



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 3, 2024
MEETING TYPE & DATE Electoral Area Services Committee Meeting of April 17, 2024
FROM: Development Services Division
Land Use Services Department
SUBJECT: Application No. RZ23A03 (Stonebridge)
FILE: RZ23A03

PURPOSE/INTRODUCTION

The purpose of this report is to provide an update on the application to consolidate and update zoning for the Stonebridge lands in Mill Bay.

The CVRD Board considered a [preliminary report](#) on this file on [November 8, 2023](#), and referred the application to external agencies for feedback prior to considering potential bylaws. External agency feedback has been received, and is addressed throughout this report.

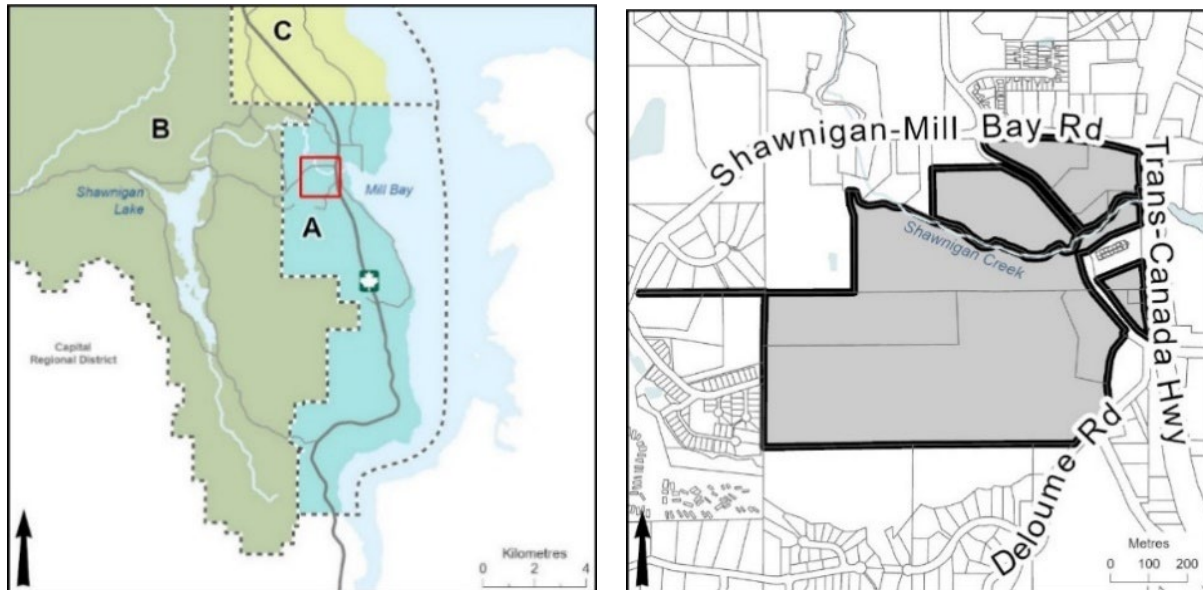
At this time, the CVRD Board is being asked to provide direction to staff to work with the applicant and provide a draft updated parks and amenities covenant.

RECOMMENDED RESOLUTION

That it be recommended to the Board for Application No. RZ23A03 (Stonebridge):

1. That the Board require that a public information meeting be held at the applicant's expense prior to a public hearing being held;
2. That staff work with the applicant to provide the draft terms of an updated parks and amenities covenant in preparation for the public information meeting;
3. That prior to consideration of first reading of OCP and zoning amendment bylaws, staff provide updated comments from the Ministry of Transportation and Infrastructure (MOTI) on MOTI review and recommendations from Traffic Impact Assessments for the north portion and south portions of the proposed Stonebridge development; and
4. That staff provide a report to the Electoral Area Services Committee regarding potential amendments to development permit guidelines for form and character.

LOCATION MAP



BACKGROUND

The subject properties for Application No. RZ23A03 are located in Electoral Area A – Mill Bay/Malahat, and include PIDs: 010-208-089, 025-942-310, 000-278-131, 009-488-286, 009-487-247, 009-487-221, 009-528-601, 004-173-287, 029-533-601 and 009-497-803.

The application consists of three key elements:

1. Rezoning the subject properties to a new Comprehensive Development zone.
2. Amendments to the Official Community Plan to re-designate some of the lands to *Commercial (Mixed Use)* and to *Stonebridge Comprehensive Development Designation*.
3. Updating and consolidating the community amenity covenant associated with the Stonebridge lands.

CVRD staff estimate that based on the land area and existing zoning, the total number of dwelling units that could be constructed is approximately 753 dwelling units and 176 congregate care (seniors housing) units, for a total of 929 units. The applicant proposes zoning that would allow potential build-out of 1,000 units.

The proposal includes:

- Zoning regulations that would allow for multiple fully-serviced show homes to be built on larger lots (capable of further subdivision);
- A reduction in minimum parcel size for single-unit lots from 450 m² to 300 m²;
- A reduction in the minimum parcel sizes for duplex lots from 700 m² to 500 m²;
- A reduction in the minimum lot size for senior congregate care facilities from 10,000 m² to 1,000 m²;

- An expansion in areas where multi-family dwellings can be constructed;
- A reduction in the minimum lot size & width for lots with secondary suites (in duplexes and single-unit dwellings);
- A reduction in some minimum parcel line setbacks;
- Permitting “Drive-thru” uses on parcels within ‘Area 4’, located east of Barry Road and ‘Area 5’ within the Pioneer Square re-development; and
- An option for workforce housing within ‘Area 4’ of the proposed zone that can transition to a Hotel during or after the estimated 15-year build out.

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

Official Community Plan for the Electoral Areas Bylaw No. 4270 (HOCP):

Attachment B provides a breakdown of the zoning, size, current OCP designation, proposed OCP designation, and location of each lot under application.

Development Permit Areas:

The subject property is currently subject to the following Development Permit Areas (DPA): DPA-1 [Riparian Protection](#); DPA-2 [Sensitive Ecosystem](#); DPA-4 [Aquifer Protection](#); DPA-5 [Wildfire Hazard](#); DPA-9 [Intensive Residential](#); DPA-10 [Multi-Family Residential](#); DPA-11 [Commercial and Mixed-use](#) and DPA-13 [Energy and Water Conservation; Greenhouse Gas Emissions Reduction](#).

South Cowichan Zoning Bylaw No. 3520:

The subject property is split into eight distinct zones: [CD-8](#) – Village Comprehensive Development 8 – Stonebridge South [CD-9A](#) – Village Comprehensive Mixed Use 9A [CD-9B](#) – Village Comprehensive Residential 9B [RM-3](#) – Medium Density Multiple Family Residential 3 [R-2](#) – Village Suburban Residential 2 [C-5](#) – Village Commercial 5 [CD-6](#) – Village Comprehensive Development 6 – Congregate Care [P-1](#) – Parks 1.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONSPublic Information Meeting:

In accordance with the Development Applications Procedures Bylaw (No. 4483) the CVRD Board may require that a public information meeting be held. At a public information meeting:

1. Staff describe the nature of the application, applicable CVRD policies and regulations, and the process for approval;
2. Members of the public have an opportunity to ask questions about the application; and
3. The applicant has an opportunity to hear and respond to public questions.

Referrals:

The application was referred to internal divisions, and preliminary comments were presented to the EASC on [October 18, 2023](#). Following the October 2023 meeting the Utilities Division brought forward a report regarding the Mill Springs Sewer System Extension Agreement.

The Utilities Division has updated their comments to reflect the Extension Agreement. For clarity, the Limona and Stonebridge Development affiliated companies have requested 343 Equivalent Units to the Stonebridge and Lodgepole lands.

When/if future phases of development are proposed that surpass 343 equivalent units, development will not be able to move forward until additional equivalent units are secured (and any cost to expand the system would be borne by the developer). The Mill Bay Fire Department has also reviewed the additional information supplied in the January 4, 2024, Advisory Planning Commission (APC) report and has indicated an interest in continued consultation.

External Agency Referrals:

On [November 8, 2023](#), the Board advanced external referrals. Preliminary comments have been received (Attachment C).

The Ministry of Transportation and Infrastructure (MOTI) has indicated that:

- The proposed bylaw amendment will fall under Section 52 of the *Transportation Act* (requiring MOTI approval prior to adoption).
- MOTI is not in approval of the Urban Standard road design that the developer has proposed. All roads within the development must be designed to typical Ministry standard without sidewalks, enclosed ditches, parking stalls and lighting.
 - The developer may request a variance to this standard, but there is no guarantee that MOTI will authorize a variance. Alternative options include re-designing as a strata or establishing a local government service area.
 - *[Note: the applicant has contacted the CVRD Utilities Division to inquire about establishing a service area for drainage and street lighting. In lieu of sidewalks, a multi-functional trail is also proposed with the Parks & Trails Division. These items will be brought to the Board for consideration at a future meeting. In the event that the Board does not establish a service area the development is still possible; however, a more rural road standard will be implemented].*
- MOTI staff have received a *Traffic Impact Assessment* (TIA) for the North portion of the project. A TIA will be required for the south portion of the lands as well.
 - MOTI cannot comment on necessary covenants/easements until the review of the TIA is complete.
 - MOTI has requested a TIA for the entirety of the lands associated with this Rezoning File (MOTI File 2023-05538).

Malahat Nation does not object to the proposed application to consolidate and update zoning at this time. Malahat Nation is participating in ongoing conversations around the carrying capacity of local aquifers and watersheds. The Nation acknowledges and confirms the applicant's statement that there is insufficient water to support the density that is currently permitted under existing zoning, and that while the applicant can submit for reduction of minimum lot sizes to increase potential density through zoning, the constraints of current water usage in the area and these servicing constraints will be the limiting factor on the actual build out of the site.

B.C. Transit and CVRD Transit have suggested that the proposed zoning focus higher densities within 400 metres of existing transit stops (e.g. *Areas 1, 2, 5, and the portion of area 3 between Deloume Rd and the watercourse*), as this improves the utilization of existing infrastructure and services without incurring additional costs to the local government.

Island Health encourages an Integrated Stormwater Management Planning approach to protect property and aquatic habitat, while at the same time accommodating land development and population growth.

Mill Bay Waterworks District (MBWD) has advised that there is insufficient water volume to service this development and further, that the developer will be required as a condition of development to provide a source of water volume (to MBWD) that is sufficient to support the full build-out of the planned development, along with all necessary supporting infrastructure.

The Provincial West Coast Water Authorizations team acknowledges two new groundwater licence applications (file numbers 20016269 and **20024103**) for which the Limona Group (Stonebridge development) is a co-applicant with Mill Bay Waterworks District.

- West Coast Water Authorizations team does not have any objections to the CVRD proceeding with rezoning the lands given the understanding that a CVRD condition of development is that *all* occupied buildings shall be serviced by a community water system and a community sewer system as a condition of use.
- Decisions under the *Water Sustainability Act* (WSA) are independent from zoning decisions. If the proponent does not obtain approvals for water volumes that would sufficiently support their current or proposed build out – they would have to reduce the density of their development to that which can be supported by current water volumes.
- Note: A water licence was granted to Mill Bay Waterworks District on December 14, 2023, for file 20014808 (attached). This licence combines the applications for several files within the bedrock aquifer (20014808, 20007388, 20012563, and **20024103**). The licence includes a phased approach and requires an adaptive water monitoring and operation

The Cowichan Valley School District (SD 79), advises that it is likely that a neighbourhood of 900 or so homes could generate approximately 126 students. Both Frances Kelsey and George Bonner will already be at capacity even without this development. If development continues (in the Mill Bay and Cobble Hill communities) it is likely that the School Board will need to secure an additional school site.

