



Special ELECTORAL AREA SERVICES COMMITTEE MEETING

**Monday,
January 31, 2011
Regional District Board Room
175 Ingram Street, Duncan, BC**

3:00 pm

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

Director L. Iannidinardo
Director K. Cossey
Director I. Morrison

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

Director B. Harrison
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STAFF REPORT

ELECTORAL AREA SERVICES COMMITTEE MEETING OF JANUARY 31, 2011

DATE: January 25, 2011 **FILE NO:** 04-A-06RS

FROM: Rob Conway, Manager **BYLAW**
Development Services Division **NO:** N/A

Mike Tippett, Manager
Community and Regional Planning Division

SUBJECT: Bamberton – Review of November 15, 2010 Submission

Recommendation:

That Bamberton Application 4-A-06RS be denied for the reasons that:

- i) the November, 2010 submission does not provide a sufficient basis for preparing draft OCP and Zoning amendment bylaws and a phased development agreement;
- ii) many outstanding and unresolved issues associated with the proposal remain; and
- iii) the application has shifted away from the mixed use waterfront village concept originally proposed.

Should the applicants agree to make significant changes to the application to satisfy or address the issues identified in the January 25, 2011 staff report, the EASC may wish to consider Option B.

Purpose:

To review and summarize material that was provided by the Bamberton applicants on November 15, 2010 and to advise if the material provided is sufficient to proceed with preparing draft amendment bylaws and a phased development agreement.

Financial Implications:

The Bamberton application has been under review since it was submitted in November, 2006. Although a considerable application fee was paid by the applicants, the application has required commitment of on-going resource by both the applicant and the Regional District to sustain the review. A continued commitment of resources would be required in order to prepare the amendment bylaws and phased development agreement.

Interdepartmental/Agency Implications:

The Bamberton application has implications for all Regional District Departments. This report is a collaborative effort involving all departments. Agencies and first nations have not been consulted about the November 2010 submission, but further consultation would be necessary before amendment bylaws incorporating the submission could be considered by the CVRD Board.

I. Background:

The Electoral Area Services Committee (EASC), at the November 23, 2010 meeting, passed the following resolution:

That Staff be directed to review the information submitted by Three Point Properties Ltd. on November 15, 2010, and to prepare a report for a special EASC meeting in January, 2011, regarding the submission and whether or not it provides a sufficient basis for preparing draft OCP and zoning amendment bylaws and a phased development agreement.

The motion was endorsed by the CVRD Board of Directors on December 8, 2010.

The staff report that was reviewed by the EASC on November 23, 2010 noted that little progress had been made on preparing amendment bylaws and a phased development agreement (PDA) for the Bamberton application since direction was given to do so on November 5, 2009. The main impediment to completing the aforementioned documents was that much of the detail about the proposal that staff felt to be necessary was lacking. Staff's understanding from both the Area A APC and the EASC was that the development control documents would have to be specific enough to ensure that future development would be in accordance with the plans and vision for the development that have been presented publicly by the Bamberton applicants. In attempting to draft the documents, staff found that much of the detailed site planning and commitments from the applicant necessary to secure aspects of the proposal were not available. Staff also found that the applicant's desire for flexibility in zoning and other matters conflicted with the APC's and EASC's desire for certainty. A further issue was that aspects of proposal had changed since it was reviewed by the APC and EASC in the fall of 2009.

The information that staff believe to be necessary to prepare the amendment bylaws and PDA was communicated formally to the applicant in a letter dated June 10, 2010. As much of the information and detail that staff had asked of the applicants had not been received by October, 2010 and nearly a year had passed since direction to proceed with the preparing the documents had been given, staff were asked to prepare a status report regarding the application for the November 23, 2010 EASC meeting. While preparing the report, staff was advised by the applicants that an information package was forthcoming which, in the opinion of the applicants, would provide sufficient information to prepare the amendment bylaws and PDA. This additional information was received on November 15, 2010 but there was insufficient time for the various CVRD departments to review it and report on the content of the submission for the November 23, 2010 meeting. The direction the Committee gave, as noted above, was for staff to review the submission and report back to the Committee at a special EASC meeting in January.

II. Report Approach and Objectives:

This report is intended to summarize the material that was submitted by the Bamberton applicants on November 15, 2010 and evaluate it. The criteria used for the evaluation include the June 10, 2010 letter, which described what staff believed to be necessary to move forward with preparing bylaws and the APC-endorsed principles that were included in the staff report reviewed by EASC on November 3, 2009. This report was a collaborative effort, involving the

Planning and Development Department, the Parks Recreation and Culture Department, Engineering and Environmental Services Department, the Public Safety Department and Administration. Staff from the departments has met as a group on four occasions to discuss the application and the content of this report. The Planning and Development Department has also had regular communication with other departments during the review. As many of the amenities proposed in the application are parks and trails, the application has also been reviewed by the Area A Parks Commission. This report and the recommendation represent the collective professional opinion of senior CVRD staff.

This report attempts to accomplish three primary objectives:

1. Identify changes to the application proposed by the applicants since the application was reviewed by the EASC in November, 2009.
2. Identify any gaps or deficiencies in the application material that may impede preparation of the draft OCP Amendment, Zoning Bylaw amendment and Phased Development Agreement for the Bamberton application.
3. Identify issues associated with the application that the Committee and Board may wish to consider before directing staff to proceed with drafting bylaws and a PDA.

The approach staff has taken in reviewing the current version of the Bamberton application is to limit the review to what has been submitted and to not engage in further dialogue with the applicants regarding the content of the submission or to suggest changes to the material. Staff considers the current November 2010 submission to be the applicant's best effort at providing the information that was requested in the June 10, 2010 letter. Suggesting changes or engaging in further discussion regarding the content of the application was not possible, given the time available for preparing this report and due to the uncertainties and logistical challenges involved with having multiple departments involved in the application review. Where staff have had questions or felt further clarification to be necessary, the applicant has been contacted for further information.

When the EASC directed staff to proceed with preparing the draft bylaws and PDA in November 2009, the objective was to get the application into a form that could be further reviewed by the EASC and that could be referred to first nations, government agencies and the Area A Parks Commission for comment. It was not anticipated that the bylaws would proceed directly to a public meeting or public hearing until the Committee had the opportunity to review the draft bylaws and a staff report regarding the application. In 2009, it was recognized that the application was still very conceptual and much of the detail and commitments necessary to ensure that the project would be developed as proposed were not available. The exercise of clearly documenting intended commitments for land uses and amenities for a project that will take decades to complete has been very challenging for both the applicants and staff. The process of converting a concept into very specific development control documents has required the applicants to seriously consider site constraints such as topography as well as the economics of building a comprehensively planned community where all of the infrastructure and community amenities are expected to be funded directly by the development. Changes in global financial markets and the Southern Vancouver Island real estate market and the carrying costs associated with the property have been cited by the applicants as reasons for some of the recent changes to the application.

In reviewing this report, the Committee should consider if the application, in its current form, is acceptable and if there is enough support for the application to proceed with preparing the amendment bylaws and PDA. The Bamberton application process has been underway for over four years and it has been challenging for both the applicant and the CVRD to sustain the review.

Should the Committee decide to proceed, preparing the draft documents will require the further dedication of resources by both parties and a focused effort by all CVRD departments. Should the EASC have significant objections to aspects of the November 2010 submission, these should be identified and resolved prior to the bylaws being drafted. Alternatively, if the Committee is generally supportive of the application in its current form, an endorsement by the Committee could allow staff to prepare the documents with the knowledge that the content of the application will not change significantly. If the November 2010 submission is deemed to be inadequate, the Committee should seriously consider if further resources should be dedicated to the application.

III. Review of November, 2010 Submission

3.1 Submission Overview:

The November 2010 submission updated the October 2009 version of the application. The October 2009 application was the version of the proposal reviewed by the Area A APC, with changes made to address a number of the APC's recommendations. The stated purpose of the November 2010 submission is to provide all information necessary to complete the draft bylaws and PDA. However, it also identifies some changes to the application that were not included in the October 2009 application. The following information was provided in the current submission:

- Letter of Introduction
- Executive Summary
- Draft Zoning Regulations (Bylaws)
- Draft Phasing Development Agreement (PDA)
- Draft Development Permit Guidelines
- Updated and Revised Design Brief
- Exhibits

The executive summary is attached to this report. The full package was provided to the Committee at the November 23 2010 EASC meeting and the application material is also posted on the CVRD website (<http://www.cvrld.bc.ca/index.aspx?nid=1306>). The following is a brief summary of the material provided.

3.2 November 2010 Letter of Introduction:

This letter summarizes the significant milestones for the Bamberton application since the Bamberton Lands were acquired by the current owners in March, 2005. It also notes that the economic climate has changed since the property was purchased, which has made it more challenging and expensive to obtain financing for development projects. Longer than anticipated carrying costs and the up-front cost of site remediation has contributed to the project's economic challenges and required the applicants to review and adjust their financial assumptions. Despite the challenges, the applicants believe the project remains financially viable. Benefits for the Mill Bay and South Cowichan community identified in the applicant's November 2010 letter include:

- A master planned community that offers an alternative and benefits to “spot” development;
- A development that creates a diverse economy and employment opportunities;
- A development pattern that addresses transportation challenges by creating employment within the proposed community;
- The preservation of large areas of green space for both Bamberton residents and the larger community.

The introduction letter summarizes the content of the November submission and acknowledges that the materials will change slightly in response to ongoing discussions with CVRD staff. It concludes by stating the documents, “clearly and unambiguously defines the proposal in terms that the CVRD can act upon”.

3.3 November 2010 Executive Summary

The Executive Summary in the November 2010 submission reviews the evolution of the application from the initial submission in November, 2006 to the current version of the application. The Executive Summary also identifies changes that have been made to the application since 2009 and indicates that the technical reports that were prepared for previous submissions are valid and applicable for the current application. The Executive Summary identifies the following changes made to the application since October, 2009:

- The layout of the Upper Northlands was adjusted to accommodate road grades and to include a “social heart” (i.e., a mixed use node of higher density within the neighbourhood intended as a community gathering spot) and to increase the proportion of multi-family housing units within the neighbourhood.
- The Lower Northland Business Park was reconfigured to achieve improved road alignments and to acknowledge the type of commercial/industrial businesses expected (the reference to an “eco-industrial park” and “commercial/industrial campus” has been dropped). The proposed school site and one of the proposed playing fields are now proposed in the lower northlands.
- The social heart at the Triangle neighbourhood (on the east side of the Trans Canada Highway, north of the Mill Bay Road/TCH intersection) will be the main focus for commercial use and multi-family housing, at least until the Village neighbourhood is developed.
- The “Fechter Lands” have been identified as the neighbourhood where the second playing field and future community fire hall will be located.
- The size of the East Benchlands neighbourhood has been reduced, with some of the excavated and remediated brownfield bench included in the Village neighbourhood boundary instead. Cottages previously proposed on the hillside above the Saanich Inlet have been removed from the proposal as it was found to be difficult to access them with emergency vehicles.
- A “social heart” has been added to the Historic Bamberton neighbourhood and some of the density has been shifted internally due to topography and site constraints.
- The application acknowledges that existing industrial uses and zoning in the Village area will be maintained in the short term and suggests that it will eventually transition into a mixed use village centre in the long term (the timing is undefined). [Note: the submission actually proposes new commercial and industrial zoning for the Village]

- The Southlands Park will be dedicated in two phases. An initial dedication of 300 acres is proposed when the property is rezoned. A further 89 acres is proposed for dedication near the end of the project (when the development permit for the 3000th residential unit is issued).

Other application changes identified in the Executive Summary include:

Affordable Housing – Affordable housing is to be achieved by requiring a minimum of 5% of the proposed housing be composed of small units. Commitments to the Malahat First Nation to assist with affordable housing will be dealt with independently of the CVRD's affordable housing requirements.

Financial Contributions – A contribution of between \$500 and \$3000 per dwelling is proposed for community amenities on or off-site. Based on the anticipated housing mix, this is expected to result in a total contribution of \$4.5 million over the project's build-out period. This is a reduction from the estimated \$5.0 million that was previously proposed. As the contribution is a function of the number of housing units and the unit size, it is not possible to determine with certainty what the actual contribution would be.

Future Zoning For Lower Village – An "interim" zoning is proposed for the Lower Village that would permit a range of industrial and commercial uses in the Lower Village area. The commercial and industrial zoning is proposed to remain on this part of the site until the future owner or owners apply to rezone and a neighbourhood plan is completed. Additional amenities such as a waterfront walkway, marina and additional trails and paths could be negotiated through the subsequent rezoning process.

Parkland – The applicants have confirmed that 650 acres or 42% of the site will be dedicated as public park if the site is developed as proposed. The October, 2009 application proposed 900 acres of "green space" which included both public park land and private open space such as strata-owned common property. The applicants expect that the actual amount of public park will increase from what is proposed once the neighbourhood layouts are confirmed through subsequent development permit and subdivision application processes. Though not assured, the applicants anticipate that the actual amount of public land will significantly exceed 50% of the total site area.

Southlands Park Dedication – 89 acres of the total 389 Southlands Park dedication is proposed to be transferred at the end of the project rather than at the beginning. The stated purpose of delaying the transfer is to allow eco-tourism and first nations use of the property to be established and to provide controlled access to the Southlands Park while the interim commercial and industrial uses are active.

Commercial/Industrial Density – the density of proposed commercial and industrial uses will be established by zoning criteria commercial and industrial zones (typically up to 50% lot coverage).

Trails – The proposed linear length of trails within the development remains unchanged at 20 kilometres.

Public Safety – The October 2009 application proposed to dedicate land for a future fire hall, but there was not a commitment to construct a hall or provide firefighting apparatus. The current proposal includes a commitment to construct a future hall and provide firefighting apparatus up to a total value of \$5 million.

Highway Buffer – The initial application had proposed a substantial buffer along the Trans Canada Highway with a minimum width of 60 metres. Due to the limited area available for development and a desire to obtain highway exposure for the industrial and commercial areas, the proposed highway buffer is significantly reduced. (A minimum buffer 30 metres is now proposed from the residential neighbourhoods along the highway. A partial buffer of 15 metres is proposed along the highway frontage of the Northlands business park and no buffer is proposed for the Triangle commercial area.)

Additional changes to the application identified by staff will be identified in a later section of this report.

3.4 November 2010 Draft Zoning Regulations:

CVRD planning staff would of course be responsible for preparing the draft amendment bylaws for the Bamberton application, including a zoning amendment bylaw. To assist with this task, the applicants have provided draft zones for the Bamberton lands and definitions and other regulations they would like to see included in the zoning amendment bylaw. This section of the submission should not be viewed as the actual zoning amendment, as it would need to be re-worked into a format that is compatible with the CVRD's zoning and planning processes. The proposed zoning does, however, provide a summary of what the applicants are requesting in terms of land use approvals and the use, density and criteria for development proposed on the site.

Residential Zones:

Eight new zones are proposed for the Bamberton lands. Three residential zones are proposed (Residential 1, Residential Mixed-Use 2, and Mixed-Use Residential 3). All of the residential zones are intended to allow single family dwellings, cluster dwellings and ground oriented multiple family housing types, provided certain criteria are met. The R-2 and R-3 zones would also allow multiple family residence as a permitted use. The proposed residential uses and densities are defined in Table 1.

Table 1 - Proposed Residential Uses

Use	Definition	Minimum Lot Size	Max. Lot Coverage	Max. Principal Building Height
Single Family Dwelling	As per existing definition in Zoning Bylaw	300 sq. m.	40%	11.0 m
Cluster Dwelling	A dwelling for single family use that is designed or developed in a compact lot configuration of two or more such dwellings.	250 sq. m.	50%	11.0 m
Ground Oriented Multiple Family	A building containing two or more principal use dwelling units of up to three storeys above an accessible ground floor exit.	No minimum	60%	3 storeys
Multiple Family	A building containing two or more principal used dwelling units greater than three storeys.	No minimum	60%	6 storeys

The R-1 zone does not permit any principal non-residential uses other than agriculture and horticulture. Bed and breakfast, child care facility and home occupation are permitted in this zone as accessory uses.

The R-2 and R-3 zones both would include a number of non-residential uses. The R-2 zone identifies a limited range of non-residential uses but does, for example, include uses such as assembly, office, personal service, restaurant and retail. The R-3 zone allows a more comprehensive list of permitted uses that would be typical in a commercial and light industrial zone.

Residential densities within the neighbourhoods tend to decrease relative to the distance from the social hearts. The R-3 zone only applies to the East Benchlands neighbourhood, but covers much of the neighbourhood adjacent to the social heart. In the other Bamberton neighbourhoods, the R-2 zone is proposed in next to the social hearts. Three of the proposed neighbourhoods (Upper Northlands, Fetcher Lands and the East Benchlands) have R-1 zoned areas, typically on the periphery of the neighbourhood.

Setbacks and other development criteria in the residential zones are included as conditions of use for each of the four housing types. Development criteria will not be reviewed in detail in this report, but it should be noted that many of the criteria differ substantially from existing standards in CVRD zoning bylaws and in other similarly-sized communities where similar type residential housing types and densities are permitted. For example, minimum front and side yard setbacks for single family dwellings are proposed at 1.0 metre. On-site parking requirements are proposed at one space per dwelling rather than the two spaces required elsewhere in the Regional District.

Another notable feature of the residential zones is that secondary suites and carriage houses are permitted as accessory uses. It is not clear from the zoning if there are any criteria that would be used to determine where accessory dwellings would be permitted. Potentially this could lead to significant additional density above the 3,227 units proposed.

Social Heart Zones:

Social hearts are intended to be focal points for the individual neighbourhoods and vibrant and active public gathering places. Social hearts are not proposed for all of the Bamberton neighbourhoods, but the location of the social hearts has been planned so they can be easily accessed by residents of all of the neighbourhoods. A mix of residential, commercial, institutional and public uses are posed within the social hearts. The social hearts are intended to provide local commercial services and a gathering place for neighbourhood residents.

Two zones are proposed for the social hearts within the Bamberton lands. The Social Heart 1 Zone (SH-1) applies to the core part of four of the proposed neighbourhoods (Upper Northlands, Bamberton Gate South, East Benchlands and Historic Bamberton). The Social Heart 2 Zone (SH-2) only applies to the Triangle neighbourhood. The main difference between the two social heart zones is that SH-1 is intended for the social hearts serving primarily the local neighbourhood, whereas the SH-2 zones is intended to serve the larger Bamberton community as well as the larger community and traveling public. Both the SH-1 zone and SH-2 zone allow multiple family and ground oriented multiple family residential use and a full range of commercial uses. Building height in both zones is proposed at six storeys for principal buildings other than *Ground Oriented Multiple Family*, which is limited to three storeys.

The main difference between the two social heart zones is that the SH-2 zone and Triangle neighbourhood social heart include more service commercial uses. Non-residential uses permitted in the SH-2 zone and not the SH-1 zone include, automotive service, maintenance and repair, building supplies; motel; printing and publishing; and service station.

Northlands Business Park Zone:

One of the main differences between the original Bamberton application in 2006 and the current application is that more emphasis has been given to job creation and commercial and industrial uses on the property. The current version of the application proposes the entire Lower Northlands neighbourhood as a business park that is expected to accommodate both commercial and industrial uses. The Northlands Business Park 1 (B-1) Zone is intended to apply to the business park area. Like other proposed zones, many permitted uses are envisioned. Table 2 summarizes the proposed uses for the B-1 zone:

Table 2 - Northlands Business Park Permitted Uses

Commercial	Industrial	Institutional and Agricultural
Automotive sales and repair	Automotive restoration, body repair, painting and storage.	Agricultural, greenhouse, horticulture
Building supplies	Distribution	Animal hospital, veterinary service, kennel
Call centre	Equipment retail, rental, repair, service	Assembly
Clinic, medical-dental office	Food services, catering, bakery, brewery	Assembly
Commercial services use	Laboratories, research and development centre	Institutional
Computer data processing or storage	Laundromat, dry cleaning	Recreation, sports
Convenience store	Nursery, garden, landscaping and agricultural supplies	Religious facility
Daycare facility	Printing and publishing	
Education centre, bowling alley, arcade, games	Warehousing	
Financial establishment, bank, credit union	Wholesale	
Funeral services, mortuary	Building and construction equipment and materials manufacturing, production, distribution, repair and storage	
Licensed premises, bar, pub	Boat building, repair, service, storage	
Office	Clothing cleaning, manufacture, repair or storage	
Parking	Contractor's shop, yard, storage	
Personal services use	Food processing, packaging, storage, cold storage plant	
Post office	Forest products primary processing, secondary processing, manufacturing, milling, storage	
Professional services	Generator of energy	
Restaurant, café	Industrial materials, equipment, services, repair, storage	
Service station	Modular or prefabricated home manufacturing, truss manufacturing, storage	
Spa/wellness centre, fitness facility	Motor vehicle salvaging, restoration, storage	
Theatre, gallery, entertainment	Processing, sale, storage, distribution, recycling of fuel products	
	Recycling, sorting, storage, processing, disposal of substances, products or materials	
	Welding	

Uses identified as being explicitly not permitted in the B-1 zone are: ferrochrome plant, pulp and paper mill, auto wrecking, fish cannery, abattoir, explosive manufacturing and chicken and swine farms. It is also notable that accessory residential use is not proposed.

Development criteria for the B-1 zone includes a maximum building height of 24 metres (6-7 storeys), 50% maximum lot coverage, no minimum parcel size and zero metre setbacks on all but the rear yard setback, which has a 4 metre minimum.

Village Zones:

Two Village Zones are proposed. The V-1 Zone, or the Lower Village Zone, is intended to apply to the waterfront area where much of the existing industrial activity is located. The V-1 zone is intended primarily for commercial and industrial uses, though some institutional use and accessory residential use is also proposed. The V-2 Zone allows a more limited range of commercial and industrial uses, along with outright residential use.

The range of uses proposed for the V-1 Zone is very broad. Some of the more heavy uses proposed for the zone include:

- building and construction equipment and materials manufacturing, production, distribution, repair or storage;
- dry land log sorting
- forest products primary processing;
- industrial materials, equipment, service, repair, storage;
- natural resource extraction, processing
- processing, sale, storage, distribution, recycling of fuel products
- recycling, sorting, storage, processing, disposal of substances, products or materials.

Parcel coverage proposed for the zone is 50% for industrial uses and 70% for commercial uses. Maximum permitted height is 40 metres (10-12 storeys) for commercial uses, 16 metres (4-5 storeys) for industrial uses and unlimited height for all other uses.

Residential uses in the V-2 Zone are regulated based on the development criteria used in the residential zones with the exception of the multi-family residential housing type with a maximum permitted building height of up to 40 metres (10-12 storeys)

The V1 and V-2 zones are intended to be "interim" zones, with new zoning more applicable to a mixed use residential village being implemented towards the later phases of the Bamberton development.

3.5 November 2010 Phased Development Agreement:

A schedule of issues and commitments the applicants intend to address in a phased development agreement was provided in the November 2010 submission. The phased development agreement is largely intended to secure amenities and features that will be provided by the developer in exchange for zoning and protection from future zoning changes. In order to draft a phased development agreement, it is first necessary to confirm all the topics that will be addressed in it and any terms and conditions. The PDA schedule provided in the November 2010 submission is essentially a summary of applicant's commitments with respect to future development of the Bamberton lands.

Many of the applicant's commitments in the PDA schedule are for parks and trails. Dedication of the 389 acre proposed Southlands Park, 22 acres of park next to Bamberton Provincial Park, local neighbourhood parks, two sports fields, a school site, highway buffers, land surrounding Oliphant Lake and the dedication of land for trails are proposed. Commitments for park improvements such as trail construction and improvements to local neighbourhood parks are also proposed. In total, 632.3 acres of public parkland is identified in the PDA. Section 4.7 of this report reviews the commitments for parks and trails described in the PDA schedule and elsewhere in the application.

