bylaws. Of these, the Phased Development Agreement would require extensive liaison with the applicants, because the proposed amenities and when they would be introduced have been only very sketchily presented thus far. Also, the approach to zoning favoured by the APC – namely pre-zoning all lands to be developed within the presumed term of a 20-year PDA – may prove difficult to manage, and staff would want to explore the consequences of this approach upon the structure of the land use amendment package before pursuing it in the draft bylaws. This would involve meetings with our planning solicitor in Vancouver, whose initial advice on this question was that phased zoning is preferred.

It is also important to recognize that despite our efforts, dating back to early 2007, to stimulate referral agency comment on this application, we have only received to date a limited number of replies. Part of this is due to the fact that a set of detailed amendment bylaws has not been prepared yet. The application has evolved a couple of times since the original referrals went out, so staff believe that the creation of draft bylaws would be a clear benefit not only to the Committee but also to the referral agencies. Once these draft bylaws exist, it may be possible to have a more meaningful dialogue with the key referral bodies, since specific CVRD policies and regulations would be in a draft form. In any case, the Committee is entitled to have the full array of comments from referral agencies in a report from staff at the time firm direction regarding an application's fate is given. We would intend to use the recommended course of action to not only prepare draft amendment bylaws, but to use these as the basis of our consultations with First Nations and government agencies, particularly the Ministries of Transportation and Infrastructure and Environment.

Should the Committee and Regional Board support the approach outlined in this report, it may still be necessary for staff to obtain input from the Committee before a complete set of bylaws and a phased development agreement can be drafted. For example, Committee input may be required if there are substantive aspects of the application that staff and the applicant cannot reach consensus on. The Committee should also be aware that considerable staff time will be required to undertake further consultation, to address outstanding issues to the extent that they can be addressed in the development control documents, to negotiate the terms and conditions for the phased development agreement and to prepare draft documents and a comprehensive report regarding the application. Due to limited staff resources, competing priorities and uncertainty regarding the consultation process it is unknown how much time will be required to prepare a comprehensive staff report and the draft bylaws and PDA.

Conclusion

Provided the Committee is comfortable that it has enough information at this time on the application and from the APC to authorise staff to conduct further work on the file prior to providing our ultimate report, we propose the following:

1. That detailed consultations with the Malahat First Nation, Ministry of Transportation and Infrastructure and other agencies as appropriate commence on the topic of the Bamberton application and that other local first nations on the original referral list plus Cowichan Tribes also be contacted regarding this application;
2. That staff be directed to prepare a draft Official Community Plan amendment, Zoning amendment and Phased Development Agreement (PDA) in accordance with advice from the APC, staff and CVRD legal counsel over the coming months, and discussions with the applicants regarding proposed amenities be concluded in order to develop the PDA to draft stage;
3. That these draft documents and an accompanying detailed staff report including referral agency comments be brought before the Electoral Area Services Committee with a recommendation as to whether it is appropriate to proceed with the amendments to the public meeting/public hearing stage.

Options:

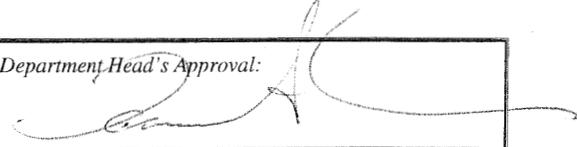
1. That Bamberton Application No. 4-A-06RS proceed as follows:
 - a) That detailed consultations with the Malahat First Nation, Ministry of Transportation and Infrastructure and other agencies as appropriate commence on the topic of the Bamberton application and that other local First Nations on the original referral list plus Cowichan Tribes also be contacted regarding this application;
 - b) That staff be directed to prepare a draft Official Community Plan amendment, Zoning amendment and Phased Development Agreement (PDA) in accordance with advice from the APC, staff and CVRD legal counsel over the coming months, and discussions with the applicants regarding proposed amenities be concluded in order to develop the PDA to draft stage;
 - c) That these draft documents and an accompanying detailed staff report be brought before the Electoral Area Services Committee with a recommendation as to whether it is appropriate to proceed with the amendments to the public meeting/public hearing stage.
2. That staff be directed to prepare a series of reports on the Bamberton application and present these at up to four special EASC meetings, the first of which to be scheduled for late November 2009, in which matters discussed at the APC meetings will be reviewed in a similar level of detail, with Committee direction to follow at the conclusion of the final EASC meeting;
3. That Bamberton Application No. 4-A-06RS be denied and that no further work be done on the file;

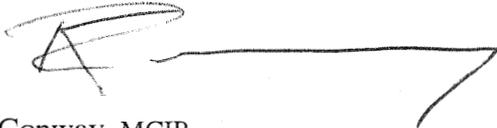
- 4. That Bamberton Application No. 4-A-06RS be approved and amendment bylaws be prepared in accordance with APC recommendations and be presented to the Board for consideration of first and second reading

Submitted by:



Mike Tippett, MCIP
Manager
Community and Regional Planning Division
Planning and Development Department

<i>Department Head's Approval:</i> 
<i>Signature</i>



Rob Conway, MCIP
Manager
Development Services Division
Planning and Development Department

MT/RC/ca
Attachments

APPENDIX I

Area A Advisory Planning Commission Minutes

Area A Advisory Planning Commission
07 April 2008
Regular meeting
Frances Kelsey Secondary School

Present: Roger Burgess, David Gall, Dave Balding, Sandilea Vollet, Dola Boas, Ken Bushell, Barry Aldrich.

Regrets: Kim Harrison, Paris Webster and Mike Walker (Director Area A)

Guests: Rob Conway, CVRD Planner, Ted Stevens, Margo Johnston (Commission member applicants)

Called to order at 5:35 pm

Review and adopt agenda

Minutes of 05 & 20 March 2008 read and approved.

Bamberton Rezoning Application 04-A-06RS (ongoing)

Separate minutes issued to follow previous decision.

Telegraph Road gravel extraction application

Noted APC recommended rejection of this application and the majority of the local community seemed to be against the proposal. However it is reported that it appears the owner has since received limited approval for the removal of gravel from the Province.

Next meeting 07 May 2008 at 5:30 pm

Meeting adjourned at 7:15 pm.

**Area A Advisory Planning Commission
Bamberton development commentary**

Action

APC requests that the CVRD include the APC in all discussions regarding the Bamberton project so that we are able to provide continuing input.

CVRD staff is asked to attend each APC meeting to provide updates on the status of the Impact Assessment report and development process. These meetings are: April 2nd, May 7th, and June 4th at 5:30pm at Francis Kelsey School. July and August meetings, if necessary, are to be arranged.

7. Saanich Inlet

- Noted that Three Point will be participating in the Saanich Inlet Marine Park Plan with DFO and the provincial government.

D. April 2nd, 2008 meeting

Guest: Rob Conway, CVRD Planner

1. EOI for regional impact study

CVRD has released their expression of interest for a regional impact study. The initial response from the planning community has been good. Closing date for submissions is 10 April 2008. A consultant is expected to be selected by 15 May 2008 and the study should be completed by 31 July 2008.

Action

CVRD will continue to attend APC and update information at the next meeting.

2. Applicant's proposal for comprehensive zoning

Bamberton's consultants (Cityspaces) met with CVRD and proposed a comprehensive zoning for the development. CVRD staff will review the proposal. APC considers there are many issues and other aspects of the development that require resolution. The Mill Bay community has not been well served by some comprehensive zoning agreements.

Action

APC still considers a Master Development Agreement is a better vehicle for the application.

3. View of clustered housing from Saanich Inlet

It is noted that the applicant's design brief shows a number of clustered townhouse/condominiums up to 8 storeys high on the east side. The view from the Inlet may not be aesthetically pleasing and could resemble the notorious Brentwood condo development. Landscaping or tree planting will not obscure the view for many years.

Action

Review carefully and ask applicant how intends to deal with problem

4. General discussion

Update for two commission members who had been unavoidably absent for several months and to inform guests (Ted Stevens and Margo Johnston) who have made application for appointment to the APC. APC still believes application has sufficient merit to continue with impact study.

**Area A Advisory Planning Commission
Bamberton development commentary**

Action

APC will continue to review application at next meeting, however results of impact study are needed to substantially move forward and report to Board.

Area A Advisory Planning Commission Bamberton Meeting
16 July 2009
Held at Mill Bay Fire Hall
Minutes

C.V.R.D.
RECEIVED

JUL 27 2009

Present: David Gall, Cliff Braaten, June Laraman, Deryk Norton, Archie Staats, Ted Stevens, Margo Johnston, Roger Burgess (Alternate Director Area A), Brian Harrison (Director Area A)

Regrets: Dola Boas

CVRD Staff: Mike Tippet, Rob Conway

Audience: Invited Area B, C, and D Directors and their APC members, CVRD members, Three Point Properties guests

Meeting called to order at 6:35 pm

Purpose of Meeting:

Three Point Properties representatives Ross Tennant, Joe Van Belleghem, Stefan Moores presented an overview of the Bamberton application and amendments. They also provided a summary of the Bamberton Rezoning application changes, an overview of the proposed community benefits and the Bamberton response to the CVRD Regional Study Recommendation.

The audience and Area A APC members were asked for questions they might have related to the presentation.

APC/Audience Questions and Bamberton Response

1. How will Bamberton differ from Dockside Green?

- It is about a mind set, not doing the projects the same. Techniques will not be identical and strategies will be integrated differently. The systems will get more efficient as density increases.
- The issue is job creation.

2. What is the Industrial use of Bamberton lands?

- Businesses will need to conform to a standard. Example could be prefab homes. There will be commitments and covenants with businesses that sign up to be part of Bamberton. A 15,000 sq. ft commercial grocery store planned for later years.

3. Is the waterfront area with the village starting first?

- This area is not going to start until there are residents, that is, the density to support the waterfront development. If the retail component does not work the village will not work. There will be a retail /commercial component in all phases of the development.
- The project will start in the Northlands, as the water infrastructure is closest to the Northlands.
- There will be pressure on Mill Bay businesses for a few years.
- The Trillium Study shows there is not demand for condo's now.
- The business plan will not work if Three Point Properties were to start in waterfront area.

4. Do you have an extensive rendering of Northlands and the Eco Park?

- Northlands would be modeled after "Village Homes", located in Davis California
<http://www.villagehomesdavis.org>
- This projects features such things as community gardens and social amenities such as a with a shared park area.
- There is a market for smaller homes (800-sq. ft.), starter homes, and senior homes with no stairs and homes with granny suites as mortgage helpers.
- Two handouts were given to Ted Stevens in response to his concern.

5. What home price do you call affordable?

- In the range of a \$250,000 home with a secondary suite.

000038

6. In the artist rendering of the waterfront area the riprap is not a natural structure thus is not environmentally friendly. Is this the riprap that will be used?

- Three Point Properties will not use the type of riprap in the illustration. They will follow the Green Shores agreement. There will be a need for some riprap, which should be defined in the PDA.

7. How do you see the public access areas staying in the public hands?

- By the creation of a buffer or an easement.

8. You mentioned using treated wastewater in toilets. What was another use?

- The use of grey water in washing machines.

9. What is your relationship between Malahat and Other First Nations and the current economic situation of the Malahat band?

- First proposed a fee that would go into a trust for all First Nations, 20% for each band – this is an equitable way to do it.
- Trillium Study suggested the money go into a trust for Stewardship of the Saanich Inlet and interested bands could participate. It should not be up to us to tell First Nations what they should do with the money.
- Prefer to let the Malahat band manage the fund and decide how it should be distributed.

10. Small homes in the Northlands area, would there be lack of sunlight?

- Can't do anything about this.

11. Beyond construction what would happen to business in Mill Bay? Would business be driven away?

- Think will have a catalytic effect on Mill Bay.
- Three Point Properties has offered \$.5 million to the CVRD to develop a plan that ensures that Bamberton is integrated into the fabric of the Mill Bay Community. This plan would address such issues as water, sewage, roads, etc. that vitally impact the well-being of Mill Bay.

12. Would you explain the sale of low cost homes?

- There would be a covenant of sale for low cost (employee) homes.

13. Increased population will dictate the need for the addition of another fire truck at the cost of a\$.5 million. Would this be a direct cost to the residents of Mill Bay?

- Three Point Properties has leverage e.g. the new Fire Hall truck and equipment would have financing in place where the residences of Bamberton would pay the initial costs not the existing residences in Mill Bay.

14. Traffic issue? Trillium report was deficient on traffic infrastructure and maintenance.

- Suburban sprawl is causing the traffic problems in your region now.

15. In the first ten years of the Bamberton development it is roughly estimated that there will be about 2200 residents and somewhere between 1200 to 1500 autos on the road. This traffic will not stay resident in the area as all the big box stores are located in either Victoria or Mill Bay and regular trips will be made to these locations. Given that Bamberton does not plan any significant commercial development in the early years it appears that the Mill Bay Centre will be experiencing a significant traffic increase, as will the Trans Canada. This will also have a huge impact on the infrastructure of Mill Bay. What are your thoughts on this issue?

- Area is currently experiencing suburban sprawl vs. the benefits of a planned community. Bamberton will probably relieve some of the traffic issues that are evolving as a consequence of this type of development.
- The residents' commercial requirements or needs will not be fulfilled by Bamberton for the first 4-5 years; this will put pressure on Mill Bay -- pain in the first years.

16. Where is the wastewater site?

- There will be a couple of plants.

000039

17. How much space is there for the new industrial site?

- There is 42 acres now with leases to 2020 that provide cash flow to Three Point Properties. Intention is to shrink this to some light industrial at the port facility over time.
- Some additional industrial outside of this area e.g. in some of the energy zones.

18. Is there room for expansion of industrial lands rather than residential?

- Not all industrial on one site.
- Zoning allows for more industrial. Master plan will change as time goes on.
- Deepwater port is a huge asset. Carmanah would use for transport.

19. What do you consider light industrial?

- Energy systems, prefab homes, hi tech, etc.

20. Can small groups meet with Three Point with more questions?

- Yes, can also e-mail questions or ideas to Ross.
- June Laraman, Area A APC Chair, requested that answers that might provide more insight to the development be shared with both the CVRD and the APC.

Feedback to the rezoning application and amendments provided by Three Point Properties should be sent to Rob Conway, rconway@cvrld.bc.ca , ASAP.

Meeting adjourned at 8:45 pm.

Area A Advisory Planning Commission Bamberton Meeting
Minutes
28 July 2009

Present: Dola Boas, Geoff Johnson, David Gall, Cliff Braaten, June Laraman, Deryk Norton, Archie Staats, Ted Stevens, Margo Johnston, Roger Burgess (Alternate Director Area A), Brian Harrison (Director Area A)

CVRD Staff: Mike Tippett, Rob Conway

Audience: Ross Tennant, Joe Van Belleghem (Three Point Properties), other attendees.

Meeting called to order at 6:30 pm

Agenda:

It was moved and seconded the agenda be approved.

MOTION CARRIED

Previous minutes:

It was moved and seconded the minutes of 16 July 2009 meeting is adopted.

MOTION CARRIED

Purpose of meeting:

This meeting is to determine if there is sufficient merit in the Three Points (Bamberton) Application for the Area A APC to consider reviewing it in much more detail in August 2009.

Framework/Process:

- Area A will need to evaluate the Bamberton application within the community context of the South Cowichan as outlined in detail in the July 22, 2009 CVRD overview of the Bamberton application. The CVRD staff will be available to answer questions.
- APC recommendation to the CVRD staff. CVRD Staff recommendations to the Electoral Areas Services Committee (EAS) will incorporate APC input along with other requested inputs. CVRD EAS Committee decision on direction.
- Area A APC meeting open to the public. Any attendees that are not part of the APC, are not Area Directors or CVRD staff will be considered observers to the meeting not participants. Should Three Point Properties attend the meeting, commission members will be asked to indicate to the chair if they have a question and/or concern to which they wish to receive input from the developer.

Meeting Format:

A. CVRD Overview:

Mike Tippett/Rob Conway

▪ **What happens with other development applications if Bamberton is supported?**

Applications that are not within the urban containment boundary would be discouraged. Conversely, those applications, which are within the UCB and align with the OCP would be strongly considered.

▪ **Mill Bay Community Sewer**

A waste plan has been in place for 10 years – a major cash injection is needed. This is not a central issue to the development of Bamberton, as they will be operating independently.

▪ **Growth Management Strategy (GMS)**

- No money in CVRD budget last year and will not begin this year.
- GMS takes 5 years to complete.
- Deal with application without outcome of a GMS.
- Do not defer applications or put on "ice" while wait for a GMS.

• **PDA Implications**

000041

- Waiting on Provincial approval for Youbou lands.
- Links amenities to individual phases.
- CVRD has ability to renegotiate PDA or downgrade zoning.
- PDA not only tool – also such things as zoning and covenants.
- Agreement cannot be assigned to 3rd party unless agreed by CVRD.

▪ **Issue is a lot larger than Bamberton (not sure what this means – is it part of prior heading?)**

If Bamberton is approved the result could be a precedent for lands to be developed differently in the area.

B. Discussion of the CVRD Considerations

Round Table

Positive aspects:

Bamberton

- Provides a work place – residents live and work in their community – potential job creation.
- Is good for light/eco industry – replaces heavy industry. Enough industry to support the community.
- More diverse use of deep-sea port will be a major asset.
- Moving the ferry location could be a plus if it alleviates traffic on the Malahat.
- Dockside Green is well done and should be representative of the Bamberton project.
- Parkland dedication is great. Integration of trails and parks is good.
- Planned community with an integrated approach, LEED Gold standard, Triple Bottom Line. Three Point Properties have made an effort to be responsive to the community and meet our needs. Provides good, strong growth for Mill Bay – other developers have not given much to Mill Bay.
- Reduce growth pressure on Mill Bay. If the Bamberton development is well controlled all of Mill Bay will develop as a unit. Satellite to Mill Bay for lots of years – not separate from Mill Bay.
- 86% of current housing in Mill Bay is single homes. Demands for multi-use housing e.g. aging community, youth, and young families wanting to live in Mill Bay. Migration problem – no place in Mill Bay. Bamberton offers more diverse housing mix.
- Raises the bar – both for the CVRD to have the right governance and controls in place for the development and will potentially raise the standards for other developers.
- If Bamberton not there someone else would be and maybe not as good.
- Regional district sets the standard for development.
- Professional/good marketing skills – an ace for us if Bamberton is to be marketed well nationally.
- PDA, as a control tool, has not been used for previous Mill Bay developments should be an asset with Bamberton.

Concerns:

- Impact on other infill approved applications?
- 45-year housing land supply on top of an already 20-year supply.
- Large maybe too large – 3,200 residences – lack of infrastructure for a few years.
- Northlands – looks like another housing subdivision and does not have the feel of the rest of the proposed development.
- Enough water? Oliphant Lake water rights?
- No GMS in place so unclear as to what the vision is for the region.
- Enforcement of developer's commitments if market conditions adverse, developer may water down quality of development – hardship claim.
- Transportation, traffic flow will be an issue at least in the short term as majority of Bamberton residents will travel to Duncan or Victoria to do major shopping or to work.
- MOT policy – roadway amenity charge – needs to discuss with CVRD.
- More appealing if could approve phase by phase. More difficult for developer to get financing if not all rezoned at one time.
- Ferry provides no income for Malahat First Nations.
- Pictures in handouts misleading, e.g. recreation facilities.
- What would we get if Bamberton didn't happen? If land is to be developed is this the way we want to go?
- Transportation is an issue = local travel issues. How will local travel for the satellite community be dealt with?

- Need ore land allotted for industry within the community.
- Concern that there will be a lack of services e.g. water, sewer.

C. Review questions 1 through 4
CVRD document
Refer to Pro's and cons above.

CVRD/Round Table

D. Poll of Commission members

Individual Members

All nine commission members agreed there is sufficient merit in the Three Point Properties (Bamberton) application to review it in much more detail in August.

As requested by the APC members Three Point Properties representatives, Ross Tennant and Joe Van Belleghem will provide a guided tour of the development site before the 20 August meeting.

Adjournment:

It was moved and seconded the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 9:00 pm

Notice of next meeting: 20 August 2009 at 6:30 pm in the Mill Bay Fire Hall

000043

Draft
Area A Advisory Planning Commission Bamberton Meeting
20 August 2009
Held at Mill Bay Fire Hall
Minutes

Present: David Gall, Cliff Braaten, June Laraman, Deryk Norton, Dola Boas, Ted Stevens, Margo Johnston, Brian Harrison (Director Area A)

Regrets: Archie Staats, Geoff Johnson, Roger Burgess (Alternate Director Area A)

CVRD Staff: Mike Tippett, Rob Conway

Audience: Three Point Properties representatives, Ross Tennant, Joe Van Belleghem, Stefan Moores and 8 public attendees.

Meeting called to order at 6:35 pm

Agenda:

It was moved and seconded the agenda be approved.

MOTION CARRIED

Previous minutes:

It was moved and seconded the minutes of 28 July 2009 meeting is adopted.

MOTION CARRIED

Purpose of meeting:

The Purpose is to examine the Bamberton application more closely and to analyze the proposed development with a focus on the neighbourhood plans and the suggested principles/conditions that should be followed in order for the proposal to proceed.

Framework/Process:

- Area A will need to evaluate the Bamberton application within the community context of the South Cowichan as outlined in detail in the August 12th, 2009 CVRD overview of the Bamberton application. The CVRD staff will be available to answer questions.
- APC recommendation to the CVRD staff. CVRD Staff recommendations to the Electoral Areas Services Committee (EAS) will incorporate APC input along with other requested inputs. CVRD EAS Committee decision on direction.
- Area A APC meeting open to the public. Any attendees that are not part of the APC, are not Area Directors or CVRD staff will be considered observers to the meeting not participants. Should Three Point Properties attend the meeting, commission members will be asked to indicate to the chair if they have a question and/or concern to which they wish to receive input from the developer.

Meeting Format:

A. Bamberton Roadmap/ Meeting Timeline

June Laraman

- APC regular meetings will be at Francis Kelsey School at 6:30 pm on Monday, September 14th – Mill Springs application and Wednesday, October 7th – Limona application.
- APC members present indicated they preferred Mill Bay Fire Hall meeting location. The Commission chair, June Laraman will check the feasibility of holding all meeting after September 14th at the Mill Bay Fire Hall.
- Commission members agreed to meet with CVRD Staff for 2 morning sessions in September and October to further discuss topics relating to the Bamberton application. The Commission chair, June Laraman will compile a list of dates available for Commission members to select their preferences.

000044

B. Zoning vs. Development Application Overview

CVRD Staff

- OCP looks at land use at a high level review not in exact detail.

If zoning approved:

1. a Development Permit is needed
The content is the key for the Guidelines for Development Permits.
The developer does not get a permit unless the guidelines are met.
2. OCP amendments with Development Permit guidelines established is not the same as zoning changes.
3. Subdivision process is managed by MOT
4. A good development permit is crucial.

C. Neighbourhood High Level Overview

CVRD Staff

Feedback on Staff Comments

Roundtable

Rob Conway commented on each neighbourhood and responded to questions. APC member's questions, comments and concerns follow.

Northlands

When is the light industrial/business park area to start?

Residential and Commercial area will develop together.

Why has the light industrial/business park area moved from the Quarry area?

Business Park on waterfront is not good use of waterfront.

There will always be industrial at the water e.g. delivery of good via the deep sea port.

What type of industry?

CVRD can customize the type of industry acceptable.

More land is needed for the Business Park and it's future expansion

Lots of industry is needed to keep people off of the Malahat.

If the sewer disposal area is not needed, the business park could expand in this area

Combing residential and industrial could lead to problems.

Residential along Haul Road not a good idea

Maybe some residential could be above the business.

Policing and fire protection need to be considered.

Concerned about Haul Road intersection and for traffic if future development.

MOT is in charge of roads

The Haul Road will be closed to traffic at the end of Northland neighbourhood.

Is lot size 30'x 60' typical? Where do you get the parameters?

Zoning will specify lot size.

Smaller lot size gives more green space.

Joe Van Belleghem "small 880 sq ft starter homes. This area would have homes for employees – about \$200,000 prefab. model homes."

A Business Park rendering is needed.

This is will be included in the development permit discussion.

Triangle

What can be done to improve the intersection at Mill Bay Road?

Only one entrance and exit exists. CVRD will have technical discussions with MOT.

Additional information will be provided in the Traffic/Road section discussion.

Bamberton Gate North

-is mostly a gravel pit.

-the social heart of this area is in Bamberton Gate South.

Why is Bamberton Gate separated into North and South?

Bamberton Provincial Park separates the two areas.

Why not develop Triangle for the business park and the residential in Bamberton Gate areas first?

The topography is difficult for building and there are riparian issues for industry on the east side.

The residential density of this area is too high. What is the lot size?

000045

The application doesn't break down the lot size yet. Joe Van Belleghem stated "integrated lot sizes would be used in each neighbourhoods", e.g. small, medium and larger lot all mixed together.

Bamberton Gate South

-Access is Trowess Road

-About 6 private homes in this area now. Three Point Properties does not own this land.

There could be traffic congestion due to the density of this area

One commission member liked what was proposed for this neighbourhood.

Benchlands

Design the road so it not a highway and has features to integrated east and west sides of this neighbourhood.

Zone for the cottages needs to be done with care.

There is lots of green space and no vehicle access for cottage residents.

Emergency/repair vehicles will have access.

The cottages will all be serviced.

Are there secondary suites in this neighbourhood?

Yes, they are over and above the 3,200 units in the application.

Historic Bamberton

-Offers a good connection to the Village neighbourhoods

What parts of the site will Wild Play operations occur?

Issues around this operation need to be carefully considered.

Wild Play is a separate application that Three Point Properties would like incorporated Bamberton.

When is the community centre happening?

Some recreational facilities need to be incorporated into each neighbourhood.

What is the proposed access for emergency vehicles?

There will be a new road with a lesser grade out of the industrial area available for emergency vehicles.

Will the new homes in this neighbourhood reflect the character of old Bamberton?

The architecture will be similar to the old days.

Who controls the quality?

Three Point Properties will control the quality.

Where does the water supply for the Quarry come from?

Recycled water will be used for the Quarry.

Upper and Lower Villages

Can the present Fire department handle the height of the proposed hotel/condos?

The Fire department does not have equipment now to access this height.

The travel distant is too far for fire service- need a fire hall in the development.

Requirement for fire assessed then cost is put on development not Mill Bay residents.

What is the density for a 10 storey high rise?

Joe Van Belleghem stated there would be a about 75 units factor with 1.5 would equal 150 people.

Conceptual part of the proposal for this neighbourhood is well set up.

A phasing concern that the most disturbed area is to be developed last.

Is the 25 year plan market driven?