Advisory Commission Referral:

The Area A – Mill Bay/Malahat Advisory Planning Commission (APC) reviewed the application on [January 4, 2024](#), and passed the following motion:

That the APC supports zoning amendment application RZ23A03 (Stonebridge) subject to the following considerations:

- *That the CVRD staff recommendations (as presented in the Oct 18, 2023 EASC report and attached as 'Attachment D' in the APC referral Report) be considered by the CVRD Board;*
- *That the amenities covenant be aligned with the proposed zoning;*
- *That the CVRD, in consultation with the Province, pursue a road allowance at the Shawnigan-Mill Bay Road and Trans- Canada Highway intersection for the purposes of a future merge lane;*
- *That the CVRD consider updating its Development Permit Area guidelines for the Stonebridge project, including guidelines for drive through facilities, commercial development, and multi-unit development.*

At the APC meeting, the applicant provided reference material including conceptual designs, as well as proposed drive through design criteria (Attachment E). Following the APC meeting, the agent provided additional rationale for the CVRD Board (Attachment D):

- The additional rationale confirms that the applicant is amenable to a density maximum of 1,000 residential units; and
- The applicant also requests that DPA-9 be removed from the subject properties. CVRD Staff do not support this request and suggest that DPA-9 Guidelines be revised to help provide clarity for both infill and intensive residential development, as part of the Community Planning Division's work in relation to Development Permit Guideline updates.

The Area A – Mill Bay/Malahat Parks Advisory Commission (PAC) reviewed the application on [February 13, 2024](#), and passed the following motion after considering the existing covenant (Attachment G) and the applicant's proposal to consolidate the zoning requirements within a new amenity covenant (Attachment H) :

That approval of the application be subject to CVRD Parks and Trails approval of covenant modifications proposed by the agent inclusive of:

- *Ensuring that the covenant provides an opportunity for CVRD staff to control park improvements within the Riparian Park;*
- *Ensuring that the CVRD Board consider a balance of programmed space and natural space in parks associated with the Stonebridge development;*
- *Supporting the amendment covenant to allow for a portion, or all of the \$300,000.00 contribution to the CVRD to be credited towards built improvements within the South Lands in lieu of a financial contribution*
- *Including language to tie the \$300,000.00 contribution to the CVRD to the Consumer Price Index (inflationary) from 2024 moving forward; and,*
- *Ensuring the CVRD Board consider tying contribution to the Community Parks Capital Reserve Fund to inflation for future projects.*

PLANNING ANALYSIS

OCP Amendments:

Regarding the proposed amendments to the OCP, the application proposes to re-designate some of the lands to Commercial (Mixed Use) and to Stonebridge Comprehensive Development Designation:

The proposal to modify *Schedule L* by re-designating a portion of PID: 025-942-310 from Residential to Stonebridge Comprehensive Development Designation is shown in Table 1, in Attachment B:

- The [CD-6](#) zone presently permits commercial and personal service uses on the provision that they be accessory to a residential care facility.
- If the OCP Amendment is approved commercial and personal service uses may be stand-alone principal uses. This would permit more of the land to be combined with the commercial plaza (formerly the Pioneer Square Plaza).

The proposal to modify Schedule L by re-designating PIDs: 009-497-803, 004-173-287 and a portion of PID 009-488-286, from Residential to Commercial (Mixed Use) is shown in Table 2, in Attachment B:

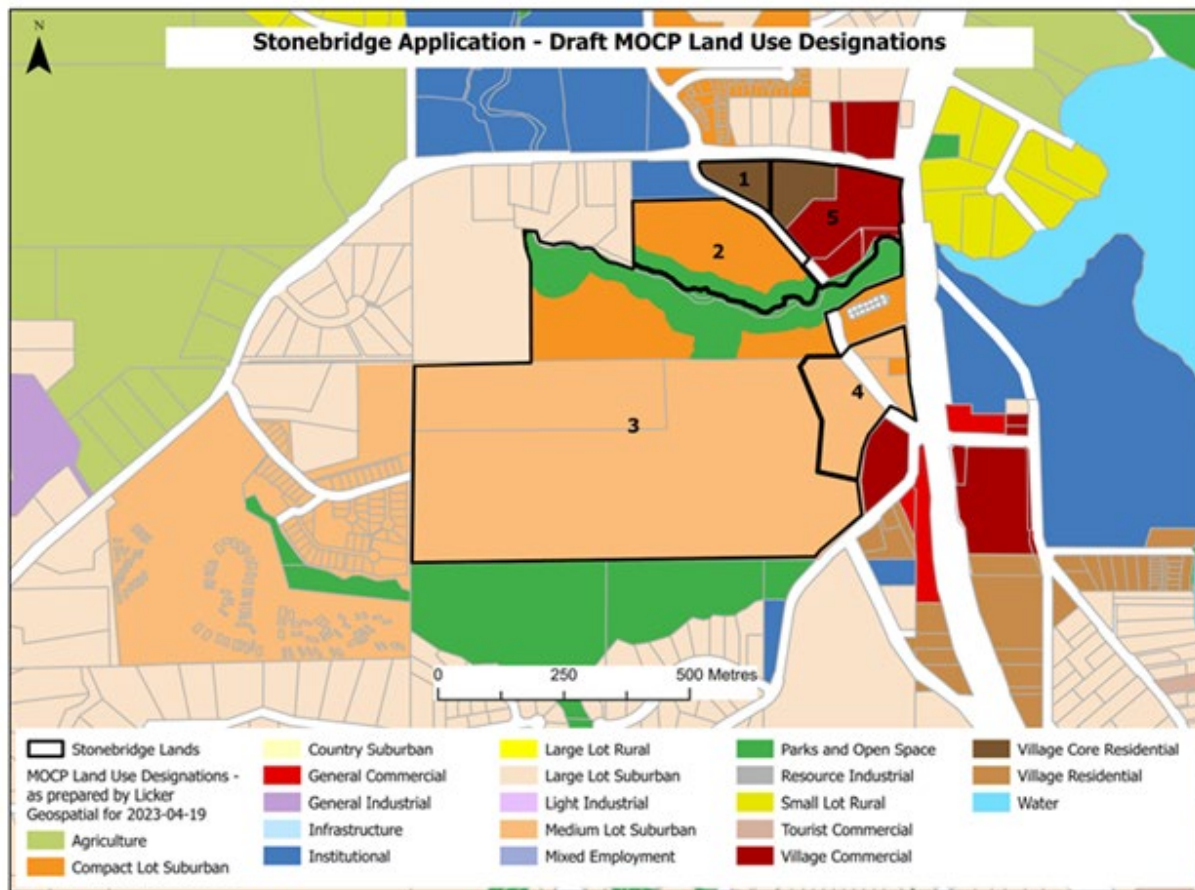
- The [RM-3](#) zone presently permits commercial and personal service uses on the provision that they be accessory to a multi-family dwelling.
- If the OCP Amendment is approved both Commercial and Residential uses may be stand-alone principal uses.

OCP/Zoning Consistency:

Unlike the current Harmonized Official Community Plan (HOCP), the Draft Modernized Official Community Plan (MOCP) includes target densities for the different land use designations. It is important to note that the draft MOCP target densities are inconsistent with existing and proposed zoning for the subject properties exceeding the target densities in the MOCP.

Table 1 – Current HOCP / Zoning vs. Draft MOCP Density Targets

Area	HOCP - Current UPH (zoning)	Draft MOCP - Proposed (UPH)
1	CD-6 permits 80 UPH and a FAR of 0.75	Max: Between 40 and 100 UPH in village Core
2	280 units are permitted in the CD-9A and CD-9B Zones which is roughly 30 UPH	Max 30 UPH for compact lot suburban
3	CD-8 Zone permits 450m ² lots – which is approx. 23 Units Per Hectare	Max 15 UPH for medium lot suburban
4	RM-3 zone permits 35 UPH	Max 15 UPH for medium lot suburban
5	20 UPH are permitted in the C-5 Zone	No UPH limit. Density can be between 0.5 and 1.5 FAR in Village Commercial



The current application proposes a 1,000-unit limit on density; which, depending on how much land is dedicated as park and road, would likely range from 23 to 28 units per hectare site-wide if the full build-out were achieved; however, as the intent of the zoning change is to increase flexibility for housing types throughout the development, some of the sub-areas within the CD-Zone may experience a higher UPH density, while others will be lower (e.g. as purpose built rental and affordable housing providers have indicated interest in area two, it is likely that these areas will have a higher UPH when viewed in isolation).

The Board should be mindful of this as the application proceeds. At the time of zoning bylaw adoption, zoning must be consistent with the OCP in effect – whether this is the current HOCP or future MOCP. If zoning amendments occur in advance of the MOCP being adopted, the MOCP could be amended to accommodate for this change.

Development Permit Area Amendments:

Staff recommend that DPA-9 Guidelines be revised to help provide clarity for both infill and intensive residential development, as part of the Community Planning Division's work in relation to Development Permit Area Guideline updates. Staff recommend that the EASC provide direction to staff to provide a report which includes a draft project workplan and budget for form and character designation and guideline amendments.

Proposed Comprehensive Development Zone:

Staff recommend that a Zoning Amendment Bylaw to the South Cowichan Zoning Bylaw No. 3520 be prepared for consideration of 1st reading, to create a new Comprehensive Development zone for the subject properties.

The proposed zoning includes the following:

1. A definition for parcel width to help ensure that sufficient parking can be balanced with landscaping and building separation;
2. A 'hotel' use with special regulations to allow 'extended-stay' in the proposed zone (that could be used for workforce housing accommodation in the short term);
3. A zoning provision that would enable multiple homes (show homes) to be built on a single lot that is capable of further subdivision;
4. A cap on permitted density to allow for a potential 71-unit increase from existing zoning (max 1,000 units) subject to all occupied buildings in the CD Zone being serviced by a community water system and a community sewer system;
5. Permitting "Drive-thru" uses in Area 4 and Area 5, subject to conditions;
6. Expanding areas where multi-unit dwellings are permitted; and
7. Reducing minimum lot sizes to allow for a range of housing options.

Proposed Covenant:

The general intent of the proposed covenant is to remove the density bonusing provisions from the CD-8 Zone (South Lands) and provide one combined covenant for all of the lands.

The existing covenant only applies to a portion of the lands. The portion of the lands zoned CD-8 is not covered by the covenant and density bonusing provisions are embedded in the zoning bylaw (which requires land dedication, but no built improvements).

The applicant proposes to remove density bonusing provisions from the zoning and update the covenant to include these commitments in a single consolidated amenity covenant. The Area A – PAC was generally supportive of this proposal. Within the consolidated covenant the applicant proposes to:

- Maintain the same Park Fund Contribution for Electoral Area A within the existing covenant. This includes the transfer of greenspace (riparian areas with trail and sign improvements), the transfer for usable park land (e.g. tot lots with amenities);
- Maintain the commitment for the transfer of two parcels to an affordable housing provider;
- Introduce language to tie the \$300,000.00 contribution to the CVRD to the Consumer Price Index (inflationary) from 2024 moving forward;
- Provide some modifications to the schedule for providing Park Fund Contributions to the CVRD; and
- Provide additional clarity regarding protections to the Stonebridge (e.g. replacement and repair thresholds).

Additional Information:

Based on the feedback received during the referral process, additional information is required. Further clarity will be provided following MOTI's review - and approval - of the Traffic Impact Assessment (TIA). Additional information may include:

1. A copy of the approved Traffic Impact Assessment (TIA) for the North Portion and South Portion of the Stonebridge Project; and
2. Confirmation of easements and/or road dedication where deemed necessary to support the recommendations of the TIA.

These and other items may be addressed through a subsequent report to EASC.

Next Steps:

A draft zoning bylaw amendment has been prepared by staff (Attachment A). This is preliminary for the purposes of holding a public information meeting. Changes to the draft may be recommended prior to consideration of first reading. Staff will present draft bylaws for EASC consideration pending TIA approval.