Other topics addressed by commitments included in the PDA schedule are affordable housing, construction of a park and ride facility, commitments to build commercial space in the neighbourhoods concurrent with residential development, a recycled water system, and land, a building and equipment for an on-site fire hall.

Financial commitments in the PDA schedule include a contribution of between \$500 and \$3000 per dwelling unit for on-or-offsite community amenities with a total estimated value of \$4,500,000. A further commitment of up to \$215,000 is offered for a transportation fund to be administered by the CVRD.

For a complete list of amenities and commitments in the PDA schedule, the reader is referred to the November 2010 submission.

3.6 November 2010 Development Permit Guidelines:

Development permit guidelines are necessary for the establishment of a development permit area to be created through the draft amendment bylaws as one of the principal development control tools for the Bamberton site. The applicants have been asked to prepare the guidelines, as these collectively define the future vision for development on the Bamberton site and staff felt the vision for Bamberton is best articulated by the proponent.

The design guidelines are intended to apply to most types of future development on the Bamberton site. One notable exception is that the guidelines are not intended to apply to interim commercial and industrial uses at the Village. Separate guidelines for subdivision and different types of development are included (e.g., multi-family, commercial, industrial). Guidelines for protection of the environment, protection from hazardous conditions and guidelines to promote energy and water conservation and reduce greenhouse gas emissions are also provided.

3.7 November 2010 Design Brief:

The design brief provided with the November 2010 submission updates a prior design brief prepared for the October 2009 application. The design brief explains the planning process that has occurred for the Bamberton lands and the planning principles that have been incorporated into the design concept. It illustrates the current version of the proposal and provides images of future land uses and development on the site.

IV. Staff Review of Application Changes:

The process of taking a very large and complex development concept and defining it in bylaws and agreements inevitably will result in changes as parts of the proposal and issues associated with it are examined. Since the October 2009 application was reviewed by the EASC, the applicants and staff have discussed how some parts of the application may need to be adjusted to transform the concept of Bamberton into meaningful and binding development control documents. Typically, changes to the proposal have involved the applicants providing more

information regarding future development of the lands and providing more detail about amenity commitments and development features.

Since the October 2009 application there have also been some changes to the application proposed that appear to alter the previously reviewed development concept for the Bamberton lands. Many of these changes are identified in the Executive Summary section of the November 2010 submission. In reviewing the submission, staff have noted some additional changes that are worthy of mention. Some of the changes highlighted in this section were either not mentioned in the submission or were mentioned but warrant further explanation and comment. Minor changes that staff does not believe alter the general development concept are not identified, nor do staff feel it to be productive to focus on minor changes at this stage.

4.1 *Interim (or longer) Commercial and Industrial Uses at the Village*

The October 2009 application stated that development would commence in the Northlands, followed by development of the Historic Bamberton neighbourhood. Development of Bamberton Gate and the Benchlands was expected to occur next, alongside development of some of the mixed-use buildings in the Village.

The proposed phasing of the project has been a difficult issue with the Bamberton application, as staff's preferred phasing would see the disturbed industrial site developed first. However, the applicants have been clear that it is necessary to commence development in the Northlands neighbourhood as the primary sewer and water infrastructure for the Bamberton development would be located on the west side of the Highway and it would be cost prohibitive to extend infrastructure in anything other than a west-to-east direction. The applicant's proposal to commence development in the Northlands was considered valid by Trillium Report and was endorsed by the APC during its review of the application.

The October 2009 phasing plan and development of the Northlands neighbourhood was supported by the Trillium Report and the APC because the ultimate build-out would see the former cement plant site developed as a waterfront village that would be the centre of the Bamberton community and a significant attraction and amenity for the community and the Region. While the October 2009 application included a risk that the Upper and Lower Villages would not be developed until towards the end of the project or perhaps not at all if market conditions were not conducive to development, there were significant economic incentives to encourage eventual development of the Village. Restrictive zoning within the Village and a large percentage of the total residential units (1435 units or 44.5%) being allocated to the Village meant that much of the density proposed for Bamberton could not be accessed until the Village was developed.

It is debatable if even the October 2009 application went far enough to ensure development of the Village in accordance original concept of Bamberton being a waterfront community on a former industrial site. Changes to the application included in the November 2010 submission, however, suggest there is now even less incentive for development of the Village to be completed.

The interim commercial and industrial zoning now proposed for the Upper and Lower Village would allow the expansion of commercial and industrial uses while the Northlands and other neighbourhoods are developed. As commercial and industrial uses in the Village area expand, incentive diminishes for the owner to pursue an alternate use for the land, namely the mixed use commercial/residential village core. Furthermore, as the requested zoning does not appear to have any constraint on the subdivision and sale of land or the establishment of long term leases in the Village area, the ownership and

tenure of the Village lands could become fragmented, making it almost impossible to achieve any coordinated redevelopment of the lands consistent with the long-term Village concept.

Another problem noted with interim and expanded use of the Village lands for commercial and industrial use is potential conflict with the proposed residential development. While some industrial and commercial use was always expected for the Village, the types of uses now proposed provide a greater likelihood of conflict. One reason is that a large commercial and industrial area would only be accessed through primarily residential neighbourhoods. As the current application proposes that interim commercial and industrial uses would not require development permits, the Regional District would have little ability to influence interim development in a manner that would facilitate re-development, or to achieve objectives such as protection of the natural environment (e.g., the Saanich Inlet) or form and character objectives that are now standard requirements in other parts of the Regional District.

4.2 **Transfer of Residential Density Away from Village**

The total number of proposed residential units in the November 2010 submission is 3,227 – the same number that was proposed in the October 2009 application. Although the total number of dwelling units has not changed, the allocation of residential density between the Bamberton neighbourhoods has changed. Table 3 summarizes the residential density and housing types proposed for the Bamberton neighbourhoods in both the October 2009 and November 2010 submission.

Table 3 - Residential Density by Neighbourhood

Neighbourhood	October, 2009 application				November, 2010 Submission				Difference
	Single family	Townhouse	Condo/Apt.	Total Units	Single family	Townhouse	Condo/Apt.	Total Units	
Upper Northlands	340	25	0	365	420	125	150	695	+330
Lower Northlands	80	0	0	80	0	0	0	0	-80
Triangle	121	113	57	291	84	53	107	244	-47
Bamberton Gate North	73	88	132	293	110	98	0	208	-85
Bamberton Gate South	170	0	40	210	140	107	40	287	+77
Fechter Lands ¹	N/A	N/A	N/A	N/A	30	20	0	50	+50
West Benchlands	96	108	0	204	56	58	0	114	-90
East Benchlands	131	60	0	191	171	207	185	559	+368
Historic Bamberton	98	60	0	158	98	60	0	158	0
Upper and Lower Village	57	493	885	1435	62	350	500	912	-523
Total by Housing Type	1166	947	1114	3227	1171	1074	982	3227	

Some of the shift in residential density can be explained by changes in neighbourhood boundaries. For example the Fechter neighbourhood was not proposed in the October 2009 application and the 50 dwelling units now proposed in this neighbourhood were

¹ The Fechter Lands are a separate parcel within the Bamberton Lands. The July, 2009 application included the parcel within the Bamberton Gate and Benchlands Neighbourhoods. The current application proposes it as a separate neighbourhood.

previously part of the Bamberton Gate South and East Benchlands neighbourhoods. Similarly, 80 dwelling units that were previously proposed in the Lower Northlands are now included in the Upper Northlands neighbourhood. Other adjustments may have been necessary due to site constraints that were discovered when more detailed site planning for the individual neighbourhoods was undertaken.

A more significant shift in residential density is that 523 dwelling units that were proposed for the Village neighbourhood have been re-allocated to other neighbourhoods. Most of this density has been shifted to the Upper Northlands and East Benchlands, where total residential density has increased by 330 units and 368 units respectively. The shift is significant because it diminishes by at least 36.5% (the amount of lost density) the economic incentive to develop the Village neighbourhood in accordance with the concept plan, and results in more density on the west side of the Highway. The shift in residential density with the November 2010 submission is another indicator that development of a mixed use waterfront village on the Bamberton lands is a lesser priority than is development of other parts of the site.

Housing types proposed for the site have changed marginally, with more townhouses and fewer apartment-type units proposed. Since the requested zoning allows considerable flexibility in the type of housing to be developed, the housing types identified in the application are just estimates and could differ substantially from what is shown in Table 3.

4.3 Increased Emphasis on the Northlands and Triangle Neighbourhoods

The short-to-mid term priority in the November 2010 submission seems to be on the development of the Northlands and Triangle neighbourhoods. Whereas the concentration of residential density in the October 2009 application was clearly in the Village area, the total number of residential units planned for the Northlands is only slightly smaller than what is now planned for the Village. Based on historic absorption rates for the region, it may well be decades before the Northlands neighbourhood would be completed and other neighbourhoods in Bamberton are developed.²

The business park planned in the Lower Northlands was supported by the APC and is a concept that also appears to be getting support through the early drafts of the South Cowichan OCP. The current application describes the land use for this part of the site as a "business park" rather than an "eco-industrial park" as was previously proposed. "Business park" more accurately describes the uses proposed, although it should be mentioned that the applicants still expect to attract businesses oriented towards sustainable development and technology.

The November 2010 submission states that the Triangle neighbourhood, which would be located north of Mill Bay Road, between the Trans Canada Highway and the Malahat First Nations Reserve, will have more land dedicated to commercial use than previously proposed. It is expected to function as the main commercial centre for Bamberton, at least until the Village is developed. Commercial uses are expected to be located in a 5.6 hectare social heart that would also allow some residential use. The anticipated non-residential floor area in the Triangle neighbourhood is not identified, but the requested zoning could allow more than 30,000 square metres (320,000 sq. ft.), more than seven and a half times the 4,000 square metres (43,000 sq. ft.) previously proposed. The

² For comparison, it took approximately 30 years for completion of about 680 units in Arbutus Ridge. It has taken approximately 20 years to develop about 200 units in Mill Springs.

proposed zoning would permit enough commercial development within the Triangle neighbourhood to accommodate a regional shopping centre.

The conceptual layout for the Triangle Social Heart suggests that the area is oriented toward traffic on the Trans Canada Highway as much as it is for residents within the Bamberton development. For instance, the 60 metre buffer that was previously identified between the Triangle neighbourhood and the Highway is removed from the current proposal. While the economic rationale for requiring highway exposure of a successful commercial centre intending to capture a market share beyond the development itself is understandable, the proposal would have a significant visual impact on south Mill Bay and could potentially change the commercial landscape in the South Cowichan region. This could also negatively impact expansion of the commercial core in Mill Bay, where some land has been pre-zoned for that purpose for decades.

The establishment of a substantial commercial centre at the Triangle neighbourhood would make the transition to the Village areas as the focus of the Bamberton community less likely. While the Triangle commercial centre is intended to provide commercial services to Bamberton residents until the Village is developed, it seems improbable that commercial businesses will relocate to the Village once established at the Triangle. Establishment of a substantial commercial centre at the Mill Bay Road and Trans Canada Highway intersection would also appear to detract from the village-oriented community model previously proposed in favour of a more highway-oriented development.

4.4 Sustainable Development Features

The Bamberton development has been described as a “triple bottom line” community, based upon the principles of environmental, social and economic sustainability. The current application still proposes a triple bottom line approach and the incorporation of sustainable development features is evident in some of the documents provided in the November 2010 submission. While the triple bottom line philosophy is still strongly evident in the Bamberton application, firm commitments in the application for sustainable development features and infrastructure are rare. While this is not a change to the application *per se*, since sustainability commitments were not well defined in the October 2009 application either, it does seem to be a departure from what the APC and EASC may have expected when the October 2009 application was reviewed.

The draft development permit guidelines provided with the November 2010 submission does include many guidelines that are intended to achieve sustainable development objectives. Staff believes a serious effort has been made to incorporate sustainability into the development permit area and commend the applicants for this. The guidelines provide substance to some of the developer’s commitments and, with refinement, would allow the Regional District to require inclusion of specified low impact development features for future development. It should be noted, however, that development permit legislation limits what local governments can require. The development permit process is an important tool for achieving a triple bottom line community consistent with the original vision, but alone cannot ensure Bamberton will be the showcase for sustainable development practices it is promoted to be.

Sustainable development features backed up by commitments within the phased development agreement are limited to a re-cycled water system that would distribute treated effluent from the sewage treatment system for non-potable uses such as toilet flushing and irrigation. While this is a significant commitment, it is necessary due to the limited water supply available for the development. It is also a commitment that appears

to be conditional on the developer obtaining cost recovery for some or all of the recycled water infrastructure. This is a topic that will be discussed in greater detail in Section 4.9 of this report.

Some of the sustainable development features that were previously discussed as part of the Bamberton proposal include a district energy system, an on-site co-generation plant, and a LEEDs Gold target for neighbourhood development. The application still contains references to such features, but they are not described as commitments. Other sustainable development features planned for the site, such as the proposed alternate road standards, rely on Provincial agency approval and will not necessarily be realized. Staff's reading of the November 2010 submission is that the applicants still intend to develop Bamberton as a Triple Bottom Line community, but are not able to commit to such aggressive measures in the development control documents necessary to guarantee the sustainable development vision is realized.

4.5 **Affordable Housing Strategy**

The affordable housing strategy that was proposed in the October 2009 application stated that 10% of the total residential units would be "affordable". The groups for which affordable housing in Bamberton were targeted and the actions for providing the housing are summarized in Table 4.

Table 4 - October, 2009 Affordable Housing Strategy

Target Group	Strategy
Housing for Moderate Income Families with Children	<ul style="list-style-type: none"> • 20% of single family lots to be between 279 and 465 m² • 10% of all townhouses to be 135 m² in area or less • "Preferred lender" arrangements to be secured to offer flexible term for low and moderate income families
Housing for Moderate Income Seniors – Couples and Individuals	<ul style="list-style-type: none"> • 10% of dwellings to be patio homes with floor areas between 102 and 125 m² • Developer to promote Shelter Aid for Elderly Renters (SAFERS) program which offers rent supplements for seniors • Rental housing in the form of apartments and secondary suites proposed • Age in Place building strategy promoted by mandating provisions to accommodate the future needs of seniors
Employed/Job Creation Housing	<ul style="list-style-type: none"> • 150 job creation units offered for sale at subsidized rates to employees willing to commit to working at Bamberton for five years • Townhouses and apartments proposed to provide affordable employee housing
Housing for Moderate Income Individuals	<ul style="list-style-type: none"> • Secondary suites in detached homes and "laneway" housing proposed in some neighbourhoods

The November 2010 submission includes the following affordable housing commitment in the phased development agreement:

Within each neighbourhood:

- *A minimum of 5% of single-family housing will be 1,300 square feet or smaller.*
- *A minimum of 5% of ground-oriented multi-family housing will be 1,000 square feet or smaller.*
- *A minimum of 5% of all other multiple family (i.e. apartments) will be 800 square feet or smaller.*

Some aspects of the October 2009 affordable housing strategy such as secondary suites and zoning for some of the proposed housing types are enabled by the proposed zoning in the recent submission. In general, however, the strategy for providing affordable housing in the development has changed from what was previously proposed. The Committee may also wish to note that the APC recommended provision for a social housing site within the development and commitments for purpose-built rental housing. These are not evident in the application.

4.6 *Fechter Neighbourhood*

The Fechter lands are a 33.3 hectare waterfront parcel of land within the Bamberton lands that is owned by the Fechter family rather than the development company that owns the other lands comprising the remainder of the Bamberton lands. The plan for the Fechter lands in the October 2009 application was for the family to retain a large waterfront parcel where the existing home is located with the western half of the parcel developed as part of the East Benchlands and Bamberton Gate neighbourhoods.

The November 2010 submission does not significantly change the proposed land use for the Fechter lands. It does, however, designate the Fechter lands as a separate neighbourhood with up to 50 dwelling units. It is also proposed that a future firehall and playing field would be located within this neighbourhood. The Fechter neighbourhood is significantly smaller than other neighbourhoods in the Bamberton application and does not have a social heart or other features that warrant it being a separate neighbourhood. That said, it is directly adjacent the Bamberton Gate South neighbourhood and would likely function as part of that neighbourhood.

The main reason, it seems, for creating the Fechter neighbourhood is to facilitate the independent development of this part of the site. While this is not necessarily a problem, issues such as the provision of infrastructure, amenities, phasing and various development commitments will be complicated by separate ownership. The application does not suggest how development entitlements and obligations for land with separate ownership would be structured and managed. Staff is concerned about the possible parcelization of the Bamberton development and the prospect of having multiple owners involved in the future development of the site, especially if the proposed density transfer measures were in place.

4.7 *Parks and Trails*

As noted earlier in this report, the October 2009 application proposed over 900 acres of "green space" which included both public parkland and private open space such as strata owned property. The only land areas specifically identified for public park dedication in the application were for more than 300 acres for the Southlands Park and 20 acres towards the Bamberton Provincial Park expansion. While other proposed public

park locations are noted throughout the development within the application, no specific land areas for these park dedications were provided so it is difficult to determine the overall public parkland dedication commitments of the October 2009 application. The November 2010 submission identified 632.3 acres of land, out of the 1,558 acres encompassing the entire development proposal, to be dedicated to the CVRD for park purposes, inclusive of highway buffer lands and sports fields. (see Table 5 below)

Table 5 - Summary of Park Dedication Areas in November 2010 Submission

Neighbourhood	Parkland Area (acres)	Percent (in Area) of Overall Development
Southlands Regional Park	389.0	24.9%
Bamberton Provincial Park expansion	22.3	1.4%
Neighbourhood Parks (3 total)	0.5	0.03%
Upper Northlands	97.1	6.2%
Lower Northlands	11.1	0.7%
Triangle	16.1	1.0%
Bamberton Gate South	9.1	0.58%
Fechter Lands	42.5	2.7%
West Benchlands	8.8	0.57%
East Benchlands	15.5	0.99%
Historic Bamberton	20.3	1.3%
Park Area specified for Dedication	632.3 ac	40.37%

An additional 172.4 acres of land around and under Oliphant Lake is also proposed for dedication to the Regional District as combined green space/utility use.

While no terms for park dedication are noted in the October 2009 application, the November 2010 submission proposes the following conditions be placed on all parkland to be dedicated to the CVRD:

- The only owners of the parkland may be government agencies. The CVRD may not transfer, lease, or rent the dedicated lands to other than government entities without the prior written approval of Bamberton.
- Exploitation of minerals or other resources on the dedicated lands is prohibited.
- Bamberton retains the right to access and remove all organic/wood waste on the dedicated lands in perpetuity.
- Lands will be dedicated in an as-is-state and any mitigation/remediation work required will be paid for out of the Financial Contribution Fund as decided by the BFCC (Bamberton Financial Contribution Committee)

In general, lands dedicated to the CVRD in recent years as an outcome of a rezoning process have been transferred unfettered to the Regional District, as this provides future Commissions and Boards the capacity to make land use decisions with respect to the nature and use of such lands. Acceptance of restrictions and rights of others to lands

dedicated to the CVRD, as proposed by Bamberton, would be a deviation to such parkland dedications and therefore should be given careful consideration in terms of long term implications to the Regional District and community with respect to ownership and management of such lands.

The proposed Southlands Park dedication in the October 2009 application notes that over 300 acres will be dedicated to public use and conservation, and will include trails and a lookout; however no details are provided on what these park amenities would entail. The 2010 submission specifies that 300 acres will be dedicated at time of rezoning and a further 89 acres at the time of issuance of the 3,000 building permit, but would be covenanted for donation to CVRD. Furthermore, the Southlands Park would be dedicated in an as-is state and that any Bamberton funded improvements or site mitigation would be made through the Financial Contribution Fund. The issue of public access is not noted in the October 2009 application; however the November 2010 submission provides that at the option of the applicant to either provide future public road access into the park or a publicly accessible trail across private land to the park if the public road is not extended into the park. As noted in the November 2010 submission with respect to proposed phasing of the development, public road access would not be extended to the vicinity of the main entry to Southlands Park until southern elements of the Upper and Lower Village sites were developed, which would only occur in the latter part of the development of the site as proposed.

Dedication of expansion lands to Bamberton Provincial Park was noted in the October 2009 application as having between more than 20 acres of land dedicated to BC Parks. The November 2010 submission changed the proposal so that 22.3 acres of land would be dedicated to the CVRD instead, which could then be transferred to BC Parks as part of a land exchange. The implications of this change are positive for the CVRD as the community could benefit through negotiation of a subsequent land exchange with the Province for other lands of interest to the community in exchange for lands adjacent to Bamberton Provincial Park.

Throughout the October 2009 application public park dedications and neighbourhood parks are proposed, but without details on park sizes or amenities to be provided to serve the projected Bamberton population at build-out. The November 2010 submission provides information on commitments by the applicant towards the development of specific park amenities, inclusive of three (3) neighborhood parks and two (2) playing fields. The three (3) neighborhood parks (total combined size of 0.49 acres) are identified within the proposed Upper Northlands, Bamberton Gate South and East Benchland neighborhoods, with a \$250,000 maximum financial contribution by the applicant to prepare and construct these parks. By comparison the existing 0.72 acre Huckleberry Park in Mill Bay provides a playground, sport court and picnic shelter as a primary neighborhood park for the existing community on the east side of the highway. During summer months this park is at capacity.

While the October 2009 application makes reference to a sports fields occurring on the private open space lands besides the school, two sports fields, inclusive of 40 car parking areas for each, are included in the November 2010 submission, with a \$600,000 maximum financial contribution on the part of the applicant to complete. A provision is also noted committing the applicant to construct both fields using synthetic turf if adequate water for irrigation cannot be secured. No information is provided, however, the extent to which the three neighborhood parks and two ball fields would provide for the outdoor recreation capacity requirements of the Bamberton development at build-out. The implication of the limited recreation amenities as proposed is that there will be inadequate

public park amenities for the number of people in the proposed Bamberton community. This in turn imposes further demands upon existing facilities in Mill Bay, which in many respects are fully utilized.

The November 2010 submission provides details on a number of public park land areas including green space, riparian areas and buffer zone lands along the Malahat Highway. Buffer zones identified in the October 2009 application are noted as 60 metre buffer strips for protection of the green forested character of the Malahat Highway; however the buffers are not designated as public parkland. In the November 2010 submission, buffer zones are proposed for dedication as parkland, ranging in width depending on location. Buffer zone lands designated as park provide for greater land use management to protect such lands for their intended purpose by the Regional District.

The total length of trails proposed to be built by the applicant remains unchanged between the October 2009 application and the November 2010 submission (approximately 20 km of trails overall), however the 2010 submission indicates a maximum financial expenditure contribution of \$850,000 by the applicant to construct the trails proposed. This proposed trail network would provide a 1.5 metre wide multi-use gravel 3 km in length between the Upper Northlands and Lower Village, with a gradient of between 0-15 percent. The multi-use trail would run parallel to main roads within the development. The grades proposed for this trail are of concern to staff, given the intended use by residents as a means for direct non-motorized access between the neighbourhoods and commercial areas within the development. Typically, gravel pathways intended for users of varying ages and abilities are limited to no more than 6 to 8 percent, especially if cyclists and strollers are intended to use the pathway. With steeper slopes, erosion and likelihood of widespread public use will diminish.

The remaining 17 km of trails would be non-gravel surfaced for walking/hiking inter-dispersed throughout the proposed development constructed to a 1.0 metre width, inclusive of a 1.885 km waterfront trail. Where these trails would need to cross private lands, the CVRD would be granted a 3.0 metre wide easement for the trail corridor.

Provision of Regional Amenity Lands are highlighted in both the October 2009 application and November 2010 submission, though the 2009 application only makes reference to a contribution of land for community amenities such as a school site and firehall with sports fields being part of the private open space lands. The November 2010 submission reaffirms these commitments inclusive of 3.0 acres specifically for the school site in the Lower Northlands neighborhood and dedication of lands for a firehall. The 2010 submission also includes a financial contribution of up to \$80,000 towards the construction of a park and ride on the Ministry of Transportation's lands next to the Lower Northlands.