"Yes", stated Joe Van Belleghem

D. Suggested Principles (CVRD doc. Pg. 22 & 23)

Definition of Principle

CVRD Staff

Commission Input

Roundtable

- To be part of next meeting or more appropriate later along with the PDA's and by-laws discussion

E. Priorities/Next Steps (CVRC doc. Pg. 23)

Roundtable

- Commission members were requested to contact June Laraman, Commission chair with a prioritize discussion order for the topics below:
 1. Water and Sewer Service
 2. Protection of the Saanich Inlet
 3. Commercial and Retail Services

4. Recreational Services
5. Traffic
6. Affordable Housing
7. Proposed Amenities
8. Project Phasing
9. Development Control and Monitoring
10. Health Services
11. Schools

Meeting adjourned at 9:00 pm.

The next regular meeting will be at Francis Kelsey School at 6:30 pm on 14 September 2009.

0040047

Area A Advisory Planning Commission Bamberton Meeting
30 September 2009
Held at Mill Bay Fire Hall
Minutes

Present: David Gall, Cliff Braaten, June Laraman, Deryk Norton, Dola Boas, Ted Stevens, Margo Johnston, Geoff Johnson, Archie Staats.

Regrets: Brian Harrison (Director Area A), Roger Burgess (Alternate Director Area A)

CVRD Staff: Mike Tippett, Rob Conway, Brian Dennison

Audience: Three Point Properties representatives, Ross Tennant, Joe Van Belleghem, Stefan Moores and 4 observers.

Meeting called to order at 9:05 am

Agenda:

It was moved and seconded the agenda be approved.

MOTION CARRIED

Previous minutes:

It was moved and seconded the minutes of 20 August 2009 meeting be adopted.

MOTION CARRIED

Purpose of meeting:

The purpose is to examine the Bamberton application with a focus on the key areas of interest identified by the APC ensuring that these areas have been adequately addressed and that the suggested principles provide the appropriate guidelines to be followed in order for the proposal to proceed.

Framework/Process:

- Area A will need to evaluate the Bamberton application within the community context of the South Cowichan area as detailed in the CVRD documents provided for the following topics: Traffic & Transportation; Water & Sewer Service; Protection of the Saanich Inlet; Project Phasing and Affordable Housing. The CVRD staff will be available to answer questions.
- APC recommendations to the Electoral Areas Services Committee (EASC) will incorporate APC input along with other requested inputs. APC recommendations will assist the EASC and the Regional Board with its review of the application.
- Area A APC meetings are open to the public. Any attendees that are not part of the APC, are not Area Directors or CVRD staff will be considered observers to the meeting not participants. Should Three Point Properties attend the meeting, commission members will be asked to indicate to the chair if they have a question and/or concern to which they wish to receive input from the developer.

Meeting Format:

I. Overview of Key Areas (top 5)

CVRD Staff

- A. Traffic and Transportation Issues
- B. Water and Sewer Infrastructure Issues
- C. Protection of the Saanich Inlet
- D. Project Phasing
- E. Affordable Housing

II. APC Commentary/Input

Roundtable

- CVRD Comments
- Suggested Principles

000048

Rob Conway provided an overview for each of his documents. APC questions, comments and concerns were expressed.

The suggested principals below will be included in the CVRD staff report prepared for the EASC meeting. APC suggested additional principles are bolded.

A. Traffic and Transportation Issues
Suggested Principles

- a) *Ensure a network of pathways and bike lanes are provided though-out the site to encourage walking and cycling.*
- b) *Support narrow road rights-of-way to minimize site disturbance, provided emergency vehicle access can be accommodated.*
- Bamberton is using Master Municipal Road Guidelines instead of MOT Standards.
 - MOT currently does not support the suggested road standards and needs the subdivision plan before making a decision. Different standards are most likely needed due to steep slopes of some areas.
 - How small and in what areas would narrow roads occur? The subdivision plan has to have roads in place.
 - Presently, MOT has Bamberton standards and is responding to Bamberton's requests.
 - Concern that the roads would accommodate emergency vehicle access. Three Point Properties has stated that emergency vehicle access will be assured.
- c) *Require some local commercial services to be developed concurrently with residential development to reduce external vehicle trips in the early phases of the project.*
- South Vancouver Island transportation analysis needed but probably not going to happen in the near future. Suggestion that the Bamberton developers could infuse some money toward a study.
 - TCH on the Malahat will be at capacity in 2025 with or without Bamberton.
 - There would be a mix of private, strata and MOT in charge of roads internal to Bamberton. MOT service main public roadways.
 - Residents of Bamberton would pay in property tax for road maintenance.
 - Bamberton believe it is not good public policy to rely on strata roads to solve issues on roadways.
 - Mill Bay Road presently is not safe for walking or cycling – Bamberton is contributing \$.5M at the front end of construction. Recommend a South end traffic study as condition of zoning approval.
- d) *Incorporate requirements for Transportation Demand Management a condition of development approval.*
- Commuter rail, potential station is in Shawnigan Lake, which is a long drive from Bamberton.
 - Difficult to predict what people will do as far as driving habits are concerned.
 - Market mix- more seniors now foresee more young families in future.
- e) *Secure an "agreement in principle" from the Ministry of Transportation and Infrastructure for the development concept and proposed road standards prior to adoption of zoning.*
- f) ***Upgrade Haul Road to major provincial road requirements.***
- Upgrade should allow for future extension beyond Bamberton boundaries. Should eventually reduce traffic on Trans Canada highway.
- h) ***Where feasible make as many roads as possible public roads.***
- Handle this in a development agreement.
- i) ***Conduct comprehensive traffic reviews as part of the PDA's for each phase.***
- Bunt and Delcan recommended comprehensive traffic reviews as a condition of the PDA's at each phase of development which is noted in the CVRD document – Page 5 issue i. How to conduct the study and how to monitor has not been established by the CVRD yet.

B. Water and Sewer Infrastructure Issues

Suggested Principles

- a) *Apply standard water consumption rates for determining required water supply until reduced consumption rates can be proven for a sustained period.*
- b) *Incorporate margins of safety into projections for required water supply to account for atypical drought conditions and unforeseen water demands.*
- c) *Require a CVRD-approved plan for the expansion of Oliphant Lake, including a structural assessment of existing dams, prior to use of the lake as a domestic water source.*
- d) *Require administration and implementation of water conservation measures to be funded by the Bamberton developer or water users within the development.*
- e) *Protect identified waste water disposal areas from development until it can be proven they will not be required for that purpose.*
- f) *Incorporate ground water protection measures into development approvals.*
- g) *Ensure current technical memorandums regarding the application are available prior to a public hearing.*
- h) **Establish a time frame when the system is taken over by CVRD instead of at initial stage of development. CVRD takes responsibility for after it is established and meets all standards.**
 - New technology which may require time to get working properly. Community should not have to take responsibility for this.
 - Responsibility should reside with the developer until the systems are fully proved in.
 - Systems should meet CVRD standards before the CVRD takes control.
- i) **Watershed Management –“ Further work regarding the implications and management of the watershed should be obtained as a condition of development approval.” (CVRD document Page 5, item 5.)**

ISSUE: CVRD and Bamberton need to come to an understanding about ownership and cost recovery of the sewer and water infrastructure before rezoning is given.

- CVRD plan is to take over the systems once installed and operational. The CVRD wants to get in early to gain experience and understanding.
- CVRD is expecting to have a two-year warranty in place backed up by a bond. In the Dockside development, the Ministry did not require this and the MSR was waived.
- Bamberton's position is that a financial mechanism needs to be in place that allows for recovery of system costs. In the Dockside model, the developer funded the costs and the residents pay for it. Need to ensure that the economic model for Bamberton is workable.
- Bamberton stated that it must have design input and control.

C. Protection of the Saanich Inlet

Suggested Principles

- a) *Ensure zoning drafted for the Bamberton Lands excludes uses potentially harmful to the Saanich Inlet.*
- b) *Require on-site environmental monitoring during construction to ensure works to protect the Saanich Inlet are correctly installed and maintained.*

c) *Implement an educational program for future occupants of the Bamberton Lands to increase awareness of the sensitivity of the Saanich Inlet and to discourage practices that may negatively impact the Inlet.*

- Saanich Inlet will be protected in development stages of Bamberton – after the development is completed the community needs to take responsibility for no impact on the Saanich Inlet.
- The Saanich Inlet is shared by the GVRD communities e.g. Saanich, Brentwood, etc. all should be part of the quality of water entering the Inlet.

d) *Support and encourage the progressive approach to storm water management proposed in the Bamberton application.*

e) *Require a detailed and rigorous storm water management plan prior to any development occurring on the site.*

- Storm water to be reused if feasible.

f) *The Recommended Mitigation Measures and BMPs outlined in the Bamberton Rezoning Application July 2009 List of Project Appendices 8 Ecological Overview and Environmental Best Practices pages 26-36 should be incorporated by the CVRD as guidelines in PDA's or other control document principles for Bamberton if rezoning is approved. (Unless CVRD has other standards that it wishes to utilize.)*

g) *The issues affecting the Saanich Inlet to apply to all regional districts or municipalities so everyone on the Saanich Inlet works together to implement the protection of the Inlet. Bylaws should be established by the CVRD that pesticides, herbicides or other chemicals with a negative impact on the waters of the Saanich Inlet would no longer be allowed.*

D. Project Phasing

Suggested Principles

a) *Incorporate phasing commitments into development approvals.*

- PDA's would apply to each neighbourhood plan and be available before a public hearing.
- Restrictions for phasing not carved in stone developer can come back to the CVRD with requests.

b) *Include sustainability criteria and a phased development approach in development approvals.*

- CVRD requires more information on phasing conceptual plans have been presented so far.
- Definite boundaries for each of the phases.
- Phasing needs to be tied down, if start another phases we will never see what the first community would look like at completion.
- Northlands is an acceptable starting point if we can see a different concept of a community with cost effective housing.
- Changing the nature of the Mill Bay community in putting high density residential with industrial. *Bamberton Rezoning Application Land Use Plan Table 5, page 28 is a vague list of Industrial land uses permitted. With APC providing parameters for the industrial park proposed for Northlands, Mike Tippett will complete an acceptable industry list for the public hearing.*
- Bamberton representative, Ross Tennant will provide a list of businesses that have expressed an interest in being located in the Northlands industrial park.

c) *Require a detailed neighbourhood plan before development is authorized in the individual neighbourhoods that would, among other things, document sub-phasing and the delivery of services and amenities associated with development of the neighbourhood.*

- Confusion between phasing and neighbourhoods. Each neighbourhood will have a detailed layout plan with details of the phasing of each neighbourhood.
- Access to businesses in Northlands Industrial Park will be revised and will be an issue dealt with in the neighbourhood plan.

- Industrial at ocean site for revenue – how long is this allowed to continue? Developers will define what industrial activities would continue and what will stop. Industrial activities could be part of a PDA or in zoning.
 - APC agree with the Northlands Industrial Park in the first phase of development.
 - What happens if property sold after rezoning? CVRD has yet to define the parameters.
- c) *Ensure some local commercial development is provided prior to 75% completion of each neighborhood.*
- d) *With each neighbourhood plan, the phasing needs to be defined and compliance with the PDA assured with agreed boundaries before another neighborhood can begin.*
- “The applicants have indicated there likely will be an overlap of neighbourhood phases, whereby the development of neighbourhoods may commence prior to the completion of prior phases.”
(CVRD document, page 2)

E. Affordable Housing
Suggested Principles

- a) *Establish minimum unit sizes for small lots and proposed affordable housing units.*
- Size of unit on small lot can be dealt with zoning.
 - Benchlands has secondary suites with small lots. Will need to ensure parking available on property. And not on roadways.
 - Small lots limit house size.
- b) *Require purpose built rental housing and a social housing site as conditions of development approval.*
- Designated rental units.
 - Affordable housing vs. social housing.
 - Need to ensure building to same standard of the other housing in the development, if this is a separate entity.
 - Social housing can destroy strata because of management. May be better to consider developer contribution to social housing off site.
- c) *Require more detail from the applicant regarding the affordable housing strategy and separate commitments that are intended to be secured through the development approvals from those that are intended to be unsecured.*
- Some affordable housing available for a starting price of \$225,000 (today’s dollars). Plan is to sell affordable housing at 25% below market rates.
 - Consider if appropriate for “CVRD to waive development charges and building permit fees for job creation units, limited equity townhouses, rental units and secondary suites.”(Affordable Housing document p.3)
- d) *Do not compromise sustainable development practices and features to enhance housing affordability.*

Meeting adjourned at 3:05 PM.

The next regular meeting will be at 6:30 PM on 13 October 2009 at the Mill Bay Fire Hall.

The next Bamberton meeting will be at 9:00 AM on 21 October 2009 at the Mill Bay Fire Hall.

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Area A Advisory Planning Commission Bamberton Meeting
21 October 2009
Held at Mill Bay Fire Hall
Minutes

Present: Cliff Braaten, June Laraman, Dola Boas, Ted Stevens, Margo Johnston, Geoff Johnson, Archie Staats, Brian Harrison (Director Area A), Roger Burgess (Alternate Director Area A).

Regrets: David Gall, Derek Norton

CVRD Staff: Mike Tippett, Rob Conway

Audience: Three Point Properties representatives, Ross Tennant, Jack Julseth, Stefan Moores and 2 observers.

Meeting called to order at 9:05 am

Agenda:

It was moved and seconded the agenda be approved.

MOTION CARRIED

Previous minutes:

It was moved and seconded the minutes of 30 September 2009 meeting be adopted.

MOTION CARRIED

Purpose of meeting:

The Purpose is to examine the Bamberton application with a focus on the key areas of interest identified by the APC ensuring that these areas have been adequately addressed and that the suggested principles provide the appropriate guidelines to be followed should the rezoning application proceed. Additionally, the APC will be asked to give their final recommendation on the Bamberton rezoning request based on the discussions and input provided during the course of the workshops recently conducted.

Framework/Process:

- Area A will need to evaluate the Bamberton application within the community context of the South Cowichan area as detailed in the CVRD documents provided for the following topics: Commercial and Retail Services, Recreational Services, Proposed Amenities, Development Control and Monitoring, Health Services including construction and funding and Schools. The CVRD staff will be available to answer questions.
- APC recommendation to the Electoral Areas Services Committee (EAS) will incorporate APC input along with other requested inputs. APC recommendations will assist the EASC and the Regional Board with its review of the application.
- Area A APC meetings are open to the public. Any attendees that are not part of the APC, are not Area Directors or CVRD staff will be considered observers to the meeting not participants. Should Three Point Properties attend the meeting, commission members will be asked to indicate to the chair if they have a question and/or concern to which they wish to receive input from the developer.

Meeting Format:

I. Status Report on Water & Sewerage Issue

Rob Conway

- CVRD follow up meeting with Three Point Properties
 - Developer requesting a policy variation.
 - No resolution at this time – still working on issues.
 - Ultimately a CVRD Board decision.

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II. Bamberton Business Park (Outstanding request from Sept. 30th meeting)

- Handout prepared by Three Point Properties outlining types of businesses
 - Utilities as part of Business Park reduces the space available for businesses.
 - Ross Tennant stated the utilities for site can be located in another area.
 - APC concern that 70 acres is not a large enough footprint for Business Park.

III. Overview of Staff Comments & Suggested Principles

CVRD Staff

- A. Commercial and Retail Services
- B. Recreational Services
- C. Health Services including construction and funding
- D. Schools
- E. Proposed Amenities
- F. Development Control and Monitoring

Note: Each area will be discussed in its entirety. No further discussion of these key areas is anticipated in the rezoning application.

Mike Tippett and Rob Conway provided an overview of staff comments and suggested principles for each of their documents. APC question, comments and concerns were expressed.

The suggested principles below will be included in the CVRD staff report prepared for the EASC meeting. **APC suggested changes and or additional principles are bolded.**

A. Commercial and Retail Services

Suggested Principles

1. *Require some local commercial services to be developed concurrently with residential development.*
2. *Ensure there is sufficient land available within Bamberton to accommodate increased demand for local commercial and retail use as a result of changing economic conditions.*
 - Room to expand in some areas - larger amount of commercial space available if needed in some neighbourhoods. E.g. there is 35,000 Sq. ft of commercial and 5,000 Sq. ft retail in the Triangle area.
 - Can be dealt with through sub phasing for each area.
 - Light industrial/service commercial need to support individuals to work and live in the area.
3. *Employ rigorous design controls and selective zoning to successfully integrate neighbourhood commercial/retail with residential uses.*
 - Zoning provide right mix of uses – lots of attention needed by CVRD
4. *Ensure neighbourhood commercial and retail uses are well connected to residential areas with pedestrian and cycling trails.*
5. *Consider lands for future commercial uses in the Mill Bay community through future OCP reviews and bylaw amendment processes.*
6. *Should the Bamberton project reach 30% build-out with no new commercial/retail services available, and then Bamberton would be required to fill the gap and begin large-scale commercial development.*
 - If the Stonebridge development does not materialize, Bamberton would need to move forward quicker to provide commercial space

B. Recreational Services

Suggested Principles

1. *The CVRD should balance the proportion of amenity cash contributions for recreation against the other community amenity needs before committing to any particular formula.*

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2. *In the course of preparing a Phased Development Agreement, detailed specifications for the various improvements to outdoor recreation amenities will be defined and incorporated into the PDA.*
 - Baseball, soccer fields, tennis courts, etc.
 - Maybe playing fields could be established on septic fields in each neighbourhood and/or on other lands reserved for future development e.g. commercial space, school site, etc.
 - Paved trails divided to provide for cycling.
3. *The various land amenities will have to be defined in the PDA prior to being dedicated to the CVRD. The Southlands area and proposed Bamberton Provincial Park extensions in particular should be transferred either at the time of adoption of the amendment bylaws or in the initial phase of development*
4. *A community assembly facility should be designated in the Village to provide gathering and informal recreational opportunities for the future Bamberton residents.*
 - Multipurpose building such as a community hall or centre provides a place for people to congregate.
 - If a Fire hall is built near the beginning of the project maybe meeting rooms of various sizes could be incorporated in the building design to provide an indoor place for the community to congregate for meetings, classes, etc.
5. *A formal public waterfront walkway that is fully wheelchair accessible and is paved or built with other sustainable surfaces should be considered as part of the land amenities and incorporated into the PDA.*
 - Mill Bay is a seaside community with limited access to the seaside. All commission members consider this issue a priority.

C. Health Services including construction and funding
Suggested Principles

- a) *The CVRD should consider setting up a Regional Health Services Committee which would develop a strategic regional plan for health care capital improvements and investments within the region and set policy with respect to capital reserve fund sources.*
 - A Region Health Services Committee has already formed to get more funds directed to the Cowichan Valley. And is direct communications with the Ministry.
- b) *The various amenity contributions proposed with respect to the Bamberton application must be set at a level that is reasonable and sustainable by the developer, and the relative importance of the destinations for these contributions should be identified by the CVRD.*
 - Health care dollars move with the individual and are provincially regulated.
 - Probably in the future more user pay centres will appear in the Cowichan Valley as are available Vancouver.
 - Health services will come with demand.
 - No hospital and no medical costs should be attributed to the developer.
 - A heli-pad may be needed for medical emergencies.
 - Does not make a lot of sense to require the developer to be asked to assist with health service costs. Health services are a Provincial responsibility.

D. Schools and related issues
Suggested Principles

- a) *Having a school in a development the size of Bamberton is mandatory for social networking, making the community attractive to young families and for social health in general.*

- b) *The CVRD supports School District 79 staff in its desire to offset some of the capital costs of school construction on the Bamberton site through an amenity contribution to a school construction fund, as a means of enhancing the chances that Provincial capital contributions are more likely to be made if there is seed money already available.*
- **APC is not in agreement with this principle.**
 - Provincial Government makes decision for a school.
 - Properties will be taxed to build schools.
- c) *A suitable target for amenity contributions is in the range of 30% to 50% of the total estimated costs of an elementary school by the mid-Bamberton buildout stage.*
- **APC is not in agreement with this principle.**
 - The money to assist with the cost of a school goes into a general building fund at School District 79 it would be difficult to target the money for a school in Bamberton.
 - Developer contribution not necessary, reserve space for a school.
- d) *Three Point Properties should provide the land for a school site with a playing field under trust to the CVRD to insure it does not disappear at a future date.*

E. Proposed Amenities

Suggested Principles

1. *Consider the applicant's commitment for low impact, sustainable development features and practices to be a community amenity and incorporate requirements into draft development approvals.*
2. *Require amenity contributions for community facilities deemed necessary for fire protection and the establishment of Bamberton as a "complete and sustainable community".*
 - Mill Bay Fire District is not part of CVRD, Mill Bay residents pay total cost. Malahat fire protection is with the CVRD.
 - Heli-pad for medical emergencies would be valuable.
 - Fire hall for Bamberton is a necessity.
3. *Ensure neighbourhood features identified in the application are incorporated into neighbourhood plans and required as conditions of neighbourhood development.*
 - Such as Amphitheatre, etc.
4. *Ensure the applicant's commitments for amenities are clearly defined and secured before proceeding to public hearing.*
 - Ownership issue regarding water and sewage services need to be clarified before public hearing.
 - APC expressed concern about the absence of a Regional Growth Strategy and Regional Recreational Plan
5. *At the end of project build-out, the combined communities of Mill Bay and Bamberton will contain a population between 12,000-15,000 at a minimum. The CVRD needs to evaluate what amenities a community of this size needs and what a community of this size will actually need to function effectively.*

F. Development Control and Monitoring

Suggested Principles

- a) *Amenities associated with the Bamberton proposal will be clearly identified, along with their timing, and these will be incorporated into approvals using any possible means;*
- Requires careful monitoring.
 - Need flexibility for community and developer.

- b) *Phased Development Agreement(s) (PDAs) will be used in order to secure amenities and control the timing of the various portions of the proposed development;*
- c) *A Development Approval Information (DAI) provision will be enacted in the event of a phased zoning approach being adopted, in order to better identify and adapt to the impacts of development as the Bamberton site is built;*
- d) *The Official Community Plan (OCP) amendments will contain policies related to the longer-term build-out of the site, to ensure that if a PDA approaches expiry, a successor PDA would have to be developed, or the (undeveloped) balance of the site may be subject to down-zoning;*
- e) *Consideration should be given to the establishment of a Bamberton Design Panel, to assist the CVRD in assessing development permit applications and other related matters;*
- f) *Opportunities for public participation in later stages of development should be sought out and incorporated - where possible - into the approvals process;*
- g) *Water and Sewer utilities will be owned and operated by the Cowichan Valley Regional District or an existing Improvement District, in part because control over these services will facilitate the orderly development of the project;*
- h) *The feedback of earlier phases of development being used to refine procedures and processes in future phases of the Bamberton development is important and some mechanism to ensure this takes place is needed.*
- i) *Zoning approvals should not to exceed the terms of the PDA.*
- j) *A blanket PDA for the amenities package should be considered with supporting PDAs for the neighbourhoods/phases.*

IV. APC Final Assessment

Roundtable

- How the project goes ahead is related to how it is regulated.
- If the project goes ahead we must make sure to do it right.
- Bamberton development will change Mill Bay forever.
- Regulation and control by CVRD is very important.
- Three Point Properties responsibly to stay on track and be engaged with the community.
- What's in this for the community?
 - An environmentally conscientious developer committed to developing a LEED Gold community.
 - Mixed use housing intended to attract a mix of buyers – Singles, young couples, the environmentally conscious, empty nesters, retirees.
 - An Eco-industrial park that will provide place for living and working in community and provide an increased tax revenue base.
 - A new 120 acre regional park with trails and scenic views and an Eco adventure for the young at heart.
 - A waterside village with restaurants and places to stroll by the ocean.
 - A marina and deep water port.
 - Integrated neighbourhoods with commercial/retail aspects.
- Hard to visual what the community will look like in 20-25 years.
- Good governance and management to control it.
- This developer will raise the bar for future developers and they have a good track record e.g. Dockside Green.

V. APC Recommendation

Roundtable

- The seven APC members present unanimously recommend the Bamberton development move forward.

Director Wrap-up

- Thanked APC for their contribution and the effort and time the commission expended on the rezoning application.
- The regional District has not undertaken a Regional Growth Management Plan at this point. Lack of such a plan does not prevent applicants from being processed or from moving forward.
- The Regional District has not over the years been able to develop an agreement on Regional Recreation that has been acceptable to all members.

Meeting Adjourned at 1:00 pm.

The next regular meeting will be at 6:30 pm on 10 November 2009 at Mill Bay Fire Hall.

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APPENDIX 2

Bamberton Rezoning Application – July 2009

BAMBERTON REZONING APPLICATION



BAMBERTON



July 2009

Three Point
PROPERTIES 



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Appendix 4: Letters from MOE and NIR

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Appendix 6: (REVISED) First Nations Consultation Summary

Appendix 7: Archaeological Study

Appendix 8: Ecological Overview and Environmental Best Management Practices

Appendix 9: Local Road Standards

Appendix 10: Report on the Fisheries and Wildlife Resources in Oliphant Lake, Spectacle Creek and Johns Creek

Appendix 11a: Water Demand Study

Appendix 11b: Water Supply Study

Appendix 12: Water Supply Master Plan

Appendix 13: Bamberton Sewage System – Report on Feasibility of Soil Infiltration of Treated Sewage

Appendix 14: Sewage Treatment Conceptual Design Report

Appendix 15: Sanitary Sewerage Mater Plan

Appendix 16: Storm Water Management Plan

Appendix 17: Bamberton Traffic Assessment

Appendix 18: (REVISED) Affordable Housing Strategy



BAMBERTON

LIST OF PROJECT APPENDICES (separate document)

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Appendix 19: Solid State Lighting

Appendix 20: Hydro Electric Study

Appendix 21: Environmental Reclamation and Remediation Summary

Appendix 22: (REVISED) Planning Context in CVRD

Appendix 23: (REVISED) Community Consultation Summary

Appendix 24: (NEW) Bamberton & The 12 Big Ideas

INTRODUCTION

The original Bamberton Rezoning Application was dated November 2006. Following community consultation and preliminary review by staff at the CVRD in early summer 2007, revisions were made to the original application and it was resubmitted in December 2007. Subsequent to the December 2007 submittal, the CVRD initiated a Regional Impact Assessment to evaluate the Bamberton rezoning application and its expected impact on the local area. This Impact Assessment was completed in June 2009.

This version of the Rezoning Application represents a response to the findings of the Regional Impact Assessment. It provides a description of the proposed land uses for Bamberton utilizing three proposed Comprehensive Development Zones. Detailed back up for this document is provided in separate documents - Bamberton Design Brief, Bamberton Design Guidelines and the Technical Appendices.

A Land Use Plan has been prepared from the concept plan illustrated in the Bamberton Design Brief. The Land Use Plan is based on the proposed Bamberton neighbourhoods and includes broad uses which are further detailed in the text showing proposed permitted uses for that land use category. The permitted uses will ultimately be incorporated into the zoning bylaw for Bamberton.