A public information meeting can be held prior to consideration of first reading so that the Board can consider public input before directing staff to draft the appropriate amendment bylaws.

In preparation for the meeting, staff recommend that the developer provide updated terms for a consolidated community amenity covenant in consultation with the Parks & Trails Division and Development Services Division and a Park Area and Amenity Plan (for Stonebridge South) to include in the revised Amenity Covenant.

OPTIONS

Option 1 (Advance the Application):

That it be recommended to the Board for Application No. RZ23A03 (Stonebridge):

1. That the Board require that a public information meeting be held at the applicant's expense prior to a public hearing being held;
2. That staff work with the applicant to provide the draft terms of an updated parks and amenities covenant in preparation for the public information meeting;
3. That prior to consideration of first reading of OCP and zoning amendment bylaws, staff provide updated comments from the Ministry of Transportation and Infrastructure (MOTI) on MOTI review and recommendations from Traffic Impact Assessments for the north portion and south portions of the proposed Stonebridge development; and
4. That staff provide a report to the Electoral Area Services Committee regarding potential amendments to development permit guidelines for form and character.

Option 2 (Request Additional Information): That it be recommended to the Board that the preliminary staff report for Application No. RZ23A03 (Stonebridge), be referred back to staff for the following information [*requested information to be provided by the Board*], prior to further consideration.

Option 3 (Deny): That it be recommended to the Board that Application No. RZ23A03 (Stonebridge), be denied, [*specific reasons to be identified by the Board*]

Option 4 (Deny & Direct a Staff Driven Amendment):

That it be recommended to the Board

1. That Application No. RZ23A03 (Stonebridge), be denied, [*specific reasons to be identified by the Board*]; and,
2. That staff be directed to prepare an amendment bylaw be prepared to correct the error in one of the existing zones by:
 - a. amending Section 11.9B(4) of the *South Cowichan Zoning Bylaw No. 3520*, to clarify that a secondary suite is permitted on parcels 600 m² or larger for single-detached dwellings, and on parcels 700 m² or larger for duplex dwellings.

Prepared by:



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Planner III

Reviewed by:



Michelle Pressman, RPP, MCIP, MPlan
Manager



Ann Kjerulf, MCP, RPP, MCIP
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

ATTACHMENTS:

Attachment A – Draft Zoning Amendment Bylaw
Attachment B – Lot Breakdown
Attachment C – Referral Responses
Attachment D – Applicant's Additional Rationale
Attachment E – Applicant's APC Reference Material
Attachment F – Existing Covenant
Attachment G – Applicant's Proposed Covenant Updates



COWICHAN VALLEY REGIONAL DISTRICT

BYLAW No. XXXX

A Bylaw for the Purpose of Amending South Cowichan Zoning Bylaw No. 3520 Applicable to Electoral Areas A - Mill Bay/Malahat and C - Cobble Hill

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

AND WHEREAS the Regional District has adopted a zoning bylaw for Electoral Areas A – Mill Bay/Malahat and C – Cobble Hill, that being "CVRD South Cowichan Zoning Bylaw No. 3520, 2013" Applicable to Areas A - Mill Bay/Malahat and C - Cobble Hill";

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

AND WHEREAS after the close of the notification period and with due regard to the public comments received, the Regional Board considers it advisable to amend South Cowichan Zoning Bylaw No. 3520;

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

1. **CITATION**

This bylaw shall be cited for all purposes as "**CVRD Bylaw No. XXXX – Electoral Areas A - Mill Bay/Malahat and C - Cobble Hill South Cowichan Zoning Amendment Bylaw (Stonebridge), 2024**".

2. **AMENDMENTS**

Bylaw No. 3520 is hereby amended as follows:

- a. Delete Section 11.9A CD-9A Village Comprehensive Mixed Use 9A
- b. Delete 11.9B CD-9B Village Comprehensive Residential 9B
- c. Delete and Replace Section 11.8 CD-8 Village Comprehensive Development 8 – Stonebridge South with the following:

11.8 CD-8 Village Comprehensive Development 8 – Stonebridge Comprehensive Development

Subject to compliance with the general regulations set out in Parts 4, 5, 6 and 7 of this Bylaw, the following regulations apply in the CD-8 Zone:

1. Definitions

Despite any other bylaw provision, the following definitions apply to the following terms used within the CD-8 Zone:

- a. "Carport" means a roofed structure free standing or attached to the principal building which is not enclosed in the front and at least one side.
- b. "Drive-Through Facility" means the use of land, buildings, or structures, or parts thereof, to provide products or services through an attendant, a window, or an automated machine to persons remaining in motorized vehicles that are in a lane designated for that purpose.
- c. "Front Building Line" means the closest extended line of the wall of a building which faces and is parallel to the front lot line; or in the case of an open carport, the furthest extent of the roof overhang.
- d. "Hotel" means means a building or part thereof with a common entrance lobby and shared corridors, which provides sleeping accommodation for transient visitors and may include public facilities such as restaurants, banquet, beverage, meeting and convention rooms, recreation facilities, and personal service establishments for the convenience of guests. Payment for occupancy is usually on a daily or weekly basis to the operator. A Hotel use may include extended stay guests will book accommodations at a hotel for a week, month or longer.
- e. "Parcel Width" means either of the following (whichever is less)
 - a. the road frontage; or,
 - b. the horizontal distance between side lot lines measured at right angles to the lot depth at a seven-metre setback from the front lot line.
- f. "Personal Service" Means the use of a building to provide direct professional goods or services an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects.

Includes: Uses such as (but not limited to) barber shop, hair salon, tailor, tattoo parlour, shoe repair shop, photographer's studio, picture framing shop, manicurists, fitness studio, dry cleaning establishments; Accessory retail sales of goods, wares, personal merchandise, articles or things accessory to the provision of such services.

Excludes: Cannabis retail sales
- g. "Private Access Road" means an access route which provides the primary vehicular access to a building or buildings, or to the parking areas associated with a building or buildings. This may include a strata road, a private right-of-way, or a private easement on private property.

2. Permitted Uses

The following uses and no others are permitted within the CD-8 Zone:

a. Within that part of the lands identified as **Area 1** on the CD8 Zone Map:

Permitted Principal Uses	Permitted Accessory Uses
<ul style="list-style-type: none"> Residential Facility Personal Care Facility Seniors Congregate Care 	<ul style="list-style-type: none"> Child care facility; Community service facility; Convenience store with a maximum floor area of 85 m²; Group daycare, preschool; Office; Personal service use; Restaurant; Retail commercial.

b. Within that part of the lands identified as **Area 2** on the CD8 Zone Map:

Permitted Principal Uses	Permitted Accessory Uses
<ul style="list-style-type: none"> Single family dwelling Duplex dwelling Multiple family dwelling Residential facility Seniors congregate care 	<ul style="list-style-type: none"> Secondary suite Home based business Community service facility Unlicensed daycare Group daycare (accessory to a Multiple family dwelling or a Residential facility)

c. Within that part of the lands identified as **Area 3** on the CD8 Zone Map:

Permitted Principal Uses	Permitted Accessory Uses
<ul style="list-style-type: none"> Single family dwelling Duplex dwelling Multiple family dwelling 	<ul style="list-style-type: none"> Secondary suite Home based business Community service facility Unlicensed daycare Group daycare (accessory to a Multiple family dwelling)

d. Within that part of the lands identified as **Area 4** on the CD8 Zone Map:

Permitted Principal Uses	Permitted Accessory Uses
<ul style="list-style-type: none"> All principal uses permitted in Area 5 of the CD8 Zone Multiple family dwelling 	<ul style="list-style-type: none"> Home based business Group daycare Drive-Through Facility

e. Within that part of the lands identified as **Area 5** on the CD8 Zone Map:

Permitted Principal Uses	Permitted Accessory Uses
<ul style="list-style-type: none"> • Art gallery; artist studio; • Assembly use, including assembly hall; • Automotive parts and accessory sales, excluding external storage of goods; • Automobile service shop; • Bakery; • Bowling alley, arcade, billiard, and games room; • Brewery and distillery; • Business, finance, insurance institution and offices; • Childcare facility, including early childhood learning centre; • Cultural facility, including community services and community centre; • Financial institution; • Funeral parlour excluding crematorium; • Garden centre; • Grocery store; • Group daycare; • Hardware and camping supply store, excluding exterior storage yard; • Hotel • Library, book store, printing and publishing; • Market; • Medical or dental clinic; • Museum; • Offices, including government offices; • Personal service use; • Pharmacy; • Plant nurseries, • horticulture, • retail sales of gardening supplies and produce, with outdoor storage; • Professional, scientific and technical services; • Pub; • Restaurant, including café, catering and take-out restaurant; • Retail stores, including liquor store; • Shopping centre; • Theatre; • Veterinary clinic; 	<ul style="list-style-type: none"> • Multiple family Residential including multiple family residential above the ground floor of any building. • Drive-Through Facility

3. Servicing

All occupied buildings in the CD-8 Zone shall be serviced by a community water system and a community sewer system as a condition of use.

a. Parcels not connected to community systems are not eligible to be subdivided.

4. Secondary Suites

- a. Only one secondary suite is permitted in a single-family dwelling in the CD-8 Zone, and only on parcels with a minimum 12m width.
- b. Only one secondary suite is permitted in a duplex (one unit only) in the CD-8 Zone, and only on parcels with a minimum 16m width.
- c. Provide private outdoor space for the secondary suite that is separated from the principal dwelling to a minimum of 7.5m², with no dimension of less than 2 m.

5. Density

- a. The number of dwelling units that may be created in the CD-8 Zone is limited to 1,000 units, not including secondary suites.

6. Regulatory Conditions

- a. Within that part of the lands identified as **Area 1 - Area 5** on the CD8 Zone Map

	Single-Family	Duplex	Multi-Family	All other uses
Minimum Frontage	10 meters	14 meters	6 meters	10 meters
Minimum Lot Width	10 meters	14 meters	N/A	N/A
Maximum Lot Coverage	45%	50%	55%	45%
Maximum Impervious Surfaces	50%	55%	60%	55%
Minimum Parcel Size	300 m ² ;	500 m ² ;	1,000 m ² ;	1,000 m ² ;

- i. The minimum site area required for an accessory Drive-Through Facility use is 5,000m² (0.5 ha).

Setback Conditions:

Setbacks	Single-Family	Duplex	Multi-Family	Accessory Buildings	All other uses
<i>Front parcel line – to garage door</i>	7.5 meters	7.5 meters	4.5 meters	N/A	N/A
<i>Front parcel line – to Carport</i>	5.0 meters	5.0 meters	5.0 meters	N/A	N/A
<i>Front parcel line</i>	4.5 meters	4.5 meters	4.5 meters	5 meters	5 meters
<i>Interior side parcel line</i>	1.5 meters	1.5 meters	3 meters	1 meter	1.5 meters
<i>Exterior side parcel line</i>	3.5 meters	3.5 meters	4.5 meters	3 meters	4.5 meters
<i>Rear parcel line</i>	4.0 meters	4.0 meters	4.0 meters	1 meter	4.0 meters

- i. Notwithstanding the setback conditions, Commercial and Mixed Commercial/ Residential Buildings within **Area 2** may have a 0-meter setback from a front, and interior side parcel line.
- ii. Garage doors shall be setback a minimum of 0.6m (2ft) from the front building line.