In the November 2010 submission, lands around and under Oliphant Lake are proposed to be transferred to the CVRD for parkland and utility use after the water infrastructure for all phases of the development have been completed. These lands incorporate 172.4 acres of undeveloped green space and the bottom of Oliphant Lake. The October 2009 application makes no mention of these lands being dedicated to the CVRD as parkland.

As noted above, the November 2010 submission proposes financial contribution limits on the part of Bamberton to complete the park amenities throughout the development and that the proposed Financial Contribution Fund be available as a source of additional funding to complete the works if required. Both the October 2009 application and the November 2010 submission make note of establishing such a fund, based on a fee per

lot contributions over the duration of the development that would generate in the order of \$4.5 to \$5.0 million. The November 2010 submission makes reference to establishment of a Bamberton Financial Contribution Committee inclusive of representation from Bamberton, CVRD and the local community that would make recommendations on expenditures from the fund that would be administered by the Regional District.

4.8 Fire Protection

The October 2009 application included a commitment to dedicate land for a firehall on the Bamberton site. A firehall building, apparatus for fire fighting or other expenditures for providing fire protection to the Bamberton lands were not proposed. The location identified for a future firehall in the October 2009 application was between Trowsse Road and the Trans Canada Highway, just south of Trowsse Road and Mill Bay Road intersection.

Since receipt of the October 2009 application was submitted, the applicants have had ongoing discussion with the Public Safety Department regarding fire protection for Bamberton. Staff has consistently advised that the Bamberton development is expected to have a standard of protection that is comparable to other urban mixed use communities in the Cowichan Valley and that any requirements for fire protection should be funded directly by the development. In response to these discussions, the application has been amended to include a commitment for up to \$5,000,000 for fire protection infrastructure in addition to the commitment to dedicate land for a future firehall. The amended application also moved the proposed location for the firehall to the Fechter neighbourhood, though it was also acknowledged that the location may change if a preferred site is identified.

A commitment to fund fire protection infrastructure is a positive step, but much of the detail regarding the type of fire protection and when it will be provided is still unresolved. For example, it is not known if the proposed contribution is sufficient to fund the entire fire protection infrastructure for the future community or how additional funding would be obtained if the applicant's commitment is insufficient. It is also not known when the contribution would be provided and what it would be used for. Such issues would need to be resolved in order to secure the commitment in the PDA or other available planning tools.

The applicants did commission a draft report from RMS Municipal Consulting Services that assessed the fire protection requirements for the proposed development at Bamberton and recommends a phased approach to providing fire protection service to the community. The report was not provided with the November 2010 submission, but it was provided to staff in early January, 2011. The *Bamberton Fire Protection Implementation Report* recommends that there eventually be a stand-alone fire department for Bamberton with an on-site fire hall. In the early stages of development, it is recommended that the Mill Bay Improvement District provide fire protection services on a contract basis and that an interim hall be constructed as the development becomes more advanced. The phasing fire protection services recommended in the report is as follows:

- Phase 1: Develop a Mill Bay Response District covering initial stages of construction.
- Phase 2: Build an interim satellite fire hall in Bamberton
Acquire fire apparatus

- Phase 3: Develop Fire Department Establishment Bylaw
- Appoint Auxiliary /Volunteer Fire Chief
- Acquire property for Fire Station and Construct Permanent Fire Station
- Recruit Fire Department members
- Phase 4: Operate fire department with ongoing improvement in service level
- Hire Career Fire Chief
- Acquire quint apparatus

The report has helped to advance discussions regarding fire protection for Bamberton, but it is still unresolved as to how fire protection for Bamberton would be provided, particularly in the early phases of development. Considerably more discussion and consultation would be required before a workable strategy can be developed that is sufficiently detailed to include in the draft approval documents. It is also unlikely that staff will support an approach, such as is currently proposed, that does not fully fund fire protection infrastructure required for the proposed development.

4.9 *Infrastructure Cost Recovery*

It is not explicitly identified in the November 2010 submission, but the applicants have requested the ability to recover the capital cost of water and sewer infrastructure for Bamberton through user charges applied to future property owners in Bamberton. The applicants contend that the sewage treatment and “purple pipe” infrastructure required to treat and distribute the recycled water will impose additional costs on the Bamberton development that are not provided by other developments in the region and that some of the capital cost of providing infrastructure through user charges is necessary to fund this type of infrastructure. It is also suggested that infrastructure cost recovery is necessary because of the extensive and expensive site remediation and other environmental features in the Bamberton proposal.

The applicants have previously indicated to staff that their preferred method for infrastructure cost recovery is to have a private utility corporation build and operate the sewer and water utilities. Typically this private infrastructure model would involve the utility corporation funding the capital cost in exchange for the right to charge users of the systems. User charges allow the private utility to recoup the capital cost investment and secure an on-going revenue stream.

It is now standard policy in the CVRD that sewer and water infrastructure required to service new development is funded by the developer and is turned over to the Regional District to own and operate once the systems are operational. It is also standard that zoning is structured to strongly discourage private infrastructure and encourage “community” water and sewer systems. Under this public infrastructure model, the capital cost of infrastructure is funded by the developer and recovered through the sale of serviced land. User fees are charged for community sewer and water systems, but they are limited to operating costs and reserves for infrastructure replacement.

As an alternative to the public utility model that is standard for new development in the Regional District, a hybrid model has been proposed by the Bamberton applicants that would see water and sewer utilities for Bamberton owned and operated by the CVRD, but would still allow the developer to recover some or all of the capital cost of the infrastructure through user charges. The following has been proposed:

- That a surcharge of \$12 per month per home be applied to both CVRD water and sewer system user charges, to be collected by the CVRD and conveyed to the developer. The surcharge would be indexed to inflation and collected indefinitely. (\$465,000 per year at build-out).
- That a separate water meter be installed at each property boundary for the reused effluent supply with rates established at 80% of the potable water rates with the generated funds conveyed to the developer.
- That the developer retains all rights for export of excess treated water.
- That the developer retains all rights to the energy content that may be extractable from the water and/or sewer systems.
- That the developer retains all rights to any excess potable water supply.
- That all overage charges for the potable water system be conveyed to the developer; or that overages above the Bamberton water model allowance be conveyed to the developer; or that the CVRD actively pursue a water conservation education program.

Staff does not support the applicants' request for infrastructure cost recovery for the following reasons:

1. Remediation of the property is a pre-requisite for development and was a known cost when the property was purchased. It is expected the remediation costs would be recovered through the density entitlement if the rezoning application is successful.
2. The CVRD has not granted cost recovery rights for the numerous water and sewer utilities that have been assumed from other recent developments in the region. Granting such rights to Bamberton would be unfair to developments that have fully funded their own infrastructure and would result in similar requests for new utilities the Regional District take over in the future.
3. The extra expense for the proposed recycled water system is enabling for the Bamberton development. The water supply for the Bamberton site is known to be limited and the only way it can support the scale of development proposed for the site is through aggressive water conservation measures. The proposed recycled water system allows the developer to access considerably more density that would otherwise be possible.
4. The recycled water system and other "green" infrastructure associated with the Bamberton application are considered to be amenities associated with the rezoning. Without such features, it is unlikely the Bamberton application would be considered in its current form. Entitlements obtained through the rezoning process should be considered the primary compensation for project infrastructure.
5. The CVRD should not be in the business of helping to finance development by accepting obligations to tax future residents for infrastructure through user fees.

Staff does recognize that the recycled water system proposed at Bamberton will require a user fee structure that will encourage use of treated effluent over potable water and that will fund the additional operating costs associated with operating two water systems. Should the development proceed, these issues can be worked out when the infrastructure systems are designed and established.

V. Staff Review of Application Content:

5.1 ***Compliance with Material Requested in June 10, 2010 Letter***

A letter dated June 10, 2010 was provided to the applicants to identify the information staff consider necessary to draft bylaws and a phased development agreement. The letter provides a basis for reviewing the current submission and criteria for determining if the November 2010 submission provides a sufficient basis for preparing the amendment bylaws and PDA.

The June 10, 2010 letter confirmed that a high degree of detail and certainty regarding future development on the site is expected. It also stated that all infrastructure and amenities associated with Bamberton need to be funded by the development. To quote,

The basic premise of the APC and the Committee [EASC] is that all new development pays its own way. That means all infrastructure, from sewer, water and drainage control systems plus other matters such as playground equipment, trail improvements, street furniture and so on must be funded directly by the development. The other infrastructure consideration relates to off-site facilities. These include roads and highways, regional recreational facilities, schools and so on. The basic goal of the CVRD is to ensure that new development does not impair the functioning of these off-site facilities. It is our expectation that draft approval documents for Bamberton will address all on-site development related costs and off-site impacts.³

The above excerpt from the June 10th letter describes staff's understanding as to what is necessary to capture in the Bamberton development control documents. In addition to the over-arching principles cited above, seven topics were identified in the letter along with actions the Bamberton applicants were requested to respond to. The seven topics and actions requested of the applicants are listed in this section of the report, followed by staff comments.

1. Infrastructure Cost Recovery

Action: Advise CVRD if cost recovery for core sewer and water infrastructure is essential in order for the Bamberton project to proceed. Should this be the case, the issue will be brought to the EASC for direction.

Staff Comments – Staff have not received confirmation from the applicants with respect to the importance of infrastructure cost recovery to the project. Infrastructure cost recovery is mentioned in the November 2010 submission, but it remains unclear as to how critical it is to the proposal. The issue remains unresolved, so it is not possible for staff to prepare bylaws that deal with this topic without direction from the applicants and the Committee.

2. Official Community Plan Amendment Bylaw:

Action: No action with respect to the Official Community Plan Amendment Bylaw is requested at this time.

³ June 10, 2010 letter to Three Point Properties Ltd., page 2.

Staff Comments – We believe we have sufficient information to draft an OCP amendment bylaw for the Bamberton proposal. Since the OCP amendment bylaw would primarily be comprised of general policy statements regarding site and future development, much of the detail that has been requested about the project is not necessary to prepare this document.

3. Zoning Amendment Bylaw:

Two options were offered with to the zoning amendment bylaw. The first option involved rezoning the entire site. The letter states that if the applicants wish to pursue rezoning of the entire site, precise information regarding all neighbourhoods would be required and all of this information would have to be reviewed and agreed-upon before the zoning amendment could be drafted. The second option involved identifying the general uses and densities for the neighbourhoods, but restricting future development of the neighbourhoods until more detailed neighbourhood planning was undertaken. It was anticipated that the neighbourhood planning process would involve public input and would require future OCP and zoning amendments under the second option. Actions for the two zoning options were identified in the letter.

Action (Pre-Zoning Approach 1):

Submit a detailed land use plan and descriptions of the proposed uses, densities and development criteria for all of the neighbourhoods proposed for rezoning.

Action (Pre-Zoning Approach 2):

Submit detailed land use plans and descriptions of proposed uses, densities and development criteria for initial neighbourhoods and conceptual information for subsequent neighbourhoods for which detailed site planning has not yet occurred.

Staff Comments:

The applicants have elected to pursue Pre-Zoning Approach 1 for the entire site other than the Village areas. They have requested zoning for all neighbourhoods other than the Village, and are agreeable to a future neighbourhood planning process for the Village prior to a zoning change for the Village. However, while the amended application acknowledges that a future planning process will occur for the Village before it is developed in accordance with the concept plan, it also proposes that new zoning be applied to the Village to permit interim commercial and industrial uses on the Village lands. This scenario was not anticipated in the June 10th letter and, as previously stated, is a significant change to the application.

The concept of rezoning all or most of the Bamberton lands has been a concern for staff from since the application was submitted in 2006. In discussing this topic with our legal counsel, we were advised that rezoning for the entire site should only be entertained if detailed information about future development on all of the lands proposed for rezoning is obtained. The applicants have been clear that rezoning all of the site (other than the Village) is the only option acceptable to them. Although they have agreed to provide the detailed information that was requested and contend that the requested detail is contained in the November 2010 submission, staff's impression is that that it has been very challenging for the applicants to undertake the detailed site design and provide certainty about future development for a project that is so large and which will be built out over many years.

The information that has been provided in the November 2010 submission is more detailed than was available in the October 2009 application and it is apparent that a lot of effort and analysis has gone into the design and layout of the neighbourhoods. There have been a number of changes to the neighbourhoods that have been necessary due to site constraints and other limitations that were discovered when the more detailed analysis was completed by the applicants. Staff has noted that the site layout is more realistic and that neighbourhood layouts provide a much better indication as to what is intended for the neighbourhoods than what was previously available. The current neighbourhood layouts have also confirmed that drafting zoning based on what was previously submitted would have been ill-advised.

It is difficult for staff to know if the neighbourhood layouts that were submitted with the November 2010 submission provide enough detail and certainty to prepare a zoning amendment bylaw. It appears the applicants have seriously reviewed the topography and proposed road alignments and have made adjustments accordingly. Proposed land uses are indicated on the plans, but the flexible nature of the zoning that is requested makes it difficult to know with much certainty what the actual layout of the individual neighbourhoods would look like. There is a development permit process that would assist in this regard, but this process only allows limited influence. Staff suspect the neighbourhood layouts are still very conceptual and will change significantly when a more thorough design is undertaken.

The draft zoning that has been submitted is a significant concern for staff. The “anything goes” approach evident in the permitted uses of the proposed zones and the lack meaningful development criteria in the zones highlight a wide gap between what the applicants believe to be appropriate zoning for the site and what staff consider to be appropriate. Perhaps a more mutually agreeable form of zoning could be achieved through negotiation and discussion. This, however, would take further time and resources and it may not be possible to reach consensus. Staff does not believe the information submitted to date is sufficient for drafting a zoning amendment bylaw that would be acceptable to the EASC and the CVRD Board.

4. Development Permit Guidelines

Action: Submit a comprehensive package of development permit guidelines that clearly communicates design and development standards for the project that will allow the Regional District to manage future development on the site in an efficient and predictable manner.

Staff Comments:

The submitted development permit guidelines, although slow in coming, are professionally written and use a language and format that is compatible with the CVRD's development permit process and could be used to meaningfully administer future development on the site. The submitted guidelines would need further review and adjustment before they are finalized and included in the amendment bylaws, but staff believes they generally provide what was requested.

5. Phased Development Agreement

Action: Provide a comprehensive schedule of amenities and development features for Bamberton and confirmation of intentions with respect to unsecured commitments.

Staff Comments:

The applicants did provide a schedule of amenities and development features with the November 2010 submission. However, no formal submission regarding the unsecured commitments that have been publicly discussed was provided. Without written commitments by the applicants explaining how the unsecured features of the proposed development will be provided, such features cannot be assumed to be part of the proposal.

Without commenting on the content of the submitted PDA schedule, it does provide the type of information necessary to initiate the drafting of a phased development agreement. It should be noted, however, that many of the amenities offered are conditional, and it will be challenging to incorporate such complex conditions into a functional agreement. Also, some of the proposed triggers for providing amenities may not work well with the CVRD's processes. It is expected that the terms and conditions for the PDA will require further work before the document can be drafted. One very significant issue that will require attention is that the PDA cannot exceed a 20 year term. Since the build-out period for the project will likely extend well beyond 20 years, some other mechanism will need to be found to ensure commitments can be realized beyond the term of the PDA. If no suitable alternative can be found, phased zoning may be the only option for securing amenities expected in the later phases of the development. The schedule of amenities provided in the November 2010 submission can allow staff to proceed with preparing a PDA, but we do not believe a PDA drafted based on the submission would be acceptable to the EASC.

6. Subdivision Servicing Bylaw

Action: Identify any alternative subdivision and development standards that will be necessary for proposed development on the Bamberton site and amendments to existing bylaws that may be necessary.

Staff Comments:

The CVRD has a draft subdivision servicing bylaw that is intended to encourage sustainable development practices and encourage the use of "green" infrastructure. The bylaw is not yet adopted and it is not known if the CVRD Board and the Ministry of Transportation and Infrastructure will approve the bylaw in its current form. In the absence of bylaw requirements that establish development standards consistent with the triple bottom line vision for Bamberton, there does not appear to be any mechanism in place or proposed that will ensure the sustainable development features included in the Bamberton concept are implemented.

The draft development permit guidelines do include a number of guidelines intended to achieve low-impact, sustainable development. If followed, the development permit process could achieve many of the sustainable development objectives for Bamberton. However, until there are bylaws in place that require a sustainable approach to subdivision servicing and development, it will be difficult for the Regional District to require alternative standards for the Bamberton site.

The June 10, 2010 CVRD letter requested that the applicants identify alternative standards they intended to apply within the project so we could consider how the standards might be enforced and to get a better understanding as to how the Bamberton development would differ from conventional development in the Region. Alternative standards for roads are described in the development permit guidelines and mention is made of the recycled water system in the PDA schedule. A comprehensive response

regarding alternative development standards for the Bamberton Lands was not included in the November 2010 submission. Without this information, staff is unable to fully address sustainable development requirements in the amendment bylaws and the PDA.

5.2 Compliance with APC Recommendations

The Area A APC reviewed the Bamberton application over five meetings between July and October, 2009. The version of the application reviewed by the APC was dated July, 2009. In response to comments and recommendations from the APC, the applicants amended the application and re-submitted it as the October, 2009 application.

In reviewing the Bamberton application, the APC endorsed a number of principles that it recommended be used to guide any form of development approval considered for the Bamberton site. Staff believe that a number of the recommended principles have been incorporated into the amended application. Some of the principles, however, either do not appear to be followed in the current version of the application or it is not clear how they will be addressed.

The following is a list of some of the APC principles that are not evident in the application. In order to prepare the amendments bylaws and a PDA, staff would need further information from the applicant as to how they propose to incorporate the principles into the application. Where the application does not appear to follow the APC principles, further Committee direction may be required in order to complete the draft documents. The complete list of APC principles is provided in Schedule 5.

- Incorporate requirements for Transportation Demand Management as a condition of development approval.
- Conduct comprehensive traffic review as part of the PDA for each phase.
- Protect identified waste water disposal areas from development until it can be proven they will not be required for that purpose.
- Ensure current technical memorandums regarding the application are available prior to a public hearing.
- Further work regarding the implementation and management of the (Oliphant Lake) watershed should be obtained as a condition of development approval.
- Ensure zoning drafted for the Bamberton Lands excludes uses potentially harmful to the Saanich Inlet.
- Include sustainability criteria and a phased development approach in development approvals.
- Ensure some local commercial development is provided prior to 75% completion of each neighbourhood.
- Require purpose built rental housing and a social housing site as conditions of development approval.
- Require more detail from the applicant requiring the affordable housing strategy and separate commitments that are intended to be secured through development approvals from those that are intended to be unsecured.
- 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.
- At the end of the build-out, the communities of Mill Bay and Bamberton would contain a population of between 12,000 and 15,000 at a minimum. The CVRD needs to evaluate what amenities a community this size needs to function effectively.
- Opportunities for public participation in later stage of the development should be sought out and incorporated – where possible – into the approvals.

- The feedback of earlier phases of the development should be used to refine procedures and processes in the future phases of the Bamberton development. A mechanism to ensure this takes place is needed.

It should also be noted that the APC has not had an opportunity to review the amendments in the November, 2010 submission. It is not known if the APC recommendation regarding the application or the principles it has recommended would change as a result of recent changes to the application.

5.3 *Ability to draft bylaws based on current application*

Staff are of the opinion that some of the material submitted with the November 2010 submission could be used to prepare bylaws. In particular, the development permit guidelines and parts of the phased development agreement would be of assistance. The draft zoning that was submitted differs significantly from what staff considers appropriate. In addition to issues with the proposed zoning, staff believes there are still many unresolved issues and uncertainties that impede the preparation of bylaws that staff can support and that we think would be acceptable to the EASC. In short, staff could prepare bylaws based on what has been submitted but we would not support or recommend them.

VI. Issues for Consideration:

6.1 *Flexibility Versus Certainty*

The November 2010 submission confirms the applicants' desire to have considerable flexibility for future development on the Bamberton lands. On the advice of staff, the applicants have scaled-back the extent of flexibility that was previously proposed. The desire for flexibility is still evident in the application, however, and is an issue that staff would need Committee direction on before draft bylaws can be prepared.

Examples of the flexible approach to development on the Bamberton lands are particularly evident in the draft zoning that was submitted, where most of the proposed zones allow a broad spectrum of residential and non-residential uses and a mix of housing types. Proposed criteria for development are minimal, with limitations on lot size, lot coverage, building height, setbacks and other development criteria that are significantly less restrictive than development criteria elsewhere in the Regional District. Another example is that the application requests the option of allowing up to 10 percent of the residential density in each of neighbourhoods to be transferred between neighbourhoods.

The request for flexibility in planning of the Bamberton lands is understandable, given the many uncertainties that could be encountered in the future development of the site. Flexibility in the development control documents, however, does create greater uncertainty about development of the site and seems to be at odds with the certainty and detail the Advisory Planning Commission and staff believes the EASC expects. Staff do not know if a flexible approach to land use is acceptable or not, and will need Committee direction on this issue before bylaws can be drafted.

It is notable that the one constant in the application and an aspect of the proposal where certainty is required by the applicants is the total residential density proposed for the site. The 3,227 residential units proposed for the Bamberton Lands represents an entitlement the applicants expect to retain irrespective of any site constraints that may be encountered. It appears to staff that the more detailed neighbourhood design, that was undertaken in preparing the November 2010 submission, identified site constraints

that required adjustments to the application. Some of the adjustments, such as reduction in the width of buffers along the Trans Canada Highway, have compromised the application and seem to be motivated to achieve the total projected density. Staff is concerned that a fixed residential density with a permissive and flexible approach to development control would potentially oblige the Regional District to accept further compromises with future development on the property.

6.2 *Unresolved Issues and Uncertainties*

There are still many unresolved issues and uncertainties associated with the Bamberton application that make it difficult to proceed with drafting amendment bylaws and a PDA. Examples include commitments for fire protection, parks and trails, the applicant's request for infrastructure cost recovery and the linkage between water supply and density. Such issues will need to be resolved before they can be addressed in the draft development approval documents.

It has been difficult for staff to give specific advice to the applicants as to what they should address in their application and how they might wish to adjust the application to address issues. Staff is not authorized to negotiate with the applicants nor is it the role of staff to determine how applications are to be structured. Staff has suggested changes to the application to address uncertainties and outstanding issues, but ultimately it is the applicants' responsibility to respond to these issues and provide the information and commitments necessary to obtain support from the EASC and Board.

In order for staff to prepare bylaws and a PDA acceptable to EASC, it will be necessary for the applicants to first resolve numerous outstanding issues associated with the application. Many of these issues will likely require direction from the EASC before draft amendment bylaws and PDA could be finalized.

6.3 *Conditional Commitments*

Staff has requested the applicants to be clear about the amenities and development features they propose to provide so they can be secured in the development approval documents. The reason it is so important to know the applicants' commitments is because the Regional District has relatively little authority to obtain amenities or place conditions on development once a zoning approval has been granted. The phased development agreement that is proposed would further limit the CVRD's ability to obtain additional amenities after the rezoning, because it protects the developer from future bylaw changes. It is therefore essential that any amenities or development features that are expected to be provided with the development be clearly defined in the bylaws or PDA. Unsecured commitments should not be considered part of the proposal, as the Regional District has no ability to require them.

Staff comment regarding many of the amenities and development features offered with the application is found elsewhere in this report. A general observation regarding the commitments offered is that they do not appear to adequately ensure all infrastructure and amenities that would typically be expected for a fully serviced community the size of Bamberton will be provided. Another observation is that many of the commitments are conditional. The conditional nature of many of the commitments limit risk for the developer but increases the Regional District's risk that amenities and features may not be delivered as anticipated.

Amenities and development features offered with development proposals are commonly negotiated. Staff has a role in the negotiation process, but ultimately it is up to the applicants to determine what they are prepared to offer and for the CVRD Board to decide if the amenities and features offered are appropriate for the approval that is requested. It can be difficult to determine exactly what amenities should be provided with a particular proposal, but as a general rule, amenities should at least be sufficient to off-set potential negative impacts and should result in a net benefit to community.