OVERVIEW OF THE LAND USE PLAN FOR BAMBERTON

Bamberton is proposed to be a complete and sustainable community structured to meet the “triple bottom line” (TBL) through a series of environmental, social and economic principles. Development at Bamberton will utilize a range of sustainable initiatives in the areas of energy and water conservation, storm water management, sewage treatment, sustainable and healthy building practices, alternate transportation measures and affordable housing measures. In addition, a major underlying principle will be the integration of Bamberton into the Mill Bay community through the integration of trails, parks, amenities and extensive employment opportunities in a variety of sectors.

Development will continue to reach out to First Nations through employment opportunities and potential joint initiatives.

The concept plan for Bamberton is shown as Plan 1 (also included and illustrated in the Bamberton Design Brief). Plan 2 is the Land Use Plan proposed to form the basis of the rezoning application and individual Comprehensive Development (CD) Zones.

The plan for Bamberton includes the following main elements:

Incorporation of sustainable design features throughout including:

- Targeted LEED™ Gold ND for neighbourhoods.
- Green infrastructure, development design and utilities, materials and resources.
- A commitment that 10% of all residential units are “affordable”.

Residential neighbourhoods each having a “social heart” of neighbourhood retail and open space and integrating a mix of housing types.

A waterfront village centre with a mixture of land uses that will:

- Serve as the focus for the new community,
- Provide a destination for tourists and regional residents,
- Continue as a working waterfront with deep water docking facilities, industrial uses, a marina and a potential future terminal for the Mill Bay ferry, and
- Serve as an employment centre.

A broad range of employment opportunities will reflect the sustainable character of the site and will include:

- High-tech, institutional and other general office/commercial use,
- Commercial/industrial campuses with an focus on sustainability,
- Extensive construction and development-related employment throughout the project's build-out period (est. 20-25 years),
- Adventure/Eco-tourism
- Ongoing marine and related light industrial including port and potential ferry terminal operations.

A network of neighbourhood parks and trails throughout the community including dedications of more than 300 acres in the Southlands and more than 20 acres for the expansion of Bamberton Provincial Park.

Provision for public amenities and services throughout the Bamberton community.

A healthy and sustainable community through design and community development.

A community that will be both a neighbourhood of Mill Bay and that will also work closely with its First Nation neighbours including provisions for revenue streams that will benefit First Nations.

A range of fees between \$500 and \$3,000 (depending on the type of unit sold) to be levied on the sale of each built condominium, built townhouse or single-family home in the Bamberton community. The contributions will be deposited in a "Recreational Facility Fund" to be contributed toward Area A recreational facilities. It is estimated that the sum of these fees will exceed \$5,000,000. These contributions are not applicable to the development's "affordable" residential units.

Upper Quarry Recreation Area: The 10-acre Upper Quarry will feature a small lake for fishing and kayaking as well as serving as a recreation site of the adventure/eco-tourism operation.

Public access along much of the Bamberton waterfront.

A mix of innovative housing types including affordable housing opportunities. Examples might include small lot housing, homes with secondary suites, housing above retail and adaptable seniors housing.

Innovative Transportation Demand Management practices integrated into the plan including a park and ride, van-pooling, car-sharing, water taxis to the airport and Brentwood Bay, the potential ferry relocation, introductory transit incentives and other initiatives such as extensive on-site employment and live-work opportunities and participation with future commuter rail activities.

Public art and street naming to celebrate the culture of the area's First Nations and the history of Bamberton as well as the ongoing operation of the Bamberton Historical Society.

3.0

PROPOSED MAJOR LAND USES AND DEVELOPMENT

Major Land Uses

The total land area for Bamberton is 1,385 acres plus 173 acres for Oliphant Lake, for a total of 1,558 acres. The proposed broad land use areas for Bamberton are shown in Table 1. Overall, at least 320 acres or more than 20% of the land use is committed for parks and dedications, approximately 500 acres or 32% of the land for development and an estimated 650 acres or more than 40% for private open space. In total, more than an estimated 60% is either parkland, dedications or private open space. The proposed Bamberton Southlands dedications are over 300 acres in area and represents over 20% of the total land area.

Table 1: Overall Bamberton Land Use

Land Use	Est. Land Area (acres)	Proportion of Total Land
Parks and Greenspace	+/- 320	20%+
Residential, Retail, Commercial & Industrial	589	38%
Private Open Space (including Eco-tourism, utilities and associated eco-industrial)	649	42%+

Note 1: All areas include roads related to that area.

Note 2: All areas subject to confirmation and may vary in size and/or specific location

Note 3: Above area does not include land contributed to the rezoning application by neighbouring landowners.

The following Table provides more details about proposed land uses broken down by unit numbers and floor area.

Table 2: Land Uses by Unit Numbers and Floor Area

Land Use	Number	Floor Area (sq.metres)
Residential		
Detached Lots	1,166	N/A
Townhouse Units	1,079	N/A
Condominium / Apartment Units	982	N/A
Residential Subtotal	3,227	N/A
Non-Residential		
Retail	N/A	22,267
Commercial (Institutional, Office, Medical, High-Tech)	N/A	62,548
Industrial	N/A	N/A*
Non-Residential Sub-Total	N/A	84,815
Hospitality and Associated Uses, including Managed Seniors Residence	300 rooms	N/A

* Note: Industrial floor area will be the same as current similar I-2 use restrictions

Residential

There are a total of 3,227 planned units at Bamberton, almost evenly split between detached single-family lots, townhouses and condominiums/apartments. It has been committed that 10% of residential units will be "affordable" per an agreed-upon formula with the CVRD that should also be considered across other future developments in the area and which will include a specific "workforce housing" initiative to develop residences for those working on-site.

This housing mix is designed to respond to the anticipated market for the community over the expected 25-year period of its build out as well as to complement existing zoned development within the wider electoral district. The proposed housing at Bamberton consists of a variety of types of detached lots, townhouse units and low and mid-rise condominiums/apartments. Within the unit mix, the developer will be permitted to substitute up to 35% of single-family, townhomes and apartments/condominiums providing a certain maximum number of apartments/condominiums is not exceeded. Certain of these housing forms are more fully described in the accompanying Design Brief. The breakdown of lots/units by type is shown in Table 3.

Hospitality

There are a proposed 300 hospitality units planned for the Bamberton community. These will include one or more hotels (such as a condominium-hotel, boutique hotel or more traditional hotel up to a combined 250 rooms) as well as a managed seniors facility (est. 50 rooms).

Retail

Total retail is proposed to be 22,267 square metres. The amount proposed is designed to create an attractive and interesting Village Centre that will be economically viable. Neighbourhood retail comprises an estimated 3,000 square metres and is located throughout Bamberton's neighbourhoods in their "social hearts". Neighbourhood retail will consist of small convenience type uses such as hairdresser, daycare, local medical offices, neighbourhood stores and cafés that serve residents of the immediate area and provide focal points in the neighbourhood. Each of the following residential neighbourhoods will feature a minimum of 300 square metres of retail: Upper Northlands, Lower Northlands, Triangle, Benchlands (East & West), Upper Village and Lower Village.

Commercial (Institutional, Office, Medical and High-Tech)

Bamberton's commercial plan includes space for institutional, office and medical uses and will accommodate a wide range of uses and include general office, educational, medical, health and dental facilities, library, civic buildings and/or a museum.

High-tech companies will generate employment for residents of the Cowichan Valley. Certain locations at Bamberton are well-suited locations for high-tech establishments, as they are relatively flat, offer good access to the Trans Canada Highway, and are within walking distance to services and amenities, which would be attractive to employees of high-tech companies and other commercial enterprises.

Each of these commercial industries would benefit the Cowichan Valley in terms of employment generation and tax revenue. For example, high-tech parks are being developed in communities across Canada. These facilities often have positive impacts on communities. An example of a successful facility is the Vancouver Island Tech Park (VITP) located in Greater Victoria.

There is an estimated 62,548 square metres of commercial (institutional, professional office, medical and high-tech) space planned for Bamberton. This would be located largely in the Upper and Lower Village, but are also included in other locations including the East and West Benchlands, the Triangle area and in the Northlands neighbourhood.

Industrial

Bamberton's historical legacy as a community with an industrial base that provides significant and wide ranging local employment opportunities will be continued in the development. Industrial usage is planned for the Lower Northlands, the Upper Village and the Lower Village. Bamberton will encourage industrial uses that are environmentally responsible through out the development as such uses will be viewed positively by the future residents of the development.

The proposed permitted industrial uses are set out in Table 5 and all current industrial uses at Bamberton will be included as permitted uses. The proposed industrial zoning for the development will include similar conditions of use as the current I-2 general industrial zoning, such as parcel coverage that does not exceed fifty percent (50%) for all buildings and structures, minimum setbacks and minimum parcel size. The maximum height of all buildings and structures would be limited to, the heights of the current industrial structures on the Bamberton lands.

Over time, the primary focus of industrial activity will be the Northlands area next to the Trans-Canada Highway. This part of the development will feature more traditional industry that provides goods and services.

In the Upper and Lower Village industrial uses will continue and, over time, are expected to focus more on port and terminal services through the existing deep-water port, marine related activities, storage and other non-invasive uses. A small marina and ferry terminal, allowing for the relocation of the Mill Bay Ferry, are also being considered.

Dedications, Public Parks, Open Space and Trails

Bamberton will be a community of interconnected parks and open spaces. The planned community incorporates a comprehensive park and open space system occupying more than 900 acres and over 60% of Bamberton's total land base. This includes Oliphant Lake.

Most notably, a major component of Bamberton will be the dedications of the lands in the Bamberton Southlands. This designated area accounts for over 300 acres of land, or almost 20% of Bamberton's total land base. These sites will be dedicated, to provide opportunities for hiking and nature viewing, and minimally invasive activities such as adventure/eco-tourism and/or a potential wellness/healing centre, environmental research station and/or a First Nation Cultural Centre and Lodge. The developer will work with the CVRD, the Malahat First Nation and the community to determine the best way for the land dedications to proceed.

There are three types of parks, green spaces and private areas that will comprise the Bamberton community:

- Neighbourhood parks will be small and provide amenities such as play structures,
- Recreational areas will vary in size and may include features such as sports playing fields and general open space, and
- Community parks will be informal greenspaces that will be integrated with developed areas and provide trail links.

Trails – both formal and informal - are estimated to total over 20 km in length and will link the entire community with designs allowing future connection to systems to the north, west and south. The trail system includes a waterfront trail along the Bamberton Southlands as well as at other points along the waterfront. The land identified for parks, trails and community space is shown on Plan 2: Land Use Plan.

Private Open Space – Adventure/Eco-Tourism and Utilities

There are two major areas of private open space in the community. In CD Zone 2, an area to the west of the Village Centre has been planned as “private open space”. This includes the site of much of the upper quarry and it incorporates roughly +/- 100 acres of land. This area has many large rock faces and will be utilized for adventure/eco-tourism, including zip lines and hiking opportunities. Permitted uses within this area are proposed to be adventure/eco-tourism, restaurant and ancillary retail, possible hotel and parking.

In CD Zone 1 in the Northlands, an area of more than 80 acres has been designated private open space to permit its use for sewage treatment drain fields and in the longer term – subject to Ministry of Environment approval - redevelopment for a combination of housing and parkland. The following table provides a detailed overview of the land uses, housing unit-types, and commercial floor areas for each CD Zone, broken down by neighbourhood.

Table 3: Land Use Mix and Housing Types by CD Zone and Neighbourhood

Comprehensive Dev't Zone	CD ZONE 1					
	Upper Northlands	Lower Northlands	Triangle	Bambeton Gate North	Bambeton Gate South	Totals
Residential						
Detached Single-Family Lots	340	80	121	73	170	784
Townhome Units	25	0	113	88	132	358
Condominium / Apartment Units	0	0	57	0	40	97
Total Residential Dwellings	365	80	291	161	342	1,239
Hospitality / Managed Seniors	0	0	0	0	0	0
Non-Residential (Sq.Metres)						
Retail	446	1,870	446	0	300	3,062
Commercial	3,000	8,225	3,598	0	1,000	15,823
Industrial	0	N/A*	0	0	0	0
Total Non-Residential (Sq.M)	3,446	10,095	4,044	0	1,300	18,885

* Note: Industrial floor area will be the same as current similar I-2 use restrictions

Table 3 (c'd):
Land Use Mix and Housing Types by CD Zone and Neighbourhood

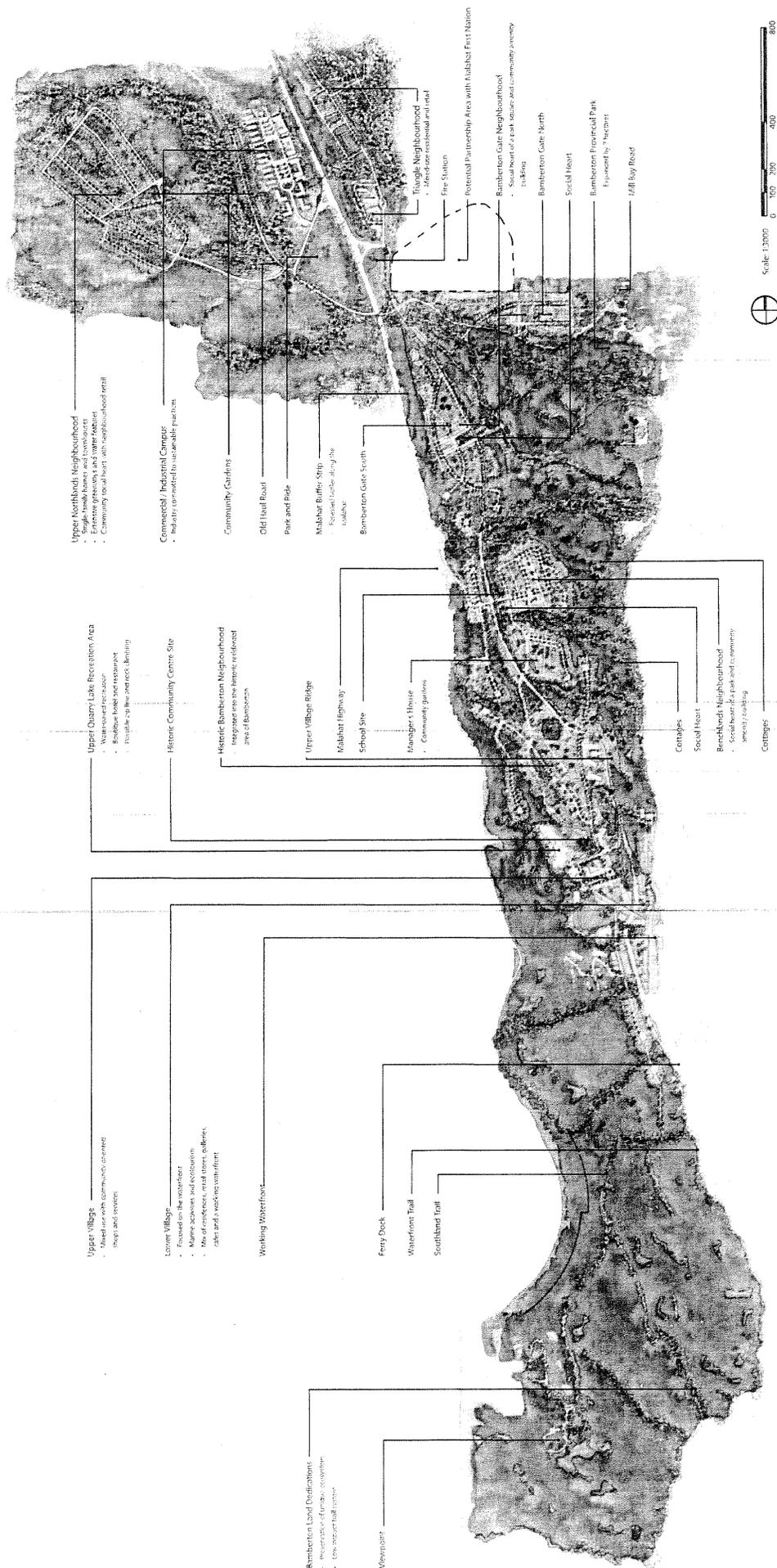
Comprehensive Dev't Zone	CD ZONE 2					
	East Benchlands	West Benchlands	Historic Bamberton	Upper Village	Lower Village	Totals
Neighbourhood						
Residential						
Detached Single-Family Lots	131	96	98	37	20	382
Townhome Units	60	108	60	244	249	721
Condominium / Apartment Units	0	0	0	244	641	885
Total Residential Dwellings	191	204	158	525	180	1,988
Hospitality / Managed Seniors	50	0	0	70	180	300
Non-Residential (Sq.Metres)						
Retail	1,900	760	0	3,790	12,755	19,205
Commercial	3,400	1,650	0	12,810	28,865	46,725
Industrial	0	0	0	N/A*	N/A*	0
Total Non-Residential (Sq.M)	5,300	2,410	0	16,600	41,620	65,930

* Note: Industrial floor area will be the same as current similar I-2 use restrictions

Table 3 (c'd):
Land Use Mix and Housing Types by CD Zone and Neighbourhood

Comprehensive Dev't Zone	CD ZONE 3	Combined Totals of CD 1, CD 2, CD 3
	Southlands Dedication	Totals
Neighbourhood		
Residential		
Detached Single-Family Lots	0	1,166
Townhome Units	0	1,079
Condominium / Apartment Units	0	982
Total Residential Dwellings	0	3,227
Hospitality / Managed Seniors	0	300
Non-Residential (Sq.Metres)		
Retail	0	22,267
Commercial	0	62,548
Industrial	0	N/A*
Total Non-Residential (Sq.M)	0	84,815

* Note: Industrial floor area will be the same as current similar I-2 use restrictions



Upper Northside Neighbourhood

- Social heart of a park, water and community amenity
- Extensive greenery and water habitat
- Community focal point with neighbourhood retail

Commercial Industrial Complex

- Industry connected to sustainable practices

Community Gardens

Old Hall Road

Park and Ride

Malabar Buffer Strip

- Reverse buffer along the Malabar

Bamberton Gate South

Triangle Neighbourhood

- Where an industrial and retail

Fire Station

Potential Partnership Area with Malabar First Nation

Bamberton Gate Neighbourhood

- Social heart of a park, water and community amenity
- Building

Bamberton Gate North

Social Heart

Bamberton Provincial Park

- Empowered + respect

Malabar Road

Upper Quarry Lake Recreation Area

- Water resource for tourism
- Boat launch and restaurant
- Possible bike lane and rock climbing

Historic Community Centre Site

Historic Bamberton Neighbourhood

- Integrate into the historic, restored area of Bamberton

Upper Village Ridge

Malabar Highway

School Site

Manager's House

- Community gardens

Cottages

Social Heart

Bamburgh Neighbourhood

- Social heart of a park and community amenity
- Building

Cottages

Upper Village

- Mixed use with community-oriented shops and services

Lower Village

- Focused on the waterfront
- Major amenities and recreation
- Community-oriented shops, services, cafes and working waterfront

Working Waterfront

Ferry Dock

Waterfront Park

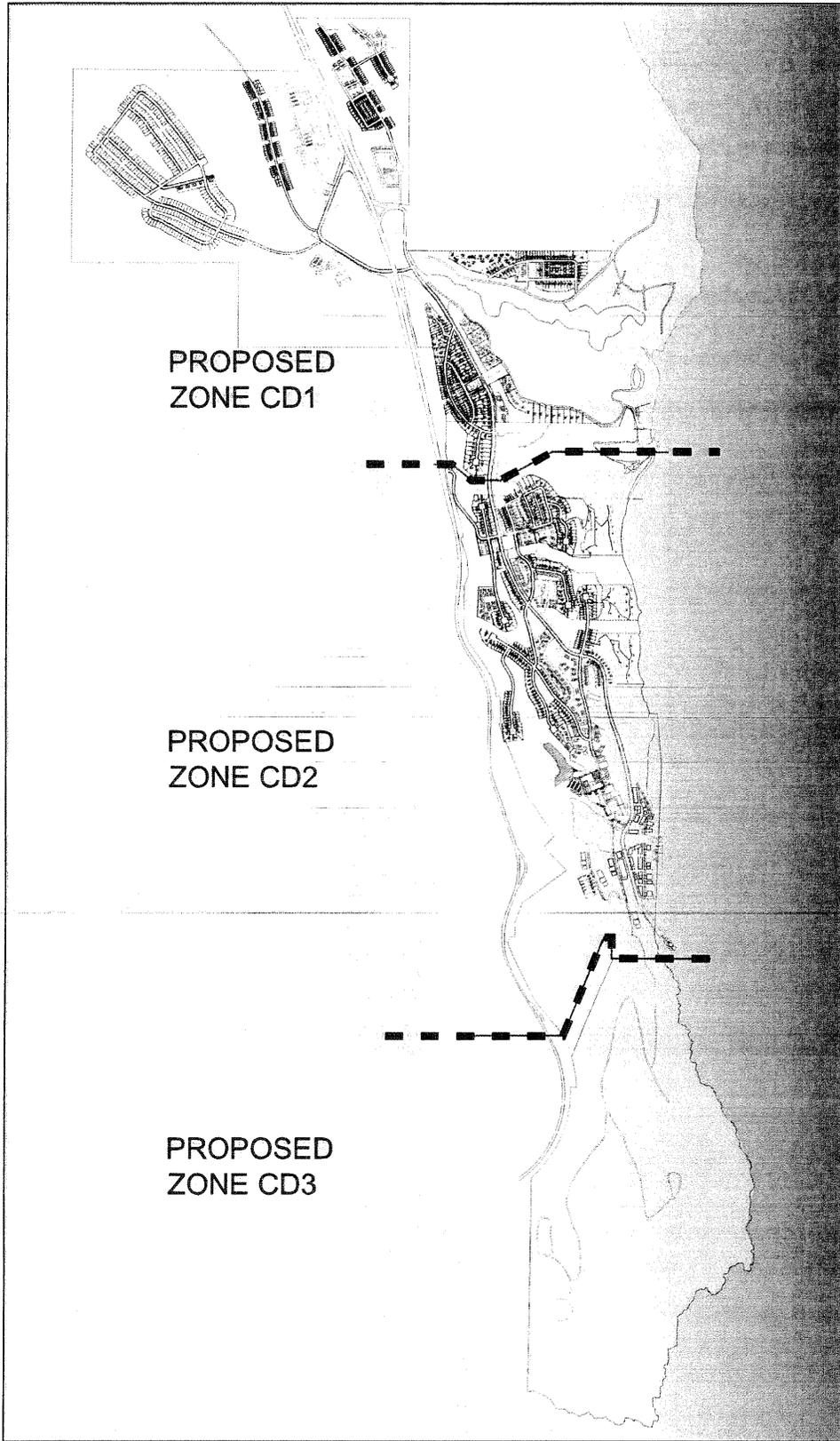
Southland Park

Bamberton Local Dedication

- Preservation of historic buildings
- Low-impact building forms

Viewpoint

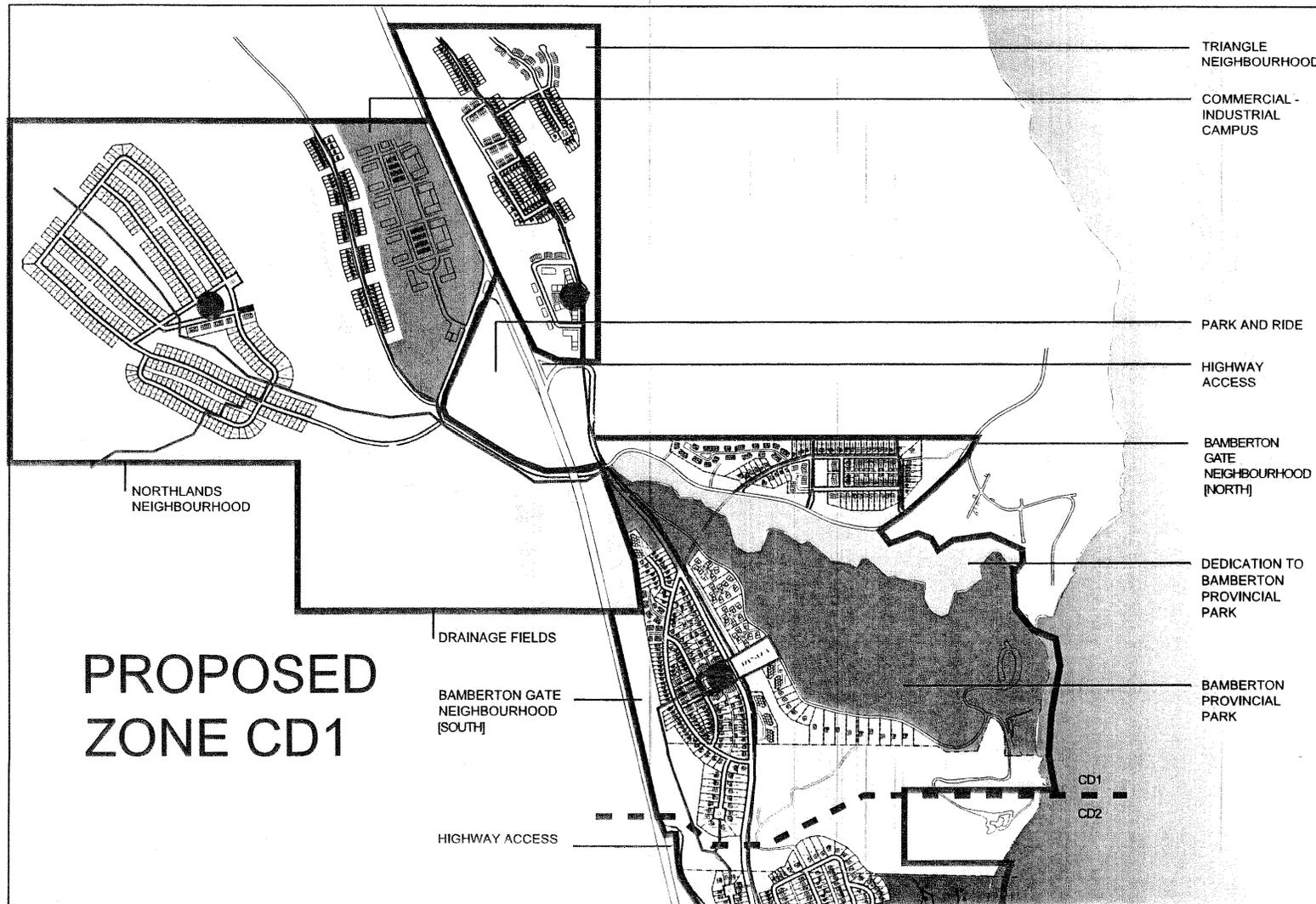




BAMBERTON

SITE PLAN

26 JUNE 2009
1:2000



- RESIDENTIAL (DETACHED, TOWNHOUSE)
- COTTAGES
- NEIGHBOURHOOD HEART
- UPPER VILLAGE
- LOWER VILLAGE
- COMMERCIAL - INDUSTRIAL
- DEDICATED LANDS
- PRIVATE OPEN SPACE
- BAMBERTON PROVINCIAL PARK
- BAMBERTON PROVINCIAL PARK DEDICATION
- TRAILS
- PROPOSED CD ZONE BOUNDARIES
- PRIVATE LANDS NOT INCLUDED IN REZONING