- b. Within that part of the lands identified as **Area 1** on the CD8 Zone Map:

Maximum Building Height	Residential Facility	Personal Care Facility	Seniors Congregate Care	Accessory Buildings
	22 meters	22 meters	22 meters	7.5 meters

- c. Within that part of the lands identified as **Area 2** on the CD8 Zone Map:

Maximum Building Height	Single-Family	Duplex	Multi-Family	Accessory Buildings	All other uses
	10 meters	10 meters	22 meters	7.5 meters	22 meters

- d. Within that part of the lands identified as **Area 3** on the CD8 Zone Map:

Maximum Building Height	Single-Family	Duplex	Multi-Family	Accessory Buildings
	8.5 meters	10 meters	12 meters	7.5 meters

- e. Within that part of the lands identified as **Area 4** on the CD8 Zone Map:

Maximum Building Height	Single-Family	Duplex	Multi-Family	Accessory Buildings	All other uses
	10 meters	10 meters	15 meters	7.5 meters	15 meters

- f. Within that part of the lands identified as **Area 5** on the CD8 Zone Map:

Maximum Building Height	Mixed Use	Multi-Family	Accessory Buildings	All other uses
	20 meters	15 meters	7.5 meters	10 meters

9. Landscape Screening and Buffering

- a. A fully treed contiguous landscape buffer shall be maintained to a minimum 3.0m depth, on all parcels or portions of parcels that abut the Trans-Canada Highway.
- i. This strip may be interrupted to provide necessary access to the parcel.

10. Specific regulations

- a. For single-family and duplex dwellings, the width of a garage door shall not exceed more than 50% of the building width.
- b. Not more than one dwelling unit, except for parcels in **Area 2**, **Area 3**, and **Area 4**:
- i. In **Area 2**, **Area 3**, and **Area 4**, parcels that are 1,200m² or larger may have more than one dwelling per parcel provide that the total number of single-family dwellings does not exceed one per each 300m² of parcel area;
- ii. Despite any other bylaw provision, a covenant under Section 219 of the Land Title Act shall not be required to prohibit further subdivision or the registration of any form of strata plan under the *Strata Property Act* for a lot containing more than one dwelling.
- c. Private access roads shall have a minimum unobstructed width of 6.0m and shall accommodate a minimum turning radius of 15.2 m² (50ft).
- d. Private access roads in excess of 90m in length shall include a hammer-head or turnaround sufficient for emergency access and curbside collection vehicles.

11. Multiple Family Dwelling Special Regulations

- a. For mixed-use properties, all residential uses must be located above commercial use except for an entrance, lobby or amenities that are for the exclusive use of the residential use.
- b. Multi-Family dwelling units shall have a private amenity space of not less than 15m² located to the rear or side of the dwelling unit. No dimension of this space shall be less than 3m.
 - i. This space shall be designed and landscaped for the outdoor leisure activities of the residents of the dwelling unit.
 - ii. The amenity space may be located above grade where units are designed at different elevations.
- c. Multi-Family dwelling units shall have a common usable space available for safe and convenient use by occupants of the building.
 - i. If located outside, usable open space shall be at least 100m² and shall have a compact, level surface, have no dimension of less than 6 m, and shall provide for recreational space and other leisure activities normally carried on outdoors.

12. Drive Through Facility Special Regulations

- a. Drive-Through Facilities shall include the following design components:
 - i. Drive-Through Facilities shall not be located within- or attached to- a building that contains a residential use.
 - ii. Drive-through facilities shall be setback a minimum of 18 meters of any property line shared with a zone that permits a residential use.
 - iii. Drive through lanes shall be screened from the public road and adjacent properties with a landscape buffer measuring at least 4.5m wide, and 1.5m tall.

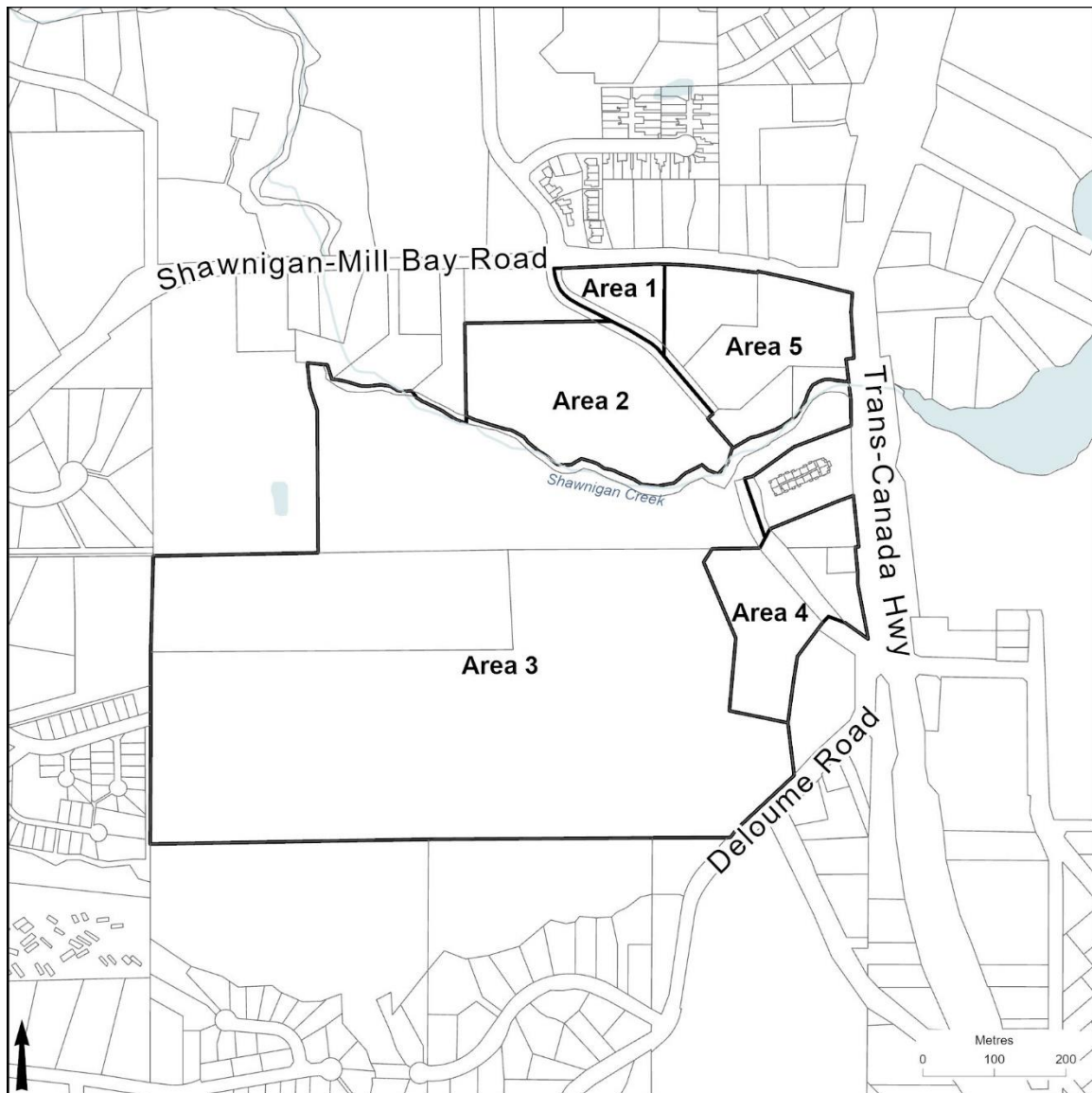
13. Parking

- a. In addition to any other bylaw provision, the following parking provisions apply within the CD-8 Zone:
 - i. For properties that include a secondary suite, all required parking shall be provided outside of a garage;
 - ii. Parking spaces located within a front yard shall be wholly contained within the parcel that they serve.
- b. Despite any other bylaw provision, the following additional parking provisions apply within the CD-8 Zone:

Use	Required Parking Spaces	Required Loading Spaces
Residential Facility use	1 space for every 3.3 residential units	1 loading space The loading space may be shared between a Residential Facility use and Personal Care Facility use if located on the same parcel or strata plan.
A Personal Care Facility Use	1 space for every 5 residential units	1 loading space The loading space may be shared between a Residential Facility use and Personal Care Facility use if located on the same parcel or strata plan.
A Restaurant use,	1 space for every 100 m ² of	0 loading spaces

accessory to a residential facility or personal care facility	gross floor area	
Retail, accessory to a residential facility or personal care facility	4.5 spaces for every 100 m ² of gross floor area	1 loading space

14. CD-8 Zone Map



3. FORCE AND EFFECT

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

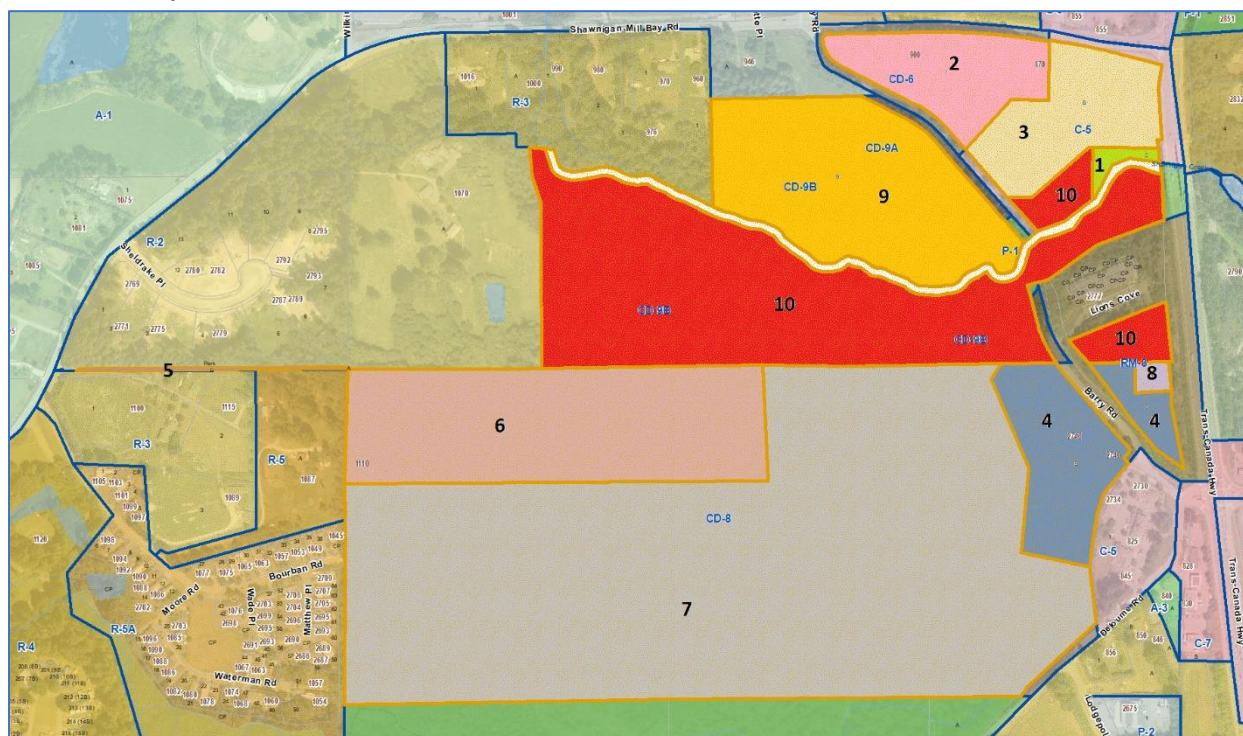
READ A FIRST TIME this	_____	day of	_____.	2024.
READ A SECOND TIME this	_____	day of	_____.	2024.
A PUBLIC HEARING HELD in ACCORDANCE WITH THE	_____	day of	_____.	2024.

LOCAL GOVERNMENT ACT this				
READ A THIRD TIME this	_____	day of	_____,	2024.
RECEIVED MINISTRY OF TRANSPORTATION & INFRASTRUCTURE APPROVAL this	_____	day of	_____,	2024.
ADOPTED this	_____	day of	_____,	2024.