If the EASC decides to direct staff to proceed with preparing the draft amendment bylaws and PDA, it would be helpful to know if the amenities and conditional commitments included in the November 2010 submission are considered acceptable to the Committee.

6.4 *Project Assessment and Planning*

Many studies and technical reports were provided by the applicants at earlier stages of the application review, between 2006 and 2008. Reports dealing with wildfire protection and general fire protection for the Bamberton proposal were received more recently.

One of the recommendations of the 2009 Trillium report is that technical studies that were prepared for the Bamberton application be amended based on the current version of the application. To a degree, this was done for the October 2009 application. However, since there have been further changes to the application, updates to the background studies should be expected in order for the application changes to be considered.

Staff appreciate that it is difficult for the applicants to update all of the technical studies for Bamberton every time the application is amended. However, if the application is to proceed, it would only be prudent to have studies available that are consistent with the proposal and an application that includes the recommendations of the background reports. Staff notes the Bamberton application has changed significantly since many of the background reports were completed. We expect the public will want access to background reports that are consistent with the proposal and draft bylaws, should the EASC authorize proceeding.

6.5 *Growth Management Implications*

The growth management implication of Bamberton has not received much attention in this report or the applicants' November 2010 submission. To be fair, growth management is an issue that is difficult for the applicants to address in their development application and it is more appropriately dealt with through an OCP review or regional growth strategy process.

If the Bamberton application is approved, there will be enough zoned land to accommodate future growth in the south Cowichan region for decades to come. In order for Bamberton to develop successfully and to reasonably consider it as an alternative to traditional development patterns in the region, staff believes complementary amendments to the Area A OCP and possibly the OCPs in Areas B and C should be drafted to recognize Bamberton as a focus for future growth in the Region. Staff will require direction from the EASC on this issue in order to prepare amendment bylaws for Bamberton.

VII. Summary and Conclusions:

The concept of a comprehensively planned community on the Bamberton Lands is attractive. Having development occur in the Region at a defined location and in a coordinated and managed manner seems preferable to the haphazard, spot development approach that has been common in parts of the Cowichan Valley and much of North America. Development on the scale of what is proposed for Bamberton provides an opportunity to plan for a complete community and to ensure that infrastructure, community amenities and services necessary for a successful community are provided. Developments that are comprehensively planned also provide opportunity to achieve more consistent design and development standards and to incorporate objectives such as sustainability, affordable housing and economic development into the planning process.

While a comprehensive planning approach has many advantages, it does place a much higher burden on the proponent to demonstrate that the many complex issues associated with community development have been addressed. It also places a burden on local government to establish mechanisms that ensure that the concept that is proposed at the planning stage is realized. The expectations for planned communities are often considerably greater than for smaller individual developments that may ultimately have cumulative impacts that, ironically, are the same or greater than comprehensively planned development.

The Bamberton application has been under review for over four years. The application has been amended many times, usually in response to community concerns and issues that have been identified during the course of the review. The applicants have invested heavily in the application. The Regional District and the public have also expended a great deal of time and energy on the application. The resources dedicated to the review of the Bamberton application have been considerable and likely cannot be sustained indefinitely. The application appears to be at a cross road where a decision is needed as to whether or not the application should proceed.

Without doubt, there are many features of the Bamberton proposal that would benefit the entire South Cowichan community. These include dedication of a large regional park, a potential showcase for sustainable development practices and local employment opportunities, to name a few. The applicants have also undertaken an extensive remediation of the former industrial site that will be an enormous benefit to the future health of the Saanich Inlet. The community benefits of the Bamberton application were recognized by the APC when it reviewed the application in 2009 and by the EASC when it directed staff to proceed with drafting bylaws for the application.

The problems encountered in preparing amendment bylaws and PDA seem to be largely due to a difference of understanding between what the applicants and staff expect in the documents and the development itself. Staff believes the EASC, the CVRD Board and the public expect bylaws and a comprehensive PDA that will guarantee the Bamberton Lands will be developed in accordance with an endorsed concept plan. The expectation, as we understand it, is that future development on the site will have a strong and vibrant mixed use village at the waterfront; that development will incorporate the latest in sustainable development technologies and practices; that neighbourhoods will be provided with not only infrastructure, but also walking trails, parks and other amenities such as local commercial services that are essential to every successful community. It is also expected, we believe, that the development itself will fund the entire project as well as offset off-site impacts associated with the development of regional recreational services, fire protection services and the transportation network. In order to draft development control documents that the CVRD Board and the public can rely on to achieve the

Bamberton concept, it is necessary to have sufficiently detailed information about future development on the lands and to secure commitments about future development that are binding.

Understandably, it has been challenging for the applicants to provide the detail and certainty that the CVRD requires, to define with reasonable certainty how development of a 630 hectare (1557 ac.) site over at least 25 years will occur. As much as possible, the applicants have requested flexibility in land use and zoning and to limit commitments. The cautious approach the applicants have taken with respect to development commitments is likely a result of the economic reality of developing an entirely new community where all infrastructure to service development needs to be constructed and financed by the developer and where market conditions are uncertain.

Recent changes to the application and the applicants' desire to maintain flexibility and limit amenity and financial commitments seem to be driven primarily by the economics of the project. The applicants have been clear in acknowledging that some of the original concept for the Bamberton lands was not economically feasible. The current submission, staff assume, describes a version of the future Bamberton community that the applicants consider to be economically viable. The difference between what the applicants consider necessary to develop the site successfully from a business point of view and what CVRD staff, the CVRD Board and possibly the public considers to be necessary from a community planning perspective to bring the proposal to hearing is the main reason draft bylaws and a PDA for the Bamberton application have not progressed over the past 14 months.

Staff believe the process of having to define the Bamberton proposal in bylaws and a phased development agreement has highlighted the complex issues and considerable costs associated with developing a new community on the Bamberton Lands. Contemporary planning theory generally advocates that growth should be contained and located close to existing communities where infrastructure and community services to support it are available. This is also one of the fundamental principles of sustainable community development. Satellite communities like Bamberton are generally recognized as an inefficient form of development because of upfront infrastructure costs and the cost of providing the various services and amenities. By expecting all costs associated with a new Bamberton community to be funded by the development, the economic challenges of developing in this fashion are brought into focus. It has become increasingly apparent to staff that the flexibility and concessions the applicants require to develop the Bamberton Lands are not compatible with the form of development and conditions the CVRD Board and the public expect.

The difficult conclusion that staff have come to in reviewing the November 2010 submission is that we cannot support the application proceeding as proposed for the following reasons:

1. The focus of the development has shifted away from the concept of a mixed use waterfront village on a former industrial site to more conventional development along the Trans Canada Highway.
2. Interim commercial and industrial use at the Bamberton waterfront seems contradictory to the long term vision for the site. The interim uses also limits public access to the proposed Southlands Park and potentially conflicts with planned residential development.
3. Commitments for amenities to service development within the Bamberton site are limited and conditional, potentially resulting in a future community that is underserved.

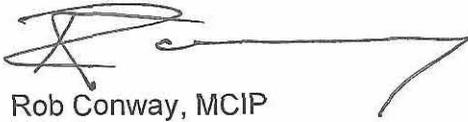
4. Firm commitments to ensure Bamberton will be a showcase for sustainable development practices are lacking.
5. The request to rezone all of the Bamberton Lands would commit the Regional District to a development that would likely take many decades to complete. Adoption of a concept plan for the entire site and phased zoning would better addresses the many uncertainties associated with future development and allow issues to be identified and addressed as development proceeds.
6. The flexibility requested in land use, zoning and other aspects of the proposal creates uncertainty regarding future development on the site. Bylaws prepared on this basis would be very challenging to administer and may well lead to unintended consequences and disputes over interpretation.
7. In the current form, the project would be very difficult, if not impossible to administer. Even with changes to the application, the administrative burden for the CVRD associated with the project would be considerable and on-going.
8. Legislation for phased development agreements only allows agreements for up to a twenty year term. It is not known how commitments made by the applicant beyond twenty years could be secured.
9. Some of the background and assessment work undertaken by the applicants for prior versions of the application do not apply to the current application. In order to take a project of this significance and magnitude to the public, complete and current supporting documentation would be required.
10. There are many uncertainties and unresolved issues that make it difficult to prepare bylaws and a PDA. If documents are prepared based on what was presented in the November 2010 submission, many issues would remain unaddressed and development could occur in a manner that differs significantly from the concept plan.

VIII Options:

- A. That Bamberton Application 4-A-06RS be denied for the reasons that:
 - i) the November, 2010 submission does not provide a sufficient basis for preparing draft OCP and Zoning amendment bylaws and a phased development agreement;
 - ii) many outstanding and unresolved issues associated with the proposal remain; and
 - iii) the application has shifted away from the mixed use waterfront village concept originally proposed.
- B. That Bamberton Application No. 4-A-06RS be tabled for up to three months to provide the applicants the opportunity to present a proposal outlining how they intend to provide the detailed information requested and to satisfy or address the issues identified in the January 25, 2011 staff report.

Should the applicants agree to make significant changes to the application to satisfy or address the issues identified in the January 25, 2011 staff report, the EASC may wish to consider Option B.

Submitted by,



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Attachments:

- Schedule 1 – Executive Summary, November, 2010
- Schedule 2 - Bamberton Concept Plan, November 2010
- Schedule 3 – Neighbourhood Concept Plans, November, 2010
- Schedule 4 – June 10, 2010 Letter
- Schedule 5 - APC Endorsed Principles

<p><i>General Manager's Approval:</i></p> 
<p><i>Signature</i></p>

SCHEDULE 1 – Executive Summary, November 2010



EXECUTIVE SUMMARY

Enclosed is a summary of the evolution of the contents of the Bamberton Rezoning Application from its original submission in December 2007 to the current form. Any changes in the content of the application over the past three years have been the result of community feedback, CVRD guidance, peer-review recommendations, and/or enhanced knowledge gained from the extensive analysis completed by experts of the site.

A revised 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 attached draft zoning bylaw for Bamberton.

Please note that the technical appendices included in previous submissions remain applicable and is not included at this time.

Initial Submission (November 2006 / December 2007)

The original Bamberton Rezoning Application was dated November 2006. Following a series of community open houses and 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 peer review process in the form of a Regional Impact Assessment to evaluate the Bamberton rezoning application and its expected impact on the local area.

Trillium Report (June 2008 – June 2009)

The Regional Impact Assessment ("Trillium Report") was completed in June 2009 and offered various recommendations for the Bamberton plan, which were incorporated in a revised Rezoning Application submitted on July 2, 2009 to CVRD. The revised Application provided a description of the proposed land uses for Bamberton utilizing three proposed Comprehensive Development Zones.

A summary of the changes made at this stage as described in a letter to CVRD on July 2, 2009 (see attached).

APC Review (July – October 2009)

Subsequent to the Trillium Report's publication and the submission of Bamberton's revised July 2009 application, Bamberton engaged in a series of meetings with the Advisory Planning Commission ("APC") between July and October 2009. The APC studied the application in depth and offered numerous recommendations on how to improve the Application. The vast majority of these recommendations were incorporated into a further revised Application that was resubmitted on October 30, 2009.

A summary of the changes made at this stage as described in a letter to CVRD on October 30, 2009 (see attached).

Bylaw/Document Preparation (November 2009 – November 2010)

In November 2009 CVRD Staff provided the Electoral Area Services Board with an update regarding the Bamberton application. At this meeting the process to-date was acknowledged and Staff was given the instruction to proceed to work with Bamberton to prepare draft documents for Board consideration.

Since that date both groups have worked hard to establish a clear process, one that balances the CVRD requirements for predictability with Bamberton's need to be able to respond to market conditions, some of which will be more than 15 years into the future.

The evolution of the dialogue between CVRD Staff and Bamberton has led both groups to acknowledge that an in-depth level of detail was required for each neighbourhood. This slowed the process as the planners, engineers and architects completed a full review of each neighbourhood to prove feasibility. And while this level of detailed analysis is not usually undertaken until after the assurance of rezoning (such as submission for Development Permit on a property that has already been zoned), in the case of Bamberton all agreed that such a process was the best approach to give the CVRD comfort of how Bamberton will roll out in the future. While it may have taken longer, and cost significantly more than expected, to yield the plan and the supporting documents, the result is that the CVRD will have confidence in the viability of the project.

In the process of analyzing the various neighbourhoods at a level of great detail, there were certain items that emerged that required revision, notably:

- **The Upper Northlands** layout changed to accommodate road grades and now includes a Social Heart per the Staff and APC requests for some higher-density (including affordable) housing in the area. The multi-family density in the area increased reflecting the addition of the Social Heart.
- **The Lower Northlands Business Park** was also revised completely in its layout to accommodate road considerations and the type of commercial/industrial users that are expected to lease the space. The Lower Northlands was also chosen as the school site and the site for one playing field.
- The Social Heart at **Triangle** was given added significance in the overall project with the shift toward being a very active social hub in the early years of the Bamberton development until at least the point at which the Village is developed. The number of condominiums was increased in this area while the number of single-family was decreased.
- **Fechter Lands** has been designated the site of the second playing field as well as the site of the future community fire hall.
- **East Benchlands** has gotten smaller in order to include the excavated and remediated Brownfield bench within the Village boundary. The cottages that had been planned for the hillside have been replaced by single-family as a result of public safety and fire protection challenges with the cottages.

- **Historic Bamberton** has gained a small Social Heart at the site of the former Community Centre. Further, after an extensive road analysis, the westernmost road in the neighbourhood was deemed infeasible and the density was shifted internally.
- **The Village** has been divided into two main areas: Upper Village will be a residential mixed-use neighbourhood and Lower Village will continue as a commercial / industrial hub in the short-term and then transition to residential mixed-use in the future. The OCP will ensure that this path is clearly laid out for protection of both the CVRD and Bamberton. The challenge was to find a mechanism whereby the on-site commercial / industrial would transition over time as market conditions permitted to a higher and better use, while ensuring that this economic engine continued to provide for employment opportunities in the area, and be a catalyst for new businesses to locate in the Northlands Business Park.
- **The Southlands Park** has been divided into two separate donations: the larger piece of 300 acres at time of rezoning, and the remaining 89 acres in the future. In the immediate future the 89 acres will be used for non-invasive eco-adventure activities and First Nations initiatives.

The neighbourhood maps included as Exhibits provide more detailed information on each area.

Current Status of Application

As noted above, there have been certain physical changes that have come as a result of investigating each neighbourhood at a greater level of detail. However, since the October 2009 update that was reviewed by CVRD, there have not been a large number of changes to the application. Whatever changes have been made are the result of either consultation with the community or having undertaken a detailed analysis of our land plan and uses.

Affordable Housing

After extensive discussion with CVRD Staff it became clear that the least administratively burdensome method of establishing affordable housing is to limit dwelling sizes. And while CVRD commended Bamberton's initiative to work with the Malahat First Nation to create affordable housing, they recommended that Bamberton pursue these initiatives independently of CVRD affordable housing requirements.

Financial Contribution

In past documents the committed financial contribution was estimated at \$5.0M based on the then anticipated unit or home sizes (since the contributions vary based on product size). Our current estimate is \$4.5 million given the change in the economy and currently anticipated consumer preferences for smaller units. Of course should consumer preferences over the course of development change to preferring large units, then the value of the contribution will increase accordingly, perhaps to the initial \$5 million figure or higher.

Lower Village Interim Zoning

The combination of community support for locally-based business, excitement about the possibility of local employment options, and difficult economic times for residential real estate has led the Bamberton plan to embrace further interim commercial / industrial activity in the

Lower Village area of the site through an interim zoning change that will continue industrial and commercial uses. This area is a brownfield site, with a range of current industrial and commercial uses. The site already has various industrial tenants. As the community develops and different types of jobs come to the site, the Lower Village will gradually transition away from industrial to an active port and marina facility focused on supporting the local businesses.

Lower Village Future Zoning

An eventual neighbourhood planning process for the Lower Village will occur when the Lower Village is to be rezoned in future from the interim industrial/commercial uses to its long-term "village" uses. At that point CVRD Staff will help to shape the future of the Lower Village through that rezoning. With well-planned transportation between them, possibly a grand staircase and/or a funicular for pedestrian traffic, the Lower and Upper Villages will gradually connect and merge into one larger Village. Among the other amenities that are still a major part of the Village are a pedestrian waterfront walkway, marina, walkable trails and paths, as well as a plan for retail and commercial activity throughout, in addition to the ongoing active commercial port.

Parkland

The overall acreage dedicated to parkland on the Bamberton site is now estimated at a minimum of 650 acres or 42% of the site. In the 2009 application Bamberton noted 900 acres of greenspace and over 60% of the Bamberton land base would be private open space or parkland. The 2009 submission specifically noted that private green space would remain a prominent part of the plan. It is important to note that Bamberton is convinced that the overall parkland dedication after the neighbourhoods have been built will significantly exceed 50%. The challenge is that by planning all neighbourhoods across the site in advance the area measurements must be conservative and encompass a larger area than will be built upon. Upon DP stage much of this land will emerge as parkland.

Southlands Park Dedication

The Southlands Park Dedication remains at 389 acres, however the final 89 acres will not be donated until a future date but will be covenanted for donation. The purpose behind this approach is to ensure that eco-tourism/adventure and Malahat presences are permitted to establish their businesses and provide access to the Southern part of the site (especially the Southlands Park) during the transition phase between commercial / industrial and more residential / retail. It is expected that these groups would provide service to the waterfront and park entrance through the active area, thereby ensuring a safe journey when access otherwise would be difficult.

Commercial / Industrial Density

Whereby initial commercial and industrial density numbers were uncertain, Bamberton has gone back to the existing bylaws for direction on the appropriate measures for commercial / industrial density.

Trails

In addition to defining the Bamberton trail standards (based on CVRD standards) Bamberton engaged Valhalla Trails to establish an overall site trail network as well as a waterfront trail

north of the Village. There has also been an estimate of minimum trail lengths across all neighbourhoods as well as a grading study of the site-wide Type "A" trail. The 2007 and 2009 applications both noted that trails would be more than 20 km in length, which when all formal and informal trails are measured remains a constant number.

Public Safety

Bamberton was made aware that part of its responsibility is to build a fire hall and provide it with apparatus. This is a significant departure from donating the land for the building. Bamberton acknowledges the importance of this component of the project and will commit to building a station based on Public Safety requirements as the project proceeds, to meet new and updated standards. The initial fire hall requirements will be outlined in the GHL and NUS consultant reports, which are expected to be complete by December.

Highway Buffer

A 60m highway buffer has been attempted across Bamberton's residential neighbourhoods and parks abutting the Trans-Canada Highway. After the detailed study of the land and each neighbourhood, it was determined that certain areas simply do not have the space for such a wide buffer. Further, any commercial businesses in either the Lower Northlands or Triangle will require drive-by sight corridors.

Amphitheatre Park

The primary role of deep investigation into each neighbourhood plan is to establish a buildable plan. When planning the village this was a difficult challenge due to the terrain. However after extensive review the engineering team established a solution that crosses the centre of the clay-capped landfill. A green area and public space will remain with the possibility of a smaller amphitheatre also an option.

Lower Northlands Business Park

After consultation with the APC and community stakeholders, the term "Eco-Industrial Park" that was used to describe the Lower Northlands in 2007 and 2009 was found to be potentially confusing because there is not a generally accepted definition for the eco-industrial terminology. Instead it was advised that the area be called a "Business Park" with the understanding that its businesses will be sensitive to the environment in their operations.

Moving Forward

With the submission of the enclosed documentation, Bamberton has provided CVRD Staff with the information they requested to prepare the official bylaws, phased development agreement, design guidelines and development permit guidelines and, with the delivery of the Design Brief later this week, the OCP Amendment.

Bamberton looks forward to working closely with Staff to ensure an expedient delivery of these documents to the CVRD Board in the near future.

SCHEDULE 2 – Bamberton Concept Plan, November 2010

**SCHEDULE 3 – Neighbourhood Concept Plans,
November 2010**

EXHIBIT 8



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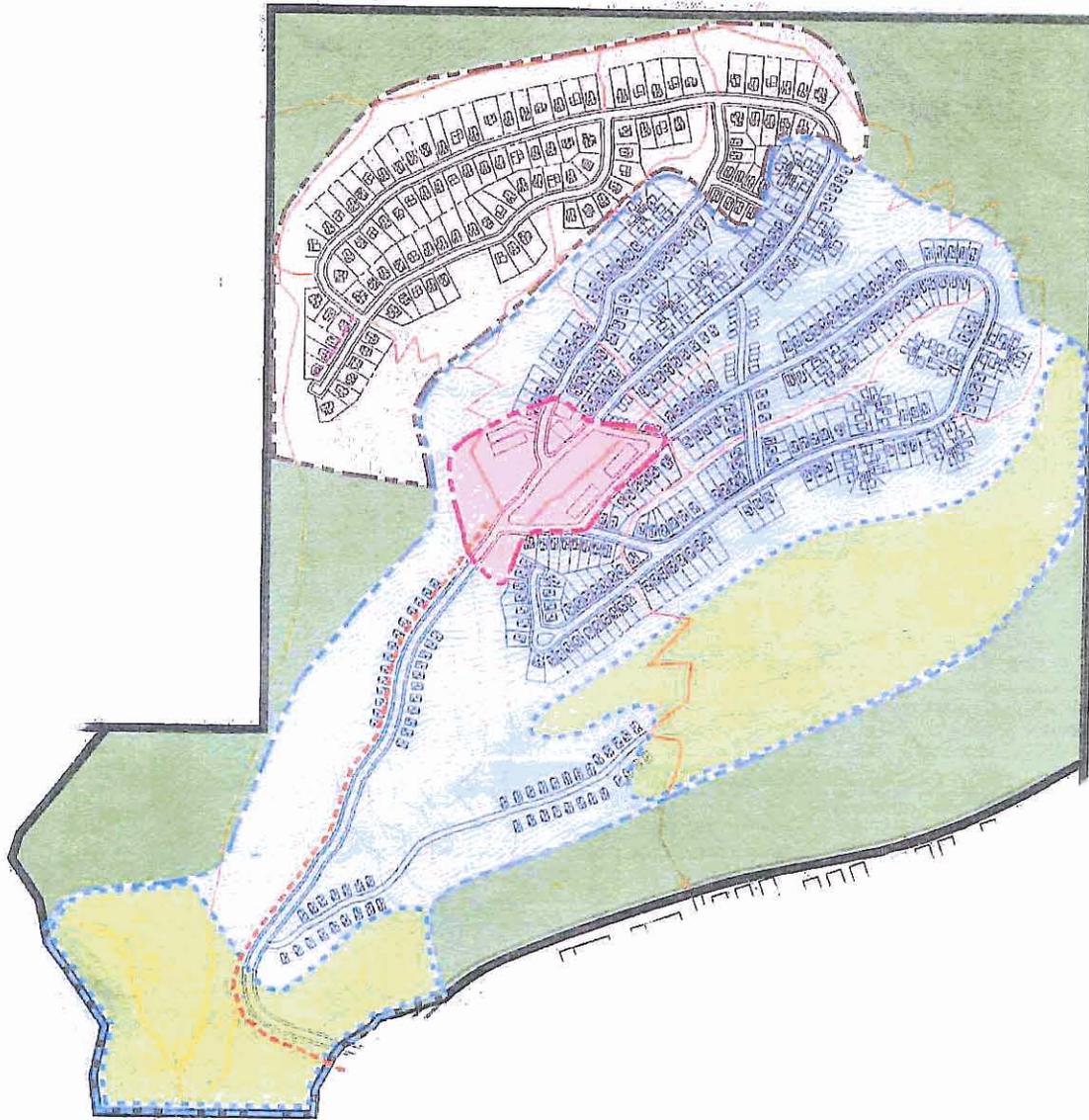
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NORTH

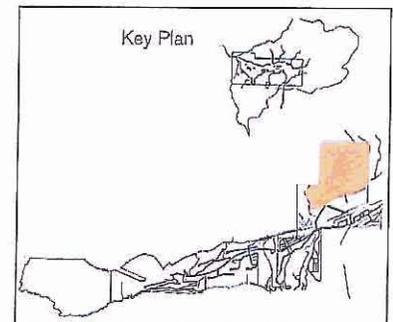


Upper Northlands

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart (SH-1)
- Residential (R-1)
- Residential Mixed Use (R-2)
- Parkland
- Mixed-Use Covenanted for Drainfield Use

Land Area (acres):	
Social Heart	5.4
Residential	38.4
Residential Mixed Use	132.4
Parkland	97.1
Total Land Area	273.3
Unit Count:	
Detached Single-Family Lots	420
Townhome Units	125
Condominium / Apartment Units	150
Total Residential Dwellings	695



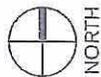


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PLANNING CONSULTANTS ARCHITECTS INC.