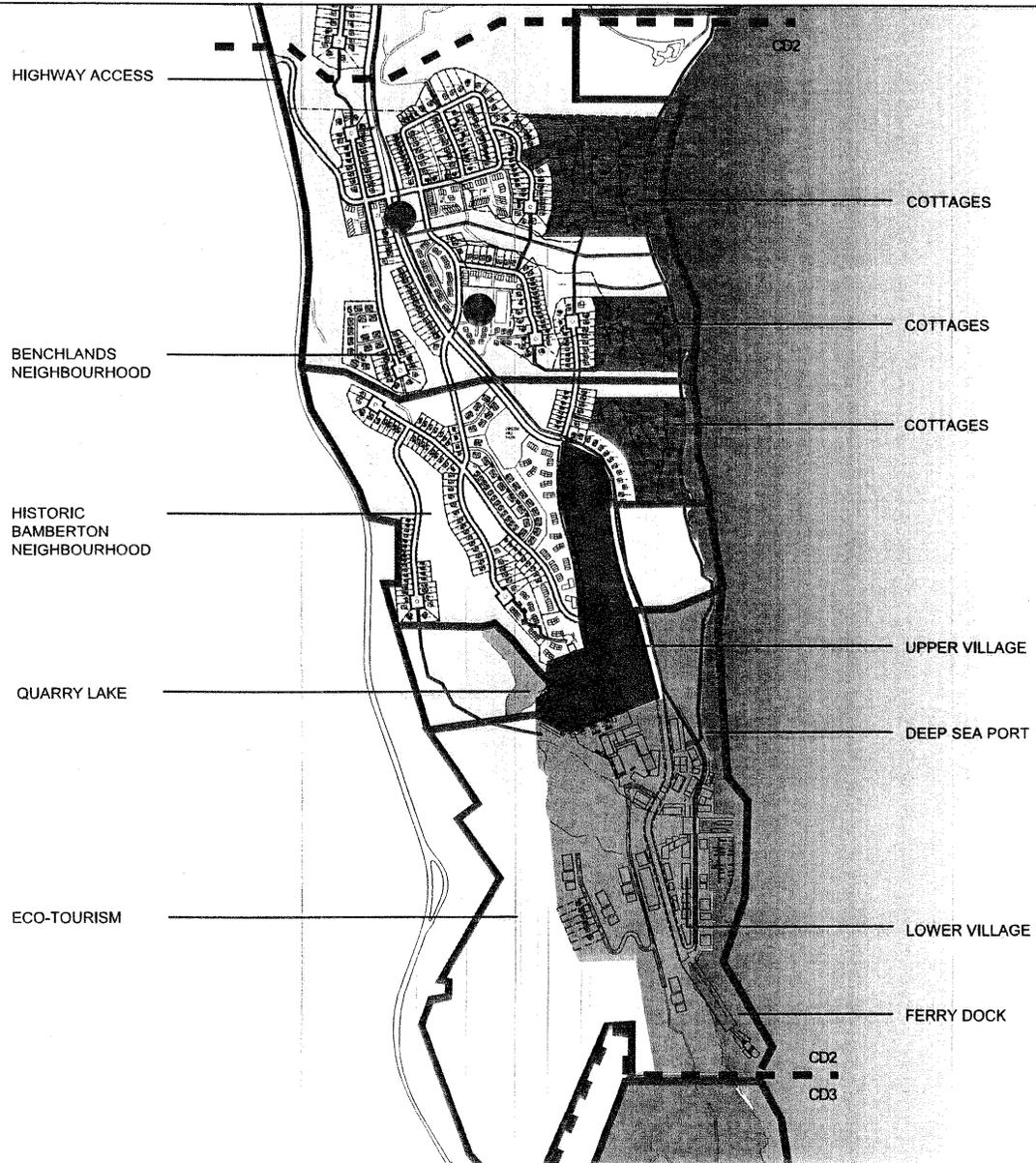


SITE PLAN
ZONE CD1

26 JUNE 2009
1:2000

000077

PROPOSED ZONE CD2



Three Point PROPERTIES
Quality · Integrity · Design

HCM Hughes Condon Marler : Architects

PHILLIPS PAREYKAG SMALLENBERG
PLANNING · ARCHITECTURE · ENGINEERING · LANDSCAPE ARCHITECTURE

- RESIDENTIAL (DETACHED, TOWNHOUSE)
- COTTAGES
- NEIGHBOURHOOD HEART
- UPPER VILLAGE
- LOWER VILLAGE
- COMMERCIAL - INDUSTRIAL
- DEDICATED LANDS
- PRIVATE OPEN SPACE
- BAMBERTON PROVINCIAL PARK
- BAMBERTON PROVINCIAL PARK DEDICATION
- TRAILS
- PROPOSED CD ZONE BOUNDARIES
- PRIVATE LANDS NOT INCLUDED IN REZONING



BAMBERTON

**SITE PLAN
ZONE CD2**

26 JUNE 2009
1:1000

000078

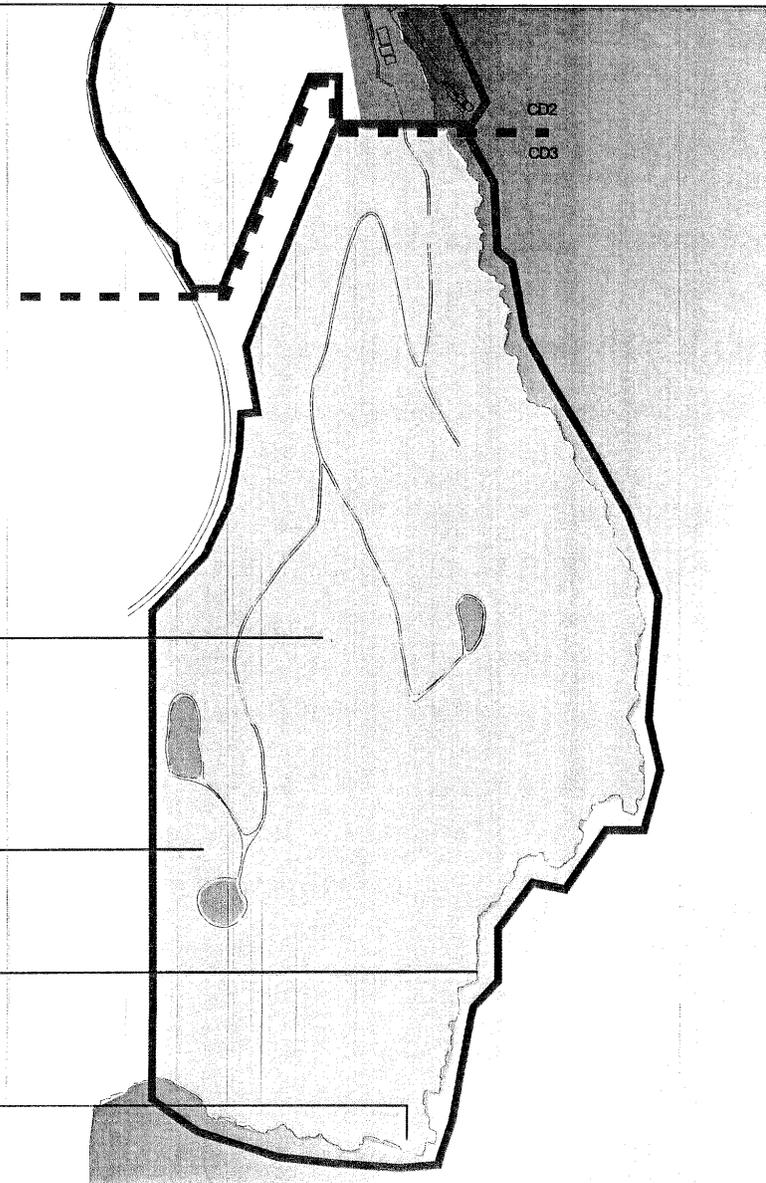
PROPOSED ZONE CD3

SOUTHLANDS
BAMBERTON
DEDICATED LANDS

VIEWPOINT

WATERFRONT
TRAIL

MCCURDY
POINT



Three Point
PROPERTIES
Quality Integrity Design

HCM Hughes Condon Marler Architects

PHILLIPS FAREVAAG SMALLENBERG
PLANNING ARCHITECTURE LANDSCAPE ARCHITECTURE

- RESIDENTIAL [DETACHED, TOWNHOUSE]
- COTTAGES
- NEIGHBOURHOOD HEART
- UPPER VILLAGE
- LOWER VILLAGE
- COMMERCIAL - INDUSTRIAL
- DEDICATED LANDS
- PRIVATE OPEN SPACE
- BAMBERTON PROVINCIAL PARK
- BAMBERTON PROVINCIAL PARK DEDICATION
- TRAILS
- PROPOSED CD ZONE BOUNDARIES
- PRIVATE LANDS NOT INCLUDED IN REZONING



BAMBERTON

**SITE PLAN
ZONE CD3**

26 JUNE 2009
1:1000

000079

LAND USE PLAN

An important feature of Bamberton will be the proposed integration of a mixture of land uses throughout the community's neighbourhoods to encourage a complete and sustainable community. Plan 2: Land Use Plan shows the categories of land use by neighbourhood. Using Comprehensive Development zones will enable the various uses to be developed together in a fashion where they complement one another. For example high tech, institutional, office and retail are proposed throughout various neighbourhoods. This history of Bamberton will be respected through the continuation of the current industrial uses in conjunction with the new uses planned for the Lower Village. All neighbourhoods will have "social hearts" or focal points that include an integrated mix of uses.

Table 4 provides more detail for proposed permitted uses within broad land use designations. The following text provides a short commentary on the major land use designations shown on the plan and the type of subsidiary uses that are permitted within each land use. All neighbourhoods will allow for community gardens encouraging on-site food production for Bamberton residents. More details on the architecture and design of the neighbourhoods are provided in the Design Brief and Design Guidelines.

Upper Northlands

Residential – Detached & Townhomes, Retail, Commercial, Industrial

The Upper Northlands has three main residential areas that contain detached and townhouse dwellings. The third residential area, shown hatched on the Land Use Plan, is private open space/residential. In the short term this area will be used as treated effluent drainfields and in the longer term the lands will be redeveloped for detached housing once/if a suitable replacement for the drainfields has been identified (such as a partnership with a neighbouring landowner) and approved (by the Ministry of Environment) or sufficient suitable alternatives are found for treated effluent disposal, such as water features, bioswales, dual plumbing for toilets, new irrigation techniques etc. Total housing in the Upper Northlands is 425 units.

Focal Point

The focal point in the Upper Northlands will contain a retail area amidst a community garden and extensive greenspace.

Parkland

The Upper Northlands will contain a significant amount of parkland and open space that wraps around the proposed development with links to other parkland via trails and greenways. This area will be extended upon decommissioning of the drain fields and conversion of some of the land to park.

Lower Northlands

Residential, Retail, Commercial & Industrial

A variety of uses are located in the 42-acre Lower Northlands area on the west side of the Island Highway to the east of the haul road. The predominant use for this land will be for industrial activity. Initiatives will be taken to encourage the activity to be conducted in an environmentally responsible manner, which will be a major sustainability initiative at Bamberton. For example, this campus may be home to industries that specialize in the 3R's - Reduce, Reuse and Recycle – as well as for companies looking to improve and implement new sustainability initiatives. Infrastructure in the industrial area will facilitate sharing between complementary industries, enabling waste to become a resource where possible. Greenhouses will be allowed in this location to take advantage of any waste energy recovery. One key focus is to become an incubator for "normal" businesses to research and explore new "green" initiatives and products. The location of the industrial area was selected due to its close proximity to the port and the highway and its ideal location situated to serve not only the CVRD but the Capital Regional District as well, making it a major employment initiative for the South Island. Proposed permitted uses within this land use category are shown in Table 5.

Focal Point

A small retail centre will welcome industrial park employees and visitors as well as serving those living nearby.

Triangle

Residential, Retail & Commercial Industrial Uses

The Triangle area immediately east of the Island Highway will feature retail and commercial and industrial activity at the entrance to the neighbourhood, and then a combination of detached single-family residences, townhomes and apartments surrounded by natural water features.

Focal Point

A walkable neighbourhood featuring trails and greenspace amidst natural bioswales and water features.

Bamberton Gate (North & South)

Bamberton Gate includes two residential areas, Bamberton Provincial Park, a proposed extension to Bamberton Provincial Park and additional neighbourhood parkland.

Residential - Detached, Townhomes & Condominiums

Bamberton Gate is divided into two residential areas totalling 423 units. These areas feature a mix of detached and townhouses as well as 40 apartment units. Included in the Bamberton Gate neighbourhood is land immediately to the north of Bamberton Provincial Park, which will be donated to the province.

Focal Point

The Bamberton Gate focal point includes provision for at least 300 square metres of retail in a town centre-style community gathering area.

Benchlands (East & West)

Residential – Detached & Townhomes, Retail & Commercial

Benchlands is divided into two main residential areas – East and West that together feature 395 primarily detached and townhouse units.

Cottages

Included among the detached units in the Benchlands are 40 cottages in two separate areas. These will be tastefully placed with minimal footprints, protecting and respecting the greenspaces around them.

Focal Points

Two focal points are proposed for the Benchlands. The primary focal point will incorporate retail, institutional, office and medical.

Historic Village

Residential – Detached & Townhomes

The Historic Village has 158 detached dwellings and townhouses located in the area of the footprint of the former village at Bamberton. This neighbourhood is a part of the rich history of Bamberton that the development seeks to capture.

Focal Point

It is anticipated that a Historic Village focal point based on re-use of the historic community centre will be created at the south end of the village.

Upper Village

Residential - Detached, Townhomes & Apartments, Retail, Commercial & Industrial

The Upper Village comprises a mixture of detached (37), townhouses (244) and apartments (244) for a total of 525 units. Among the 37 detached homes there are 11 cottages in the same design as the Benchlands. It is anticipated that the Upper Village will also feature a condo-hotel. Integrated with these uses is a proposed 3,790 square metres of retail, 12,810 square metres of commercial, and industrial uses. It is envisioned that a funicular (vertical railway) and a grand staircase may link the Upper and Lower Villages with the funicular being reminiscent of the historical funicular used to transport workers at the site.

Focal Point

The Upper Village focal point will be the town centre filled with mixed-use buildings and various public gathering spots.

Lower Village

Residential – Detached, Townhomes & Apartments, Retail, Commercial & Industrial

The Lower Village comprises detached homes (20), townhomes (249) and apartments (641). Of the 641 apartment units, 368 are contained in mid-rise apartment buildings that will fit in with the topography of the Lower Village. The Lower Village also includes extensive retail, commercial and a working waterfront industrial area.

Industrial

Bamberton has an existing deep-water port facility and existing industrial uses. These port facilities and industrial uses will be permitted and continued under the proposed zoning and future port and industrial uses and activities such as port and terminal services, storage and other environmentally responsible industrial activity will be provided and encouraged. The port may also be used to transport locally manufactured products and materials generated at or required by Bamberton. New permitted uses proposed are a small marina and a ferry terminal, allowing for potential relocation of the Mill Bay ferry. Table 5 provides more detail about the industrial uses that would be permitted at Bamberton.

Private Open Space – Adventure/Eco-tourism

An area just to the west of the Village Centre will be zones for adventure/eco-tourism uses. This will provide outdoor adventure opportunities to the public in a park like setting. This private outdoor space in CD Zone 2 accounts for an estimated 100 acres of land.

Table 4: Major Permitted Uses Within Land Use Designations

Land Use Designation	Major Permitted Use
Upper Northlands	Residential <ul style="list-style-type: none"> • Detached Dwellings • Townhouse Dwellings • Condominiums/Apartments Retail Commercial Industrial Park, Recreation and Public Spaces Private Open Space Sewage Treatment & Disposal Residential Recreation Community Gardens/Vineyard/Agriculture Public Services Park and Ride
Lower Northlands	Residential <ul style="list-style-type: none"> • Detached Dwellings • Townhouse Dwellings • Condominiums/Apartments Retail Commercial Industrial Park, Recreation and Public Spaces Private Open Space Community Gardens/Vineyard/Agriculture Public Services Park and Ride
Triangle	Residential <ul style="list-style-type: none"> • Detached Dwellings • Townhouse Dwellings • Condominiums/Apartments Retail Commercial Industrial Park, Recreation and Public Spaces Private Open Space Community Gardens/Vineyard/Agriculture Public Services Park and Ride

Table 4 cont.: Major Permitted Uses Within Land Use Designations

Land Use Designation	Major Permitted Use
Bamberton Gate (North & South)	Residential <ul style="list-style-type: none"> • Detached Dwellings • Townhouse Dwellings • Condominiums/Apartments Retail Commercial Park, Recreation and Public Spaces Private Open Space Bamberton Provincial Park Community Gardens/Vineyard/Agriculture Public Services
Benchlands (East & West)	Residential <ul style="list-style-type: none"> • Detached Dwellings • Townhouse Dwellings • Condominiums/Apartments Hospitality Retail Commercial Park, Recreation and Public Spaces Private Open Space Community Gardens/Vineyard/ Agriculture Public Services
Historic Bamberton	Residential <ul style="list-style-type: none"> • Detached Dwellings • Townhouse Dwellings • Condominiums/Apartments Hospitality Retail Commercial Park, Recreation and Public Spaces Private Open Space Community Gardens/Vineyard/ Agriculture Public Services

Table 4 cont.: Major Permitted Uses Within Land Use Designations

Land Use Designation	Major Permitted Use
Upper Village	Residential <ul style="list-style-type: none"> • Detached Dwellings • Townhouse Dwellings • Condominiums/Apartments Hospitality Retail Commercial Industrial Park, Recreation and Public Spaces Private Open Space Recreation Community Gardens/Vineyard/ Agriculture Public Services Adventure / Eco-Tourism
Lower Village	Residential <ul style="list-style-type: none"> • Detached Dwellings • Townhouse Dwellings • Condominiums/Apartments Hospitality Retail Commercial Industrial Park, Recreation and Public Spaces Private Open Space Marina/Docking Community Gardens/Vineyard/ Agriculture Recreation Public Services Adventure/Eco-Tourism, Cultural Tourism
Southlands	Park and Public Spaces Adventure/Eco-Tourism Wellness/Healing Centre/Lodge First Nations Cultural Centre Public Services Harvesting of Dead Wood/BioMass

The following table provides specific detail about the type of permitted uses at Bamberton:

Table 5: Detailed Land Uses At Bamberton

Land Use Designation	Major Permitted Use
Residential	<ul style="list-style-type: none"> • Detached Single-Family Homes • Townhomes • Condominiums & Apartments • Cottages • Condo-Hotel • Secondary Suites • Home-Based Businesses • Live Work (Selected Locations) • Child Care Facility • Bed and Breakfast • Public Services
Retail	<ul style="list-style-type: none"> • Retail Stores (Sale of Goods) • Food and Beverage, Catering, Entertainment, Specialty Services • Micro Brewery / Pub / Cafes / Restaurant • Artisan Studio • Health, Medical and Fitness Establishments • Personal Service Establishment • Neighbourhood Convenience • Child Care Facility • Professional &/or Financial Services • Public Services • Other Retail and Service-Related Uses
Commercial	<ul style="list-style-type: none"> • Green Innovation Services, Research & Manufacturing • Professional Offices • Health and Medical • Spa / Wellness Centre • Micro Brewery / Pub / Cafes / Restaurant • Child Care Facility • Professional &/or Financial Services, Banks, Financial Institutions • Theatres • High-Technology Manufacturing • Manufacturing Incidental to Research Use • Research • Medical Laboratories • Public Services • Other Commercial Related Uses

Table 5 cont.: Detailed Land Uses At Bamberton

Land Use Designation	Major Permitted Use
Industrial	<ul style="list-style-type: none"> • Organics Bio-Solid Composting • Recycling, Reconditioning and Reuse • Building Material Production • Greenhouses • Consumer Products Manufacturing and Storage • Building Products/Homebuilding Processing/Manufacturing • Industrial Manufacturing, Repair, Storage & Packaging • High-Tech and Eco-Goods Manufacturing • Professional Office for Industrial Tenants • Boat/Marine Buildings, Repair, Sale and Storage • Distribution/Logistics/Shipping/Offloading • Processing and Sale of Gardening and Landscaping Supplies and Materials • Retail, Wholesale, Production, and Sale of Biofuel Products and Accessory Storage of Biofuel Products • Primary and Secondary Processing and Manufacturing of Wood Products • Warehousing Including Mini-Warehousing and/or Data Warehousing • Wholesale Sales, Repair, Cleaning • Laboratories, Office and Research Centre • Micro Brewery / Pub / Cafes / Restaurant • Marina • Deep Sea Port • Docks, Wharfs, Piers • Storage, Building, Repair, Retrofitting and Supply of Marine Equipment and Vessels • Building and Construction Materials Manufacturing, Sales & Storage • Joinery or Welding Shops • Electrical Shops • Office and/or Retail Sales Accessory to a Principal Use Permitted in Bylaw • Equipment Repair, Sales, Storage & Rental • Parking and Loading Facilities • Marine Related Retail • Shipping and Storage of Industrial Goods • Container Shipping & Storage • Offloading/Barging of Goods • Regional & South Island Recycling Operation • Permitted I-2 Uses • Existing Uses • Public Services • Other Industrial Uses

Table 5 cont.: Detailed Land Uses At Bamberton

Land Use Designation	Major Permitted Use
Hospitality	<ul style="list-style-type: none"> • Hotel Rooms / Strata Hotel Rooms • Condo-Hotel • Bed and Breakfast • Managed Seniors Residence • Micro Brewery / Pub / Cafes / Restaurant • Retail • Conference Centre and/or Meeting Rooms • Public Services
Adventure / Eco-Tourism	<ul style="list-style-type: none"> • Outdoor Adventure Tourism • Micro Brewery / Pub / Cafes / Restaurant • Equipment Maintenance • Storage • Retail • Public Services
Parks, Recreation and Public Space	<ul style="list-style-type: none"> • Public Park • Trails • Private Open Space • Recreation Facility • Cafes / Restaurant / Concession • Storage • Plazas and Gathering Places • Public Services
Private Open Space	<ul style="list-style-type: none"> • Eco-Tourism • Trails • Plazas and Gathering Places • Treated Effluent Disposal • Recreation Facility • Open Space, Parks & Playing Fields • Cafes / Restaurant / Concession • Storage • Future Residential • Public Services

Table 5 cont.: Detailed Land Uses At Bamberton

Land Use Designation	Major Permitted Use
Public Services	<ul style="list-style-type: none"> • Park and Ride • Recreation Facility • Storage • Swimming Pools • Sports Fields • Amphitheatre, Theatre • Ferry Terminal • Funicular • Utilities • Cultural Centres • Parking Garage, Parking Lot • Biomass • Co-Generation • Roads • Water Utility & Storage, Reservoir • Sewage Treatment and Disposal Including Drainage Fields • Energy Generation & Waste and Energy Systems • Storm Drainage • Emergency Services (Fire, Police, Ambulance...) • Library, Museum • Places of Worship • Hospital, Medical Clinic • Education, Higher Education, Non-Profit, Civic Facility • Hydro • Cable, Telephone, Internet • Telecom Infrastructure • Recycling Facilities • Renewable Energy Systems • Fuels and Fuel Storage

5.0

VILLAGE CENTRE

The Village Centre - the combination of the Upper and Lower Villages - is a major focus of the Bamberton community, formed by a mix of uses integrated with residential that will create a thriving community for generations to come. In addition to the residential homes, it will be a location for major employment generation with more than 40,000 square metres of commercial land use proposed including provisions for a hotel. Over time this commercial activity is expected to grow to complement the existing deep-water port and other industrial activity on-site and, together, will represent a major economic engine for the community as well as an enjoyable village atmosphere for visitors and homeowners.

The Village will aim to offer activity throughout the day, evenings, and on weekends and through all seasons. The challenge of the gradient for pedestrians within the Village area is being met by developing both an Upper and Lower Village with well-planned transportation between them, possibly a grand staircase and/or a funicular for pedestrian traffic. Concept drawings for the Village Centre are shown in the Bamberton Design Brief.

The Village Centre incorporates the following main features:

- Retailing distributed throughout the Upper and Lower Villages
- Residential including residential above office and retail
- Institutional uses, office and high-tech
- Pedestrian boardwalk / waterfront boardwalk
- Village terracing down the hill to the waterfront
- Vehicle access to the village will be provided, however it will be considered a pedestrian environment
- Marina and marine activities
- Public squares and gathering places
- Pedestrian and cycling trails
- Access to the eco-tourism area
- Access to the Southlands area
- Hotel and associated uses including conference space
- Active marine and industrial activity, shipping and storage separate from the eventual Village area
- There will be both a commercial and a public access road and other public services

6.0

THE NEIGHBOURHOODS OF BAMBERTON

Bamberton will be a community made up of neighbourhoods, each with its own unique character. Keeping consistent with the Bamberton Planning Principles, in order to achieve a mixture of housing types and a community for all ages, the neighbourhoods of Bamberton will consist of different densities and housing forms, with detached dwellings on different sized lots, cottages, townhouses and condominiums.

Neighbourhoods will be defined by their natural features and built form. Riparian ways will form part of public lands and green space that will help define each neighbourhood. Each neighbourhood will include a "social heart" with a small centre incorporating a park and small retail and/or café type establishments that will facilitate community interaction.

Eight main neighbourhoods are planned:

- Upper Northlands
- Lower Northlands
- Triangle
- Bamberton Gate (North & South)
- Benchlands (East & West)
- Historic Bamberton
- Upper Village
- Lower Village

Over an estimated twenty-five year development period at Bamberton there will be a total of 3,227 residential units built. The following table displays how the housing units will be distributed throughout Bamberton's neighbourhoods. The developer will be permitted to transfer the rights of which units can be built in which CD Zone by 35% among CD1 and CD2.

Table 6: Lot/Unit Distribution by Neighbourhood

Neighbourhood	Total # of Lots/Units			
	Detached Single-Family	Townhomes	Apartments / Condos	Total
Upper Northlands	340	25	0	365
Lower Northlands	80	0	0	80
Triangle	121	113	57	291
Bamberton Gate	243	220	40	503
Benchlands	227	168	0	395
Historic Bamberton	98	60	0	158
Upper Village	37	244	244	525
Lower Village	20	249	641	910
Total	1,166	1,079	982	3,227

7.0

ROADS AND SERVICING INFRASTRUCTURE

The Bamberton planning principles include promotion of walking and cycling with a network of trails and parks, minimizing visual impact of development and provision of full services including sewer, water, drainage and roads. The following provides detailed information about servicing and infrastructure.