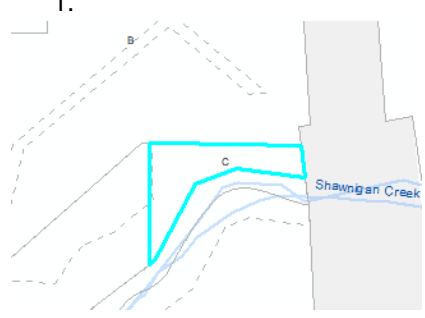
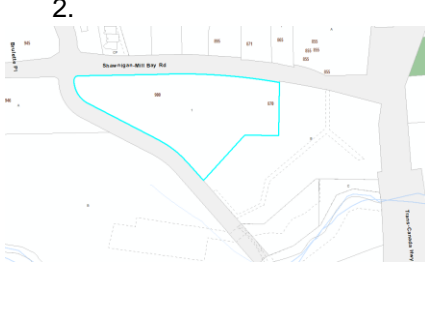
Chair


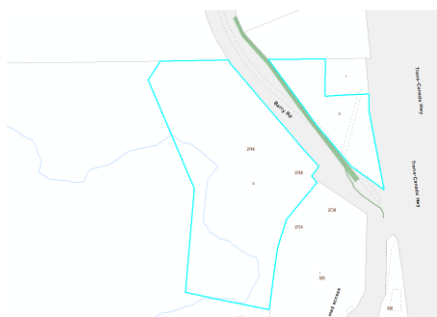
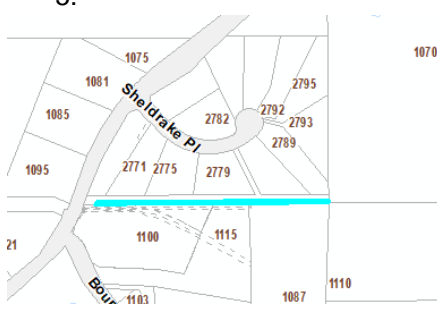
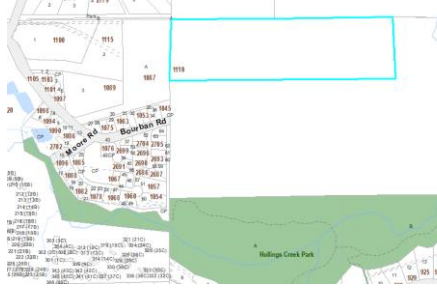
Corporate Officer

Overview Map



Lot Breakdown

PID	Zone	Proposed Zone	OCP	Map
010-208-089 Area: 2,023 m ²	C-5 – Village Commercial 5	CD – Area 5	Regional: Commercial LAP: Village Commercial	1. 
025-942-310 Area: 22,095 m ²	CD-6 – Village Comprehensive Development 6 – Congregate Care	Split: CD – Area 1 CD – Area 5	Regional: Residential LAP: Mixed-Use Comprehensive	2. 

000-278-131 Area: 25,292 m ²	C-5 – Village Commercial 5	CD – Area 5	Regional: Commercial LAP: Village Commercial	3. 
009-488-286 Area: 31,067 m ²	CD-8 – Village Comprehensive Development 8 – Stonebridge South RM-3 – Medium Density Multiple Family Residential 3	CD – Area 4	Regional: Residential LAP: Stonebridge Comprehensive Development	4. 
009-487-247 Area: (combined with PID 009-487-221)	R-2 – Village Suburban Residential 2	No Change: This strip is identified to be a trail connection	Regional: Residential LAP: Village Residential	5. 
009-487-221 Area: 68,472 m ²	CD-8 – Village Comprehensive Development 8 – Stonebridge South	CD – Area 3	Regional: Residential LAP: Stonebridge Comprehensive Development	6. 

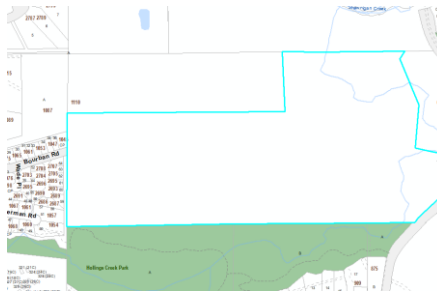
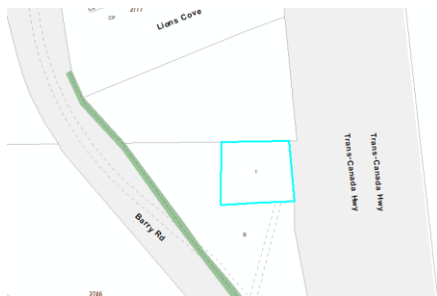

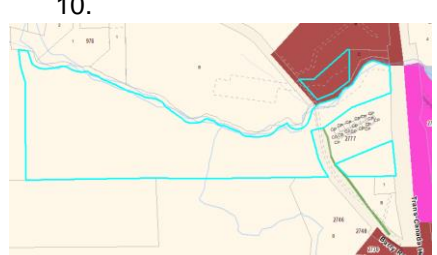
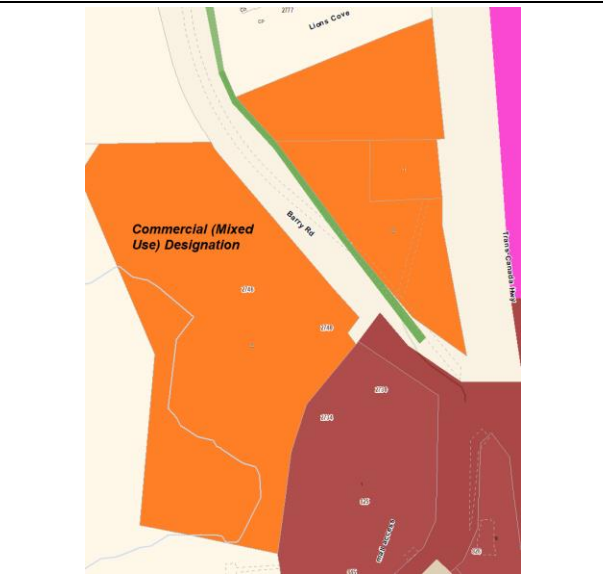
009-528-601 Area: 271,220 m ²	CD-8 – Village Comprehensive Development 8 – Stonebridge South	CD – Area 3	Regional: Residential LAP: Stonebridge Comprehensive Development	7. 
004-173-287 Area: 1,885 m ²	RM-3 – Medium Density Multiple Family Residential 3	CD – Area 4	Regional: Residential LAP: Multi-Family Residential	8. 
029-533-601 Area: 57,396 m ²	CD-9A – Village Comprehensive Mixed Use 9A CD-9B – Village Compressive Residential 9B P-1 – Parks 1	CD – Area 2	Regional: Residential LAP: Stonebridge Comprehensive Development	9. 
009-497-803 Area: 120,531 m ²	CD-9A – Village Comprehensive Mixed Use 9A CD-9B – Village Compressive Residential 9B RM-3 – Medium Density Multiple Family Residential 3 P-1 – Parks 1	Split: CD – Area 3 CD – Area 4 CD – Area 5	Regional: Residential LAP: Stonebridge Comprehensive Development <u>Portion in Red:</u> Regional: Commercial LAP: Village Commercial	10. 

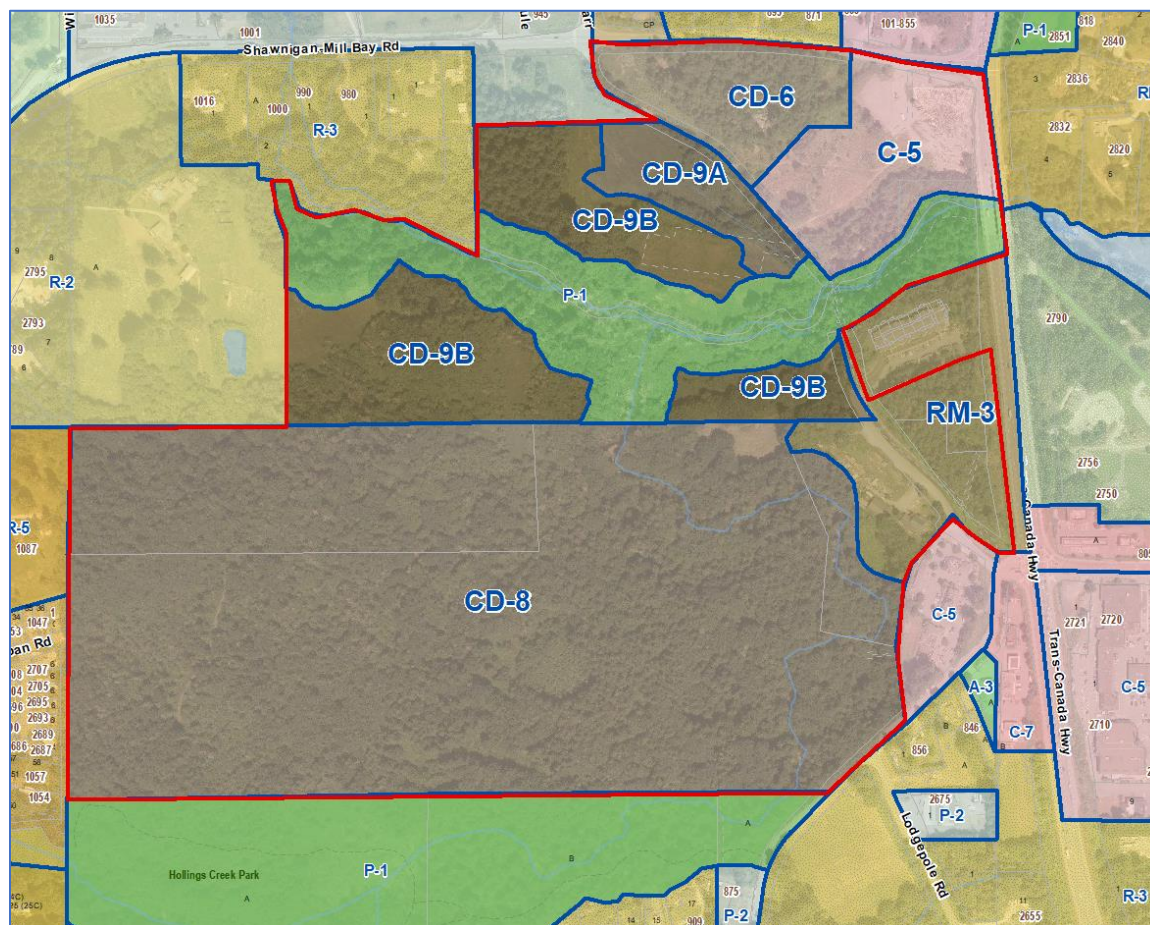
Table 1 - [CD-6](#) lands: Proposed OCP Designation Change

Current	Proposed
	

Table 2 - [RM-3](#) lands: Proposed OCP Designation Change

Current	Proposed
	

Existing Zoning Map



Zone Comparison Table

Existing Zones	Proposed CD Zone
<p>Approximately 2.2 ha (22,095 m²) of the subject lands are zoned CD-6</p> <ul style="list-style-type: none"> Permits senior's congregate housing and accessory commercial and service uses. Minimum parcel size is 1 hectare (10,000 m²). Maximum density of residential facility units and personal care units combined shall not exceed 80 units per hectare (approx. 176 units for the subject lands). 	<p>Area 1 – replaces the existing CD-6 zoning, and reduces the land area available for seniors congregate care.</p>
<p>Approximately 1.49 ha (14,904 m²) of the subject lands are zoned CD-9A</p> <ul style="list-style-type: none"> The CD-9A zone permits Seniors residences and multi-family dwellings on lots 1,000 m² or larger. A maximum number of 140 dwelling units are permitted in this zone. 	<p>Area 2 – replaces a portion of lands zoned CD-9B, and all of the lands zoned CD-9A.</p>