2010.11.15



Lower Norrlands

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart
- Residential
- Northlands Business Park (B-1)
- Parkland
- Northlands Business Park Covenanted for Drainfield Use
- Community Institutional

Land Area (acres):	
Community Institutional	3
Northlands Business Park	83.6
Parkland	8.8
Total Land Area	95.4
Unit Count:	
Detached Single-Family Lots	0
Townhome Units	0
Condominium / Apartment Units	0
Total Residential Dwellings	0

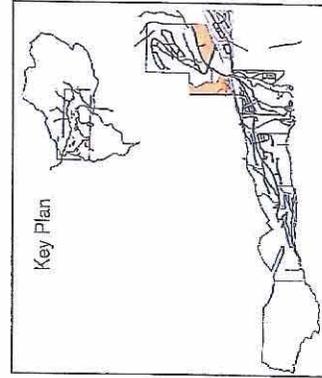
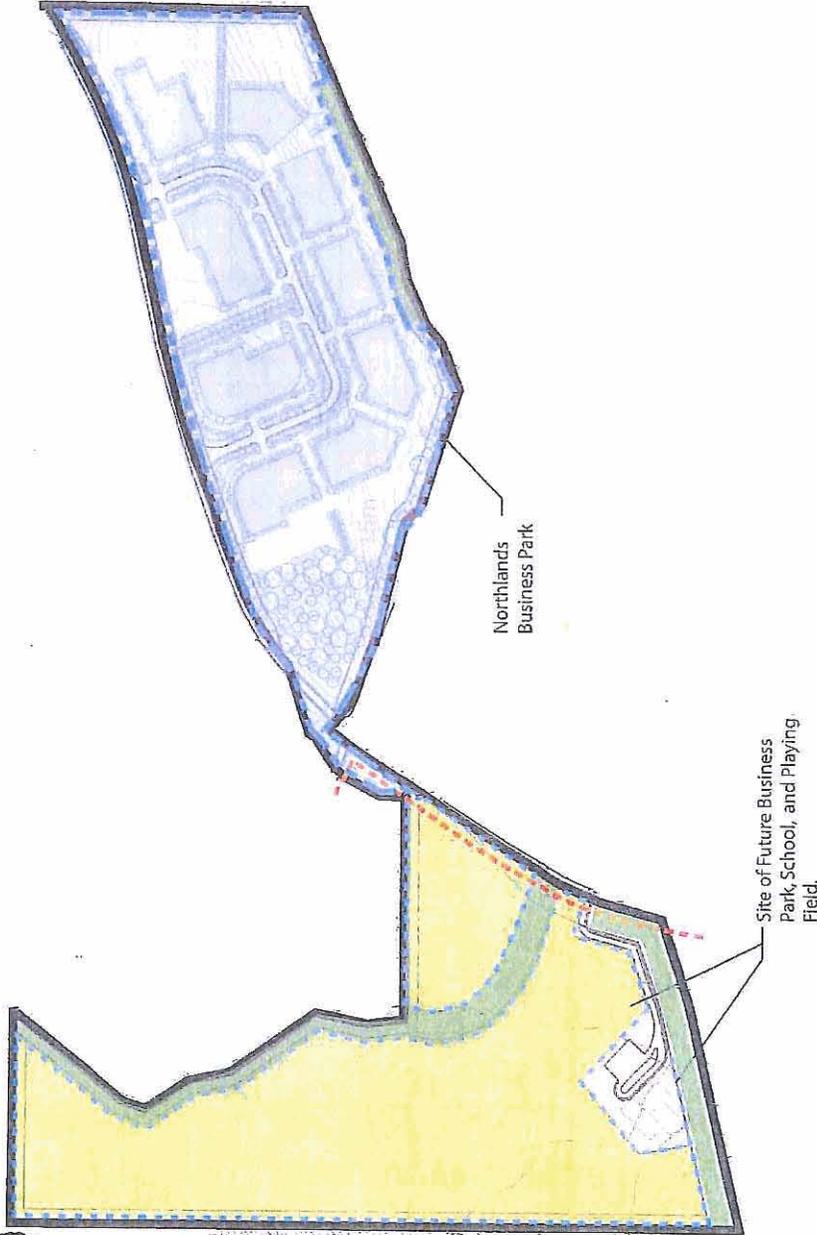


EXHIBIT 10



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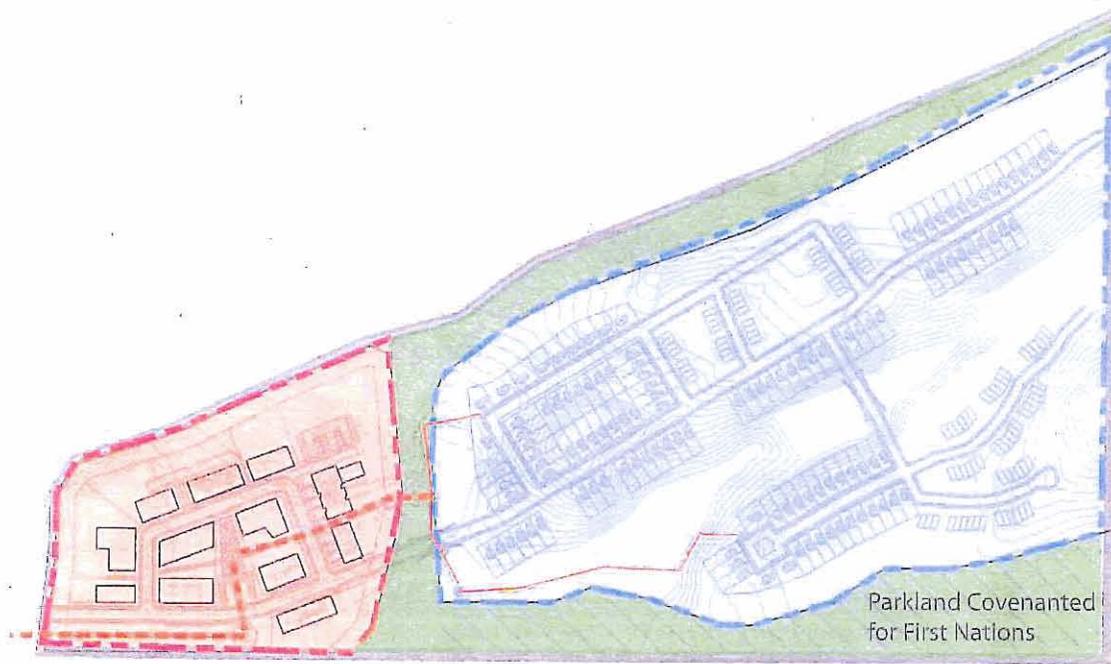
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Triangle Neighbourhood

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart (SH-2)
- Residential
- Residential Mixed Use (R-2)
- Parkland

Land Area (acres):	
Social Heart	13.9
Residential Mixed Use	43.8
Parkland	16.1
Total Land Area	73.8

Unit Count:	
Detached Single-Family Lots	84
Townhome Units	53
Condominium / Apartment Units	107
Total Residential Dwellings	244

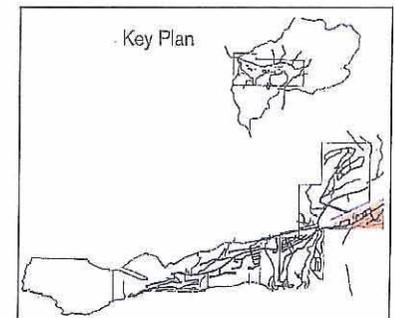


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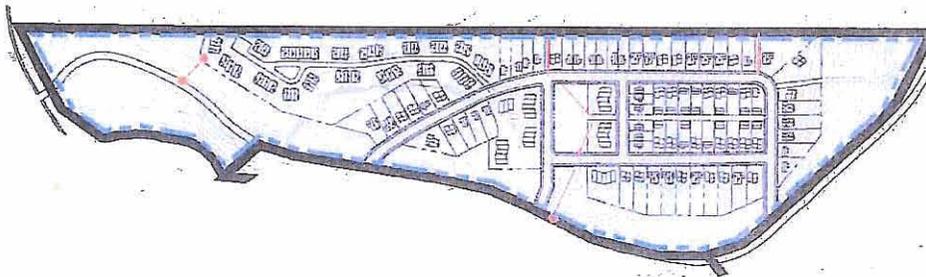


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PHILLIPS REYNOLDS SMALL ENBERG
PLANNING ARCHITECTURE INTERIORS

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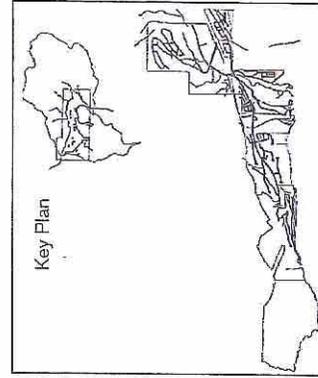


Bamberton Gate North

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart
- Residential
- Residential Mixed Use (R-2)
- Parkland

Land Area (Acres)	
Residential Mixed Use	36.7
Parkland	0
Total Land Area	36.7
Unit Count:	
Detached Single-Family Lots	110
Townhome Units	98
Condominium / Apartment Units	0
Total Residential Dwellings	208





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ARCHITECTS

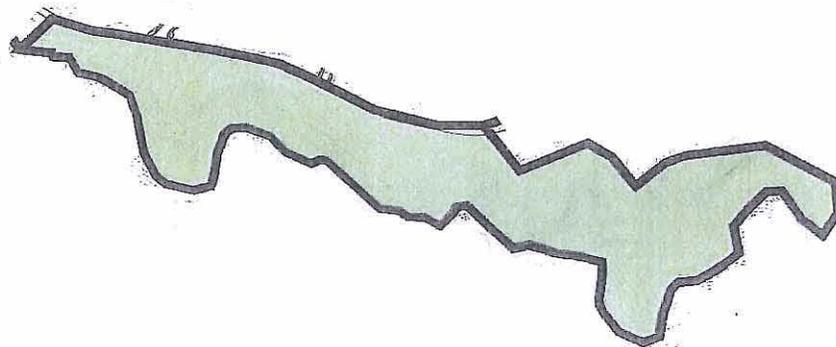
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North Park Dedication

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart
- Residential
- Residential Mixed Use
- Parkland



Land Area (Acres)	
Residential Mixed Use	0
Parkland	22.3
Total Land Area	22.3
Unit Count:	
Detached Single-Family Lots	0
Townhome Units	0
Condominium / Apartment Units	0
Total Residential Dwellings	0

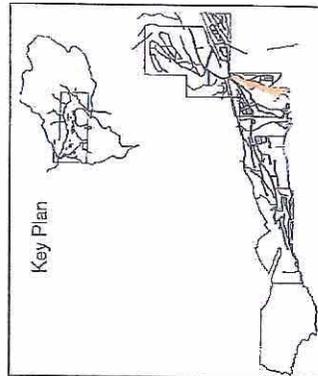


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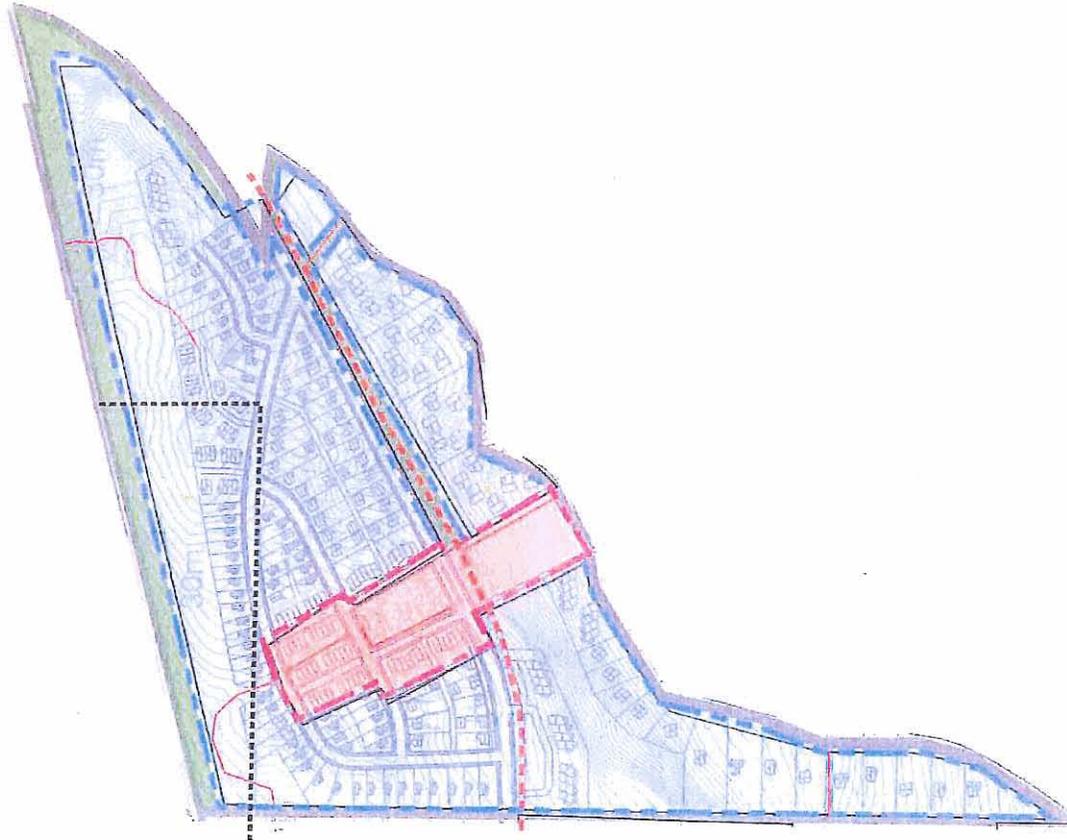
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Bamberton Gate South

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart (SH-1)
- Residential
- Residential Mixed Use (R-2)
- Parkland



Land Area (acres):	
Social Heart	5.6
Residential Mixed Use	44.2
Parkland	9.1
Total Land Area	58.9
Unit Count:	
Detached Single-Family Lots	140
Townhome Units	107
Condominium / Apartment Units	40
Total Residential Dwellings	287

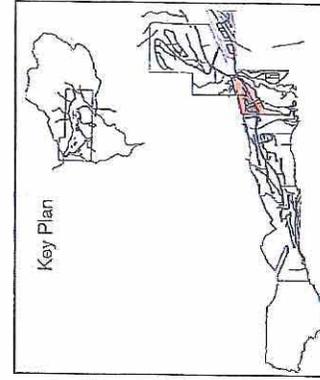


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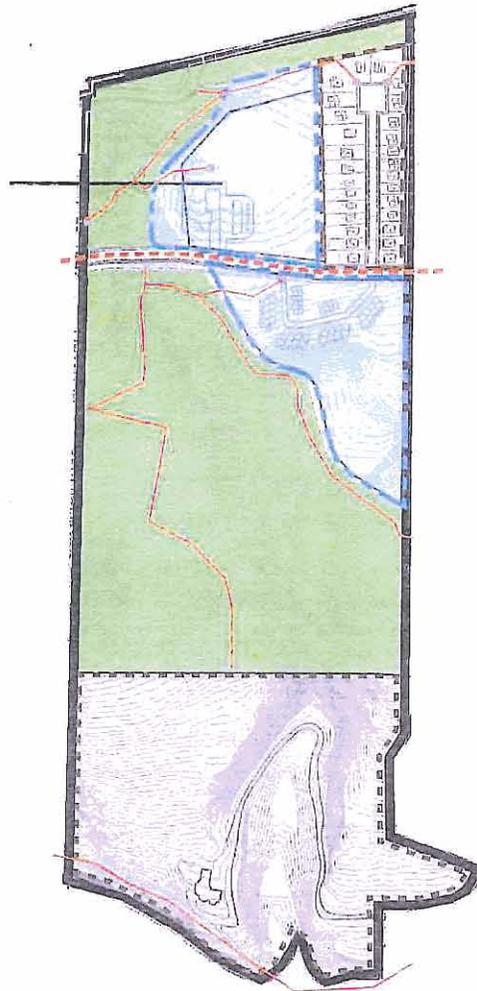
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PLANNING · URBAN DESIGN · LANDSCAPE ARCHITECTURE

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NORTH

Site of Future Firehall
and Playing Field



Fechter Lands

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart
- Residential (R-1)
- Residential Mixed Use (R-2)
- Parkland
- Privately Retained Lands

Land Area (acres):	
Residential	4.9
Residential Mixed Use	12.3
Privately Retained Lands	24.9
Parkland	40.2
Total Land Area	82.3

Unit Count:	
Detached Single-Family Lots	30
Townhome Units	20
Condominium / Apartment Units	0
Total Residential Dwellings	50

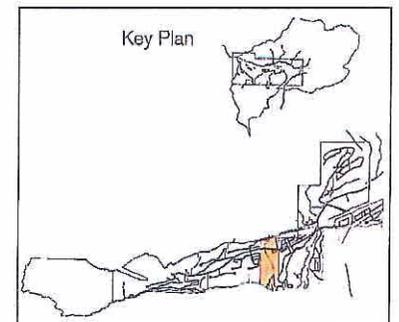


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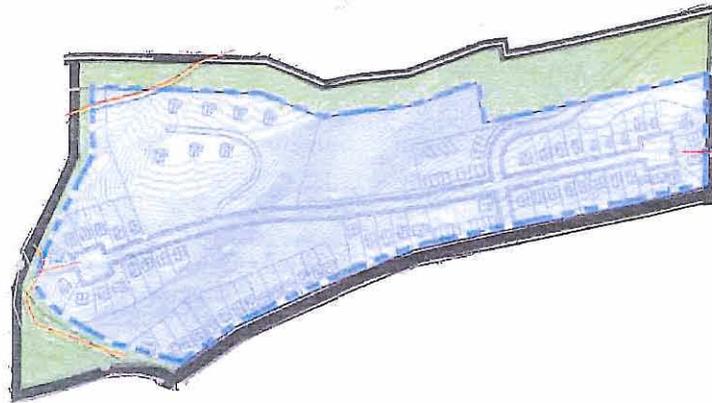
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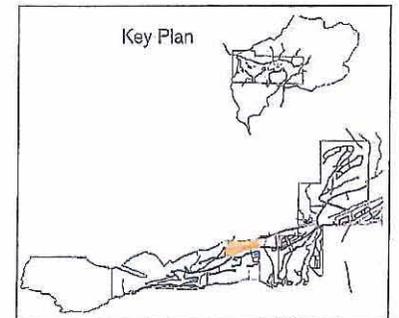


West Bendlands

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart
- Residential
- Residential Mixed Use(R-2)
- Parkland

Land Area (Acres)	
Residential Mixed Use	25.8
Parkland	8.8
Total Land Area	34.6
Unit Count:	
Detached Single-Family Lots	56
Townhome Units	58
Condominium / Apartment Units	0
Total Residential Dwellings	114





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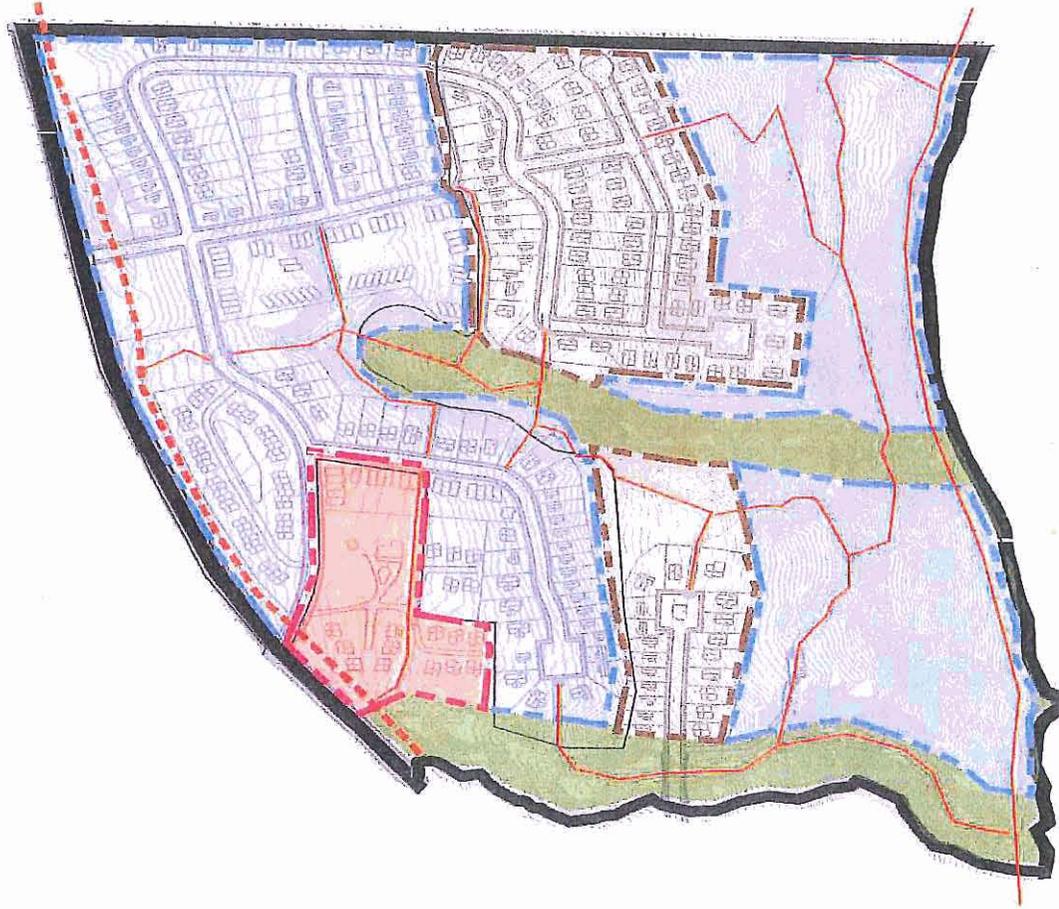
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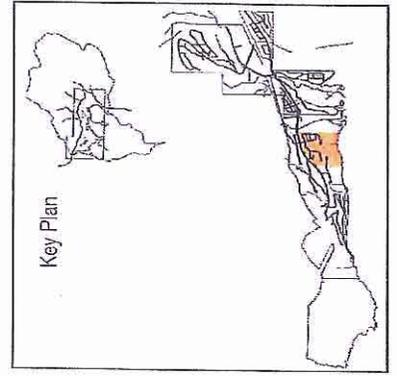
East Benchlands

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart (SH-1)
- Residential (R-1)
- Residential Mixed Use (R-3)
- Parkland



Land Area (acres):	
Social Heart	5
Residential	17.5
Residential Mixed Use	49.7
Parkland	15.5
Total Land Area	87.7
Unit Count:	
Detached Single-Family Lots	171
Townhome Units	203
Condominium / Apartment Units	185
Total Residential Dwellings	559