Roads

The road standards and design principles have been tailored to meet the Bamberton Planning Principles. These measures include following existing contours where practically possible, providing a road network that is considered a multi-use facility (i.e., not only automobiles, but also pedestrians, bicycles, buses, and delivery vehicles) and narrower local/neighbourhood streets.

The Ministry of Transportation and Infrastructure (MOT) will be the approval authority for road standards and design, and are currently reviewing proposed Bamberton standards that are more reflective of the Bamberton setting and take into account hillside road construction. The Bamberton standards follow the Master Municipal Construction Documents Association (MMCDA) Design Guidelines Manual that has a specific section for Hillside Neighbourhoods. MMCDA is an association of BC Municipalities, Regional Districts, Contractors and Consultants whose purpose is to provide a standardized set of guidelines that can be adopted by Municipalities and other agencies involved with design and construction of municipal infrastructure.

Bamberton will have a variety of road classifications from collector to rear lanes with maximum grades of fourteen percent (local roads) and right-of-way widths from six meters for rear lanes to twenty meters for collector roads. These are the maximum road widths that might be constructed, however Bamberton is working diligently with MOT staff to move away from these wider road widths allowing for narrower road rights of way, pervious surfaces and more sustainable road networks.

Sidewalks, walkways and/or trails will be provided on or near most roads (save for rear lanes) as well as various curb styles from non-mountable to flat. Proposed lane widths are wide enough to accommodate bicycle use. In many cases bicycles will have dedicated riding surfaces (paved and unpaved) not shared with vehicles and pedestrians. Roadway drainage will be collected and treated by Best Management Practices (BMPs) as outlined in the Stormwater Management

report, and will focus on natural drainage features, not pipes. These BMPs include biofiltration swales, infiltration and wetlands/ponds.

Road Standard classification and cross section elements are detailed in the companion report Bamberton Local Road Standards, which forms Appendix 9 of this submission.

Water

Bamberton has its own water supply at Oliphant Lake and has existing water licenses for storage and diversion for industrial and residential use. The water system provided water for the former cement plant operation and for the workers and families living at Bamberton. Oliphant Lake is located just east of Mount Wood between Shawnigan Lake and the Saanich Inlet. A report on the fisheries and wildlife resources in Oliphant Lake, Spectacle Creek and Johns Creek has been prepared by Castor Consultants and is included as Appendix 10.

A water balance model for Oliphant Lake has been developed for the proposed Bamberton development and was carried out in consultation with the Ministry of Environment. The model was calibrated to nearby Rithet Creek watershed and took into account existing user demands such as Spectacle Creek to establish available water for Bamberton use. A demand study was carried out to determine the population that could be serviced from Oliphant Lake. Recognizing that water is a precious resource, demand management measures were applied in the analysis and included use of efficient plumbing fixtures and appliances, rainwater harvesting and conservation measures. In addition, the existing lake volume will be increased over time to meet the projected demands of the ultimate development. Existing water licenses will be amended to reflect increased water withdrawal and storage requirements. As water from the lake is surface water, it will require treatment for public health reasons. This will be accomplished by construction and operation of a "complete treatment" conventional water filtration plant. The Water Supply and Demand Study is found in Appendix 11A and 11B of this submission. This report also provides comment on the Oliphant Lake watershed and its protection.

Bamberton currently owns approximately 30% of the land in the Oliphant Lake Watershed (immediate area surrounding the lake). Approximately 5% of the watershed is on Crown Land and the remainder (65%) of the watershed area is owned by two different timber companies. In the development Bamberton would retain any excess water rights from Oliphant Lake.

Given the high up-front cost of the water system infrastructure and ongoing operations, a reimbursement fee will be charged as a portion of each resident's monthly bill for service in order to assist Bamberton in recovering its initial cost and operating costs.

A water supply main would be required from Oliphant Lake to a reservoir strategically located in the Northlands neighbourhood. The reservoir would be sized to accommodate distribution equalization (peak hourly demand), emergency storage and fire fighting storage. Distribution mains for delivery of water to the residents of Bamberton would be by gravity. As the elevation changes from the Northlands to the waterfront are significant, pressure-reducing stations will be constructed where necessary to provide suitable pressure zones to the various neighbourhoods. The pressure zones would be serviced from the high-pressure trunk main running in a north-south orientation from the northlands to the waterfront. Micro-hydro would also be used on the

site for supplementary power generation. A Water Supply Master Plan that outlines the design criteria (based on CVRD and accepted industry standards) as well as preliminary sizing of the system forms Appendix 12.

Sewage Treatment

The Bamberton site will be serviced by one or more sewage treatment plants that will produce at a minimum Class A effluent.

The Bamberton project currently has adequate in-ground capacity to discharge Class A effluent on site to disposal fields. Extensive bioswales will be used throughout the development. In addition, a dual pipe system (similar to that being used in large developments in Australia, the US Southwest and, more locally, at Victoria's Dockside Green community) is proposed to service residents such that Class A effluent will be re-circulated to provide for outdoor irrigation needs, flushing toilets and other allowable indoor uses as well as extensively for the on-site industrial tenants. Low flush toilets and water efficient appliances will be mandated for all buildings on site.

Bamberton's goal is to re-use treated effluent and/or discharge the effluent on site as much as possible, all subject to regulatory agency approvals. The Developer would retain any/all rights to excess treated effluent. Given the high up-front cost of the sewage treatment system and ongoing operations, a reimbursement fee will be charged as a portion of each resident's monthly bill for service in order to assist the Developer in recovering his initial capital outlay and operating cost. The Developer would also retain the rights to the use of all treated water.

Separate reports on subsurface sewage drains and treatment are found in Appendices 13 and 14 respectively. Design criteria (based on CVRD and accepted industry standards) and initial sizing of the Bamberton sewage collection system (based on computer simulation of anticipated sewage flows) can be found in the Sanitary Sewage Master Plan in Appendix 15 of this submission.

Storm Water Management

The overall Bamberton watershed occupies an area of 1,674 hectares extending from the Malahat Ridge to the Saanich Inlet. Note that Oliphant Lake is not within the Bamberton Watershed, but has its own separate watershed. The majority of the land within the Bamberton watershed will remain in its natural state with runoff draining into the Saanich Inlet via a number of creeks and drainage courses. As the Bamberton development is committed to the protection of the Saanich Inlet, storm water runoff from the Bamberton Development will require intelligent and practical runoff treatment measures.

A Storm Water Management Plan has been developed and forms Appendix 16. The plan delineates existing drainage basins in preparation for modelling of the site for runoff from various rainfall events. The Plan concentrates on identifying available storm water management techniques or BMPs for runoff control and treatment. A range of BMPs have been proposed for each sub-catchment area within the overall drainage basins that would be affected by

development. These measures address protection of the Inlet with particular emphasis on storm water runoff treatment measures to maintain or improve current runoff quality.

The BMPs have been grouped into categories including source control, conveyance control, end-of-pipe control (if required) and miscellaneous controls. Proposed source controls include collecting roof runoff and foundation drain water to either an on-site system (cistern) for reuse as irrigation and/or infiltration supply; using porous materials for driveways, plazas, public area parking; and on site bio filtration facilities such as rain gardens. Conveyance controls include pervious pipe systems that would decrease runoff quantity and increase ground water recharge, bio-filtration swales and bio-retention swales.

The overall goal of the storm water management plan is to naturally treat storm water on site through the use of natural features. However if end-of-pipe controls are required near discharge points, they would include bio-filtration treatment facilities strategically located at pipe discharge points and prior to other treatment facilities or drainage courses; storm water treatment wetlands using native and aquatic vegetation to treat storm water; combined wetlands to provide facilities for wet pool treatment and detention at locations where streams susceptible to erosion from increased runoff peaks can be protected. As well, prerequisite procedures for erosion and sediment control during construction have been outlined and include measures such as sediment basins, filter fences, minimized area exposure, re-vegetation of exposed areas, diversion swales and protection of earth stock piles.

A companion report to the storm water management report is being produced that deals with modelling of the pre-development condition, outlines a potential storm drain network, and indicates a 200 year storm period overland flow routes. The storm drain network will be refined and remodelled for the post development condition as development plans proceed. The pre and post modelling will allow analysis of BMPs that would be most suitable based on predicted flow calculations and will identify where (if any) detention facilities will be required for drainage course flood or erosion protection.

Utilities

There are existing hydro and telecom services to Bamberton and the community will have sufficient nearby capacity to provide service to the future residents. The use of fibre optic technology is being encouraged for this development in order to match the expected demand of home based business in Bamberton. The Applicant has worked with Shaw Cable and has brought fibre optic service to the site. Bamberton will endeavour to provide high quality communication access as it is integral to the goal of fostering a technologically robust community.

Teresan Gas has indicated that they can provide service to this development and in the interim this may take the form of a temporary storage facility for supply until such time as a main gas line has been extended to the site. Bamberton is also currently investigating the use of numerous innovative, environmentally sound technologies (such as biomass) that are intended to be used throughout the life of the community.

Micro Hydro Electric Power

The Applicant retained PBA Consulting Engineers (see report in Appendix 20) to undertake a feasibility study for a potential project to harvest hydroelectric power from Oliphant Lake. Results have indicated the potential to generate the equivalent of approximately 50 homes worth of power from a micro hydroelectric power project on site. Alternatively the equivalent power could be used to provide energy to the street lighting and water treatment plant on site and partial power to a sewage treatment plant. To proceed the power project would require approval from the Ministry of Environment through the Water Licensing process. The Applicant has submitted an application to the MOE for a revised Water Licence (May, 2007).

Geoexchange

Geothermal energy is energy that is generated by converting warm water or heat from ocean water or deep rock into energy resources. Geothermal systems transfer the heat located immediately under the earth's surface (or in a body of water) into a building in winter, using the same principle as a refrigerator that extracts heat from food and rejects it into a kitchen (Earth Energy Society of Canada). In the colder winter months, a geothermal system collects thermal energy from the earth to provide heat for buildings; in the summer the process reverses and heat from buildings is re-injected into the ground or into the ocean. Options for reusing internal building heat in the summer include the heating domestic hot water tanks.

Geothermal energy is efficient. For every unit of electricity the system uses, it provides three to four units of heating energy, an efficiency of 300% to 400%. This makes homes and buildings more affordable to operate. Geothermal energy is environmentally friendly: using geothermal energy reduces the need to use fossil fuel combustion (for example a fuel powered furnace) as a source of heating or cooling. This reduces greenhouse gas emissions.

The Applicant has signed a Memorandum of Understanding (MOU) with Corix Utilities to undertake feasibility and design for potential geoexchange systems on the Bamberton site. We are currently completing the feasibility stages. Updated reports will be provided to the CVRD as they become available.

Emergency Services and Fire Mitigation

The Applicant is planning a safe community at Bamberton. To improve community safety, the development team will incorporate emergency services and fire mitigation measures into community design and development.

Fire Hall

The Applicant is in receipt of the Regional Impact Assessment and agrees with its recommendations that a fire station be located at Bamberton, likely near the entrance to the industrial park. Being a mixed community of all ages with many residents working on-site, Bamberton will have a community of people who represent a good pool of candidates to volunteer as firefighters for the Bamberton fire hall.

Fire Hydrants

Bamberton is a well-serviced community. As such, fire hydrants will be put in place throughout the community. Fire hydrants will provide a local water source to fight fires should one occur in the community. Fire hydrants increase safety for people and help protect valuable assets, including homes.

Fire Smart Landscaping

Many areas of the province have experienced wild fires, and there is no reason to believe that Vancouver Island and the Cowichan Valley could not experience a wild fire.

As such, it is important to implement measures that can mitigate the risk of wild fires in the community. To help mitigate the hazard of fires, Bamberton will use fire smart landscaping guidelines throughout the community. Fire smart landscaping guidelines will be included in the development permit guidelines of Bamberton.

Sprinklered Buildings

To help protect the residents of Bamberton, as well as people's assets and investments, many of the apartment and townhouse developments at Bamberton will have fire sprinklers. Fire sprinklers are required by the BC Building Code in buildings that are four storeys or higher.

8.0

TRANSPORTATION MANAGEMENT

Study Background

The Applicant engaged Bunt and Associates to undertake a transportation study for the proposed Bamberton community. The study, titled An Analysis of Transportation Considerations for the Proposed Bamberton Community, is attached in its revised version (December 2007) in Appendix 17 to this report.

The transportation consultants were retained to determine the impact of the proposed Bamberton development on not only the internal road network on the site, but also the Trans Canada Highway, as it is the primary major road serving the area.

- The forecasted traffic from Bamberton was combined with the predicted growth of the traffic on the Trans Canada Highway, the traffic from the existing Bamberton Provincial Park and the potential traffic from the relocation of the Mill Bay Ferry to the Bamberton Village over the planned phasing of the development to calculate future traffic conditions for Horizon Years 2015, 2020, 2025 and 2030.

The future traffic conditions are for Horizon Years 2015, 2021, 2027 and 2034 with the 25-year program.

Transportation Demand Management

A Transportation Demand Management (TDM) program will be employed, at a conservative participation rate of 10% assumed for Bamberton residents. TDM is a transportation planning practice that works to shift trips taken during the peak travel hours (7 to 9 am and 4 to 6 pm) as a way of better utilizing roadway capacity during the day to avoid unnecessary road widening and/or lane additions. TDM can also promote a healthier lifestyle and a cleaner environment by helping to reduce automobile emissions.

The TDM strategies involve discouraging single occupant travel, encouraging the use of alternative modes (transit, cycling, walking) and better 'trip planning' to increase the efficiency of those trips that cannot be avoided. Bamberton will be implementing TDM strategies to reduce the reliance on the automobile and ultimately the number of vehicle trips on the internal road network, and the Trans Canada Highway. The following are some of the TDM measures that will be considered at Bamberton. The attached study provides detailed information about

each of the following potential TDM measures:

- Higher occupancy vehicle travel
- Ride matching system
- Carpool and vanpool services
- Park and ride facility
- Auto-share
- Collectively owned set of vehicles
- Inter-community transit
- Introductory incentives for using public transit

BC Transit and the CVRD recently began a bus service between Victoria and Duncan. The Applicant supports such a service and has designated land for a park and ride in the Lower Northlands area of the property.

Additionally proposed TDM components include:

- Pedestrian and cycling amenities
- Bike facilities
- Separated path network for pedestrians and cyclists
- Telecommuting
- Significant on-site employment opportunities in a range of fields, including construction, manufacturing, high-tech, hospitality and other areas
- On-site housing for those agreeing to work on-site for prescribed periods
- Water transportation options (potential ferry relocation, water taxis)
- Support for Commuter Rail extension
- High-speed internet throughout community that enables increased home-based businesses
- Marketing to non-commuters, such as early-retirees and recreational property buyers

Summary of Study Results

To develop the transportation study results, the forecasted traffic from Bamberton, growth on the Trans Canada Highway, Bamberton Provincial Park and the relocation of the Mill Bay Ferry Terminal were analyzed in light of the anticipated TDM program participation rate of 10% for Bamberton residents.

As far as the internal road network, it will work adequately for the duration of the Bamberton development with some minor mitigation measures. There would need to be some improvements to the existing accesses.

The traffic capacity on the Malahat section of the Trans Canada Highway is expected to grow at a rate of 1.5% compounded annually, and there are cross-section constraints to the south of the development.

The growth of traffic on the Trans Canada Highway was assumed to grow at 1.5% compounded annually – in addition to the traffic that the Bamberton development will generate so the Bamberton traffic is additive – resultant total growth rate is in range of 2. – 2.5 % per annum.

As well, the southbound traffic direction of the Trans Canada Highway will be able to accommodate the total forecasted growth until Bamberton's fourth phase – whereas the northbound direction

will reach theoretical capacity during Bamberton's third phase, estimated at year 2020 to year 2025 if the existing configuration.

The recent Ministry of Transportation and Infrastructure study concluded that the Malahat was operating at an acceptable level at this time and that they would not be making major capital investments. They would continue to address safety and operational issues and recommended the implementation of an interregional express bus service as well as a South Island Transportation Study to examine the multi-modal transportation issues in more detail.

While there are studies underway by the Ministry of Transportation and Infrastructure, the issues of capacity and improvements for the Malahat section of the Trans Canada Highway have been the subject of consideration for some time.

9.0

PHASING

Bamberton will be developed in phases over an estimated 20- to 25- year period. The scale of the community, timeline and range of uses mean that it will experience a variety of market cycles and market changes. A phasing plan has been prepared that provides for an orderly servicing of the site and is based on the Applicant's best estimates of market demands. The plan generally envisages development commencing in the north and moving south, however market demands or market changes may alter this strategy such that areas are developed in a different order from that currently considered. Should the order of development change, a phased development agreement (PDA) will ensure that there is appropriate and sufficient servicing as each new area is developed.

Residential Uses

The Applicant's current plan is to begin development in the Upper Northlands and then to move into the Historic Bamberton neighbourhood in order to begin to bring the property's central area "to life". Subsequent phases are expected to combine residential development in Bamberton Gate and Benchlands alongside mixed-use buildings in the Village. Parks in each neighbourhood will be developed with each specific neighbourhood. Focal points will develop as market conditions permit.

The Applicant will work with the CVRD to ensure that a series of "check-points" (such as issuance of Development and Building permits) are in place to ensure that required services and promised amenities are delivered within their clearly identified time horizons the PDA.

As the development unfolds there is likely to be an overlap between phases (for example Bamberton Gate may commence as the Upper Northlands is still completing).

Commercial Uses

Retail will be built in each neighbourhood as it develops and as the market permits.

The existing industrial and port activity in the Upper and Lower Village serves as a strong economic engine in the community, both for tax revenue and employment, and will continue and be permitted under the zoning. Industrial development planned for the Lower Northlands area will commence in Year 1 and will continue concurrently with residential over the course of community build-out.

The Village Centre retail/hotel uses will develop concurrently with residential over build-out and will be phased alongside the apartments/condominiums. Other commercial such as high tech and office development will develop first in Lower Northlands but will be market driven and may develop in the Village Centre at any time during the build out period.

Adventure/Eco-tourism adjacent to the Village Centre is expected to develop in the early years of the community.

Utilities

All utilities, including "green" utilities such as potential geoexchange and biomass projects, are expected to developed throughout the community consistent with the phasing and development requirements.

The effluent drainfields in the Upper Northlands are expected to be phased out when the Ministry of the Environment gives approval that they are no longer required, at which point the lands will be redeveloped for housing and parkland.

Parks and Public Uses

Parks within neighbourhoods will be dedicated and completed in conjunction with development of specific residential areas. Larger dedications, such as sections of the Southlands and the addition to Bamberton Provincial Park will be undertaken in conjunction with specific development phases to be identified in the PDA.

Public agencies will determine when the appropriate public services/building will be constructed by the appropriate government agency, presumably associated with population levels and funding. The Village Centre and Lower Northlands are the main locations for public service buildings.

10.0

EMPLOYMENT

The Bamberton community will not only provide housing, parks, trails, and other amenities, the community will also provide employment opportunities for people who presently live in the Cowichan Valley and for those new residents who will be living in Bamberton.

It is anticipated that Bamberton will be a significant employment centre and while some residents in the community will work in Victoria or other parts of the Cowichan Valley, there will be numerous employment opportunities at Bamberton. These employment opportunities exist both in the short- to medium-term and the longer term.

In the shorter-term the vast majority of employment will be in the construction and industrial field. With a minimum expected construction expenditure of \$1.0 billion over the course of two decades the local economic spinoffs are potentially massive, both for job creation and for local goods and services businesses.

In the longer-term, based on the proposed land uses in the community, the following outlines some potential employment opportunities at Bamberton:

Table 7: Bamberton Potential Employment Future Numbers

Industry	Description of Jobs Created	Number of Jobs
Industrial	Green Manufacturing, Recycling, Co-generation	400
High Tech Industry	Research and High Tech Specialists	325
Institutional / Office	Professional Offices (lawyers, engineers, architect, planners, insurance, etc.), Medical (doctors, nurses), Library, Museum, Spa/Wellness.	146
Commercial / Retail	Various goods and services retail, including cafes, restaurants, shops and any other similar venues. Managers, sales staff. 3 staff members per 1,000 sq ft of floor space.	533
Marina	Manager, employees	9
Hotel	Managers, cleaning staff, restaurant, desk attendants, bell hops, maintenance, etc. Assume a 3:1 room to employee ratio for a high-end hotel.	100
Restaurant / Pub	Managers, kitchen staff, servers. Assume 5 employees per 40 seats. Assume 400 restaurant seats at Bamberton.	50
Eco-tourism	Managers, staff	15
Bamberton Staff	Managerial, landscaping, property management	20
Home Occupations	Professionals working from home	100
Estimated Total Jobs Created		1,698

11.0

AFFORDABLE HOUSING STRATEGY

The Applicant shares the CVRD's interest in ensuring that, as the region grows, housing will be affordable and accessible to people of a range of lifestyles and incomes.

While the CVRD Board does not currently have a formally adopted affordable housing policy regarding developer contributions, the Applicant is proposing an affordable housing strategy that will follow for Bamberton. This strategy will realize the development of affordable housing for four groups of the population:

- Housing for moderate income families with children,
- Housing for moderate income seniors: couples and individuals,
- Housing for moderate income individuals, and
- Workforce /Job Creation single-family homes.

To provide housing for these groups, the Applicant intends to follow a strategy that will see a variety of affordable housing forms developed at Bamberton. In total, 10% of residential units at Bamberton will be "affordable".

The following types of affordable housing could be developed, and affordability techniques implemented at Bamberton.

Market / Ownership Housing

- Innovative detached dwellings including unique lots starting at 3,000 sq ft., zero lot line homes, cottages.
- Small townhomes and condominiums measuring less than 1,200 sq ft in size.
- Patio homes.

Workforce / Job Creation Housing

- Unique single and multi-family units offered at discounted prices only to employees willing to sign on to work five (5) years at the Bamberton property.

Rental Housing

- Traditional market rental apartments.
- Secondary suites.
- Promoting SAFER – a government rent supplement program for seniors.

Aging in Place

- In certain cases the Applicant will mandate building stipulations that include constructing homes to allow aging in place strategies such as support bars in bathtubs, wider hallways and doorframes that can accommodate wheelchairs.

Neighbourhoods are designed with a "social heart" surrounded by a variety housing typologies that allow residents to live in the same neighbourhood but move between different home types if they wish.

A detailed Affordable Housing Strategy forms Appendix 23.

12.0

COMMUNITY BENEFITS

The Applicant is committed to developing a community that provides attractive amenities for community members. The amenities envisioned to be provided by the developer include:

The preservation of a significant portion of the property's total area in the form of parkland, dedications, green space and/or private open space.

- Dedication of more than 20 acres of land north of Bamberton Provincial Park to the Province.
- Dedications of more than 300 acres of land in the Southlands area. These large land dedications will mirror Gowland Tod on the opposite side of the Inlet, making a beautiful entrance into Finlayson Arm and Goldstream Park. By establishing this area, it will help protect the ecologically significant Coastal Douglas Fir forest that exists in parts of the Southlands of Bamberton.
- Construction of neighbourhood parks phased in with development, some of which will include playgrounds.
- Over 20km of pedestrian and/or cycling trails linked within the development as well as to the greater community.
- Provide public access to the Upper Quarry Activity Area, including the feature of eco-adventure tourism.
- Service areas for composting, gardening and recycling.

Financial contributions totalling over \$5,000,000 to improve the recreational amenities (such as a community swimming pool) and the overall planning in Area A of the CVRD.

- A fee of between \$500 and \$3,000 (depending on the type of unit sold) to be levied on the sale of each built condominium, built townhouse or single-family home in the Bamberton community. The contributions will be held by the Applicant in a "Recreational Facility Fund" to be contributed toward an Area A recreational facility. These contributions are not applicable to the development's "affordable" homes.
- The Applicant will also contribute funds to regional, community and First Nations planning initiatives within Area A.

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- The contribution of land for community amenities such as a school site and a fire hall.

Progressive relations and tangible commitments to local First Nations.

- Memorandum of Understanding (MOU) with the Malahat First Nation defining the future terms of the relationship between the Applicant and the Nation which includes establishment of a revenue stream through a fund administered via a 0.125% "one-time charge" per property transfer on all non-"affordable" residential properties sold in the community for the benefit of neighbouring First Nations groups. Whether a Cultural Benefit Fund or a Saanich Inlet Stewardship Fund, the specific terms will be worked out directly with the First Nations groups in question.

Strong economic engine for the community.

- Strong tax base generated to support community services.
- Active economic and commercial presence in the ongoing industrial activity.
- Extensive job creation both during construction as well as decades into the future.

The building of a world-leading sustainable waterfront community that celebrates the rich history of the site.

- Bamberton will evolve the lessons learned at its world-famous Dockside Green community into an unparalleled example of sustainable development. This technology will weave together with the property's deep history to form a place founded on the triple bottom line of community, environment and economy.
- It is envisioned that the historic Bamberton Manager's House will be preserved and retained on the community lands. It may be used for such activities as historical tours, community education, a character restaurant and banquet facility and/or other uses.
- The historic Community Centre site and Green Hill, the historic toboggan hill, will also be recognized.

13.0

BAMBERTON COMPREHENSIVE DEVELOPMENT ZONES

Three proposed Comprehensive Development Zones (CD Zones) comprise the Bamberton Land Use Plan. The areas covered by the three CD Zones are shown on Plan 2 - Land Use Plan. The boundaries of the zones incorporate the major land uses, and geography for convenient analysis. The land use designations in the zones should be viewed as approximate and subject to further detailed planning at the time of the submission for development permit. Given the long-term nature of a community such as Bamberton and the unpredictability of market factors, at the time of detailed planning (which will be controlled through development permit) it is requested that 35% of the residential units and/or commercial building areas be permitted to be moved between the CD1 or CD 2 zones and the neighbourhoods therein.

Illustrations of the neighbourhoods, parks and trails within the CD zones are provided in the Bamberton Design Brief.

13.1 Comprehensive Development Zone 1

Comprehensive Development Zone 1 comprises the north 1/3 (approximate) of the Bamberton Site. Plan 3 shows CD1 Zone and the major land uses. This CD Zone totals 588.25 acres in area.

The neighbourhoods within this zone are:

- Upper Northlands – residential community with a “social heart” of retail and common areas, significant private open space
- Lower Northlands – mixed-use area with an industrial focus
- Triangle – mixed-use area with a focus on smaller scale residential
- Bamberton Gate – residential community next to Bamberton Provincial Park

Parkland and Green Space

There is one large interconnected park network in CD1 Zone that wraps around the developed areas in each of the neighbourhoods to create continuous greenways for wildlife as well as walking trails for residents and visitors. Smaller neighbourhood parks have been designed into the Upper Northlands and Triangle housing and flow into the larger surrounding parkland.