<p>Approximately 7.86 ha (78,632 m²) of the subject lands are zoned CD-9B</p> <ul style="list-style-type: none"> • The CD-9B Zone allows for a minimum parcel size of 450 m² (single family), 700 m² (duplex), and 1,000 m² (multi-family). • Maximum 140 dwelling (subject to the transfer of riparian assessment areas for park purposes, amenity contributions, and two serviced duplex parcels). <p>Approximately 34 ha (345,727 m²) of the subject lands are zoned CD-8.</p> <ul style="list-style-type: none"> • Minimum parcel size of 450 m² (single family), 700 m² (duplex), and 1,000 m² (multi-family). • Secondary suites permitted on lots 600 m² or larger for single-family, and on all duplex lots. • The base number of units (not including suites) that can be created are 325 units (subject to 8 ha of land being transferred to the CVRD). 	<p>Area 3 – replaces the remainder of the lands zoned CD-9B, as well as the lands zoned CD-8.</p>
<p>Approximately 2.48 ha (24,840 m²) of the subject lands are zoned RM-3</p> <ul style="list-style-type: none"> • The RM-3 Zone allows for a minimum parcel size of 2,000 m² for multi-family dwellings. • This zone allows accessory commercial uses on lots where a multi-family dwelling has been established • The RM-3 zone allows for a maximum of 35 dwelling units per hectare (approx. 86 units for the subject lands). 	<p>Area 4 – replaces the existing RM-3 zoning</p> <ul style="list-style-type: none"> • Drive-Thru, and Workforce housing/ long-term hotel stay uses added.
<p>Approximately 3.14 ha (31,482 m²) of the subject lands are zoned C-5</p> <ul style="list-style-type: none"> • Allows for commercial uses, as well as multiple family residences above the ground floor of any building. • Minimum parcel size is 1,000 m² for parcels serviced by a community water and sewer system. • Allows for a maximum of 20 dwelling units per hectare (approx. 62 units for the subject lands). 	<p>Area 5 – replaces the existing C-5 zoning</p> <ul style="list-style-type: none"> • Drive-Thru, and Workforce housing/ long-term hotel stay uses added.

Referral Response Summary

Application No. RZ23A03 Stonebridge

Organization: CVRD Utilities

Date of Response: January 18, 2024

Name/Title: Louise Knodel-Joy/Vanessa Thomson

Level of Support: (Support with Conditions)

Comments:

On January 10, 2024 the CVRD Board voted to approve the Mill Springs Sewer System Extension Agreement. This means that the Mill Springs Sewer Service Establishment Bylaw has been amended to extend the boundary of the Mill Springs Sewer Service Area, and includes the 'Stonebridge' lands.

1. For clarity, the *Limona and Stonebridge Development affiliated companies* have secured rights to 343 Equivalent Units to the Stonebridge and Lodgepole lands:
 - a. **For Stonebridge:** the developer is proposing up to 1,000 residential units plus commercial buildings in their new comprehensive development zone
 - b. **For Lodgepole:** the developer is proposing 12 residential units (11 are presently permitted under existing zoning)
 - c. **End Result:** There is insufficient capacity to service the residential and commercial development proposed under the new comprehensive development zone, as well as the density permitted under existing zoning.
2. Once the developer maximizes their Units of Sewer they will be responsible for:
 - a. Funding and undertaking a 'Sewerage Study' to the satisfaction of the CVRD, to confirm capacity (or required works to add capacity), and to pay the actual costs of connection and any upgrades required.
3. As the developer will be responsible for any/all costs associated with further expansions (if required) to the Mill Springs Sewer System to service their development, the Utilities Division does not have concerns with the proposed density. This is based on the understanding that the existing servicing provisions are also proposed in the new proposed comprehensive development zone: *"All occupied buildings in the CD Zone shall be serviced by a community water system and a community sewer system as a condition of use"*
4. We have communicated to the developer that *since the Limona and Stonebridge Development affiliated companies* have only secured 343 Equivalent Units of sewer the Utilities Division cannot guarantee any density in excess of 343 units, at this time.
 - a. When future phases of development are proposed that surpass 343 equivalent units, development will not be able to move forward until additional equivalent units are secured (and any cost to expand the system would be borne by the developer)
5. Regarding Commercial development, we understand that the developer has provided a preliminary concept plan (which is subject to change) showing 9 buildings with 9,290.30 m² of total combined commercial floor area; further, we understand that additional commercial development is permitted elsewhere in the subdivision.
 - a. For clarity, 1 equivalent unit generally equates to commercial usage; not floor area. This can be verified by a qualified professional.
 - b. The Utilities Division would anticipate referrals at time of Building Permit and Development Permit so that we can comment on the capacity to serve the development based on the number of Equivalent Units secured.
6. To proactively address the question *"why not ask that the developer secure all 1,000+ equivalent units today"* – As noted in our September 6, 2023 Referral Response, The

Utilities Division recognizes that the anticipated timeline for the development of 10-15 years.

- a. The lack of capacity is not an issue at this time; further, when/if it becomes an issue, the developer will be responsible to update the system to accommodate any additional capacity required to service their development. The treatment plant and discharge lands currently have capacity for future expansion of the system.

Organization: Island Health
Name/Title: Angela Wheeler, CPHI(C)
Healthy Built Environment

Date of Response: December 22, 2023
Level of Support: (Comments provided.)

Comments:

Recommendations under Island Health's Healthy Built Environment Initiative:

With increasing concerns for hotter summers, consider recommending cooling options as part of

- development of the parcel. Cooling options such as permeable or reflective paving materials, drought resistant vegetation, light-coloured rooftops, overhangs or awnings for west and southwest building faces, passive building cooling design features and energy efficient mechanical systems to help lessen heat related health impacts.
- The applicant noted a lack of water resource capacity to support the existing density of 929 units. Island Health supports the Environmental Services Divisions recommendations to tie increase density to available infrastructure and water resource capacity to ensure development is aligned with service capacity. Any future expansion of infrastructure and water resource capacity could subsequently allow for increases in density.
- With an increase in seasonal drought conditions in the region the addition of water quantity conservations measures such as low flow devices are encourages where possible to help lessen the demand on water resources.
- Retain as much of the existing natural environment (i.e. mature trees) as possible. Tree/shrubbery screening also provides a barrier to noise, helps improve air pollution, and lessens the impacts of extreme weather events, including providing shade and cooling during heat waves, and providing stability during heavy rain events to lessen flooding.
- The adoption of idle-free policies, especially where drive-thru businesses are allowed, can lessen air quality impacts of a denser development. A decrease in vehicle emissions will decrease exposure to air pollutants and reduce the risk of respiratory and cardiovascular disease.
- Pedestrian walkways should be designed and installed for people of all abilities, such as ensuring easy access for mobility devices. Differentiation in materials from driveway and parking lot to delineate it as pedestrian use will improve safety and comfort. Provision of lights along walkways and incorporating traffic calming within the development will enhance walkability. Walkable neighbourhoods positively influence mobility and physical activity levels.
- The inclusion of traffic calming methods can help reduce and increase pedestrian and cyclist safety as well as encourage active transportation.

[NOTE See attached letter for additional comments]

Organization: Mill Bay Water District
Name/Title: Paul Caver, District Manager

Date of Response: January 3, 2024
Level of Support: (Comments provided)

Comments:

At present there is insufficient water volume to service this development. The developer will be required as a condition of development to provide source water volume that is sufficient to support the full build out of the planned development, along with all supporting infrastructure. The developer is required to adhere to all Mill Bay Waterworks District bylaws, specifications, and development related requirements.

For clarity, the above statement regarding the lack of capacity is in relation to our existing water system and its inability to support new development regardless of density, although consideration is given to small infill developments to connect, provided payment is received of the required Capital Expenditure Charges (CEC's).

We do not consider RZ23A03 Stonebridge to be a small infill project. There is no capacity in our system to support this project. With the exception of infill developments as mentioned above, all new development that will increase density is required to provide sufficient source water for that development, along with all supporting infrastructure. New development must adhere to all Mill Bay Waterworks bylaws, standards and specifications, policies, and good engineering practice.

We understand that a CVRD condition of both the existing- and proposed- zone is that *"All occupied buildings shall be serviced by a community water system and a community sewer system as a condition of use."*

For clarity, the developer is ultimately responsible to provide (through licensing) an approved water source of sufficient volume for their development, along with all supporting infrastructure (treatment, storage, distribution system, connections, hydrants, etc.).

For reference - where a developer proposes to provide (through licensing) an approved water source, our process (at a high level) is as follows:

1. An owner/developer is required to drill a well (or wells) and prove that well(s) has capacity to support that development.
2. The owner/development is required to make application to the province for a license to draw water from the ground. (MBWD will review that application prior to submission).
3. Mill Bay Waterworks is always co-applicant on these applications since ownership of the well, and all other supporting infrastructure will become ours at the completion of the project.
4. The water license (if/when issued by the province) will be issued under the name of Mill Bay Waterworks District.
5. Mill Bay Waterworks staff, along with our engineer work closely with developers and their engineers to review and ultimately approve the design of the new water system.

Organization: BC Transit
Name/Title: Aaron Thompson, Transit Planner

Date of Response: Nov, 29, 2023
Level of Support: (Comments Provided)

Comments:

BC Transit's recommendations are as follows:

- That the Deloume Road Park & Ride is maintained or improved through the development process
- That the recommendations listed under the "Transit Supportive Land-use and Design" section are considered as part of this application.
- That consideration be given to improving the customer amenities available at the adjacent bus stops.

[NOTE See attached letter for additional comments]

Organization: CVRD Transit
Name/Title: Rachelle Rondeau

Date of Response: Dec 19, 2023
Level of Support: (Support with Conditions)

Comments:

The Deloume Road Park and Ride which is adjacent to the southern portion of the subject property was established with approximately 24 spaces in 2018. This area was chosen due to proximity to Frayne Road and Lodgepole and was excess MOTI land. It was established due to space limitations and capacity concerns at the original Frayne and Lodgepole Road Park and Ride across from Serious Coffee (**Site Sketch and Completion Photo Attached**).

Additional transit supportive infrastructure (a shelter or bench) could be beneficial at existing bus stops (either Deloume Road Park and Ride or those on Shawnigan Lake – Mill Bay Road or both):

- a. To add a shelter at Deloume Road Park and Ride may require additional land dedication, which could be provided as a benefit from the applicant.
- b. Likewise, along Shawnigan Lake – Mill Bay Road, a survey would be required to identify the MOTI land available and whether a transit shelter and corresponding pad could be integrated into the existing road allowance.
- c. If the developer is designing various access and egress points, they should consider locations of bus stops and proposed transit supportive infrastructure in their design.

While, the CVRD Transit Division can apply to the BC Ministry of Transportation and Infrastructure for grants that could fund some improvements to transit infrastructure (Transit Minor Betterments Fund), it is recommended the applicant participate in the process of improvements to ensure that the development is well connected to transit. The developer may also be amenable to in-kind contributions during construction or providing transit amenities that would benefit their development/prospective residents.

The following should be considered in the design phase:

- a. Transit friendly road layout;
- b. Pedestrian connectivity;
- c. Potential additional road dedication to add a transit shelter at Deloume Road park and ride; and,
- d. Incorporating transit bus stops and associated infrastructure requirements/space needs during the design phase.

Organization: School District 79

Date of Response: Jan 22, 2024

Name/Title: Jason Sandquist, Secretary-Treasurer

Level of Support: (Comments Provided)

Comments:

The School District is quickly reaching capacity at all of its schools in the South End. Based on its location, this development will be part of the George Bonner and Frances Kelsey catchment areas (these two schools are reaching capacity)

It is likely that a neighbourhood of 900 or so homes (as presently permitted under existing zoning) could generate approximately 126 students if we apply the following yield rates:

- Apartments .12*
- Townhomes / Duplex .11*
- Single Detached Dwellings .15*
- Single Detached Dwellings with Secondary Suite .17*
- Average .14*

Yield rates depends on the timing of build out and how that will align with the regular ebbs and flows of school enrolments; however, if the rezoning is approved, and the number of households increases to 1,000. We could be seeing an increase from approx. 126 students to approx. 140 students.