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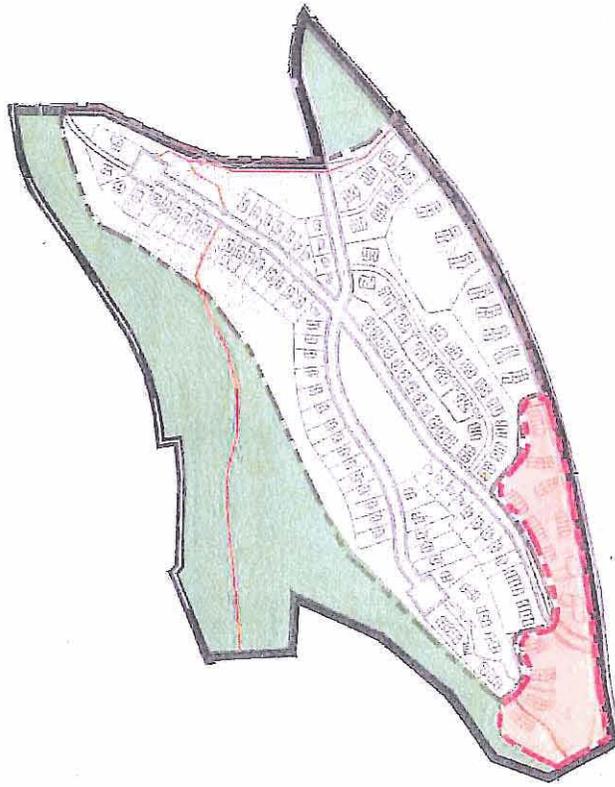
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Historic Bamberton

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart (SH-1)
- Residential (R-1)
- Residential Mixed Use
- Parkland



Land Area (acres):	
Social Heart	6.3
Residential	33.6
Parkland	20.3
Total Land Area	60.2
Unit Count:	
Detached Single-Family Lots	98
Townhome Units	60
Condominium / Apartment Units	0
Total Residential Dwellings	158

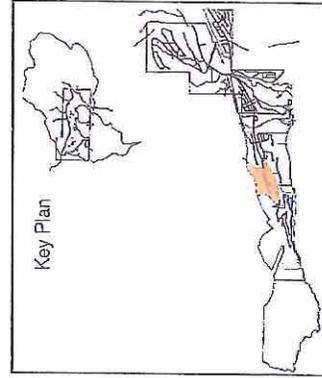


EXHIBIT 11



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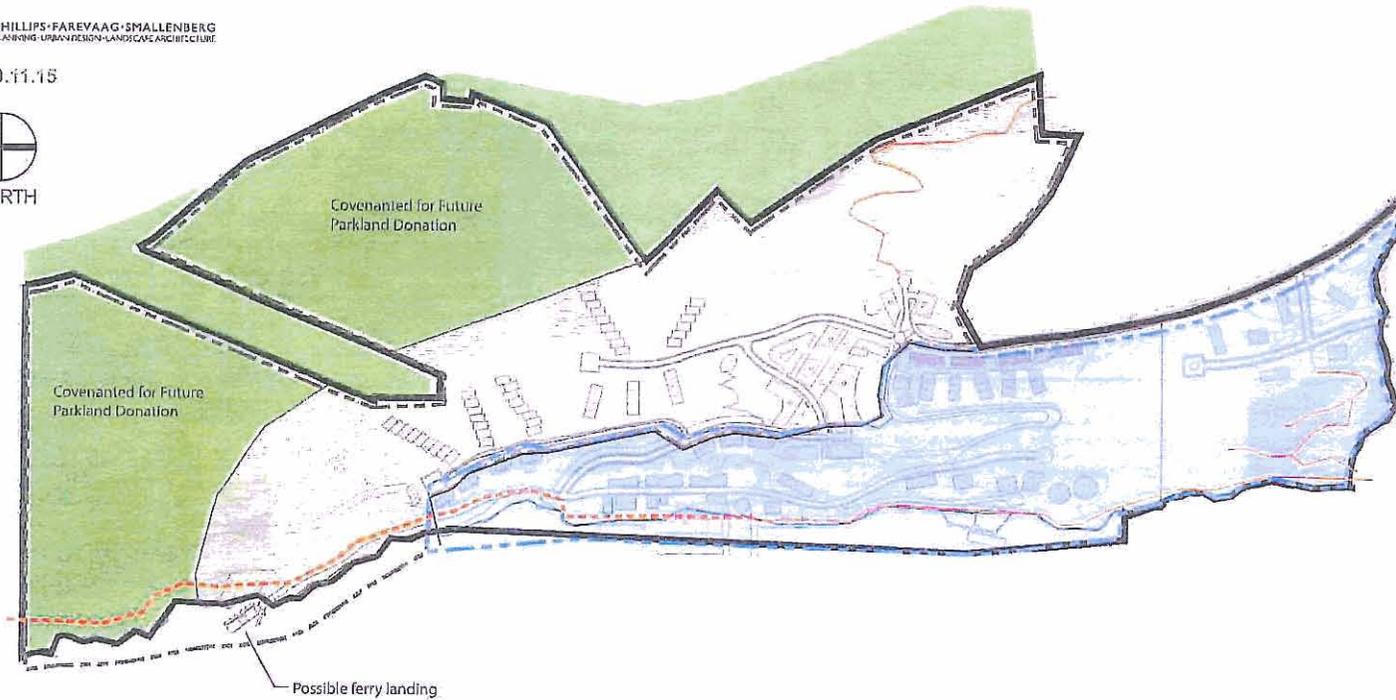
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Upper and Lower Village

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart
- Upper Village (V-2)
- Lower Village (V-1)

Land Area (acres):	
Upper Village	91.8
Lower Village	77.2
Future Parkland Donation	89
Total Land Area	258

Unit Count:	
Detached Single-Family Lots	62
Townhome Units	350
Condominium / Apartment Units	500
Total Residential Dwellings	912

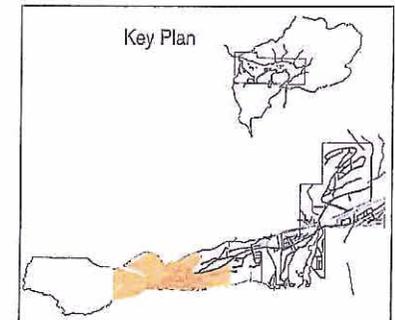


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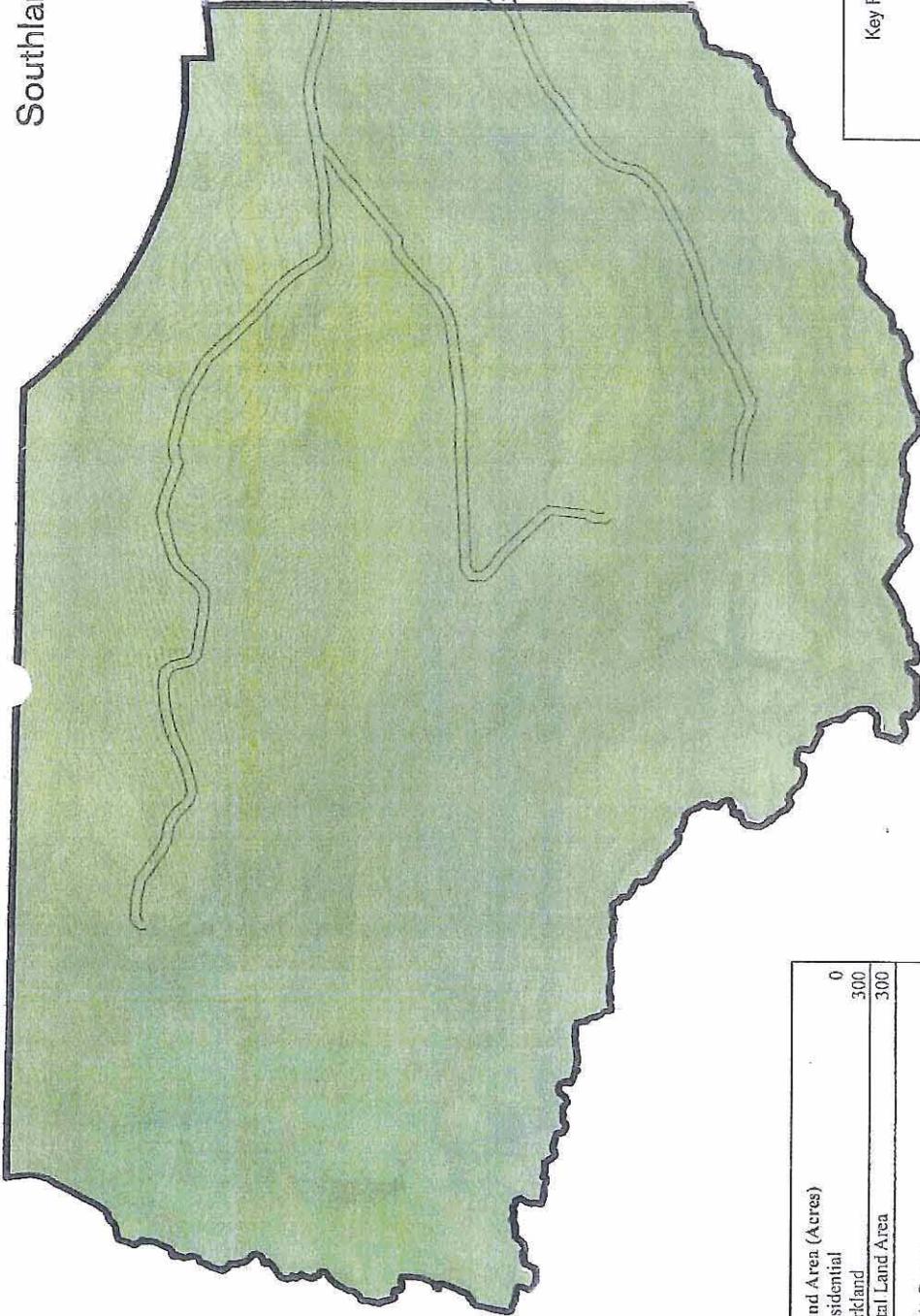
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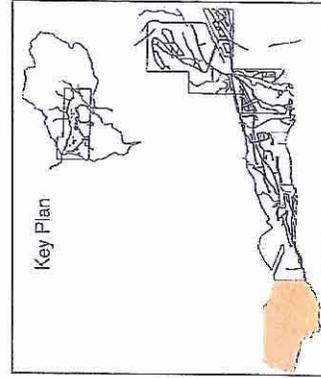
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Southlands Park



Land Area (Acres)	
Residential	0
Parkland	300
Total Land Area	300
Unit Count:	
Detached Single-Family Lots	0
Townhome Units	0
Condominium / Apartment Units	0
Total Residential Dwellings	0





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**Three Point
PROPERTIES**

Country Community 31, 100

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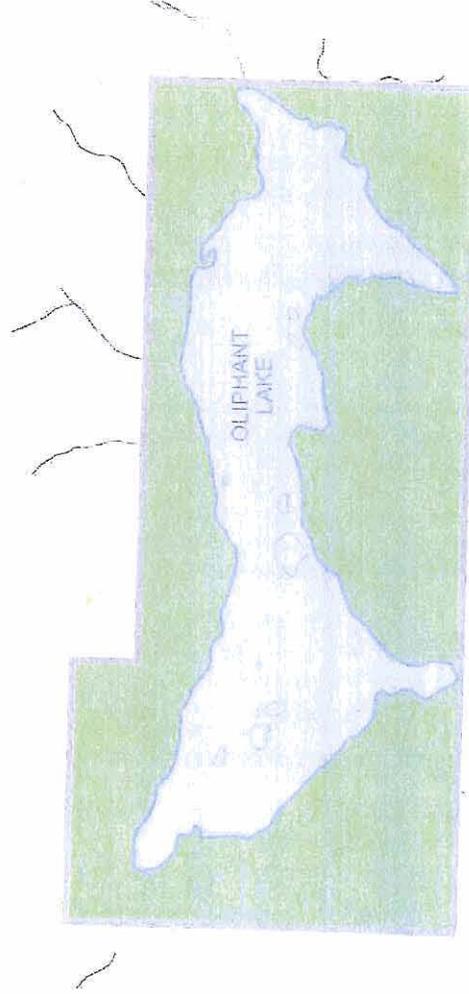
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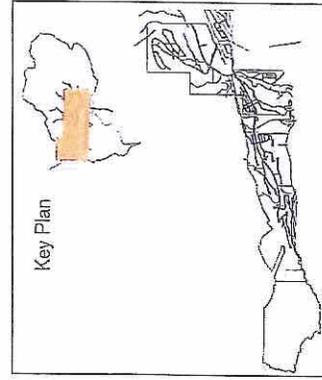
Oliphant Lake

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Utility
- Parkland



Land Area (Acres)	172.4
Parkland	172.4
Total Land Area	172.4
Unit Count:	
Detached Single-Family Lots	0
Townhome Units	0
Condominium / Apartment Units	0
Total Residential Dwellings	0



SCHEDULE 4 – June 10, 2010 Letter



June 10, 2010

CVRD No. File 4-A-06RS

Three Point Properties Ltd.
1451 Trowsse Road
MILL BAY, BC V0R 2P4

Attention: Ross Tennant and Stefan Moores

Dear Ross Tennant and Stefan Moores:

Introduction

The purpose of this letter is to identify key issues that need to be resolved before CVRD staff will be able to prepare amendment bylaws and a phased development agreement for the CVRD's Electoral Area Services Committee. The intent is to provide an opportunity for Three Point Properties to address each of these key issues, after which we will prepare a report to the Electoral Area Services Committee. This report will discuss the progress made to date on the preparation of the draft bylaws and seek further direction from the Committee if required.

As a reminder, On November 12, 2009, the Board of the Cowichan Valley Regional District passed the following resolution (No. 09-578):

That Application No. 4-A-06RS (Bamberton) 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 a draft Official Community Plan amendment, Zoning amendment and Phased Development Agreement (PDA) be prepared 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 the 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.

Staff is planning to have draft bylaws in place before continuing with the consultations with First Nations and the Ministry of Transportation and Infrastructure and other agencies. We have had several meetings with TPP over the past 6 months with the aim of receiving information that would allow us to develop workable draft bylaws.

In order for the bylaw preparation to be finished, we require the support of TPP, specifically in the areas outlined later in this letter. Although the Committee did not give specific direction as to what form the bylaws should take, it clearly referenced the advice of the Mill Bay/Malahat Advisory Planning Commission. This advice suggested that the CVRD only consider moving forward with this application if the details of the land use proposal as well as the commitments by TPP would be assured through the drafting of the bylaws. In the months since the EASC gave their instructions, we have been trying to develop bylaws that would achieve this. We need an approach that will provide a reasonable level of certainty for both TPP and the community. At the end of 2009 and beginning of 2010, TPP provided a draft OCP and zoning amendment that were not usable because they contained such a degree of flexibility in density and land use patterns that the Committee and community would have found it unacceptable.

With respect to the proposed amendment, our goal is to provide technically sound bylaws to the Committee for consideration. We will require a reasonable degree of certainty in both the OCP amendment and zoning bylaw with respect to land use and density, and the spatial distribution of these around the site. We will require TPP to clarify as part of the phased development agreement a proposed phasing schedule and the various on-site and off-site amenities that would be provided if the development is to be approved. These requirements are more specifically set out in the sections below.

The basic premise of the APC and Committee is that all new development pays its own way. That means all infrastructure, from sewer, water and drainage control systems plus other matters such as playground equipment, trail improvements, street furniture and so on must be funded directly by the development. The other infrastructure consideration relates to off-site facilities. These include roads and highways, regional recreation facilities, schools and so on. The basic goal of the CVRD is to ensure that new development does not impair the functioning of these off-site facilities. It is our expectation that draft approval documents for Bamberton will address all on-site development related costs and off-site impacts.

1.) Infrastructure Cost Recovery

The normal approach followed by the CVRD over the past several years has been that all infrastructure necessary for the proposed development must be provided by the developer. In recent years it has been expected that sewer and water infrastructure be turned over to the Regional District, with the developer recovering these expenses through the sale of serviced real estate. TPP's approach differs from Regional District's standard practice in that you propose to collect a supplemental return from your buyers, paid as a user surcharge over time.

CVRD bylaws do not provide a density incentive for developments that would have privately-owned and operated sewer and water utilities. TPP has indicated previously that the infrastructure costs of their proposed development are so high that the project may not be feasible unless some of these "extra" costs are recovered using special utility fees.

Initial discussions at the CVRD senior staff level have indicated that there may be a willingness to recommend that some of the marginal costs of infrastructure which are directly attributable to unusually high standards of environmental responsibility may be considered for cost recovery, but cost recovery for all infrastructure is not likely to be recommended.

In the event that supplemental infrastructure cost recovery is deemed essential by TPP and the CVRD is not willing to do this as owner/operator of the systems, the only other alternative in order for the project to proceed would be for the CVRD to authorize the development with privately owned utilities. The rates for sewer utilities are not regulated by a utilities commission so it would be possible for a private operator of a sewer system to recover whatever costs they deem appropriate under this scenario.

To approve a very large, dense development like this on private utilities would be a major deviation from recent practices for the CVRD and no doubt most other developers who would be creating new utilities elsewhere in our region would wish to explore the same option. Making a decision to allow this would therefore be a very important policy change, with consequences well into the future. We have seen in the course of time that even the largest private utilities are often eventually turned over to the CVRD, especially when they are in need of wholesale refurbishment.

Action: Advise CVRD if cost recovery for core sewer and water infrastructure is essential in order for the Bamberton project to proceed. Should this be the case, the issue will be brought to the EASC for direction.

2.) Official Community Plan Amendment Bylaw

The proposed OCP amendment format consists of replacing the page in the present Mill Bay/Malahat OCP that refers to the potential of a residential development at Bamberton with a series of policies that would permit the site to be zoned for development. As part of that policy framework, we propose to curtail applications for very large residential developments elsewhere in Electoral Area A if the Bamberton application is approved. We do not require the assistance of TPP in developing policy language for the OCP amendment.

The OCP amendment would also contain the introduction and justification for the development permit areas for Bamberton. We are considering having two basic types of DPAs: one that has guidelines that would apply for subdivision approvals, prior to development of individual neighbourhoods and one that would apply prior to issuance of building permits. The building DP guidelines themselves would appear in the zoning bylaw, at the end of each zone to which they apply and the subdivision DP guidelines at the end of the zoning bylaw. Drafting of the development permit language in the OCP is not expected to require direct participation from TPP once we have your guidelines.

Action: No action with respect to the Official Community Plan Amendment Bylaw is requested at this time.

3. Zoning Amendment Bylaw

TPP initially proposed three comprehensive development zones (CD zones) for the entire property which coincide with the internal description of the north, central and south sections of the site. Within this proposal, each of the zones had a wide array of permitted uses, encompassing everything from Residential to Commercial and Industrial. The details of what would be permitted under each of the broad land uses listed in each zone are found in definitions, which is not a proper location for regulation (ideally, definitions are for interpretation only). There is also a proposal to be able to transfer up to 35% of density between CD Zones 1, 2 and 3. We are unable to support this approach to zoning because it fails to provide the degree of certainty that the public and the Board expects.

We believe that the risks in moving ahead with broad CD zoning are unacceptable, considering the complications that could arise if multiple developers obtain parts of the same CD zone. How would density be allocated to each developer, as opposed to them competing on a first-come-first-served basis? We cannot regulate the issuance of building permits on the basis of contractual arrangements made at the time of purchase of portions of a development area without other invasive and complex forms of covenants between the CVRD and the future landowner/developer. We wish to avoid such complications, and the type of zoning we are proposing would do that.

Pre-Zoning Approach 1

Staff will prepare a zoning amendment that would rezone the entire site as requested by TPP and as supported by the APC. However, in order to structure the zoning in a manner that will not require further public process beyond the current application, we will require far more precise information regarding the site and the development proposal. We will only be in a position to prepare zoning for the individual neighbourhoods if we have detailed information about the location of proposed uses within the neighbourhoods so that they can be accurately mapped. We will also require a better understanding of the uses, densities and development criteria you are requesting for uses within each of the neighbourhoods. Once received, this information would need to be reviewed and agreed upon before staff would recommend formalizing it in a zoning amendment. Our understanding is that the level of detail required for this type of zoning amendment is only available for one or two of the proposed neighbourhoods.

Action: If this zoning approach is favoured by TPP, submit detailed land use plans and descriptions of the proposed uses, densities and development criteria for all of the neighbourhoods proposed for rezoning.

Pre-Zoning Approach 2

In the event that Approach 1 is not acceptable to either the CVRD Board or TPP, the only apparent alternative that includes pre-zoning the site involves precisely zoning those neighbourhoods where the boundaries of different types of development are known with some certainty (e.g. the Northlands and possibly the Triangle neighbourhood) and taking a different approach for the remaining areas. For areas of the proposed development that will not have been assessed in depth by TPP before the bylaws are prepared (presumably all development areas other than Northlands and Triangle), we would propose to enact a type of pre-zoning that grants the raw density and identifies permitted land uses but that relies upon a secondary planning exercise to implement the zoning and develop the land.

The purpose of the secondary planning exercise would be to have TPP do the detailed site assessment and design work for both the subdivision layout, the functional relationship to previous and future phases and most importantly, the allocation of uses and density within the neighbourhood. This secondary or neighbourhood plan would be a public document that would be processed as an amendment to the OCP and therefore a public process would ensue, and complementary amendments to the zoning bylaw would also be made to solidify the location of the uses and densities within these neighbourhoods. Insofar as is possible, the intent would be to not adjust either upward or downward the permitted density or the allocation of permitted uses and this would be explicitly stated within the OCP. The density allowed within each neighbourhood would also be controlled by the Phased Development Agreement.

Action: If this zoning approach is favoured by TPP, submit detailed land use plans and descriptions of proposed uses, densities and development criteria for initial neighbourhoods and conceptual information for subsequent neighbourhoods for which detailed site planning has not yet occurred.

Under either pre-zoning approach, we do not anticipate land use and density transfers between areas. A low threshold of perhaps under 5% would be permissible without rezoning. We should also caution that the EASC and the Board may not support rezoning the entire site given the long build-out period and uncertainties about future housing demand, development impacts, servicing requirements and other issues. Should the pre-zoning approaches we have outlined in this letter not be supported we will need to explore other options.

Development Permit Guidelines

Development Permit Area guidelines will be located within the zoning bylaw. There will be two broad development permit areas for each neighbourhood – one to be applied prior to subdivision, at the neighbourhood planning level and one applied prior to building permit at the site design level. The subdivision DP guidelines will be at the end of the bylaw and the building DP guidelines at the end of each zone.

Development permit guidelines are expected to include, but are not limited to, the following issues:

- Lot layouts
- Road networks
- Drainage control (onsite rainfall retention)
- Natural hazard identification and mitigation (may vary use and density in a permit)
- Protection of the natural environment and biodiversity (to protect, where possible, micro sites not dedicated as park)
- Landscaping standards for both public and publically-visible private spaces
- Building form and character guidelines for multiple family, duplex and intensive residential areas
- Building form and character guidelines for Commercial, Industrial and Institutional uses;
- Standards for the reduction of greenhouse gas emissions (may include all methods that are external to buildings, including siting and solar access)
- Standards for the reduction of energy consumption associated with the development (only methods external to the buildings can be mandatory)
- Standards for the promotion of water conservation (external to buildings)

The CVRD will be relying on TPP to prepare development permit guidelines and we strongly encourage you to involve design professionals and other professionals with specialized knowledge and experience in the preparation of design guidelines. Staff will be also be recommending that appropriate professionals be involved in preparing development permit applications. This will encourage a high standard of design and development at the application stage. It will also allow more flexibility in the structure and application of the design guidelines.

Action: Submit a comprehensive package of development permit guidelines that clearly communicates design and development standards for the project that will allow the Regional District to manage future development on the site in an efficient and predictable manner.

4.) Phased Development Agreement

A phased development agreement (PDA), in accordance with Section 905.1 of the *Local Government Act*, will be prepared to secure amenities and development features proposed with the Bamberton application. Other development controls such as restrictive covenants may also be necessary to complement the PDA. CVRD staff will be working with its legal counsel to determine the preferred combination of development controls and how they will be structured. The PDA will also include a schedule for the phasing and timing of development and the delivery of amenities and development features.