Private Open Space – Treated Effluent Disposal Fields

Approximately 82.7 acres of land designated as private open space in CD1 Zone will serve as disposal fields for the Bamberton treated sewage effluent. Over time and subject to MOE approval it is envisioned that this land will be used for residential development and parkland as other alternatives for effluent disposal are identified.

Other Private Lands

Two parcels of land are included in this rezoning application that are not owned by Bamberton. They are included with the owners' consent and the boundaries are shown on the Land Use Plan.

A portion of the CD1 Zone is known as the Fechter Lands and is included in this zoning application. The western part of this land has been proposed as residential, the middle portion is proposed to be retained as F1 Forest and the eastern part is excluded from this application (is shown white on the zoning plan). A second, triangular shaped portion (see legal description included in Appendix 1) adjacent to the Highway is owned by Timberwest.

Plan 2: Land Use Plan shows the location of the major uses with CD Zone 1.

The following table provides a summary of the proposed housing within CD Zone 1.

Table 8: CD Zone 1 Residential Development

Comprehensive Dev't Zone					
CD1 Zone					
Neighbourhood	Upper Northlands	Lower Northlands	Triangle	Bamberton Gate North	Bamberton Gate South
Residential					
Detached Single-Family Lots	340	80	121	73	170
Townhome Units	25	0	113	88	132
Condominium / Apartment Units	0	0	57	0	40
Total Residential Dwellings	365	80	291	161	342
Hospitality / Managed Seniors	0	0	0	0	0
Non-Residential (Sq.M)					
Retail	446	1,870	446	0	300
Commercial	3,000	8,225	3,598	0	1,000
Industrial	0	N/A*	0	0	0
Total Non-Residential (Sq.M)	3,446	10,095	4,044	0	1,300

* Note: Industrial floor area will be the same as current similar I-2 use restrictions

13.2 Comprehensive Development Zone 2

Comprehensive Development Zone 2 (CD2 Zone) is 412.71 acres in area and represents approximately 30% of the overall Bamberton lands. This zone contains the Bamberton Village Centre, which is the “heart” of the Bamberton community.

The neighbourhoods within this Zone are:

- Upper Village
- Lower Village
- Benchlands (East & West)
- Historic Bamberton

The CD2 Zone encompasses a variety of terrain, including former quarries, reclaimed land, waterfront property, forested land, steep cliffs and rocky terrain. These terrains are further described in the Design Brief.

Plan 2: Land Use Plan shows the location of the major uses with CD Zone 2.

The following table provides a summary of the proposed housing within CD Zone 2.

Table 9: CD Zone 2 Residential Development

Comprehensive Dev't Zone	CD1 Zone				
	East Benchlands	West Benchlands	Historic Bamberton	Upper Village	Lower Village
Residential					
Detached Single-Family Lots	131	96	98	37	20
Townhome Units	60	108	60	244	249
Condominium / Apartment Units	0	0	0	244	641
Total Residential Dwellings	191	204	158	525	910
Hospitality / Managed Seniors	50	0	0	70	180
Non-Residential (Sq.M)					
Retail	1,900	760	0	3,790	12,755
Commercial	3,400	1,650	0	12,810	28,865
Industrial	0	0	0	N/A*	N/A*
Total Non-Residential (Sq.M)	5,300	2,410	0	16,600	41,620

* Note: Industrial floor area will be the same as current similar I-2 use restrictions

13.3 Comprehensive Development Zone 3

The area encompassing CD3 Zone is perhaps the most spectacular land on the Bamberton site. This part of Bamberton is characterized by beautiful views over the Saanich Inlet, a pristine shoreline and rocky outcrops, stands of natural forest and a stunning southern exposure.

Due to these features, the more than 300 acres that make up the Southlands will be dedicated to public use and conservation. This land will include trails and a lookout and contain large tracts of Coastal Douglas Fir Forest. There will also be provisions for the possibility of adventure/eco-tourism activities to be undertaken in the park, such as nature tours, zip lines and other non-invasive activities as well as a small healing/wellness/First Nations centre.

Table 10: CD Zone 3 – General Land Uses

Land Use	Land Area (Acres)	Number of Lots, Units or Floor Space
Conservation Land	+/- 300	N/A
Adventure / Eco-Tourism as % of Conservation Land	30%	N/A
Healing Centre as % of Conservation Land	10%	N/A
TOTAL	300	N/A

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APPENDIX 3

Bamberton Regional Impact Assessment Executive Summary

EXECUTIVE SUMMARY

Bamberton Properties Ltd. ("Three Point Properties" or "Applicant") submitted a rezoning application for a comprehensive mixed use development of the Bamberton Lands in December 2006. Three Point Properties subsequently amended its application in December 2007.

The total area of the Bamberton Lands is approximately 630 hectares, consisting of 560.3 hectares on Saanich Inlet and straddling the Island Highway, and ~70 hectares comprised of Oliphant Lake and surrounding land.

Three Point Properties proposes a comprehensive mixed use development of approximately 3,200 units of detached, townhouse and apartment housing; a hotel and associated uses; and about 93,000 square metres of commercial and industrial uses (retail, high-tech, institutional, office and medical, marine industrial/port and terminal).

The Applicant proposes to develop Bamberton as a complete and sustainable community structured to meet a "triple bottom line" by adhering to environmental, social and economic principles.

Cowichan Valley Regional District ("CVRD") engaged a team to identify the positive and negative impacts that should be taken into consideration in making a decision to approve, approve with conditions, or not approve the application. The team was comprised of TRILLIUM *Business Strategies Inc.*, Arlington Group Planning + Architecture Inc., Cushman & Wakefield LePage Inc., and Delcan Corporation.

The Study Team reviewed the Bamberton Design Brief, the Bamberton Rezoning Application and the Bamberton Technical Background Reports which are publicly available. The Study Team reviewed CVRD Public Meeting Minutes, CVRD Reports, referral responses received by the CVRD, summaries of Open Houses held by the Applicant, and other correspondence. The Study Team also reviewed the results of the 1994 Saanich Inlet Study.

The Study Team reviewed additional technical materials and marketing studies commissioned by Three Point Properties. These materials relate to the commercial interests of the Applicant and are not public documents.

Members of the Study Team met on separate occasions with members of the Malahat First Nation, Tsawout First Nation, Tsartlip First Nation and Tseycum First Nation. Discussions also took place with representatives of the Pauquachin First Nation and Cowichan Tribes.

Various meetings, briefings, and site tours took place with Three Point Properties. A number of meetings were also held with representatives of the CVRD.



The Study Team held an Open House on October 4, 2008 and received input from the public through formal question and answer periods following formal presentations, through informal dialogue at static displays, through written feedback following the Open House, and through letters and telephone conversations.

The Study Team did not duplicate planning and engineering work completed previously by Three Point Properties. Rather, team members relied on information presented by the Applicant and assessed impacts using accepted norms and exercising professional judgment.

The Bamberton Site

The majority of the residents of southern Vancouver Island are familiar with the Bamberton Lands. Although these lands are privately owned, the lands and their resources continue to be the traditional territory of First Nations.

While the Bamberton Lands are known for their beauty, the Bamberton Lands have had heavy industrial use for more than a century.

Today, the Official Community Plan designates a majority of the site for Forestry use. The remainder of the site, approximately 28 hectares, is designated for Industrial use. A total of 27 industrial uses are permitted within the zoning designation. Current uses include:

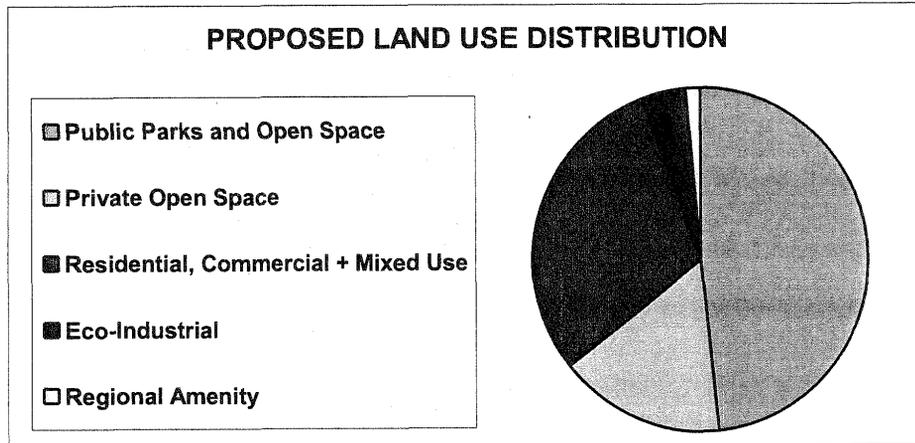
- Cement storage and distribution
- Liquid asphalt storage and distribution
- Construction supplies storage
- Heavy equipment storage and servicing
- On-loading, off-loading and storage of materials and equipment

Development Proposal

Three Point Properties proposes a comprehensive mixed use development of the Bamberton Lands comprised of approximately 3,200 units of detached, townhouse and apartment housing; a hotel and associated uses; and about 93,000 square metres of commercial and industrial uses. The development consists of the following land uses:

- Residential (total of 3,227 dwelling units)*
- Neighbourhood Retail (4,880 m²)
- Other Retail (12,540 m²)
- Institutional, Office and Medical (22,760 m²)
- Tourist accommodation (two hotels – total of 250 rooms)
- Eco-industrial (37,160 m²)
- Marine Industrial / Port and Terminal (4,645 m²)
- Eco-tourism
- Parks and Open Space (including Bamberton Regional Park and an expansion of Bamberton Provincial Park)

The proposed Land Use Distribution is as follows.



The residential component is proposed to be organized into the following distinct Neighbourhoods – each with its own character, identity and social focus:

Neighbourhood	Housing Units
Northlands	600
Bamberton Gate	492
Benchlands	282
Historic Bamberton	158
Bamberton Ridge	132
Upper Village	356
Lower Village	1,057
Total	3,227

The total development will contain approximately one third single family dwellings, one third ground oriented multi-family housing, and one third apartments (low-rise and mid-rise) at full build-out. Within these general categories, a wide range of housing types and densities are proposed, designed to appeal to a broad mix of target groups in the housing market.

A complement of retail and office uses is proposed to serve each residential neighbourhood. Specialized clean industrial uses are also proposed by the Applicant as part of the environmental sustainability initiative and to provide employment opportunities within the project.

The Study Team notes that Three Point Properties has completed extensive remediation of the Bamberton Lands involving the removal and encapsulation of contaminated soil and the remediation of two land fill sites. This work has been carried out in accordance with best practices and Certificates of Compliance have now been issued by the Ministry of Environment. The extensive remediation represents a significant capital investment, and reflects the Applicant’s commitment to environmental stewardship.

Findings and Recommendations

The Study Team is of the view that the proposed comprehensive development represents an excellent example of community planning that achieves an appropriate balance among the community objectives as set out in the Official Community Plan. However, the CVRD should take a measured approach to ensure that the potential positive impacts of the proposed development are fully realized.

This scale of development will alter the community of Mill Bay, and to a lesser extent, the communities of Shawnigan Lake and Cobble Hill over time. However, the development proposal submitted by the Applicant offers a positive vision for the future – a complete and sustainable community structured to meet the “triple bottom line” through a series of environmental, social and economic principles.

The Study Team has assessed the positive and negative impacts of the development proposal. The assessment examined First Nations impacts, Community Services impacts, Real Estate impacts, Municipal Servicing impacts, Environmental impacts, and Traffic impacts.

Specific recommendations are as follows.

(a) First Nations

1. The CVRD is encouraged to undertake consultations with those First Nations which consider the Bamberton Lands to be within their traditional territory. The CVRD should carry out these consultations before a decision is made to amend the Official Community Plan and Zoning Bylaws.
2. It is noted that Three Point Properties proposes water, sewer and drainage systems that will not negatively impact Saanich Inlet. However, the negative effects of previous development around Saanich Inlet have been documented in the Saanich Inlet Study and are well known. The CVRD and Three Point Properties may wish to consider charging a Saanich Inlet Restoration levy at the time of building permit issuance, and depositing such fees in a Saanich Inlet Stewardship fund to support continued efforts to restore water quality in Saanich Inlet. Consideration could be given to assigning responsibility for the program and administration of the funds to First Nations. A Saanich Inlet Restoration levy is recommended in lieu of the Cultural Cost Charge proposed by the Applicant.
3. Three Point Properties proposes to convey 155 ha. of the Bamberton Lands, stretching from south of the historic industrial development to McCurdy Point, to CVRD for creation of a large new regional nature park (Bamberton Regional Park). It is recommended that CVRD explore opportunities to establish a co-management model where CVRD, and those First Nations which consider the Bamberton Lands to be within their traditional territory, jointly manage the Bamberton Regional Park.

(b) Phased Development Approvals

4. Three Point Properties has presented a balanced coherent plan that can only be realized if there is certainty about land use. Accordingly, it is recommended that the CVRD consider a phased development approach where the necessary amendments to the Official Community Plan and Zoning Bylaws are adopted but development approvals are phased, thus ensuring that all necessary services are in place and systems are achieving design objectives for initial phases before subsequent phases are approved.

(c) Growth Management

5. Consideration should be given to the relative merits of expanding the current Urban Containment Boundary to include the Bamberton Lands, or establishing another Urban Containment Boundary around the Bamberton Lands. The former approach will encourage development between Mill Bay and Bamberton. The latter approach will help to ensure that Bamberton develops as a distinct community.
6. The use of CD zones is recommended. This approach can provide flexibility to the Applicant and regulatory control to the CVRD. Consideration should be given to the establishment of Development Permit areas and guidelines.
7. The existing I-2 zoning does not address the needs for the eco-industrial park. A new industrial zone specific to the eco-industrial area is recommended.

(d) Land Use

8. Three Point Properties should be encouraged to proceed with development of Historic Bamberton and the Northlands communities concurrently. This approach may ensure that some of the unique features reflected in the overall development plan are available to the market earlier in the development timetable.
9. Three Point Properties should be required to proceed with some commercial development in each neighbourhood once certain levels of residential development are achieved.
10. The high proportion of apartments within the Upper and Lower Villages may prove to be inappropriate. Three Point Properties should be asked to consider additional ground oriented multi-family development and less mid-rise multi-family development in these residential areas.
11. More than 80% of the residential development is planned for neighbourhoods to the east of the Island Highway. Therefore, the Applicant should be asked to identify a school site in the Bamberton Gate or Historic Bamberton communities rather than in the Northlands community. The CVRD, School District and Three Point Properties may wish to consider opportunities to co-locate elementary education facilities and community facilities in the future, or to develop education facilities as part of a mixed used development. Such approaches may minimize

the footprint of a future elementary school and related facilities, and are therefore consistent with sustainability objectives.

12. The Northlands neighbourhood does not appear to offer the diversity of housing that is planned for other Bamberton neighbourhoods. It is recommended that the Applicant endeavour to expand the diversity of housing in the Northlands neighbourhood.
13. Three Point Properties is to be commended for its proposed Affordable Housing initiatives. However, the viability of small lot sizes and small floor areas should be reviewed.
14. Laneway housing and secondary suites are proposed for the Benchlands neighbourhood. Additional documentation should be provided before this phase of the development is approved.
15. Three Point Properties should be required to construct a specific number of purpose built rental housing units and to allocate one or more building sites for social housing purposes.

(e) Servicing

16. A structural evaluation of the Oliphant Lake Dam and evaluation of endurance in a seismic event should be obtained.
17. The first phase of development should be based on the existing CVRD water consumption design criteria of 540 Lpcd. Successive approvals should be based on actual operational history for earlier phases.
18. Three Point Properties should develop an overall strategy for expansion of the Oliphant Lake reservoir. The strategy should address the timing for completion of the works and the logistics of providing water during construction.
19. The Applicant should confirm the opinions of the hydro geologist retained by the Oceanview Improvement District that effluent disposal in the proposed CD zone 1 will not impact the existing residential development area around Inlet Drive.
20. Three Point Properties should be required to set aside sufficient suitable land for effluent disposal for all phases of the development. The land designated for ground disposal should be clearly identified in land use approvals.

(f) Transportation

21. While the Study Team is satisfied that traffic impacts are acceptable, a comprehensive traffic review is recommended as a condition of phased development approvals.
22. Three Point Properties should work closely with the Ministry of Transportation and Infrastructure to ensure that individual road segments are designed to achieve an appropriate balance of reducing environmental and viewscape impacts and adhering to Ministry guidelines.

23. The Applicant proposes to develop a Park-n-Ride site in the Northlands neighbourhood with direct access to the Highway off-ramp. It is recommended that this access be restricted to transit and emergency vehicles only.
24. It is noted that the Cowichan Valley Commuter Bus Service between Duncan and Victoria has been successfully launched through a partnership of Cowichan Valley Regional District, Victoria Regional Transit Commission, and BC Transit. Three Point Properties should be encouraged to provide an introductory incentive to future Bamberton residents to enjoy the benefits of public transit.

(g) Parks, Recreation and Open Spaces

25. Three Point Properties proposes to provide \$2,000 per lot for upgrading services and facilities in Electoral Area A. It is recommended that these funds be designated towards recreation facility enhancements in the area. This contribution would be in addition to the public parks and trails proposed to be developed within Bamberton. Such funding could be allocated to regional amenities serving Electoral Area A.

(h) Protective Services

26. It is recommended that Three Point Properties be required to set aside an appropriate Fire Station site for future use and provide the necessary capital funding when required. Consideration should be given to locating the Fire Station near the entrance to the eco-industrial park.

(i) Governance

27. The Study Team notes that a Services and Governance Study of Electoral Areas A, B and C is nearing completion. The Bamberton development could proceed under Electoral Area A governance, under an incorporation with Mill Bay and possibly Shawnigan Lake and Cobble Hill, or under a separate incorporation. Depending on the findings of the Services and Governance Study, CVRD may wish to undertake a specific study addressing the governance issues for Bamberton.



SRI

STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE OF NOVEMBER 3, 2009

DATE: October 27, 2009 **FILE NO:** 2-E-08RS
FROM: Rob Conway, MCIP **BYLAW NO:**
Manager, Development Services Division
Planning and Development Department
SUBJECT: Rezoning Application No. 2-E-08RS (Inwood Creek Estates)

Recommendation:

Direction from the Committee is requested.

Purpose:

To review the attached OCP and Zoning Amendment Bylaws for Application No. 2-E-08RS (Inwood Creek Estates) and to decide if the Amendment Bylaws should be sent to the Board for First and Second Reading and a Public Hearing scheduled.

Financial Implications: N/A

Interdepartmental / Agency Implications: N/A

Background:

At the October 20, 2009 EASC meeting, the Committee reviewed minutes from a public meeting held on September 3, 2009 and draft OCP and Zoning Amendment Bylaws. The Committee directed that Amendment Bylaws be referred to the following EASC meeting for further consideration.

Attached to this report are revised draft Amendment Bylaws for the Committee's consideration.

Options:

1. That Amendment Bylaws for Application No. 2-E-08RS (Inwood Creek Estates) be given first and second reading and a public hearing be scheduled with Directors Duncan, Morrison and Iannidinardo appointed as delegates to the public hearing; AND FURTHER that the application referrals to the Ministry of Community Services, the Ministry of Transportation and Infrastructure, the Ministry of Forests, Sahtlam Volunteer Fire Department, Vancouver Island Health Authority, Cowichan Tribes and School District 79 be accepted.

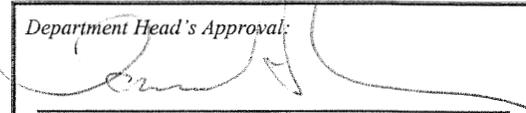
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- 2. That OCP and Zoning Amendment Application No. 2-E-08RS (Inwood Creek Estates) be denied and that the appropriate refund of application fees be given in accordance with CVRD Development Application Procedures and Fees Bylaw No. 3275, as amended.

Submitted by,



Rob Conway, MCIP
Manager
Development Services Division
Planning and Development Department

<i>Department Head's Approval:</i>  <hr/> <i>Signature</i>
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RB/jah



C.V.R.D

COWICHAN VALLEY REGIONAL DISTRICT

BYLAW NO. 33XX

A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1490, Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend official community plan bylaws;

AND WHEREAS the Regional District has adopted an official community plan bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Official Community Plan Bylaw No. 1490;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1490;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 33XX - Area E – Cowichan Station/Sahtlam/Glenora Official Community Plan Amendment Bylaw (Inwood Creek Estates), 2009**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1490, as amended from time to time, is hereby amended in the following manner.

- a) That the following Section is added after Section 7.4.3:

7.5 Policies: Rural Residential / Forestry Conservation

POLICY 7.5.1

The primary focus of the Rural Residential / Forestry Conservation designation is the protection of forestry lands for wildlife habitat and the inherent value of forest land and riparian area ecology for sustaining flora and resident and transient fauna. Provision of habitat for threatened, endangered and protected species of mammals, amphibians and others creatures is a particular emphasis of the designation. Secondary objectives of the Rural Residential / Forestry Conservation designation may be the use of forestry conservation lands for parks, trails and publicly-owned green space.

POLICY 7.5.2

A preservation and restoration plan may be developed for forestry conservation lands, as necessary.

POLICY 7.5.3

The Rural Residential / Forestry Conservation designation shall only be considered for forested lands located between lands zoned for residential and agricultural use, and lands zoned for primary forestry. Isolated parcels away from existing residential settlement are not considered appropriate for the Rural Residential / Forestry Conservation designation.

POLICY 7.5.4

Lands designated Rural Residential / Forestry Conservation in the Plan Map must comply with the following criteria:

- i) Where the designation would result in five or more parcels, a detailed neighbourhood plan / conservation strategy be prepared by the land owner and a public meeting be held prior to the land being considered for rezoning.
- ii) The Rural Residential land is not anticipated to be serviced with community water for at least 20 years.
- iii) Lands must be within a fire protection service area.
- iv) Non-residential lands intended for Forestry Conservation shall be transferred to public ownership.

POLICY 7.5.5

Lands designated Rural Residential / Forestry Conservation shall have a minimum parcel size of 1.0 hectare.

POLICY 7.5.6

Density bonusing, in accordance with Policy 3.1.17 of this Plan, may be used to protect environmentally sensitive areas and natural features.

- b) That Sections 7.5 to 7.8 are re-numbered to 7.6 to 7.9.
- c) That Blocks A and B, Section 1, Range 6, Seymour District and Section 10, Range 8, Sahtlam District, as shown outlined in a solid black line on Plan number Z-33XX attached hereto and forming Schedule A of this bylaw, be re-designated from Forestry to Rural

000127

Residential / Forestry Conservation and that Schedule B of Bylaw 1490 be amended accordingly.

3. CAPITAL EXPENDITURE PROGRAM

This bylaw has been examined in light of the most recent Capital Expenditure Program and Solid Waste Management Plan of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this _____ day of _____, 2009.

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

I hereby certify this to be a true and correct copy of Bylaw No. ~~33XX~~ as given Third Reading on the _____ day of _____, 2009.

Secretary

Date

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT UNDER SECTION 913(1) OF THE LOCAL GOVERNMENT ACT this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.

Chairperson

Corporate Secretary



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. 33XX

A Bylaw For The Purpose Of Amending Zoning Bylaw No. 1840 Applicable To Electoral Area E – Cowichan Station/Sahtlam/Glenora

WHEREAS the *Local Government Act*, hereafter referred to as the "*Act*", as amended, empowers the Regional Board to adopt and amend zoning bylaws;

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Area E – Cowichan Station/Sahtlam/Glenora, that being Zoning Bylaw No. 1840;

AND WHEREAS the Regional Board voted on and received the required majority vote of those present and eligible to vote at the meeting at which the vote is taken, as required by the *Act*;

AND WHEREAS after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 1840;

NOW THEREFORE the Board of Directors of the Cowichan Valley Regional District, in open meeting assembled, enacts as follows:

1. CITATION

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. 33XX - Area E – Cowichan Station/Sahtlam/Glenora Zoning Amendment Bylaw (Inwood Creek Estates), 2009**".

2. AMENDMENTS

Cowichan Valley Regional District Zoning Bylaw No. 1840, as amended from time to time, is hereby amended in the following manner:

- a) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding "RF- 50/50 Rural Residential /Forestry Conservation Zone" to Section 6.1 – Creation of Zones.
- b) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by adding the following after Section 8.9:

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8.10 RF-50/50 ZONE – RURAL RESIDENTIAL/FORESTRY CONSERVATION ZONE

Subject to compliance with the General Requirements in Part Five of this Bylaw, the following provisions apply in this Zone:

(a) Permitted Uses

The following *uses*, *uses* permitted under Sections 4.4 and 4.5, and no others are permitted in an RF-50/50 zone:

- (1) One single family *dwelling*;
- (2) *agriculture, horticulture, silviculture*;
- (3) *daycare* or nursery school *accessory* to a residential *use*;
- (4) *home occupation*;
- (5) *secondary suite*.

(b) Conditions of Use

For any *parcel* in the RF-50/50 zone:

- (1) the *parcel coverage* shall not exceed 30% for all *buildings* and *structures*.
- (2) the *height* of all *buildings* and *structures* shall not exceed 10.0 metres, except for accessory buildings, which shall not exceed a *height* of 7.5 metres.
- (3) the minimum *setbacks* for the types of *parcel* lines set out in Column I of this Section are listed for the residential, non-agricultural, agricultural and *accessory* uses in Column II and III.

COLUMN I Type of Parcel Line	COLUMN II Residential and Non-Agricultural Principal and Accessory Uses	COLUMN III Agricultural Principal and Accessory Uses
Front	7.5 m	30 m
Interior Side	3.0 m	15 m
Exterior Side	4.5 m	15 m
Rear	4.5 m	15 m.

- (4) Notwithstanding Section 8.10(b)(3), a *building* or *structure* used for the keeping of livestock shall be located not less than 30 metres from all *watercourses*, sandpoints or wells.

(c) Density and Density Bonus

- (1) In no case shall the minimum parcel size be less than 1 hectare.

- (2) The minimum parcel area for the purpose of s. 946(4) of the *Local Government Act* is 25 hectares.
 - (3) Blocks A and B, Section 1, Range 6, Seymour District and Section 10, Range 8, Sahtlam District, as shown outlined in black on Schedule A of Bylaw No.33XX, shall be subject to Density and Density Bonus provisions of Section 13.1
- c) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by adding “Part 13 - Appendices” after Section 12.10.
- d) That That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by adding the following Section to Part 13.