Both Frances Kelsey and George Bonner will already be at capacity even without this development (either at 929 units as presently permitted, or at 1,000 units as proposed). It is likely at some point that if development continues (in the Mill Bay and Cobble Hill communities) that the School Board will need to secure an additional school site.

Organization: BC Hydro

Date of Response: January 10, 2024

Name/Title: Monique Mak

Level of Support: (No Objection)

Comments:

The following comments are for the property owner's information:

1. For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property.
2. It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafeBC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).
3. Should the development require distribution service, changes to the property's service or the relocation of distribution lines, please contact BC Hydro's Electrical Service Coordination Centre (ESCC) at 1-877-520-1355.

Organization: Malahat Nation Name/Title: Kate Richey, Referrals Coordinator	Date of Response: January 30, 2024 Level of Support: (No Objection)
<p>Comments:</p> <p>Thank you for your consultation request dated November 22nd 2023, regarding Application No. RZ23A03 (Stone Bridge) located in Malahat Nation's traditional territory.</p> <p>At this time and with the information we have been provided, Malahat Nation does not object to the proposed application to consolidate and update zoning.</p> <p>Malahat is participating in ongoing conversation around the carrying capacity of local aquifers and watersheds. The Nation acknowledges and confirms the applicant's statement that there is insufficient water to support the density that is currently permitted under existing zoning, and that while the applicant can submit for reduction of minimum lot sizes to increase potential density through zoning, the constraints of current water usage in the area and these servicing constraints will be the limiting factor on the actual build out of the site.</p> <p>We require continued disclosure on an ongoing basis regarding this zoning application.</p>	
Organization: Ministry of Transportation and Infrastructure (MoTI) Name/Title: Tara Breysen, Development Services Officer	Date of Response: February 16, 2024 Level of Support: (More Information Needed)
<p>Comments:</p> <p>Please accept this email as MOTI's response to the above rezoning referral. The proposed Zoning Bylaw Amendment falls under section 52 of the Transportation Act.</p> <p>The Ministry is not in approval of the Urban Standard road design that the developer has proposed. All roads within the development must be designed to Chapter 1400 of the BC Supplement to TAC Geometric Design Guide, 2019. The Ministry does not have the capacity to maintain sidewalks, enclosed ditches, parking stalls and lighting.</p> <p>If the developer or the CVRD wishes to depart from the Chapter 1400 Ministry standard roads, there are three possible ways to accomplish this:</p> <ol style="list-style-type: none"> 1. The devolvment could be re-designed as a bare land strata development. 2. The CVRD could consider establishing a service are which would need to include enclosed ditches, sidewalks, parking stalls and street lighting, however the Ministry would still require 20 metre wide road dedication 3. The developer can request and receive variance approval from the Ministry of Transportation and Infrastructure Chief Engineer. The Developer contacted MOTI's chief Engineer [Feb 2024], but [the Engineer] has not reviewed or commented on the proposed variance <p>The Ministry has received a Traffic Impact Assessment for the North portion of the Stonebridge Project as well as a Design Brief as part of his Phase 1 application. Those documents have been sent to our Engineer for review. Prior to further comments on the rezoning, we will need to receive and review a TIA for the South portion of the project as well</p>	
Organization: West Coast Water Authorizations Name/Title: Angela Cameron	Date of Response: December 4, 2023 Level of Support: (Comments Provided)

Thank you for sending this referral to our West Coast Water Authorizations team. We've taken a look at the referral package and have prepared this response for your planning staff to consider:

West Coast Water Authorizations is aware of two new groundwater licence applications (file numbers 20016269 and 20024103) for which the Limona Group (Stonebridge development) is a co-applicant with Mill Bay Waterworks District.

- We are aware that the volumes requested for the development thus far would not support their full build out and that they are looking for additional sources of water.
- If granted, the water licenses will ultimately be held by Mill Bay Waterworks District to support approved density and new development for the proposed Stonebridge build-out.
- The application volume for file 20024103, was issued as part of a licence issued to Mill Bay Waterworks District under file 20014808 on December 14, 2023.
- As of Jan 11, 2024, the other application that Stonebridge is a co-applicant (file 20016269) is still under consideration.

Regarding the licence issued to Mill Bay Waterworks District under file 20014808

- Please note that this licence combines the applications for several files within the bedrock aquifer (20014808, 20007388, 20012563, and 20024103).
- The licence includes a phased approach and requires an adaptive water monitoring and operation plan to be developed by Mill Bay Waterworks District and accepted by the Water Manager.

The Conditional Water License (file 20014808) includes (but is not limited to) the following terms/conditions:

- The maximum quantity of water which may be diverted is 280,600 cubic metres per year, which will be allowed in phases, and provided the maximum daily diversion does not exceed 1690 cubic metres.
- Prior to diversion and use of the initial volume of water (Phase A) authorized in clause (e) the licensee must:
 1. Develop an adaptive water monitoring and operation plan suitable to determine the nature of potential impacts, as a result of pumping, to the source aquifer, senior water rights holders, and Indigenous Interests, to the satisfaction of the Water Manager under the Water Sustainability Act;
 2. Upon acceptance of the adaptive water monitoring and operation plan, obtain written leave to commence the diversion and use of water from the Water Manager under the Water Sustainability Act; and
 3. Implement the adaptive water monitoring and operation plan.

For Clarity:

- Final Water Licences do not provide any more rights/obligations than Conditional Water Licences. The current licence is designed to take a phased approach to address uncertainty around water availability. The ability to use the full licensed volume will be dependent on the results of monitoring over time.

- The Stonebridge development accounts for 84,282 cubic metres per year of the volume licensed under file 20014808. MBWD and Stonebridge development have applied for a further 64,705 cubic metres per year file 20016269 (which is under review).
- It is our understanding that Mill Bay Waterworks District (MBWD) is using 400 liters per capita per day (lpcd) as their standard for water requirements and are working to reduce this volume over time. Stonebridge believes that their development will use much less than this. If the development does use less liters per capita, a higher density may be feasible.
- West Coast Water Authorizations team does not have any objections to the CVRD proceeding with rezoning the lands given the understanding that a CVRD condition of development is that “All occupied buildings shall be serviced by a community water system and a community sewer system as a condition of use.”

Decisions under the Water Sustainability Act (WSA) are independent from zoning decisions. Changes to zoning do not create an obligation to issue a water licence nor would it fetter a decision under the WSA. If the proponent does not obtain approvals for water volumes that would sufficiently support their current or proposed build out – they would have to reduce the density of their development to that which can be supported by current water volumes



December 22, 2023

Richard Buchan
Planner III, Development Services
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

Sent via email to: Richard.buchan@cvrd.bc.ca

Dear Richard Buchan:

Re: Review – Application RZ23A03 (Stone Bridge) Zoning Consolidation

Thank you for the opportunity to comment on the application RZ23A03 to consolidate existing zoning into one comprehensive development zone with five areas. The past few years have seen significant advances in linking urban planning with a variety of health outcomes. These include, encouragement of physical activity, healthier eating, greater safety, cleaner air and healthier living environments, access to health services, food security, age friendly communities, and improved social interaction.

Island Health appreciates the opportunity to provide evidence-based recommendations and comments for this referral, as itemized below:

Highlights

- The proposed zoning consolidation into one comprehensive development zone will increase options for single family, duplex and multi-family dwellings for a variety of types of living accommodation will help increase access to housing amongst income brackets. As well, the applicant proposes to transfer land parcels to a supportive housing provider to allow an increase in affordable housing options in the area. Increased access to more affordable housing decreases the frequency of moving between residences. Housing stability helps reduces stress and enables people to care for themselves and their families' better. The increase in density proposed by offering multi-family units offers more affordable options. Quality housing is associated with an increased sense of safety, decreased crime, and improved social connections. These factors help people enjoy better health and improved quality of life.
- This amendment will add densification and allow for commercial (mixed use) development to support the creation of compact neighbourhoods. Densification, with provision of amenities can increase proximity to work, schools and recreational opportunities therefore reducing vehicle dependency and increasing engagement in walking, cycling and physical activity, thereby providing a positive impact on health outcomes.

Gateway Village Health Unit

201 - 771 Vernon Avenue | Victoria, BC V8X 5A7
Email: Gateway_office@viha.ca

Tel: 250.519.3401 | Fax: 250.519.3402
www.islandhealth.ca

Excellent health and care, for everyone, everywhere, every time.

- The applicant will maintain the park fund contributions and will transfer greenspace with trail improvements and usable park space for a tot lot. The acquisition of natural areas to increase park development will preserve/increase greenspace and outdoor recreational places for people to interact with nature and serve as a place for social connections. Health evidence shows a strong link between exposure and engagement with nature and the reduction of stress, chronic diseases, depression, and anxiety as well as improvements in cognitive functions. Preservation of the natural environment also helps protect against adverse weather events such as extreme heat and flooding.
- The proposal includes allowance for a long-term stay hotel for use as workforce accommodations. Affordable options for workers in the region. Available options for worker accommodations in the region will help support a vibrant economy in the region.

Regulatory Considerations

The application proposes to consolidate zoning to one comprehensive Development zone with five areas. Permitted uses within some of these areas include home-based business, community service facility, residential facility, seniors congregate care, unlicensed daycare, and group daycare. Some of these uses may be subject to regulatory considerations that fall under the jurisdiction of Island Health's Environmental Public Health (EPH) department, such as:

Food Premises

EPH has a regulatory role in food premises under the *Food Premises Regulation* from construction to operation. Any construction of new food premises as a home occupation must be undertaken with the issuance of appropriate construction and operating permits. If a property owner opens a food premises, the food premises regulation would apply. For more information, please see: [Island Health Food Safety](#).

Drinking Water Supply Systems

EPH has a regulatory role in accordance with the *Drinking Water Protection Act* and *Regulation* with respect to water supply systems. Any construction, installation, alteration, or extension of (a) a water supply system, or (b) works, facilities, or equipment that are intended to be a water supply system or part of a water supply system, must be issued a construction permit from our Public Health Engineer. For more information, please see: [Island Health Drinking Water Legislation & Approval](#).

Recreational Water: Pools

EPH has a regulatory role in recreational water (pools and hot tubs) from construction to operation. Construction of any pool must be undertaken with the appropriate construction permit. Any new or existing and unapproved pool must obtain an operating permit from our office. For more information, please see: [Island Health Recreation Water & Beach Reports](#).

Child Care Licensing

EPH has a regulatory role in the approval and licensing of childcare facilities in accordance with the *Community Care and Assisted Living Act*, and the *Child Care Licensing Regulation*. For more information, please see: [Island Health Child Care Licensing](#).

Sewerage Systems

The Mill Bay/Malahat Local Area Plan establishes that local servicing requires improvement as follows:

“A major challenge for Mill Bay will be to ensure that servicing is improved. There is a community water system, operated effectively by the Mill Bay Waterworks Improvement District. However, only small pockets within the community currently have community sewer services. The policies in the OCP support the future provision of community sewer services in Mill Bay Village, both to allow growth and to prevent the possibility of future impacts on Saanich Inlet.”

Insufficient wastewater treatment could result in environmental, human health and economic impacts, such as oxygen depletion, beach closures and other restrictions on recreational water use, fish and shellfish harvesting and consumption, and drinking water.

Therefore, EPH supports the Cowichan Valley Regional District (CVRD) plan to amend the [South Sector Liquid Waste Management Plan](#) toward:

“...ensur(ing) that key areas are serviced by a class A community sewer collection and treatment system. Development that occurs prior to the CVRD system being established will be required to provide a class A system that can later be retrofitted to connect to the future system.”