One of the primary benefits of a PDA for Three Point Properties is that it gives protection from zoning changes for the term of the agreement. The *Local Government Act* permits the Regional District to enter into PDAs for up to ten years, and up to twenty years with approval of the BC Inspector of Municipalities. As the Bamberton project has an anticipated build-out of 25 years or more, staff are supportive of an agreement term of up to 20 years and we propose that the PDA be drafted on this basis. Please be aware, however, that the 20-year term is dependant on Provincial approval and the PDA and possibly the OCP and Zoning amendment bylaws may require substantial changes if the 20-year term is not granted. In any case, as the build-out period of Bamberton is expected to extend beyond the term of the PDA, renewal provisions will likely be required and development entitlements for latter phases of the project may need to be withheld if all commitments cannot be reasonably achieved over the term of the PDA.

We anticipate the Phased Development Agreement to be an essential part of the development control documents for the Bamberton lands. It will provide a concise summary of the developer's obligations with respect to the Bamberton development and will be relied upon to communicate to the Regional Board and the public how the site will be developed. It is therefore essential that it captures all of the amenities and features that are proposed with the development, which cannot be secured through other available planning tools such as zoning or development permits. The PDA should provide enough detail that obligations and entitlements are clearly understood. While we understand that there can be uncertainty with land development, the direction we have had to date from the public, the Area A Advisory Planning Committee and the Regional Board is that there will need to be rigorous development controls in place to ensure Bamberton is developed as it has been presented, if it is to proceed. This expectation presents a significant challenge to both Three Point Properties and CVRD planning staff in drafting the PDA and associated documents.

In advance of drafting the phased development agreement, it will be necessary to identify the many amenities and features associated with the proposal, along with a schedule of when these will be provided. It will be important that you identify as many of your commitments as possible, because amenities and features that are not identified in the PDA will be considered unsecured and will be described as such to the Board and the public. We also encourage TPP to confirm your intentions with respect to unsecured commitments prior to the application proceeding to the Board.

It will be necessary for the CVRD to obtain enough detail about commitments so that they may be clearly documented. CVRD staff will be relying upon Three Point Properties to identify all commitments associated with the project containing sufficient detail with respect to commitments that they can be described without ambiguity in the PDA. Commitments that are reserved or vague will impede the preparation of the PDA.

We strongly encourage you to communicate with individual departments to ensure their respective issues are adequately addressed. Although the commitments that are to be included in the PDA are ultimately provided by TPP, CVRD staff will have a role in reviewing the commitments and providing advice to the Board. The principles previously described – that the development be self funding and that impacts outside of the project boundaries be mitigated – will guide staff input. Our preference is to have commitments within the PDA that staff are fully supportive of. However, ultimately it is not up to staff to determine the appropriate amenity package. We will be pleased to provide input with respect to amenities, but TPP will need to determine for itself if the amenities that are offered are sufficient for obtaining community and political support for the proposal.

We anticipated that the following topics will be addressed in the PDA:

- Parks and Trails
- Low Impact Development Features
- Fire Protection and Public Safety
- Infrastructure
- Social Hearts
- Community facilities, both onsite and offsite
- Project phasing
- Community features

Before PDA is drafted, the written confirmation regarding all amenities and features you are offering should be submitted. Ideally this information will be prepared in consultation with CVRD staff and other agencies. Please be aware that staff may, in some cases, require input from agencies and CVRD Committees and Commissions to give TPP clear direction. Once the PDA content has been reviewed by CVRD staff and the Electoral Area Services Committee we will have the PDA document prepared.

Action: Provide a comprehensive schedule of amenities and development features for Bamberton and confirmation of intentions with respect to unsecured commitments.

5.) Subdivision Servicing Bylaw

The CVRD is currently considering a draft subdivision servicing bylaw to replace existing Subdivision Bylaw No. 1215. This new bylaw, if adopted, would contain innovative standards for water use, environmentally sensitive development and other matters that are not at present addressed. Of particular relevance to TPP is the possible reduction of the minimum water supply standard, which would enable the density proposed by TPP using the Oliphant Lake supply. It is unlikely that the innovative road standards proposed in the current draft bylaw will be approved by the Ministry of Transportation and Infrastructure (MoTI) since these would apply throughout the region and the Ministry may be reluctant to adjust its standards.

If alternate development standards and subdivision servicing standards for Bamberton cannot be adequately addressed through existing bylaws or the proposed Bamberton amendment bylaws, it may be necessary to consider a subdivision servicing bylaw for the site, either within a revised regional bylaw, or in a stand-alone bylaw for Bamberton. At this point, the Committee has not instructed staff to pursue this option. We will need a better understanding from TPP about the proposed development standards for Bamberton and how they relate to existing and proposed bylaws before seeking direction from the Committee.

Action: Identify any alternative subdivision and development standards that will be necessary for proposed development on the Bamberton site and amendments to existing bylaws that may be necessary.

Summary

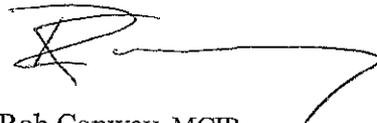
Following receipt of a response from TPP to the content of this letter, staff will be preparing an interim report to the Electoral Area Services Committee to advise it of progress made to date on the direction to prepare amendment bylaws. We anticipate including some of the content of this letter in the report and will include the responses you provide. Insofar as there is agreement between TPP and the CVRD on the above matters, the report will mainly constitute a progress report, most likely for information only. If there is not agreement on any particular item, we will seek Committee direction on how to deal with that particular issue. We request that you identify any points of contention you are aware of prior to review by the EASC, so we can obtain direction from the Committee before draft bylaws are brought forward.

Thank you for your attention to this, and we look forward to your response so that we may bring a report to Committee this summer.

Yours truly,



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



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

MT/RC/mca

pc. Director B. Harrison, Electoral, Area A – Mill Bay/Malahat
G. Giles, Board Chair
Tom Anderson, General Manager, Planning and Development Department
Warren Jones, Chief Administrative Officer

SCHEDULE 5 – APC Endorsed Principles

APC Endorsed Principles

Traffic and Transportation Principles:

1. Ensure a network of pathways and bike lanes are provided through-out the site to encourage walking and cycling.
2. Support narrow road rights-of-way to minimize disturbance, provided emergency vehicle access can be accommodated.
3. Require some local commercial services to be developed concurrently with residential development to reduce external vehicle trips in the early phases of the projects.
4. Incorporate requirements for Transportation Demand Management a condition of development approval.
5. 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.
6. Upgrade Haul Road to major provincial road requirements.
7. Where feasible make as many roads as possible public roads.
8. Conduct comprehensive traffic reviews as part of the PDA’s for each phase.

Water and Infrastructure Principles:

1. Apply standard water consumption rates for determining required water supply until reduced consumption rates can be proven for a sustained period.
2. Incorporate margins of safety into projections for required water supply to account for atypical drought conditions and unforeseen water demands.
3. Require administration and implementation of water conservation measures to be funded by the Bamberton developer or water users within the development.
4. Protect identified waste water disposal areas from development until it can be proven they will not be required for that purpose.
5. Incorporate ground water protection measures into development approvals.
6. Ensure current technical memorandums regarding the application are available prior to a public hearing.
7. Establish a time frame when the system is taken over by CVRD instead of at initial stage of development.
8. Further work regarding the implications and management of the watershed should be obtained as a condition of development approval.
9. 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.

Protection of the Saanich Inlet Principles:

1. Ensure zoning drafted for the Bamberton Lands excludes uses potentially harmful to the Saanich Inlet.

2. Require on-site environmental monitoring during construction to ensure works to protect the Saanich Inlet are correctly installed and maintained.
3. Implement an education 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.
4. Support and encourage the progressive approach to storm water management proposed in the Bamberton application.
5. Require a detailed and rigorous storm water management plan prior to any development occurring on the site.
6. The Recommended Mitigation Measures and BMPs outlines in the Bamberton Rezoning Application July 2009 Application, Appendix 8, should be incorporated by the CVRD as guidelines in the PDA's or other control documents if rezoning is approved.
7. The issues affecting the Saanich Inlet to apply to all local governments adjacent to the Inlet. Local governments should work together to protect the Inlet.

Project Phasing Principles:

1. Incorporate phasing commitments into development approvals
2. Include sustainability criteria and a phased development approach into development approvals.
3. 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 the development of neighbourhoods.
4. Ensure some local commercial development is provided prior to 75% completion of each neighbourhood.
5. With each neighbourhood plan, the phasing needs to be defined and compliance with the PDA assured with agreed boundaries before another neighbourhood can begin.

Affordable Housing Principles:

1. Establish minimum unit sizes for small lots and proposed affordable housing units.
2. Require purpose built rental housing and a social housing site as conditions of development approval.
3. 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.
4. Do not compromise sustainable development practices and features to enhance housing affordability.

Commercial and Retail Services 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.
3. Employ rigorous design controls and selective zoning to successfully integrate neighbourhood commercial/retail with residential use.
4. Ensure neighbourhood commercial and retail uses are well connected to residential areas with pedestrian and cycling trails.
5. Consider land 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, then Bamberton would be required to fill the gap and begin large scale commercial development.

Recreational Services Principles:

1. The CVRD should balance the proportion of amenity cash contribution for recreation against other community amenity needs before committing to any particular formula.
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.
3. The various land amenities will have to be defined in the PDA prior to being dedicated to the CVRD. The Southlands 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.
4. A community assembly facility should be designed in the Village to provide gathering and informal recreation opportunities for the future Bamberton residents.
5. A formal public waterfront walkway that is fully wheelchair accessible and is paved or built with other sustainable surfaces should be considered as a project amenity and be incorporated into the PDA.

Health Services Principles:

1. The CVRD should consider setting up a Regional Health Services Committee that 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.
2. 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.

School Principles:

1. Having a school site 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.

2. 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.

Amenity 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 any amenity contribution for low impact, sustainable development features and practices to be a community amenity and incorporate requirements into development approvals.
3. Ensure neighbourhood features identified in the application are incorporated into neighbourhood plans are required as conditions of neighbourhood development.
4. Ensure the applicant's commitments for amenities are clearly defined and secured before proceeding to public hearing.
5. At the end of project build-out, the combined communities of Mill Bay and Bamberton will contain a population of between 12,000 and 15,000 at a minimum. The CVRD needs to evaluate what amenities a community of this size needs to function effectively.

Development Control Monitoring Principles:

1. 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.
2. Phased Development Agreement(s) will be used in order to secure amenities and control timing of the various portions of the proposed developments.
3. A Development Approval Information 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.
4. The Official Community Plan 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.
5. Consideration should be given to establishing a Bamberton Design Panel, to assist the CVRD in assessing development permit applications and other related matters.
6. Opportunities for public participation in later stages of development should be sought out and incorporated – where possible – into the approvals processes.
7. Water and Sewer utilities will be owned and operated by the CVRD or an existing Improvement District, in part because control over these services will facilitate the orderly development of the project.
8. 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.
9. Zoning approvals should not exceed the terms of the PDA.
10. A blanket PDA for the amenities package should be considered with supporting PDA's for the neighbourhood phases.

INI

MEETING MINUTES – FINAL DRAFT

**AREA A PARKS AND RECREATION COMMISSION (PRC)
7PM JAN 20, 2011
NEW DINING HALL BOARDROOM, BRENTWOOD COLLEGE SCHOOL**

Guests: Brian Farquhar, Tanya Soroka, Rob Conway CVRD
Ross Tennant, Stefan Moores, Roy Aresh, Three Point Properties (Bamberton)
Danice Rice, Valhalla Trails

Present: D Gall, R Burgess, G Farley, K Harrison, Director Harrison, J Pope, R Parsons,
C Leslie, C Boas.

Apologies for absence: C Ogilvie, A Brown.

Motion: To approve minutes of November 18, 2010 meeting (minutes forwarded
December 6, 2010) Carried. Business arising from minutes? None.

Election of officers for 2011: Director Harrison held the annual election of officers. Duly
elected were: D Gall, Chair, R Burgess, Vice-Chair, and K Harrison, Secretary

Agenda: Bamberton application

Working papers:

The Commission received between January 17 and 20:

- Staff memorandum dated January 17, 2011;
- Matrix charting the differences between the original application (December 2007)
and that of November 2010, prepared by staff;
- Copy of the applicant's design brief dated November 2010;
- Maps of trail and park locations marked exhibits 1 through 20, dated 15.11.2010

Mr. Conway provided a concise and clear overview of the application process to date to
provide a context for the PRC. An EASC meeting will be held Jan 31st to review the staff
report for the proposal. Staff would like to include at least the PRC's initial comments
and review in this report.

The applicants gave an illustrated overview of the application, within the framework of
parks and recreation facilities - this mirrored the staff memo.

A question and answer session with the applicant followed:

- There was considerable confusion as to the proposed split of the Southlands
Regional Park of 300 acres on rezoning and a later 89 acre dedication as well as
how and where access would be granted. Neither the PRC nor applicant seemed
to fully understand this part of the proposal. It appears that the 89 acres would be

turned over to the CVRD towards the end of the project; access would be by shuttle bus from the Wildplay operations until the industrial operation was removed or by hiking in through Wildplay leased land.

- Applicant will provide some further private and park space in each neighbourhood at the point of development permit approval. No exact acreage could be determined at this time.
- How would public trails over private park be handled? By ROW.
- If the main type A trail is alongside the roads in some places will this be a sidewalk and who will be responsible for maintenance? Likely the CVRD but not yet determined.
- Will the Wildplay operations be in the protected tree areas? No, only within more recently logged areas.
- Was the area A master park and trails plan followed? Most likely yes.
- What trails will be provided within Southlands Park? Nothing more than the existing roughed in road and trails
- Any access from the Inlet to Southlands Park? No, only by the beach.
- What contribution will be provided to expand or upgrade existing community amenities? Only through the community amenity fund totaling \$4.5million over 20 to 25 years.
- What will be the sequence of building the amenities? As the amenity fee fund is built up and as triggered by the provisions of the PDA.
- How will trails and access through the Fechter Lands be handled? No formal process yet determined, possibly by ROW or covenant
- Where will trails in North Park Dedication be located? Two or three across the site to be determined
- How will noise coming from Wildplay adjacent to a quiet public park be controlled? Good question
- How will you handle Oliphant Lake? Outlined as the memo but many details yet to be worked out.

PRC decided to reconvene on Sat Jan 22, 10am to continue with a review of this application.

Director Harrison provided an update of various matters of interest to the community.

Adjourned 9:20pm

CONTINUATION OF MEETING MINUTES

**AREA A PARKS AND RECREATION COMMISSION (PRC)
10AM JAN 22, 2011
BOARDROOM, MILL BAY COMMUNITY LEAGUE HALL**

Guests: Brian Farquhar, CVRD
Ross Tennant, Roy Aresh, Three Point Properties (Bamberton)

Present: D Gall, R Burgess, K Harrison, Director Harrison, J Pope, R Parsons, C Leslie, C Boas.

Director Harrison left the meeting at noon, J Pope left the meeting at 2:45pm. Quorum provisions still met.

Apologies for absence: C Ogilvie, G Farley

Absent: A Brown.

Agenda: Continuation of discussion on Bamberton application

Mr. Boas stated his family company owns a finger of land surrounded on three sides by Bamberton lands. His land is zoned residential and he would not benefit from the application. The only increase in value would be from normal expected escalation of land values. Due to the topography, it would be impossible to have access or be provided with services from Bamberton. The adjacent land is forest and would remain so. Therefore he is not in a conflict of interest. Director Harrison described several ways conflict of interest could occur (family relationship to an applicant, employment, ownership of adjacent land) and it was generally up to the individuals to declare a conflict and remove themselves from the meeting.

It was agreed to ask Mr. Jones, CAO of the CVRD for an opinion on Mr. Boas' potential for conflict of interest.

Chair distributed copies of a letter dated January 21, 2011 from the applicant to the CVRD, which modified their proposal following the Jan 20th PRC meeting. It was explained that the PRC's mandate is to deal with matters referred to it by the Board and does not have any mandate to act as an independent negotiator. This letter was not part of the original material and had not been reviewed by staff or the Board. Agreed PRC could refer to it but on the understanding that it may or may not form part of the application.

A lengthy discussion was held to decide how to best handle an application that is so large. It was agreed that this would be a very difficult task bearing in mind the limited time from receipt of documentation to the EASC meeting and the lack of background information such as research into what other communities in a similar position consider a reasonable amenity package, standards for amenities (e.g. the ratio of playfields required per thousand population), an inventory of present South Cowichan amenities and their usage, what effect on existing amenities might be expected bearing in mind the

proposed amenities, what guidelines for dollar contributions to existing amenities could be followed.

The PRC made an informal list of Area A parks and recreation facilities that serve an existing population of about 5,000 people:

- 3 tot lots/neighbourhood parks
- Community hall
- Rec centre (Kerry Park)
- 3 tennis courts
- 2 ball fields
- Skate park
- Concession/washroom field house
- Trails
- Various small parks
- Boat launch
- Access to a SD soccer field
- Small boat wharf

It was agreed these facilities are used extensively. At build out, it is expected the Bamberton population will be about 8,000 or 1.6 times the existing Mill Bay community, so this application should provide at least 1.6 times the current facilities.

Mr. Farquhar provided an explanation of what his department would initially like to receive from the PRC and stressed that he expected we would have further involvement both before the PDA was set up and during the DP stages. He would like us to answer the " bigger picture" series of questions contained in the Jan 17, 2011 staff memo. Agreed PRC would follow the memo questions as far as possible, bearing in mind the time and information available. Agreed would do this by a series of motions and recommendations.

Motioned, Seconded and Defeated (unanimously) – The Area A PRC generally supported the overall concept, layout, and distribution of parks, parkland, as outlined in the application presented.

Area A PRC feels more information is necessary to fully determine the impact on the community currently and in the future.

Southlands Regional Park

Based on memo p.2 question, following motion carried unanimously: *The PRC supports the Southlands Park proposal as modified in letter of Jan 21, 2011 to 389 acres all dedicated to the Region at time of rezoning with immediate public access (details to be worked out at PDA phase of application process).*

Agreed the 3 questions at top of page 3 are answered by above motion.

Neighbourhood Parks

Based on the 3 questions at the lower part of memo page 3, following motion carried unanimously: *The PRC supports and recommends the applicant and board review the neighbourhood parks proposal as the commission finds this proposal inadequate as to number, size, location and financial contribution limit.*

Agreed and recommended that:

- Area A master trail and parks guidelines should be followed;
- That each neighbourhood park should be about 0.75 acre,
- A total of 5 or 6 provided, (based on 1.6 times the current three in Mill Bay);
- The current cost is about \$150,000 each plus \$80,000 for a washroom;
- A neighbourhood park could be added to a community park and some flexibility allowed for in outfitting for different uses, such as tennis courts, dog park, bowling green.

Area A PRC requires further technical information and time to assess the Draft Area A Parks and Trails Master Plan in order to make further assessment and recommendations for the Neighbourhood Parks proposal.

Playing fields

Based on the 2 questions at the upper part of memo page 4, following motion carried unanimously: *The PRC supports and recommends the applicant and board review the two playfield proposal as the commission finds this proposal inadequate as to number, size, location and financial contribution limit.*

Agreed and recommended:

- That three playfields are required for an overall total of between 10 and 15 acres
- Some flexibility in site location should be allowed for in this topography but 2.3 acres is the minimum size, outfitted as proposed.

PRC strongly recommends playing fields starting in accordance with proposal outlined in the letter of January 21st, but without financial support limit.

Bamberton Provincial Park Expansion (p 4 of memo)

MSC – unanimous – PRC supports the proposed Bamberton Provincial Park expansion as outlined in the current application.

Conditions on parkland dedication

The question in the lower part of p. 4 is answered as follows:

At the centre of p. 4, the PRC agrees with and supports the first two bulleted sentences.

MSC – PRC supports this proposal with the exceptions of Point 3 and Point 4 (outlined below) pertaining to this application.

Under the third bulleted sentence, the PRC strongly supports and recommends acceptance of the January 21 statement from the applicant: *The reference to keeping the rights to wood waste (biomass) will be deleted*

Under the fourth bulleted sentence, the PRC assumes that the *Bamberton Financial Contribution Committee* would be wholly under the jurisdiction of the CVRD. If this is the case, the PRC supports and agrees with this bullet.

Proposed Trail Network

Based on the 3 questions at the middle of memo page 5, following motion carried: *The PRC recommends the Type A trail should be wide enough to accommodate a variety of users, including pedestrians and bicycles at the same time, constructed to minimise grades and have good connectivity between the neighbourhoods.*

Agreed that:

- 1.5m is not wide enough for the major off road link (the Type A trail) through the site and it should be perhaps at least twice as wide. The PRC does not have the knowledge to recommend an actual width.
- A 15% grade is acceptable for short distances only
- The total proposed length (3053m) of Type A should not be the limit but rather the guiding principle of good connection between the neighbourhoods should apply, even if it exceeds 3053m.
- The total length of Type C trail proposed (14,500m) seems reasonable and acceptable

Oliphant Lake

The PRC does not have enough technical information or knowledge about water rights to comment on this proposal except that it is possible the CVRD may be accepting onerous responsibilities for little park and recreation benefit. However, PRC recommends that in all discussions regarding Oliphant Lake that the ecological values are considered to have the utmost priority (e.g. pertaining to the habitat of the endangered Western Red-Legged Frog).

Buffer zones

The PRC does not support the concept of zero width highway buffers, especially where adjacent to retail, commercial and industrial zoned lands. The PRC strongly supports and recommends the provisions of the OCP highway DPA with some minimum width buffer should apply.

The PRC supports and recommends that the highway buffer zone be dedicated as parkland so that the highway trail provisions of the OCP can be met.

Financial Contribution Fund (FCF)

The PRC does not support the FCF being used in connection with completion of amenity build out or to meet shortfalls in proposed maximum contribution limits.

It was agreed and recommended that the principle to follow is that a new community should be responsible for its recreation needs and not place a financial or physical burden on the existing community. The applicant should provide "turn key" completed amenities in all situations.

In general discussion, agreed that a \$4,500,000 maximum fund raised over 20 to 25 years is entirely inadequate to fund the recreational amenities, beyond that already proposed, that the expected Bamberton population will require.

The PRC does not have the opportunity to meet again before the EASC deadline to discuss what other financial contributions to, or provision of other amenities, such as community centre, recreation/cultural centre, should be made by the applicant. It was agreed that such amenities are an essential need given the size of the population.

The following motion was carried unanimously: *The PRC requests from the Board further opportunities, in a timely manner, to identify other amenities not in the proposal that are appropriate for a proposal of this magnitude and recommend how these can be funded.*

Adjourned 4:30pm

Attachments

- Bamberton Rezoning CVRD Staff Report (T. Soroka) dated January 17, 2011
- Letter dated January 21, 2011 to R. Conway, CVRD from R. Tennant, Bamberton Properties LLP



MEMORANDUM

DATE: January 17, 2011

TO: Mill Bay/Malahat, Parks and Recreation Commission

FROM: Tanya Soroka, Parks and Trails Planner

SUBJECT: Potential rezoning of Bamberton Property - Review of Parkland being proposed as part of rezoning application

INTRODUCTION:

The Electoral Area A (Mill Bay/Malahat) Parks and Recreation Commission is requested to review and provide overview comments/feedback with respect to proposed parks and trails as provided for in the updated Bamberton Rezoning Application package submitted to the CVRD by the applicant in November 2010. Comments of the Parks Commission with respect to these aspects of the application are intended to be summarized into a report being prepared for a Special Electoral Area Services Committee meeting on January 31, 2011 inclusive of all aspects of the updated application. As this is the first formal review of the application by the Electoral Area A Parks and Recreation Commission, it is not the expectation of the Commission to review and provide comment on all details of the application, rather the Parks Commission is requested to focus on general comments and feedback with respect to the overall application.