Appendix 13.1:

Subject to Part 12, the following regulations apply to Blocks A and B, Section 1, Range 6, Seymour District and Section 10, Range 8, Sahtlam District as shown outlined in black on Schedule A of Bylaw 33XX:

- (1) The number of residential parcels that may be created by subdivision on the subject lands must not exceed 3.
- (2) Despite Appendix 1(1), the number of parcels that may be created by subdivision may be increased to 25 if the conditions in Appendix 1(5) are met.
- (3) Despite Appendix 1 (5), the number of parcels that may be created by subdivision may be increased to 41 if the conditions in Appendix 1 (7) are met.
- (4) Density averaging is permitted, provided that the average density in any subdivision, including public land dedication, does not exceed one parcel per 2.0 hectares of gross land area.
- (5) In respect of any parcel created in excess of 3, an area of land equivalent to 47.13 hectares must be transferred to the Regional District for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances, at no cost to the Regional District.
- (6) Land provided to the Regional District described in Appendix 1 (5) may be phased, if the area of public land dedicated is at least proportional to the area of land to be subdivide.
- (7) In respect to any parcel created in excess of 25, one parcel must be transferred to the Regional District in fee simple for nominal consideration, free and clear of all encumbrances of a financial nature, including mortgages, assignments of rents, options to purchase and rights of first refusal, and all other encumbrances including any statutory building scheme not specifically approved in writing by the Regional District, to be used for purposes set out in Appendix 1 (9) and the cost of transfer including the Regional District’s actual, reasonable legal costs must be paid by the subdivider.

- (8) The parcel transferred to the Regional District referred to in Appendix 1 (7) must generally be located in the northern portion of the subject property, with the location and boundaries of the parcel approved by the Regional District.
- (9) The parcel transferred to the Regional District under Appendix 1 (7) must be used for community park purposes, including the sale of the parcel and the deposit of the proceeds into an Electoral Area E parks statutory reserve fund.
- (10) Notwithstanding Appendix 1 (7), the subdivider may register a restrictive covenant against the parcel referred to in the Section, precluding sale of the parcel for five years following registration of the subdivision and the sale of the lot below market price.

e) That Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by renumbering Part 13 - Transition as “Part 14 – Transition”, and the Table of Contents is amended accordingly.

f) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is amended by adding Rural Residential / Forestry Conservation Zone (RF-50/50) to the legend.

g) That Schedule B (Zoning Map) to Electoral Area E – Cowichan Station/Sahtlam/Glenora Zoning Bylaw No. 1840 is further amended by rezoning Blocks A and B, Section 1, Range 6, Seymour District and Section 10, Range 8, Sahtlam District as shown outlined in black on Schedule A attached hereto and forming part of this bylaw, numbered Z-33XX from Primary Forestry (F-1) to Rural Residential / Forestry Conservation (RF-50/50).

3. FORCE AND EFFECT

This bylaw shall take effect upon its adoption by the Regional Board.

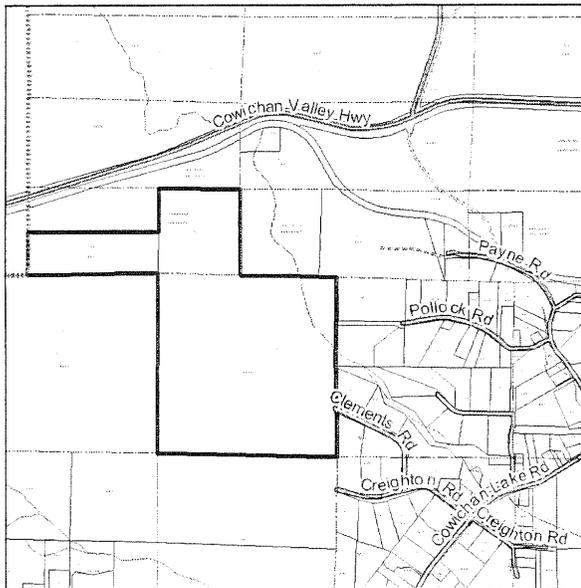
READ A FIRST TIME this _____ day of _____, 2009

READ A SECOND TIME this _____ day of _____, 2009.

READ A THIRD TIME this _____ day of _____, 2009.

APPROVED BY THE MINISTER OF COMMUNITY SERVICES UNDER SECTION
 913(1) OF THE LOCAL GOVERNMENT ACT
 this _____ day of _____, 2009.

ADOPTED this _____ day of _____, 2009.



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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF NOVEMBER 3, 2009

DATE: October 27, 2009

FILE NO:

FROM: Tom R. Anderson, General Manager

BYLAW NO:

SUBJECT: Medical Grow-Ops

Action:

That the Committee give consideration to this request.

Purpose:

To obtain Committee direction on the idea of amending the Electoral Area E Zoning Bylaw to allow licensed medical grow-ops.

Financial Implications:

N/A

Interdepartmental/Agency Implications:

The Vancouver Island Health Authority, RCMP and perhaps other government agencies may have an interest in this matter.

Background:

Director Duncan has provided the attached background information and has requested that the Committee give direction to staff to proceed with the amendment of the Electoral Area E Zoning Bylaw so that medical grow-ops are a permitted use in any zone subject to proper licensing and regulatory approvals to ensure it does not create a electrical or fire hazard. Staff also recommend that if the Committee wish to proceed with this amendment, that they direct staff to make the necessary inquiries in order to adequately determine that such an action will not exacerbate the already difficult situation that exists with illegal grow-ops in the Regional District.

Submitted by,

Tom R. Anderson,
General Manager
Planning and Development Department

TRA/jah
Attachment

000134



FIRE CHIEFS' ASSOCIATION OF BC
#9 – 715 Barrera Road
Kelowna, BC V1W 3C9
Phone: 250-862-2388
Email: fcabc@shaw.ca

October 23, 2009

Dear FCABC member:

In light of the denial of support from the Union of BC Municipalities for the regulation of Medical Marijuana Grow Operations, the Fire Chiefs' Association of BC remains concerned over the health and safety of the public, and welfare of firefighters who unsuspectingly and increasingly come in contact with the dangers associated with these operations.

There is evidence that these Medical Marijuana Grow Operations represent the same threat to public safety as illegal ones. "There is no intent implied to restrict access to medical marijuana," says Stephen Gamble, FCABC President "but merely to regulate the electrical, mechanical and structural modifications to a residential or commercial building to ensure the safety of licensed growers, the public and first responders."

We are asking you, as a member of the Fire Chiefs' Association of BC to raise this issue with your local politicians and CAOs. We have attached a backgrounder on Marijuana Medical Access Regulations permits that you can use in your discussions.

We have also attached the original report from Chief Len Garis, Surrey Fire Services and a recent press release issued by the FCABC after the Union of BC Municipalities convention in Vancouver.

If you have any concerns or require additional information, please do not hesitate to contact your Association.

Yours truly,

Stephen Gamble, CFO, MIFireE
President

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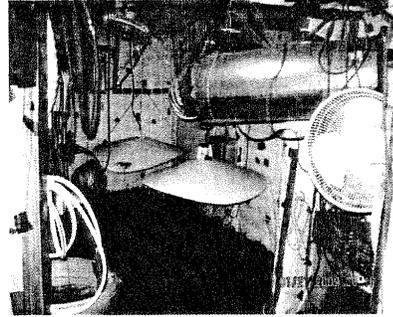
FIRE CHIEFS' ASSOCIATION OF BRITISH COLUMBIA

Unit 9 – 715 Barrera Road

Kelowna, BC V1W 3C9

Phone: 250-862-2388

Email: fcabc@shaw.ca



These two marijuana grow operations look the same but one is legal and the other is not. Can you tell the difference?

Residents in your community are legally growing Medical Marijuana, like the photo on the right, with a Health Canada administered *Marijuana Medical Access Regulations* permit. So why is this a concern?

Administered by Health Canada, this permit provides access to marijuana for medical use for Canadians needing such treatment. Once approved under the *Marijuana Medical Access Regulations*, individuals have three options for obtaining marijuana:

1. They can apply to access Health Canada's supply of marijuana;
2. They can apply for a personal use production license under which they can cultivate and process marijuana for their own use; or
3. They can designate someone with a designated-person production license to cultivate and process marijuana on their behalf.

According to Health Canada, individuals licensed under the *Marijuana Medical Access Regulations* are required to observe all other laws, including bylaws such as zoning, fire, and safety regulations when growing their own. However, Health Canada has also stated that "it is not the mandate of Health Canada to verify the safety standard of each production site."

As Fire Departments across BC and the rest of Canada discover these medical marijuana grow operations, they are finding that *Marijuana Medical Access Regulations* licensed marijuana growers have not been adhering to local zoning or safety

regulations. This may be due to a lack of knowledge of the requirements, lack of enforcement, or perhaps to avoid exposing themselves to criminal activity by keeping the operation as low key as possible. Whatever the reason, based on experience by Fire Departments across Canada, *Marijuana Medical Access Regulations* license holders are placing themselves, as well as first responders and the community at risk.

License holders are changing the use of buildings without the required permits or inspections that are necessary to ensure the safety of occupants, neighbours, and emergency responders. No procedure has been put in place by Health Canada to inform any local government about the issuance of a *Marijuana Medical Access Regulations* license in their community. This means that local governments have no knowledge about such operations so as to take action to ensure that appropriate inspections are conducted and permits are issued so that these sites meet all the necessary building, fire, and electrical safety regulations and, just as importantly, that they are remediated after the license has expired or the individual(s) move out.

The Fire Chiefs' Association of British Columbia has expressed concern over the health, safety and welfare of the public and firefighters who unsuspectingly and increasingly come in contact with the dangers associated with marijuana grow operations. Growing marijuana indoors in a residential setting – legally or not – tends to result in health, fire, and safety hazards related to electrical system modifications, structural changes and excessive moisture.

Based on this information, the Fire Chiefs' Association of BC strongly recommends that local governments revisit this issue and lobby Health Canada to take immediate action to modify its legislation and regulations to require that any applicant for license under the *Marijuana Medical Access Regulations* for the purpose of cultivation and/or processing of marijuana for medical purposes, be required to demonstrate compliance with all local bylaws and all electrical, fire, health, building, and safety regulations prior to the issuance of such a license and institute a process by which local governments are notified of such licenses being issued in their community.

Stephen Gamble, CFO, MIFireE
President



Corporate Report

NO: _____

COUNCIL DATE: _____

REGULAR COUNCIL

TO: Mayor & Council
DATE: April 14, 2009

FROM: Fire Chief
FILE: 0360-20

SUBJECT: Resolution to the UBCM and FCM Regarding Medical Marihuana Grow Operations

RECOMMENDATION

The Fire Services Department recommends that Council:

1. receive this report for information;
2. resolve to forward the resolution as contained in Appendix "A" of this report to the Union of British Columbia Municipalities (UBCM) and to the Federation of Canadian Municipalities (FCM) with the request that this resolution be considered at their respective 2009 Conventions.

INTENT

To obtain Council approval for a UBCM and FCM resolution intended to increase the regulation and safety of medical marihuana grow operations in the City of Surrey and other Canadian communities.

BACKGROUND

Administered by Health Canada, the Marihuana Medical Access Regulations (MMAR) permit access to marihuana for medical use for Canadians needing such medical treatment. Once approved under the MMAR, individuals have three options for obtaining marihuana:

1. They can apply under the MMAR to access Health Canada's supply of marihuana;
2. They can apply for a personal use production license under which they can cultivate and process marihuana for their own use; or
3. They can designate someone with a designated-person production license to cultivate and process marihuana on their behalf.

According to Health Canada, individuals licensed under the MMAR are required to observe all other laws, including bylaws such as zoning, fire, and safety regulations. However, Health

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Canada has advised "it is not the mandate of Health Canada to verify the safety standard of each production site." Further, Surrey staff has learned that there is no procedure in place to alert local governments about the approval of a MMAR license in any particular local government jurisdiction.

As of July 4, 2008, 2,017 individuals in Canada had MMAR licenses to cultivate and process medical marihuana. This number is up from 1,374 in July 2007, 1,045 in June 2006 and 586 in July 2005. Of the 2,017 licenses, 1,715 held a personal-use production licence and 302 held a designated-person production licence.

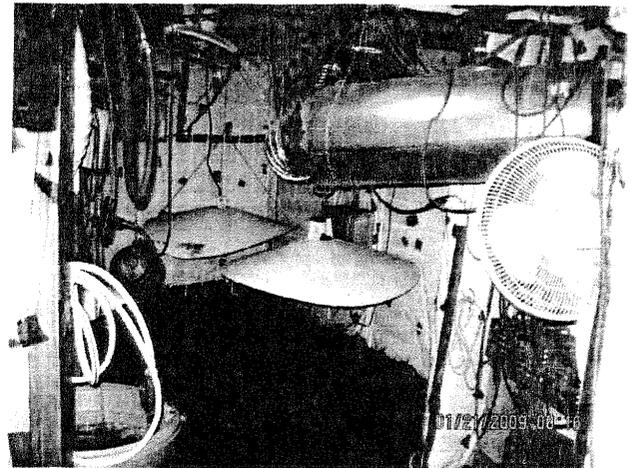
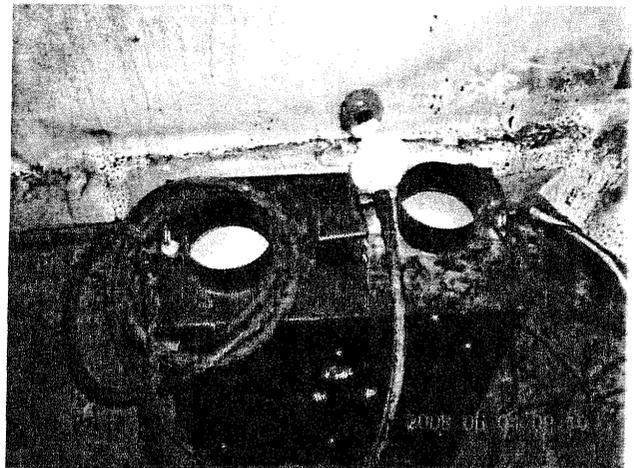
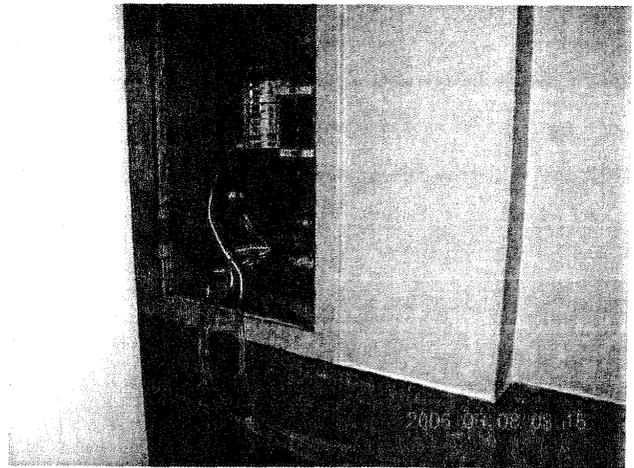
DISCUSSION

Canadian Fire Services Departments are finding that marihuana growers licensed under the MMAR are not adhering to zoning, fire and safety regulations. This may be due to the lack of knowledge of the requirements, lack of enforcement or perhaps to avoid exposing themselves to criminal activity by keeping the operation as low key as possible. Whatever the reason, based on experience by Fire Services Departments across Canada, the MMAR licence holders are performing electrical wiring and

equipment installations themselves, generally without knowledge of safe electrical practices.

As municipalities across Canada conduct public safety inspections of houses suspected of containing illegal grow operations, they are encountering an increased number of legal medical grow operations that share the same hazards as the illegal operations.

The City of Surrey's Electrical Fire Safety Team has inspected eight residential MMAR grow operations in the past three years. The City was alerted to the sites because they were consuming electricity at a rate five times the average for a typical single-family residence. Violations of municipal regulations were found at all sites as well as numerous violations of the provincial electrical code, building code and fire code. Most of the sites required immediate electrical system remediation. In most locations there was also evidence of improper chemical storage, mould and excessive moisture, fire hazards, and structural changes that were contrary to code requirements in relation to fire separations.



Scenes from medical grow operations in Surrey, B.C.
Top: electrical safety hazards for work performed without permit or inspection.
Middle: signs of mould and excessive moisture, as well as electrical safety issues.
Bottom: various electrical and fire hazard issues.

Research that was conducted by the Centre for Criminal Justice Research at the University of the Fraser Valley concluded that residences containing a marihuana grow operation have a 1 in 22 probability of having a house fire compared to a residence with no grow operation where the probability is 1 in 525. The study also found that property damage from a fire in a residence containing a grow operation was nearly double the value of damage accruing from a fire in a residence without a grow op.

Fires in houses with marihuana grow operations typically result from the improper installation of the high-wattage electrical equipment used to grow marihuana. Electrical inspectors have observed there is little difference in the electrical installations between legal and illegal grow operations. In both cases, there generally is little regard to ensuring electrical installations are done properly, which exposes the occupants of such dwellings and their neighbours to a very real electrical and fire safety threat.

Electrical inspectors have also observed cases where a tenant applies for and obtains a medical grow license without the knowledge or consent of the owner of the property. Such installations can have serious impacts on the future value and insurability of the premises, which is clearly contrary to the owner's interests.

MMAR license holders are changing the use of buildings without the necessary permits or inspections that are necessary to ensure the safety of occupants, neighbors, and emergency responders. No procedure has been put in place by Health Canada to inform any local government about the issuance of an MMAR license in their community. This means that local governments have no knowledge about such operations so as to take action to ensure that appropriate permits are issued or inspections conducted so that sites containing medical grow operations meet all necessary building, fire and electrical safety regulations and, just as importantly, are remediated after the license is expires.

CONCLUSION

The Fire Chiefs' Association of British Columbia has expressed grave immediate concern over the health, safety and welfare of the public and firefighters who unsuspectingly and increasingly come in contact with the dangers associated with marihuana grow operations. There is evidence that medical marihuana grow operations represent the same threat to public safety as illegal operations. Growing marihuana indoors in a residential setting – legally or not – tends to result in health, fire and safety hazards related to electrical system modifications, structural changes and excessive moisture.

Based on the above discussion, it is recommended that Council resolve to forward to the UBCM and the FCM for consideration at their respective 2009 Conventions, the resolution that is attached as Appendix "A" to this report. This resolution is the natural next step in the City of Surrey's proactive work regarding marihuana grow operations and its efforts to increase public safety in our community.



Len Garis
Fire Chief

Attachment: UBCM Resolution – Medical Marihuana Production

API

September 3rd, 2009
7:30 pm

Minutes of the Electoral Area B Advisory Planning Commission held on the above noted date and time at Shawnigan Community Centre .

Present:

APC members: Vice-Chair Carol Lane, Sara Middleton, recording secretary Cynara de Goutiere, John Clark, Rod MacIntosh

Absent: Chair Graham Ross-Smith, Roger Painter

Delegation: Jen Lawson

ORDER OF BUSINESS

1) **Introductions.** Sara Middleton chaired the meeting, as Graham Ross-Smith was absent and Carol Lane felt too new on the APC.

2) **Jen Lawson presented Application No 4-B-08RS**

Jen's family own the 16 ha property on Shawnigan Lake Road. They wish to rezone from F1 to F2 for the purpose of subdividing the property into 4 parcels, one of which would be for Ms. Lawson. The proposed layout involves bisecting three of the lots with the existing access drive.

3) **Minutes.**

Motion to accept minutes of February meeting **Motion seconded and carried.**

4) **Discussion of Application No 4-B-08RS**

The application as written is problematic and confusing:
Lots dissected with access road, which leads to questions:

- how many lots would be created?
- would the driveway become a road?
- would there be a requirement of such a road to access the lot behind.
- Technically the parcel is not large enough to subdivide into 4 lots and road.

Ideas suggested as to how to more creatively allow subdivision of a third lot for Ms. Lawson, without running a road up the middle.

Also discussed was the question of creating residential parcels in an industrial forestry area.

5) **Motion** that we table this application and ask CVRD to clarify

- a) subdivision of 16 ha into 4 parcels and a road
- b) the implications of a road bisecting 2 of the proposed lots

Motion seconded and carried.

6) Discussion of “lead hand” member concept. APC members feel that we need more than one person doing a site visit.

7) Meeting adjourned
Next meeting October 1st.

AP2

CVRD

Area "F"
Advisory Planning Commission
Minutes, October 15th, 2009
Honeymoon Bay Hall
7:00pm

Present;
Joe Allan
Phil Archbold
Brian Peters
David Lowther

Application 1-F-08RS (Bowers)

After considerable discussion regarding the project the applicant asked for more time to work on their proposal.

The commission adjourned with no recommendation regarding 1-F-08RS at approx 9:00pm

AP3

**Area A Advisory Planning Commission Bamberton Meeting
21 October 2009
Held at Mill Bay Fire Hall
Minutes**

Present: Cliff Braaten, June Laraman, Dola Boas, Ted Stevens, Margo Johnston, Geoff Johnson, Archie Staats, Brian Harrison (Director Area A), Roger Burgess (Alternate Director Area A).

Regrets: David Gall, Derek Norton

CVRD Staff: Mike Tippett, Rob Conway

Audience: Three Point Properties representatives, Ross Tennant, Jack Julseth, Stefan Moores and 2 observers.

Meeting called to order at 9:05 am

Agenda:

It was moved and seconded the agenda be approved.

MOTION CARRIED

Previous minutes:

It was moved and seconded the minutes of 30 September 2009 meeting be adopted.

MOTION CARRIED

Purpose of meeting:

The Purpose is to examine the Bamberton application with a focus on the key areas of interest identified by the APC ensuring that these areas have been adequately addressed and that the suggested principles provide the appropriate guidelines to be followed should the rezoning application proceed. Additionally, the APC will be asked to give their final recommendation on the Bamberton rezoning request based on the discussions and input provided during the course of the workshops recently conducted.

Framework/Process:

- Area A will need to evaluate the Bamberton application within the community context of the South Cowichan area as detailed in the CVRD documents provided for the following topics: Commercial and Retail Services, Recreational Services, Proposed Amenities, Development Control and Monitoring, Health Services including construction and funding and Schools. The CVRD staff will be available to answer questions.
- APC recommendation to the Electoral Areas Services Committee (EAS) will incorporate APC input along with other requested inputs. APC recommendations will assist the EASC and the Regional Board with its review of the application.
- Area A APC meetings are open to the public. Any attendees that are not part of the APC, are not Area Directors or CVRD staff will be considered observers to the meeting not participants. Should Three Point Properties attend the meeting, commission members will be asked to indicate to the chair if they have a question and/or concern to which they wish to receive input from the developer.

Meeting Format:

I. Status Report on Water & Sewerage Issue

Rob Conway

- CVRD follow up meeting with Three Point Properties
 - Developer requesting a policy variation.
 - No resolution at this time – still working on issues.
 - Ultimately a CVRD Board decision.

II. Bamberton Business Park (Outstanding request from Sept. 30th meeting)

- Handout prepared by Three Point Properties outlining types of businesses
 - Utilities as part of Business Park reduces the space available for businesses.
 - Ross Tennant stated the utilities for site can be located in another area.
 - APC concern that 70 acres is not a large enough footprint for Business Park.

III. Overview of Staff Comments & Suggested Principles

CVRD Staff

- A. Commercial and Retail Services
- B. Recreational Services
- C. Health Services including construction and funding
- D. Schools
- E. Proposed Amenities
- F. Development Control and Monitoring

Note: Each area will be discussed in its entirety. No further discussion of these key areas is anticipated in the rezoning application.

Mike Tippett and Rob Conway provided an overview of staff comments and suggested principles for each of their documents. APC question, comments and concerns were expressed.

The suggested principles below will be included in the CVRD staff report prepared for the EASC meeting. **APC suggested changes and or additional principles are bolded.**

A. Commercial and Retail Services Suggested Principles

1. *Require some local commercial services to be developed concurrently with residential development.*
2. *Ensure there is sufficient land available within Bamberton to accommodate increased demand for local commercial and retail use as a result of changing economic conditions.*
 - Room to expand in some areas - larger amount of commercial space available if needed in some neighbourhoods. E.g. there is 35,000 Sq. ft of commercial and 5,000 Sq. ft retail in the Triangle area.
 - Can be dealt with through sub phasing for each area.
 - Light industrial/service commercial need to support individuals to work and live in the area.
3. *Employ rigorous design controls and selective zoning to successfully integrate neighbourhood commercial/retail with residential uses.*
 - Zoning provide right mix of uses – lots of attention needed by CVRD
4. *Ensure neighbourhood commercial and retail uses are well connected to residential areas with pedestrian and cycling trails.*
5. *Consider lands for future commercial uses in the Mill Bay community through future OCP reviews and bylaw amendment processes.*
6. *Should the Bamberton project reach 30% build-out with no new commercial/retail services available, and then Bamberton would be required to fill the gap and begin large-scale commercial development.*
 - If the Stonebridge development does not materialize, Bamberton would need to move forward quicker to provide commercial space

B. Recreational Services Suggested Principles

1. *The CVRD should balance the proportion of amenity cash contributions for recreation against the other community amenity needs before committing to any particular formula.*

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2. *In the course of preparing a Phased Development Agreement, detailed specifications for the various improvements to outdoor recreation amenities will be defined and incorporated into the PDA.*
 - Baseball, soccer fields, tennis courts, etc.
 - Maybe playing fields could be established on septic fields in each neighbourhood and/or on other lands reserved for future development e.g. commercial space, school site, etc.
 - Paved trails divided to provide for cycling.
3. *The various land amenities will have to be defined in the PDA prior to being dedicated to the CVRD. The Southlands area and proposed Bamberton Provincial Park extensions in particular should be transferred either at the time of adoption of the amendment bylaws or in the initial phase of development*
4. *A community assembly facility should be designated in the Village to provide gathering and informal recreational opportunities for the future Bamberton residents.*
 - Multipurpose building such as a community hall or centre provides a place for people to congregate.
 - If a Fire hall is built near the beginning of the project maybe meeting rooms of various sizes could be incorporated in the building design to provide an indoor place for the community to congregate for meetings, classes, etc.
5. *A formal public waterfront walkway that is fully wheelchair accessible and is paved or built with other sustainable surfaces should be considered as part of the land amenities and incorporated into the PDA.*
 - Mill Bay is a seaside community with limited access to the seaside. All commission members consider this issue a priority.

C. Health Services including construction and funding

Suggested Principles

- a) *The CVRD should consider setting up a Regional Health Services Committee which would develop a strategic regional plan for health care capital improvements and investments within the region and set policy with respect to capital reserve fund sources.*
 - A Region Health Services Committee has already formed to get more funds directed to the Cowichan Valley. And is direct communications with the Ministry.
- b) *The various amenity contributions proposed with respect to the Bamberton application must be set at a level that is reasonable and sustainable by the developer, and the relative importance of the destinations for these contributions should be identified by the CVRD.*
 - Health care dollars move with the individual and are provincially regulated.
 - Probably in the future more user pay centres will appear in the Cowichan Valley as are available Vancouver.
 - Health services will come with demand.
 - No hospital and no medical costs should be attributed to the developer.
 - A heli-pad may be needed for medical emergencies.
 - Does not make a lot of sense to require the developer to be asked to assist with health service costs. Health services are a Provincial responsibility.

D. Schools and related issues

Suggested Principles

- a) *Having a school in a development the size of Bamberton is mandatory for social networking, making the community attractive to young families and for social health in general.*

- b) *The CVRD supports School District 79 staff in its desire to offset some of the capital costs of school construction on the Bamberton site through an amenity contribution to a school construction fund, as a means of enhancing the chances that Provincial capital contributions are more likely to be made if there is seed money already available.*
- APC is not in agreement with this principle.
 - Provincial Government makes decision for a school.
 - Properties will be taxed to build schools.
- c) *A suitable target for amenity contributions is in the range of 30% to 50% of the total estimated costs of an elementary school by the mid-Bamberton buildout stage.*
- APC is not in agreement with this principle.
 - The money to assist with the cost of a school goes into a general building fund at School District 79 it would be difficult to target the money for a school in Bamberton.
 - Developer contribution not necessary, reserve space for a school.
- d) *Three Point Properties should provide the land for a school site with a playing field under trust to the CVRD to insure it does not disappear at a future date.*

E. Proposed Amenities

Suggested Principles

1. *Consider the applicant's commitment for low impact, sustainable development features and practices to be a community amenity and incorporate requirements into draft development approvals.*
2. *Require amenity contributions for community facilities deemed necessary for fire protection and the establishment of Bamberton as a "complete and sustainable community".*
 - Mill Bay Fire District is not part of CVRD, Mill Bay residents pay total cost. Malahat fire protection is with the CVRD.
 - Heli-pad for medical emergencies would be valuable.
 - Fire hall for Bamberton is a necessity.
3. *Ensure neighbourhood features identified in the application are incorporated into neighbourhood plans and required as conditions of neighbourhood development.*
 - Such as Amphitheatre, etc.
4. *Ensure the applicant's commitments for amenities are clearly defined and secured before proceeding to public hearing.*
 - Ownership issue regarding water and sewage services need to be clarified before public hearing.
 - APC expressed concern about the absence of a Regional Growth Strategy and Regional Recreational Plan
5. *At the end of project build-out, the combined communities of Mill Bay and Bamberton will contain a population between 12,000-15,000 at a minimum. The CVRD needs to evaluate what amenities a community of this size needs and what a community of this size will actually need to function effectively.*

F. Development Control and Monitoring

Suggested Principles

- a) *Amenities associated with the Bamberton proposal will be clearly identified, along with their timing, and these will be incorporated into approvals using any possible means;*
- Requires careful monitoring.
 - Need flexibility for community and developer.

- b) *Phased Development Agreement(s) (PDAs) will be used in order to secure amenities and control the timing of the various portions of the proposed development;*
- c) *A Development Approval Information (DAI) provision will be enacted in the event of a phased zoning approach being adopted, in order to better identify and adapt to the impacts of development as the Bamberton site is built;*
- d) *The Official Community Plan (OCP) amendments will contain policies related to the longer-term build-out of the site, to ensure that if a PDA approaches expiry, a successor PDA would have to be developed, or the (undeveloped) balance of the site may be subject to down-zoning;*
- e) *Consideration should be given to the establishment of a Bamberton Design Panel, to assist the CVRD in assessing development permit applications and other related matters;*
- f) *Opportunities for public participation in later stages of development should be sought out and incorporated - where possible - into the approvals process;*
- g) *Water and Sewer utilities will be owned and operated by the Cowichan Valley Region District or an existing Improvement District, in part because control over these services will facilitate the orderly development of the project;*
- h) *The feedback of earlier phases of development being used to refine procedures and processes in future phases of the Bamberton development is important and some mechanism to ensure this takes place is needed.*
- i) *Zoning approvals should not to exceed the terms of the PDA.*
- j) *A blanket PDA for the amenities package should be considered with supporting PDAs for the neighbourhoods/phases.*

IV. APC Final Assessment

Roundtable

- How the project goes ahead is related to how it is regulated.
- If the project goes ahead we must make sure to do it right.
- Bamberton development will change Mill Bay forever.
- Regulation and control by CVRD is very important.
- Three Point Properties responsibly to stay on track and be engaged with the community.
- What's in this for the community?
 - An environmentally conscientious developer committed to developing a LEED Gold community.
 - Mixed use housing intended to attract a mix of buyers – Singles, young couples, the environmentally conscious, empty nesters, retirees.
 - An Eco-industrial park that will provide place for living and working in community and provide an increased tax revenue base.
 - A new 120 acre regional park with trails and scenic views and an Eco adventure for the young at heart.
 - A waterside village with restaurants and places to stroll by the ocean.
 - A marina and deep water port.
 - Integrated neighbourhoods with commercial/retail aspects.
- Hard to visual what the community will look like in 20-25 years.
- Good governance and management to control it.
- This developer will raise the bar for future developers and they have a good track record e.g. Docksider Green.

V. APC Recommendation

Roundtable

- The seven APC members present unanimously recommend the Bamberton development move forward.

Director Wrap-up

- Thanked APC for their contribution and the effort and time the commission expended on the rezoning application.
- The regional District has not undertaken a Regional Growth Management Plan at this point. Lack of such a plan does not prevent applicants from being processed or from moving forward.
- The Regional District has not over the years been able to develop an agreement on Regional Recreation that has been acceptable to all members.

Meeting Adjourned at 1:00 pm.

The next regular meeting will be at 6:30 pm on 10 November 2009 at Mill Bay Fire Hall.

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OCT 22 2009

**Area A Parks & Recreation Meeting Minutes
October 15th, 2009
Held at Brentwood College**

Present: David Gall, Clyde Olgivie, June Laraman, Joan Pope, Paris Webster, Greg Farley, Cathy Leslie, Mario Liannidinardo, Roger Burgess (alternate Director)

Regrets: Brian Harrison (Area A Director)

New Member: David gall welcomed new member, Cathy Leslie, to the Area A PRC.

Meeting Minutes: It was moved and seconded
That the meeting minutes for September 17th, 2009 be accepted.

Director's Report: June Laraman provided the update at Director Harrison's request:

- The news release of the CVRD acquisition of a new regional park – Stocking Lake/Heart Lake Regional Park was distributed and discussed.
- The cancellation of the Limona request scheduled for review at the October 13th APC was reviewed and discussed.
- The Bamberton rezoning request has its last review with the Area A APC on October 21st. The discussion centered on the process as it related to the approval of the request and when it would come to the Area A PRC for review and input.

MOTION CARRIED

Agenda: It was moved and seconded
That the meeting agenda for October 15th be accepted.

MOTION CARRIED

Existing Business:

Progress Reports

Trail work to be completed this fall: The JOP crew will be clearing/grubbing the trail route between Briarwood and Kerry Village this fall while the developer will be constructing the pedestrian crossing over Hollings and Handysen Creeks per approval granted by the CVRD Board.

Inlet Drive Beach Access: The CVRD Parks staff are still reviewing the cost implications and possible constraints of the MoT and Infrastructure in approving the development of a public beach access. Inlet Drive Rd is only 44 Ft. wide vs. the required 66 Ft. which creates constraints as the MoT requires 3 parking stalls at road end with the ability to turn around.

Additionally MoT has indicated items such as water control; boundary establishment would need to be addressed along with such items as ditching, culvert works, fencing, signage and a small staircase to the beach.

The original budget was estimated at \$5,000 but now appears to be estimated at costing between \$10,000 & \$12,000.

It was moved and seconded that

The beach access should be delayed until 2010 and a more creative solution was needed as a three stall parking lot was undesirable to the local residents.

MOTION CARRIED

Note: Ryan Dias, CVRD Parks staff, has since notified the PRC that the MoT would be supportive of beach access that doesn't include parking. Ryan has indicated that the beach access trail, a staircase, some split-rail and maybe a bench or picnic table could be completed in 2009 within the original \$5K budget. In checking with David Gall and commission members who are in the area this would be a reasonable approach so the PRC is supportive of the project being completed as described by Ryan.

Mill Bay Veterinary Clinic: The clinic rezoning is currently on hold as the applicant is unsure as to how they would like to proceed. The applicant was made aware on August 5th of the Area A PRC comments with respect to a possible contribution as part of the rezoning. There has been no response from the applicant at this time.

Budget Update

YTD Budget

- The Oct. 14th, 2009 financials were distributed and reviewed. It was noted that \$48,231.29 had been expensed against a budget amount of \$112,674.00 leaving a variance of \$64,442.71 YTD.
- Follow-up questions Sept. 17th Meeting:
 - 1) The September 09 financial statements showed that Area A has expenses of \$40,403 against a budget amount of \$112,674 netting a \$72,170 variance to budget. Ryan Dias explained that a good portion of this variance would be expended in the remainder of 2009. Given that only one quarter of the budget year is remaining, the Area A PRC requests a breakdown of where these monies will be expended.

Brian Farquhar provided the explanation that the monthly financial statements do not include all of the expenses incurred for the previous month and can be a couple of months behind due to the timing of invoicing. An example provided was the 2009 Summer Playground Program, which is managed by Kerry Parks Recreation during the summer months and invoiced at program end in the fall. The Oct. 14th financials do not yet reflect these costs.

- 2) There was a discussion about what the Area A PRC is holding in reserve and estimated that this should be around \$81,934 plus interest. The CVRD Parks and Recreation staff was asked to verify this amount.

Brian Farquhar responded that the Area A has two reserve accounts – 1) the General Parks Reserve which is currently

\$82,585 and 2) the Parkland Acquisition Reserve which currently \$12,022.

South Cowichan Parks

& Recreation:

June Laraman distributed a copy of her notes to the team and discussed the highlights of the Cowichan Bay Boat Launch and Mill Bay Historic Church survey results. The cost of the restoration of the MB Historic Church is estimated to be at least \$150,00 and there is a document supporting this estimate. June agreed to obtain a copy of the estimate if available for the Area A PRC to review.

Note: The South Cowichan Parks & Recreation Minutes were formerly distributed on October 16th and have been distributed to the Area A PRC.

New Business

Summer 2009 Playground Program

Brian Farquhar, CVRD Parks staff, provided the Summer 2009 Playground Report dated September 21st, 2009. The highlights of the report were reviewed; however, the recommendation that the Area A PRC consider canceling the sponsorship of the preschool program is still outstanding. This item will be brought forward to the November 19th meeting.

Area A PRC Update – MB Messenger

June Laraman brought forward the idea that the Area A PRC should find some means of updating the community of our activities to date. This could be an article in the MB Messenger or South Cowichan Life.

It was moved and seconded that

June Laraman should draft a document for Area A PRC review and approval for inclusion in the upcoming Mill Bay Messenger.

Adjournment: It was moved and seconded

That the meeting be adjourned.

MOTION CARRIED

The meeting adjourned at 8:41 PM.

Next meeting: November 19th, 2009 at 7pm at Brentwood College

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OCT 21 2009

Minutes of the Cowichan Station/Glenora/Sahtlam Parks and Recreation Commission Meeting, held on October 15th, 2009 at the Glenora Community Hall.

Present: Ron Smith, Howard Heyd, Frank McCorkell, John Ramsey, Irene Evans, Larry Whetstone, Director Loren Duncan, Paul Slade, Ryan Dias

Call To Order: The meeting was called to order at 7:35 p.m.

Minutes: The minutes of the September 22nd, 2009 meeting were distributed and reviewed by the commission members present and accepted.

Business Arising: The commission requested that the inside dead bolt to the main door to the washrooms at the Glenora Staging Area be removed, and also, that the caretaker undertake a check of both washrooms prior to locking them up for the night.

New Business:

Ryan Dias, CVRD Parks Operations Superintendent went through the Draft 2010 Community Park Budget for Electoral Area E. This included a full review of the 2009 Budget, the 2009 forecasted expenditures, and the proposed 2010 budget.

The Commission and Director Duncan had a number of questions and suggestions. These included why there seems to be a considerable number of split cedar rails missing from the Glenora Staging Area Park. These were stored there and were supposed to be used at this park.

Also, it was requested that there be a gradual expansion and improvement of the Miller Road Rest Stop area to the north between the E & N Railway and Trans Canada Highway. It was hoped that this beautification program would extend as far as Roberts Road.

There was a general discussion regarding the Cowichan Station School, the community aspirations and seemingly change of direction. Because the community is now in negotiations with the School District and want to acquire a lease for the buildings and property it was decided that this line expense be eliminated from the 2010 parks proposed budget.

At this point Mr. Dias also explained why the budget for 2010 would include the "Transfer to General Capital Reserve" and the need for the Commission set aside funds for the replacement of various facilities as they age. In this way there would be no major 'shock' to the budget in any specific year when a large item within a park has to be replaced or significantly upgraded.

At this point the Commission members reviewed the projects finished or about to be finished or have funds to finish minor and major capital projects. The following proposed capital projects were recommended for 2010.

- that a small tot lot be developed at the Glenora Staging Area Community Park and include a few swings, teeter totters, etc.
- that a trail way be subdivided out of the parkland reserve lot located on the north side of Riverbottom Road in the Sandy Pool Area.
- that the summer students work at the Area E parks for two weeks in 2010, with the budget altered accordingly. One full week would be dedicated to work around the Glenora Staging Area Community Park.
- a total of \$8,000 be dedicated to the John's Road right-of-way for improvements to allow Glenora area residents access to the Cowichan River. It was pointed out that there are very few areas where there is now access and this particular area has a nice riverside sand beach.

Area E Parks and Recreation Commission meeting of October 15, 2009 continued:

Other Business:

1. Corrals at the Glenora Staging Area Park: The Commission was brought up-to-date on the work already undertaken as well as the corral design/layout and material to be used. It was also mentioned certain other amenities in the area would be developed such as a manure compost facility, re-location of the kiosk sign to this area, an entrance 'gate' from the parking area to the corrals, and signage.

The commission is also going to contact the Valley riding club executives who have been involved with the planning of the facility to see if they have been able to get any materials donated for the project or have accessed funding that could offset costs this year or next year.

2. Sahtlam Sign: Paul Slade indicated that the kiosk is finished and now ready for the information sign(s). Director Duncan will be contacting the Economic Development Commission to get the allocated funds directed to have the signs made in this year's budget. It was also pointed out there are timelines that must be met for the completion of other signs within the Glenora Staging Area Community Park or the grant will be lost.

Next Meeting

The next meeting will be at the call of the Chair.

Adjournment:

The meeting adjourned at 9:45 p.m.

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MINUTES OF ELECTORAL AREA I (Youbou/Meade C COMMISSION MEETING

PK 3
OCT 21 2009

DATE: October 13, 2009

TIME: 7:00pm

MINUTES of the Electoral Area I Parks Commission Meeting held on the above noted date and time at Youbou Lanes, Youbou, BC. Called to order by chair at 7:02pm.

PRESENT:

Chairperson: Marcia Stewart
Vice-chairperson: Sheny Gregory
Members: Dave Charney, Gerald Thom

ALSO PRESENT:

Director: Klaus Kuhn
Alternate Director:
Secretary: Tara Daly
Guests: Brian Farquhar, CVRD Parks Manager

REGRETS: Alternate Director Alex Marshall, Dan Nickel, Wayne Palliser

ACCEPTANCE OF AGENDA

It was Moved and Seconded to accept the agenda.

MOTION CARRIED

ACCEPTANCE OF MINUTES

It was Moved and Seconded that the minutes of September 8, 2009 be accepted with the following correction: spelling of Thomas Kreilein.

MOTION CARRIED

BUSINESS ARISING

- **Community Trust Fund** ~ S. Gregory reported that the funds have all been spoken for at this deadline but she was encouraged to check again in December; she will email a list to Commission members of the items that the monies can be used for
- **Little League Park** ~ R. Dias has put the sand on hold pending further investigation

CORRESPONDENCE

- email from R. Dias and Linda Backlund noting that all equipment has been removed from the storage room to allow the Maintenance Contractor to use it for storage

DIRECTOR'S REPORT

- the sixteen (16) students and Peter Law coming to Cowichan Lake to film didn't work out as planned but not to waste the day decided to identify invasive plants; Eurasian milfoil was found below and above the weir, this plant is transferred on boats and is extremely difficult to get rid of
- UBCM (Union of BC Municipalities) convention was held recently in Vancouver with 600 attendees and a further 400 support and ministerial staff attending; Director Kuhn met with the Attorney General asking for \$10 000 for seasonal policing on the lake, positive response
- Elk Signs ~ misunderstanding with Highways has led to a delay but hoping that two (2) signs are arriving soon

COWICHAN LAKE RECREATION

- **Regatta** ~ was a huge success, Linda Backlund thanked the Commission for their work in the concession and moving equipment, \$1 100 was made in four (4) hours; the dance had 102 attendees

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with everyone enjoying the band

- **Arena project** ~ will soon be underway with tenders closing this week for demolition, the renovations will be completed in two (2) phases
- **Halloween** ~ at Youbou Hall with doors opening at 5:30pm and Haunted House opening at 6:00pm with costume judging for all categories to follow, free hotdogs and drinks, no fireworks display because of new CVRD By-law requiring the person setting off the fireworks to have completed a course; the course is only offered in Maple Ridge – investigating the possibility of someone coming to the CVRD to teach the course
- **New Year's Dance** ~ doors open at 9pm, tickets are \$15 each including a midnight snack, the band is *Third Rock*

CHAIRPERSON'S REPORT

- **Community Ballgame** ~ only had six (6) persons out to play but it was a lot of fun, the OAPO still opened the concession
- **Park Commission Chairs meeting** ~ all areas except Mesachie Lake are focusing on small projects, Mesachie Lake has purchased the store beside the Skydome and will expand their field; community fundraising for parks is happening in many areas, tree planting with a memorial plaque is becoming popular, with the public purchasing the trees

COWICHAN VALLEY REGIONAL DISTRICT – Ryan Dias

- **Little League Park** ~ ballfield: best solution for the field seems to be lifting the sod (contractor to do), re-grade (contractor to do), and lay the sod back down (could be done by volunteers)
- **Woodland Shores** ~ not ready yet for a walkabout, unsure if seeding has been completed, a deficiency list has been compiled including gates not be installed and grass not sown
- **Maintenance Contractor** ~ is aerating and winterizing water lines

OLD BUSINESS

- **Community Ballgame** and other events to be discussed further next Spring
- **Buoys (6)** ~ have been installed by the Town of Lake Cowichan on the east end of the South Arm at a cost of \$500 each, a difference in the boat traffic has been noticed by lakeshore residents
- **Archie Benson** bench has been removed from the Little League Park

NEW BUSINESS

- **Flag** ~ at Arbutus Park needs to be removed, Director Kuhn will contact W. Palliser
- **Cover for slide** at Arbutus Park is needed, M. Stewart has spoken with R. Dias
- **Woodland Shores** gate key ~ CVRD and Boy Scouts currently have keys, although there are plans for the land behind the gate it hasn't happened yet and there is a liability concern
- **Park Feedback Forms** ~ all members present handed in their forms except S. Gregory who will email M. Stewart
- **Update on Woodland Shores parks by B. Farquhar** ~ includes three (3) small parks, Upland Parks, Scout Camp relocation, and trail along the road; is very close to completion, deficiency list has been compiled with a \$46 000 bond put forward by the developers who are working through the list, the bond will be used for anything that isn't completed to CVRD standards; Commission will do a walk through at completion to give approval; there are potable water and sewer hook-ups in the parks
- **Water Tank** stability of bank ~ is CVRD liable? A geo-tech study was completed for MoTH to allow the subdivision so there is no liability concerns
- **Frog Pond** ~ biologist report covers 1½ year study and notes no introduction of sediment into the pond, hydro seeding will be done again, hay bails have been put in the upper ditch; CVRD staff will follow up with the developer and keep an eye on it over time

- **Scout Camp** ~ was successfully moved by the developer with a license in place to allow the Scouts to use the facility for the August weekend; the picnic shelter was built for Victoria snow loads and must be reinforced for CVRD building standards, a building permit was not taken out; the interim license allowed the Scouts to use the camp for August and September 2009; a thirty (30) year X 3 (for a total of 90 years) agreement will be signed; the old site was three (3) acres with the new one being between seven (7) and eight (8) acres but terraced, not flat, 150 campers could attend a jamboree and safety for some activities (archery) could become a problem ~ Scouts are asking for an expansion either to the east, which would infringe on the parkland or to the south which would be about a further eight (8) acres or 3.2ha expanding to a natural boundary of a rock face with a plateau on top or apply to use the Crown parcel to the west which may be complimentary and/or beneficial to the Commission's desire to obtain the Crown lands thereby expanding Bald Mountain Peninsula Park; Commission will do a walkabout before any decisions are made ~ tentative date set for Tuesday, October 27th at 9am meeting at the gate, B. Farquhar will email confirmation, Scout reps (Jack Casey), R. Dias, and developers to also attend
- **Upland Park** is 927 acres, work needs to continue with replanting at 400-600 stems per acre and brushing back Scotch broom, largest community park in the Regional District, even larger than any regional parks; was identified in the Regional Parks and Trails Master Plan as a significant, prominent geographic site promoting hiking and nature study, low impact, traditional recreation; any change in ownership would have to go to the public of Area I (Youbou/Meade Creek) for approval as per *Park Designation Bylaw*; Regional Parks are paid for by the nine (9) Electoral areas and the four (4) Municipalities whereas Community Parks are paid only by the electors of the area, the only difference between a community park and a regional park is the way funding is collected, asked B. Farquhar to investigate East Sooke Regional Park; CVRD Board have requested to acquire the Crown land for park purposes and are in agreement over not allowing access for logging purposes; B. Farquhar to obtain a letter stating developers are okay with their gift to Area I (Youbou/Meade Creek) residents becoming a Regional Park if that is their wish
- **Picnic table top** ~ Ben Wingo has a picnic top that he wishes to donate to Parks

BUDGET

- deadline for draft Budget is Friday, October 9th going to the CVRD Board in February 2010 for final approval
- General Expenses include such items as meeting cost, consultant fees, advertising, mileage, and General Government
- proposed to have no change in the parks budget with regards to line items
- B. Farquhar will check costs on Marble Bay Park as there seems to be a discrepancy
- \$168 000 currently in Reserve Funds with includes \$4 000 for refurbishing the *speeder* which can be used for capital projects and parkland acquisition; a further \$12 000 is in Reserve to be used only for parkland acquisition
- R. Dias is completing a 10-year plan of capital expenditures including park amenities
- with new parks coming on stream, how can costs be kept down?
- time frame for budget process with respect to community versus regional park ~ a decision would have to be made before the adoption of the budget in February; the Regional Parks committee has a meeting at the end of November, would CVRD purchase park? ~ suggestion by B. Farquhar of \$1.00
- in 2009 requisition per \$100 000 was \$14.18, in 2010 requisition of \$136 000 would be approximately \$20.96 per \$100 000
- **BUDGET ITEMS** ~ \$6 000 for building a vandal-proof bridge in Price Park, \$13 000 for Arbutus irrigation system, \$1 000 for Little League field repairs, \$12 000 for Upland Park plantings, short term debt final payment from Reserve of \$17 755

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- BUDGET ITEMS ~ requisition of \$119 000 with the remainder taken from Reserve to a total of \$136 668 (covering short term debt), a total of \$17,663 from Reserve

ADJOURNMENT

It was Moved and Seconded that the meeting be adjourned at 9:45pm.

MOTION CARRIED

NEXT MEETING

November 10, 2009
7pm at Youbou Lanes

ITEMS FOR NOVEMBER AGENDA

picnic table top
Community versus Regional Parks

/s/ Tara Daly
Secretary

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RECEIVED
OCT 16 2009

Meeting Minutes
South Commission Parks Commission
Oct. 5, 2009
Cobblecinno's Cafe, Cobble Hill

Members Present:

- Ian Sparshu, Chair – Cobble Hill
- Gerry Giles – Area Director - Cobble Hill
- Lori Iannidinardo – Area Director – Cowichan Bay
- Ken Cossey – Area Director – Shawnigan Lake
- Margaret Symon, Secretary – B
- Dave Gall – A
- June Laraman – A
- Lynn Wilson – C
- Kerrie Talbot – D
- Val Townsend – D
- Brian Farquhar – CVRD Parks

Meeting opened 1900H
Minutes of May 18, 09 meeting reviewed.

1. Review of Boat Launch Survey

- Discussion of issues: limited parking, signage, estuary sensitivity, need for more kayaking access

- Brian Farquhar noted the significant investment at the boat launch

MOTION: (Dave Gal / Lynn Wilson):

→ The South Cowichan Parks Commission requests CVRD Parks Dept. staff provide an update cost summary re: Cowichan Bay Boat Launch for the next commission meeting

MOTION CARRIED

--<\$10,000 from CVRD (due to large input of volunteer/donated labour/materials)

2. Review of Historic Cemetery Survey

- Discussion about existing usage vs potential usage; repair requirements.
 - Gerry Giles noted a community obligation to restore the facility to the proper level
 - good turnout at 1st Open House, May 2009
 - 2nd Open House: Sat. Jan. 23, 2010 1100H to 1300H
(Suggestion for open house: presentation by Tom Patterson)

MOTION: (Ian Sparshu, Gerry Giles):

→ CVRD Parks Dept. should proceed with strong focus to develop viable plans for the Mill Bay Church/Cemetery.

MOTION CARRIED

3. Dog Park

- General discussion on existing usage and requested upgrades (i.e., small dog area, assistance-parking, restroom building)
 - Brian Farquhar: review long-term plan in order to determine best use of funds

4. Cenotaph

- South Cowichan community pleased with upgrades to Cenotaph – the cenotaph is important to the entire S. Cowichan area

MOTION: (Margaret Symon / Ken Cossey):

→ The South Cowichan Parks Commission assume operational costs (from Cobble Hill Parks and Rec. Commission) of the Cobble Hill Cenotaph, contingent to costs.

MOTION CARRIED

5. Budget

- Brian Farquhar provided summary of 2010 S. Cowichan Parks Community Park Budget:
 - Commission endorsed focusing funding on Mill Bay Historic Church/Cemetery

MOTION: (Kerrie Talbot, Gerry Giles):

→ Budget as presented be approved.

MOTION CARRIED

Other Items:

- Funding/maintenance at Bright Angel Park a function of 5 EA's (A,B,C,D,E)
- Valleyview Rest-stop area needs clean-up

Meeting adjourned 2115H

Next meeting:

- 2 Nov. 2009 7 pm Cobblecinno's

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Tom Anderson

From: kdasanjh [kdasanjh@shaw.ca]
Sent: Thursday, September 17, 2009 12:22 PM
To: Tom Anderson
Subject: Board of Variance Member

Hi Mr. Tom Anderson,

This e-mail is to notify you that I have decided to resign from the above-mentioned Board, effectively from September 30th 2009. My sole reason for this decision is to reside close to the University of British Columbia where my son is currently obtaining his education. Cowichan Valley community has made profound impact on my family and during my active years of coaching soccer and baseball we experienced a warm and cordial relationship with people. I enjoyed serving on the Board and had the opportunity to meet some very skillful Cowichan Regional District staff who were engaged in this process.

Regards,
Kashmir Dasanjh