It is understood the applicant plans to attend the January 20, 2011 Commission meeting to provide an overview presentation of the rezoning application, with focus on the parks and trails elements proposed. Parks and Trails Division staff have prepared this summary report for prior review by the Parks Commission, inclusive of attachments from the Bamberton Rezoning application pertaining to parks and trails commitments being made by the applicant as part of the overall rezoning proposal. To assist with discussion on the application by the Parks and Trails Commission, the summary points provided below also provide for key questions the Parks Commission may wish to consider through this initial review of the application. CVRD staff (Tanya Soroka and Brian Farquhar from the Parks and Trails Division and Rob Conway from Planning) will also be in attendance at the January 20, 2011 to answer any questions with respect to the rezoning application process.

Summary of Bamberton Rezoning Application regarding Parks and Trails:

The following is a brief summary of the key amenities that the applicant is proposing in their application. Parks staff reviewed the proposed rezoning application and have provided comments to the Parks Commission for discussion purposes.

Parkland Dedication:

The following Table 1 identifies parkland proposed to be dedicated to the CVRD within the various neighbourhoods of the proposed development, excluding lands around and under Oliphant Lake also proposed to be dedicated to the Regional District. The proposed park areas are highlighted on the maps provided by the applicant which were also sent to the Parks Commission as part of this report. The proposed park dedication areas are inclusive of Malahat Buffer areas noted to also be

dedicated to the CVRD as part of the development. Within the park areas noted below are proposed park improvements and amenities, such as neighbourhood park improvements (i.e. playgrounds) and proposed ballfields. The percentages in this table are based on the entire Bamberton Development Land Area (1,384.4 acres) as presented in the applicant's proposal.

Table 1: Proposed park dedication areas including Malahat Highway buffer areas

Neighbourhood	Acres (ac) Parkland	Percent (%) of Park Area in Development Proposal
Southlands Regional Park	389.0	28.4%
Bamberton Provincial Park expansion	22.4	1.6%
3 Neighbourhood Parks	0.5	0.04%
Upper Northlands	97.1	7%
Lower Northlands	11.1	0.8%
Triangle	16.1	1.2%
Bamberton Gate North	0	0%
Bamberton Gate South	9.1	0.6%
Fechter Lands	42.5	3.1%
West Benchlands	8.8	0.6%
East Benchlands	15.5	1.1%
Historic Bamberton	20.3	1.5%
Total Park Area proposed for Dedication	632.4	45.9%

Questions for Parks Commission Consideration:

1. Is the Parks Commission generally supportive of the overall layout and distribution of parks as proposed throughout the Bamberton Development Proposal as noted by the applicant?

Southlands Regional Park:

The application notes 389 acres covering the southern portion of the property inclusive of McCurdy Point to be dedicated as a large undeveloped park called Southland Regional Park in the application, with 300 acres to be dedicated at time of rezoning approval of the Bamberton lands and the remaining 89 acres to be dedicated at the time of issuance of a Development Permit that includes the 3,000th residential unit within the proposed development (see attached plans as provided by the applicant as to the proposed location of Southlands Regional Park). The application notes that these 89 acres would be held as private lands in the interim to be available for eco-tourism use (non-invasive, eco-adventure activities and First Nations initiatives). When these 89 acres are transferred to the CVRD, the application proposes that the eco-tourism activities would continue to be permitted on the lands.

All of the lands proposed for dedication to create this park would be dedicated to the CVRD in an as-is state, with no park improvements (i.e. trail development) or mitigation to changes already made to the lands (i.e. the roughed in road previously constructed by the applicant would be left as-is).

The application also notes that development of a public road to the Southlands Regional Park may or may not be provided as part of the development of the overall site, as the public road system within the overall development may only extend as far as the Lower Bamberton Village. The application indicates that if a public road is not provided at the discretion of the applicant, then a Type A trail would be constructed from the public road in the Village area to the Southland Regional Park across private property with an easement in favour of the Regional District. As

outlined in the application, public access to this park would not occur until the Lower Village were developed, which is noted in the application to be the final phase of the overall development.

Questions for Parks Commission Consideration:

1. Is the Commission supportive of the timing for dedication of the Southlands Regional Park as proposed (300 acres initially and 89 acres at a later date)?
2. Does the Commission have any issues with respect to access as proposed?
3. Does the Commission have comments on the proposed interim use of the 89 acres?

Three Neighbourhood Parks:

The applicant is proposing to construct a neighbourhood park in each of the social hearts proposed, that being the Upper Northlands Neighbourhood, the Bamberton Gate South Neighbourhood and the East Benchlands Neighbourhood (see attached plans as provided by the applicant). The total land area of these three neighbourhood parks is proposed to be a maximum combined area of 0.49 acres (0.2 ha). By comparison, Huckleberry Park in Mill Bay is 0.72 acres in size. In addition, the applicant proposes a total maximum financial contribution of \$50,000 towards site preparation (grading and basic landscaping) for all three parks, though the exact location and site conditions for these three parks are not noted in the application so it is unclear at this time on the extent of site preparation works required. The applicant also provides for a total maximum financial contribution of \$200,000 towards the supply and installation of basic public park amenities (i.e. picnic tables/shelter, benches, landscape plantings, and garbage cans, etc) in these three sites. These parks would be dedicated to the CVRD in fee simple at time of subdivision relevant to the phase of the development inclusive of each proposed park site.

As noted above in the introduction section, there are expectations that new developments pay their own way, which has been the position of the Board with recent rezoning applications.

Questions for Parks Commission Consideration:

1. Does the Parks Commission have any general comment regarding the size and distribution of neighbourhood parks within the overall development proposal?
2. Does the Parks Commission have any general comment regarding financial expenditure limitations on site preparation costs of neighbourhood parks within the proposed development?
3. Does the Parks Commission have any general comment regarding a maximum financial contribution package towards the supply and installation of park amenities (i.e. playgrounds) towards neighbourhood parks within the proposed development?

Playing Fields:

As part of the overall Bamberton rezoning application two playing fields are proposed, with one located in the Fechter Lands and the other as part of the Lower Northlands neighbourhood (see attached plans as provided by the applicant). The following details about the playing fields has been provided by the applicant:

- Two seeded playing fields (dimensions of 92m x 46m or 1.04 ac each),
- 1.0 ac additional land area surrounding each playing field
- Two, 40 car parking lots (0.3 ac each, or 1200 m²)

The fields would be completed within 180 days of the Bamberton Gate South residential subdivision. The application provides a total financial contribution as part of the proposed development towards construction of the two ball fields of \$600,000, including the parking lots associated with each. The applicant is proposing that the playing fields would be irrigated with recycled water and if this type of irrigation is not achievable then the applicant commits either construct regular irrigated grass fields if a sufficient water supply source is in place or to construct synthetic/artificial turf fields. Both field and parking lot sites are proposed to be dedicated to the CVRD in fee simple.

Questions for Parks Commission Consideration:

1. Does the Parks Commission generally support the provision of two ball fields as outlined as part of the overall development proposal?
2. Does the Parks Commission have any general comment regarding a maximum financial contribution package towards construction of the two ball fields, inclusive of the parking areas?

Bamberton Provincial Park Expansion:

The applicant proposes to dedicate 22.4 acres of lands to the CVRD as a fee simple titled lot upon subdivision approval for the Bamberton Gate North Neighbourhood. Local government (CVRD) then may transfer to BC Parks as part of a potential land exchange. The offer of the applicant to dedicate these lands to the CVRD would provide an opportunity for a land exchange within the Province in the vicinity of the Mill Bay Electoral Area which would benefit and be of interest to the community of Mill Bay as a whole. In particular, there may be an opportunity for the lands to be exchanged for Spectacle Lake Provincial Park which is currently owned by BC Parks but managed by the CVRD.

Conditions on Parkland Dedication:

The applicant proposes a number of conditions be placed on proposed park land that is to be transferred and dedicated to the CVRD, as follows:

- The only owners of the parkland may be government agencies. The CVRD may not transfer, lease, or rent the dedicated lands to other than government entities without the prior written approval of Bamberton.
- Exploitation of minerals or other resources on the dedicated lands is prohibited.
- Bamberton retains the right to access and remove all organic/wood waste on the dedicated lands in perpetuity.
- Lands will be dedicated in an as-is-state and any mitigation/remediation work required will be paid for out of the Financial Contribution Fund as decided by the BFCC (Bamberton Financial Contribution Committee)

Questions for Parks Commission Consideration:

1. Does the Parks Commission have any general comments with regards to the proposed conditions to be attached to the dedication of parkland to the Regional District?

Proposed Trail Network:

The applicant is proposing a network of trails throughout the development which would generally follow as outlined in the plans as provided by the applicant (see attachments provided). Two types of trails are proposed, that being a gravel surface multi-use Type A Trail and a compacted natural surface Type C Trail (see attachments for trail specifications proposed). The **Type A** trail is

proposed alongside primary arterial roads from the Upper Northlands to the Village and would be the main commuting trail for the Bamberton development. This trail is proposed to be 3,053 metres in length with a width of 1.5 metres and would have a grade between 0% and 15%. The maximum financial contribution value towards this trail as part of the overall proposed development cost would be \$200,000.

The **Type C** trail would connect homes to neighbourhoods. These trails are being proposed to meander through neighbourhoods and be more of a nature trail. There are a total of 14,600 metres of Type C trails at a width of 1.0 metre to be built. The maximum financial contribution value towards this trail as part of the overall proposed development cost would be \$485,000. In addition to these trails, the applicant is proposing to provide a **Type C waterfront trail** to a length of 1885 metres with a maximum financial contribution of \$165,000 to construct. This trail would run along the entire waterfront area in the development. Part of this trail is proposed to run through the Village area as a boardwalk style of trail.

In the case where Type C trails were constructed on public parkland the CVRD would own and maintain the trails. In cases where Type C trails were constructed on private lands the applicant is proposing that these trails would either be owned and maintained by the CVRD, or by the applicable condominium or Home Owners Association. If the CVRD were to be dedicated the trails on private land then the applicant is proposing to grant a 3.0 metre wide easement to the CVRD over the areas in which the trails are located.

Questions for Parks Commission Consideration:

1. Does the Parks Commission have any comment with regards to the general layout of the Type A and C trails as proposed?
2. Is the Parks Commission supportive of the Type A Trail having an allowable gradient of upwards of 15%? (Note: typical multi-use trails such as this attempt to achieve gradients of 6% or less to encourage use by all abilities and ages).
3. Does the Parks Commission have any general comment regarding a maximum financial contribution towards construction of the proposed trail networks?

Oliphant Lake:

The rezoning application includes the transfer of 172.4 acres (69.8 ha) of undeveloped green space (including the Oliphant Lake bottom) to the CVRD for parkland and utility use after the water infrastructure for all phases of the development has been completed. Bamberton is proposing to retain all water rights, including water distribution rights, and to have the right to access, expand, maintain or alter the configuration and/or capacity and infrastructure of the Lake and its water capacity as deemed appropriate.

Buffer Zones:

The applicant is proposing a treed buffer along the highway to be dedicated to the CVRD as public parkland to be used as a buffer to the development. The buffer will range in width from 0–60 metres depending on the neighbourhood it is located in as noted in the attachments as provided by the applicant.

Questions for Parks Commission Consideration:

1. Does the Parks Commission have any comments at this time with regards to the Buffer Zones as proposed to be dedicated as parkland?

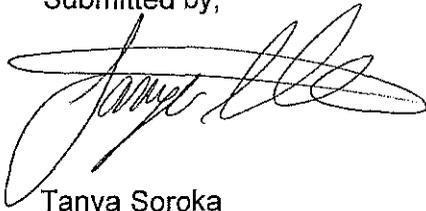
Financial Contribution Fund:

The Bamberton application also includes a commitment to establish a Financial Contribution Fund with financial contributions paid through the development. The estimate of the fund at full build out of the proposed Bamberton Development would be in the order of 4.5 million dollars. Examples of appropriate expenditures as noted by the applicant could be improvements to the Southland Regional Park, onsite trail construction or focusing the funds towards projects such as the Kerry Park Recreation Centre upgrades or other offsite or onsite items, services or amenities.

Questions for Parks Commission Consideration:

1. Does the Parks Commission have any comment with respect to the proposed Financial Contribution Fund being applied, if required, to cover park and/or trail expenditures within the proposed development which exceed maximum financial contributions for specific park improvements as noted by the applicant?

Submitted by,



Tanya Soroka
Parks, Recreation and Culture Department

Attachments

Cc: Director B. Harrison, Electoral Area A – Mill Bay/Malahat
Rob Conway, Manager Development Services
Ross Tennant, 3 Points Properties



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January 21, 2011

Rob Conway
Manager, Development Services Division
Cowichan Valley Regional District
175 Ingram St.
Duncan, B.C. V9L 1N8

Re: Bamberton Rezoning Application Parks & Trails

Dear Rob,

After the Parks Commission meeting of January 20, 2011, the Bamberton Team met to discuss the feedback that was received regarding the Parks and Trails portion of our rezoning application. After reviewing each of the questions and concerns raised by the Commission members, Bamberton has decided to provide the following updates and clarifications to our application with the goal of providing greater clarity and comfort.

Southlands to 389 Acres

- The 89 acres previously designated as "Covenanted for Future Park Dedication" will be dedicated at the same time as the original 300 acres of the Southlands, which will be at the time of a successful rezoning.
- The only "conditions" that Bamberton requires be overlaid onto the park dedications is that a covenant will be placed on the dedicated lands that they will remain "Park" in perpetuity, and that the uses within the lands be restricted, and that no future development nor resource extraction would occur. Bamberton would also ask, that in the case of WildPlay, as it is an integral part of the plan, that the CVRD would consider in a positive light an application from WildPlay for use of the dedicated lands. All final decisions would be the purview of CVRD (in consultation with the Area A Parks Commission).
- The reference to keeping the rights to wood-waste (biomass) will be deleted.

Trails

- Type C trails will be included in the North Park dedication in order to ensure connectivity between Bamberton Gate South, Bamberton Provincial Park and Bamberton Gate North (please refer to attached updated map). The total overall length of Type C trails on the property will remain constant.
- The Type C "Waterfront" trail across the private Fechter Lands has been more clearly outlined (please refer to attached updated map).

Tot Lots

- Bamberton will donate each neighbourhood park (which includes a tot lot) and any playing fields within a specific neighbourhood after receiving the first Development Permit for that particular neighbourhood. Building Permits for that neighbourhood could not be received for that neighbourhood until successful completion of the park and/or field.
- The first neighbourhood park and playing field will be completed after receipt of the first Development Permit, and before receipt of the first Building Permit.



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- Bamberton will increase the budget for the neighbourhood parks to a total of \$450,000 for all three. The total area of the three neighbourhood parks will also be increased to 0.75 acres (or 0.25 acres each).

Dock at Southlands

- If the Parks Commission believes it is in the best interest of the community, Bamberton will build a dock near the entrance to the Southlands in order to provide water access to the area as well as a launching area for kayaks and other small watercraft. The dock would be provided by the applicant.

Also, attached you will find three maps:

- A map showing the access to the Southlands Park area (all 389 acres). The map demonstrates that there will be two hikeable entrances and one controlled vehicular access to the Southlands park entrance.
- A map showing the trails that have been added to the North Bamberton Park dedication in order to ensure smooth linkages with the Bamberton Gate North neighbourhood.
- A map showing the waterfront trail and its path through the privately owned Fechter land. This trail will be made feasible by an easement signed by the Fechters.

If you have questions or require additional information about these changes or revised documents, please do not hesitate to contact me directly.

Thank you,
Bamberton Properties LLP

Ross Tennant

c.c. Brian Farquar, CVRD Parks Manager
Tanya Soroka, CVRD Parks Planner
Roger Burgess (Area A Parks Commission, Acting Chairperson)
Brian Harrison (Area Director)
Stefan Moores, Bamberton Properties LLP
Roy Aresh, Bamberton Properties LLP
Danica Rice, Valhalla Trails Ltd.

Please distribute to Area A Parks Commission members.

EXHIBIT 5



BAMBERTON

Three Point
PROPERTIES
Quality Integrity Design

HCMA

High Quality Custom Homes & Communities

PHILLIPS-FAREVAAG-SMALLEMBERG
PLANNING • URBAN DESIGN • LANDSCAPE ARCHITECTURE

2010.11.15

Trail Type 'C' Summary

LEGEND

- Trail Type 'A' 
- Trail Type 'C' 
- Social Heart 
- Residential 
- Residential Mixed Use 
- Parkland 

Minimum Length by Neighbourhood	Type C Trail
Upper Northlands	4,772
Lower Northlands	144
Triangle	367
Bamberton Gate North	320
North Park Dedication	361
Bamberton Gate South	443
Fechter Lands	2,039
West Benchlands	209
East Benchlands	3,466
Historic Bamberton	282
Village	2,097
Minimum Total Length (metres)	14,500

EXHIBIT 14



BAMBERTON

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PROPERTIES
Quality Integrity Design

HCMA

Higher Concept Planning Architects

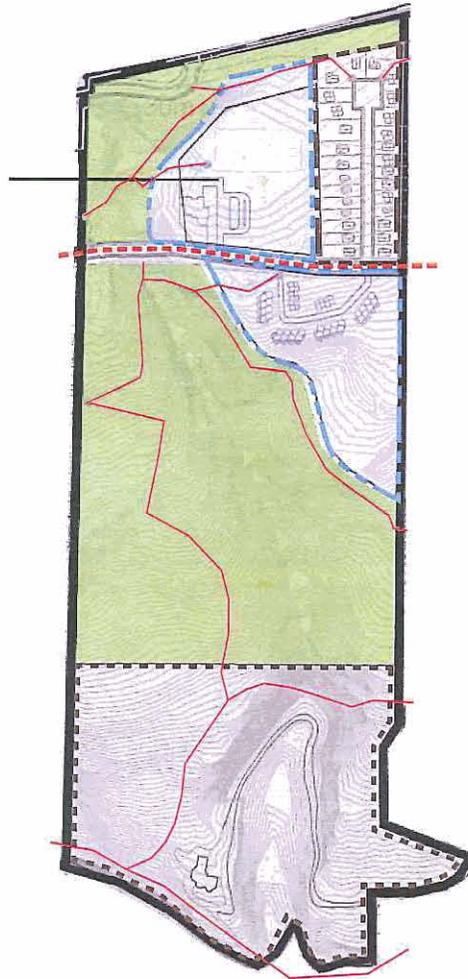
PHILLIPS • FAREVAAG • SMALLENBERG
PLANNING • URBAN DESIGN • LANDSCAPE ARCHITECTURE

2010.11.15



NORTH

Site of Future Firehall
and Playing Field



Fechter Lands

LEGEND

- Trail Type 'A'
- Trail Type 'C'
- Social Heart
- Residential (R-1)
- Residential Mixed Use (R-2)
- Parkland
- Privately Retained Lands

Land Area (acres):	
Residential	4.9
Residential Mixed Use	12.3
Privately Retained Lands	24.9
Parkland	40.2
Total Land Area	82.3

Unit Count:	
Detached Single-Family Lots	30
Townhome Units	20
Condominium / Apartment Units	0
Total Residential Dwellings	50

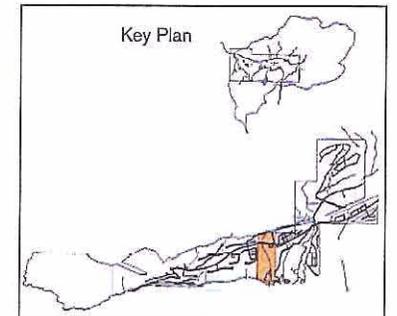


EXHIBIT 18



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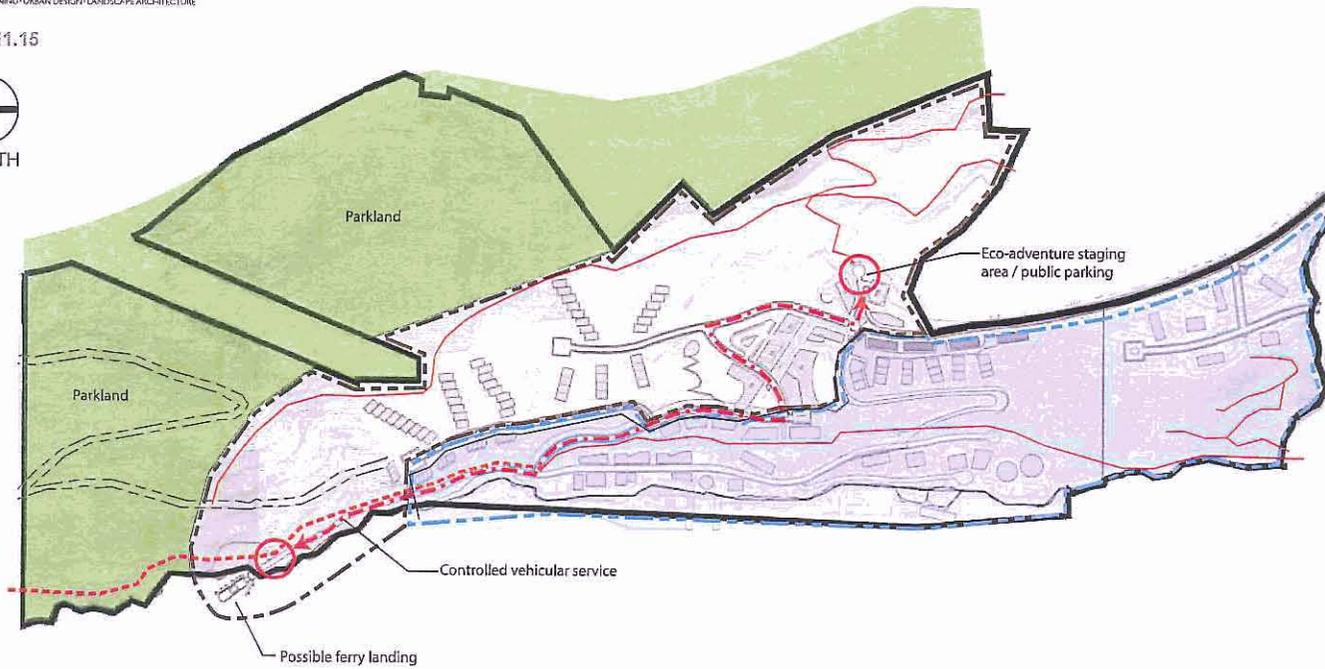
Hughes Cannon Barker Architects

PHILLIPS-FAREVAAG-SMALLEMBERG
PLANNING-URBAN DESIGN-LANDSCAPE ARCHITECTURE

2010.11.15



NORTH



Upper and Lower Village

LEGEND

- Trail Type 'A' -----
- Trail Type 'C' - - - - -
- Social Heart - - - - -
- Upper Village (V-2) - - - - -
- Lower Village (V-1) - - - - -

Controlled vehicular service from Eco-Adventure staging area / public parking.

Land Area (acres):	
Upper Village	91.8
Lower Village	77.2
Parkland	89
Total Land Area	258
Unit Count:	
Detached Single-Family Lots	62
Townhome Units	350
Condominium / Apartment Units	500
Total Residential Dwellings	912

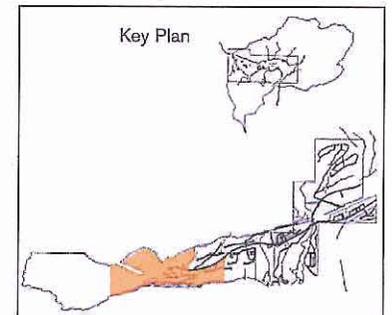


EXHIBIT 20



BAMBERTON

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PROPERTIES
Quality Integrity Design

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Hydro-Corridor Council Architects Inc.

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2010.11.15



NORTH

Site Plan - Combined

LEGEND

- Trail Type 'A' 
- Trail Type 'C' 
- Social Heart 
- Residential 
- Residential Mixed Use 
- Parkland 