We encourage the applicant to explore opportunities to apply the principles of stormwater planning when amending or drafting a liquid waste management plan. In recognition of the effects of climate change, specifically the increased occurrences of drought and flood events on Vancouver Island, the guiding principles of integrated stormwater management empower us to reframe a potential emergency event to one of resource gathering and reclamation. More information about stormwater planning as a valuable component of a liquid waste management plan is available here: [Stormwater Planning](#).

We would also like to acknowledge the recent repealing of guideline document, *The Sewerage System Regulation and Municipal Wastewater Regulation: Jurisdictional Flow Divide for Onsite Sewerage Systems (Version 1.0 / January 2017)*. The Ministry of Health and the Ministry of Environment (MoE) had jointly developed this guideline to clarify the intent of sections of the relevant wastewater legislation to specify the maximum design daily flows (DDF) for onsite sewage systems permitted under each regulation and represent the dividing line between large and small onsite systems. This guideline supported the construction of multiple small on-site sewerage systems on a property under the jurisdiction of the SSR, in place of the construction of a single, large on-site system. The repealing of this guideline may impact development permit applications received by the CVRD.

The applicant is advised to contact the Ministry of Environment to discuss their responsibilities under the Environmental Management Act and the Municipal Wastewater Regulation. For more information, please see: [Waste Management](#). For guidance in determining which regulation applies, contact your [regional health authority](#) or the [Ministry of Environment and Climate Change Strategy](#). The final decision in any individual case is determined by the regulator, which may involve collaboration through a referral and review from one agency to the other.

Recommendations under Island Health’s Healthy Built Environment Initiative


- With increasing concerns for hotter summers, consider recommending cooling options as part of development of the parcel. Cooling options such as permeable or reflective paving materials,

drought resistant vegetation, light-coloured rooftops, overhangs or awnings for west and south-west building faces, passive building cooling design features and energy efficient mechanical systems to help lessen heat related health impacts.

- The applicant noted a lack of water resource capacity to support the existing density of 929 units. Island Health supports the Environmental Services Divisions recommendations to tie increase density to available infrastructure and water resource capacity to ensure development is aligned with service capacity. Any future expansion of infrastructure and water resource capacity could subsequently allow for increases in density.
- With an increase in seasonal drought conditions in the region the addition of water quantity conservations measures such as low flow devices are encourages where possible to help lessen the demand on water resources.
- Retain as much of the existing natural environment (i.e. mature trees) as possible. Tree/shrubbery screening also provides a barrier to noise, helps improve air pollution, and lessens the impacts of extreme weather events, including providing shade and cooling during heat waves, and providing stability during heavy rain events to lessen flooding.
- The adoption of idle-free policies, especially where drive-thru businesses are allowed, can lessen air quality impacts of a denser development. A decrease in vehicle emissions will decrease exposure to air pollutants and reduce the risk of respiratory and cardiovascular disease.
- Pedestrian walkways should be designed and installed for people of all abilities, such as ensuring easy access for mobility devices. Differentiation in materials from driveway and parking lot to delineate it as pedestrian use will improve safety and comfort. Provision of lights along walkways and incorporating traffic calming within the development will enhance walkability. Walkable neighbourhoods positively influence mobility and physical activity levels.
- The inclusion of traffic calming methods can help reduce speed and increase pedestrian and cyclist safety as well as encourage active transportation.

If you have any questions or comments, please do not hesitate to contact the undersigned for further clarification or to discuss further.

Sincerely,



Angela Wheeler, CPHI(C)
Healthy Built Environment Consultant

AW/cmd

cc: Heather Hutton, Team Lead
Alison Gardner, District Environmental Health Officer

Development Referral Response

November 29, 2023

Development Location: Stonebridge Lands

Local Government: Cowichan Valley Regional District

Transit System: Cowichan Valley Regional Transit System

Local Government Referral Number: RZ23A03

Development Proposal

The rezoning application proposes the following:

- To consolidate and update zoning for the Stonebridge lands into one comprehensive development zone.

Transit Context

The proposed development is partially serviced by Local Transit - Regional Service and Targeted Transit – Interregional Service.

Local Transit - Regional Service generally provides regional connections between communities within the Cowichan Valley and connect rural areas to local activity centres. This includes:

- 8 Mill Bay via Telegraph Road/Duncan via Shawnigan Lake
- 9 Mill Bay via Shawnigan Lake/Duncan via Telegraph Road

Targeted Transit - Interregional Service routes are created to provide interregional connections to other communities. This includes:

- 66 CVX Cowichan - Victoria Express
- 99 SVX Shawnigan Lake - Victoria Express

Policy

The 2023 Cowichan Valley Transit Future Action Plan is an update to 2012 Cowichan Valley Transit Future Plan. The TFAP helps guide transit decisions over the short to medium-term. Of particular note to the subject property are the following changes:

- All of the Local Transit – Regional Service routes are being redesigned. Work on this is on-going, but the details of the changes will be presented to the Cowichan Valley Regional District board for approval.

Transit Supportive Land-use and Design

BC Transit recommends to following:

- Developing a well-connected road network in a grid or grid-like pattern, with no or limited culs-de-sac or dead ends with connections through the property to lands beyond. Having a well-connected road network allows for more flexibility in providing transit service and

redundancy if there are temporary detours needed. It also helps support multi-modal connections to nearby transit stop.

- Consider a connection between Shawnigan-Mill Bay Road through the property to Barry Road/Deloume Road. This would help improve transit movements in the area and connections between Mill Bay and Shawnigan Lake by reducing the number of times the bus needs to go on and off Highway 1.
- Focusing density within 400 metres of existing transit stops. This improves the utilization of existing infrastructure and services without incurring additional costs to the local government.
- Development of appropriate multi-modal street treatments along all internal and adjacent public roads
- Provide on-site pathways to connect buildings and uses to public sidewalks/paths
- Focusing density within 400 metres of existing transit stops. This improves the utilization of existing infrastructure and services without incurring additional costs to the local government.
- Allowing for a mix of residential, commercial, institutional, or recreational uses
- Eliminating or reducing minimum vehicle parking requirements
- Locating on-site parking underground or away from street frontages
- Ensure that vehicle entrances and exits to the property do not interfere with transit operations or create a safety hazard

Transit Infrastructure

Bus Stops and Stations

The following bus stops are within 400 metres of the development:

- Shawnigan Lake-Mill Bay Road at Barry Road (Eastbound) – ID 136268. Customers can access route 9 at this stop. This stop could be improved through the addition of customer amenities, such as a shelter, bench, and transit information.
- Shawnigan Lake-Mill Bay Road at Brulette Place (Westbound) – ID 136270. Customers can access route 8 at this stop. This stop could be improved through the addition of customer amenities, such as a shelter, bench, and transit information.
- Deloume Road at Lodgepole Road (Eastbound) – ID 108052. Customers can access routes 66, 99 at this stop. This stop forms part of the Deloume Road Park & Ride. This stop could be improved through the addition of customer amenities, such as a shelter, bench, and transit information.
- Deloume Road at Lodgepole Road (Southbound) – ID 136269. Customers can access routes 66, 99 at this stop. This stop forms part of the Deloume Road Park & Ride. This stop could be improved through the addition of customer amenities, such as a shelter, bench, and transit information.

Transit Infrastructure

The subject property is adjacent to the Deloume Road Park & Ride. Park & Rides allow for customers outside of the immediate transit service areas to access transit service for part of their

commutes. This Park & Ride location allows customers to access both interregional services to Victoria. As part of any roadworks or improvements in the area, it is imperative that this Park & Ride is maintained.

Discussion and Recommendations

BC Transit's recommendations are as follows:

- That the Deloume Road Park & Ride is maintained or improved through the development process
- That the recommendations listed under the "Transit Supportive Land-use and Design" section are considered as part of this application.
- That consideration be given to improving the customer amenities available at the adjacent bus stops.

BC Transit Level of Support

- BC Transit has no major concerns with the proposed development, subject to the recommendations above.

Thank you for the opportunity to review this proposed development. We would appreciate receiving updates on this proposal as it moves through the various stages of development. If you have any questions or would like further comments on this proposal, please contact:

Aaron Thompson
Transit Planner
BC Transit
athompson@bctransit.com

From: Aaron Thompson

Sent: Thursday, December 7, 2023 9:17 AM

To: Richard Buchan; Rachelle Rondeau

Subject: RE: Referral to External Agencies regarding Rezoning Application No. RZ23A03 Stonebridge

Richard,

I've put some circles on the map to indicate the location of nearby transit stops as well as a "cloud" area showing the approximate location of the Park & Ride.

I didn't mention the two bus stops closest to Highway 1, but have indicated them on this map. These stops both lack customer amenities and could be improved, particularly if there is grading happening in the area that would allow for more space.

Understanding this is just a preliminary map, I do have a few comments:

- The road network could have more connectivity with less dead-ends or cul-de-sacs.
- Even if the Barry Road doesn't cross the creek, it would be good to have a connection between Barry Road south and the rest of the south road network
- Ideally, as much of the development as possible would be within a 400 metre walking distance to an existing transit stop.
 - o This can be done by locating the majority of the density closer to the transit stops combined with providing more direct pedestrian/active transportation connections to the stop locations.

Aaron Thompson (he/him)

Transit Planner

BC Transit

520 Gorge Road East

Victoria, BC V8W 9T5

c: 778-677-7556

athompson@bctransit.com | bctransit.com

Shawnigan Lake-Mill Bay
at Wilikson (WB) 104002

Shawnigan Lake-Mill Bay
at Brulette (WB) 136270

Shawnigan Lake-Mill Bay
at Trans Canada (WB) 108006

STONBRIDGE PROJECT

Shawnigan Lake-Mill Bay
at Wilikson (EB) 104003
Preliminary Road Layout &
Conceptual Master Plan

November 12, 2023

Shawnigan-Mill Bay
Road at Barry (Eastbound)
ID 136268.

Shawnigan-Mill Bay at
Trans Canada (EB) 108059

Phase 1b

Phase 1a

Area of
Phase 2

Location of
Stone Bridge

Lions Cove
(Existing)

Future
Phase

Future Phases

Future
Phases

Future Phases

Deloume at Barry
(NB) 108090

Deloume Road
Park & Ride

Deloume at
Lodgepole (SB) 136269

Deloume at Lodge
Pole (EB) 108052



McBarnes, D. - 14-27-22



• DESTROY ALL PRINTS BEARING FIREARMS REVIEW



Drawing No.	
SK 1	
Project Number	Rev.
33908-01	PA

Deloume Road Park and Ride - Completion Photo





DATE: February 5, 2024

TO: Richard Buchan
CVRD Planning Department

FROM: Wayne Hopkins

SUBJECT: Additional Comments on Staff Report / APC Referral Report

Richard,

As we will be progressing back to the Electoral Area Services Committee (EASC) and the CVRD Board we assume that a more focused staff report will be prepared following receipt of referral comments, therefore we felt it may be useful to provide additional comments as the applicant on topics and comments in the initial staff report sent to the APC.

Find below comments that are based on the referral report sent to the APC, please note that the order of the comments are corresponding to the red letters shown on the staff report attached to this document;

- A. It would be beneficial to note in future reports that the current zoning allows commercial use and this is maintained in the consolidated zoning, and that the OCP Amendment is only required due to the OCP not reflecting the current permitted uses. Mixed use buildings will continue to be permitted, and the consolidated zoning will allow the separation of the residential and the commercial uses in separate buildings and parcels.
- B. The multiple buildings on one parcel, originally focused on facilitating show home construction, also allows further expansion of the housing spectrum with the potential for "Cluster Housing".
- C. It should be noted that the existing CD-6 zone that is adjacent to Pioneer Square parcel currently permits commercial uses such as retail, restaurant, office, personal services, and convenience store, therefore the uses shown as permitted in the consolidated zone, and in the parcel configuration, remain in keeping with the current zoning.
- D. As mentioned at previous meetings, we are not supportive of adding complicated density allocations to the consolidated zone, however if the Board deems it necessary to include a density cap, we will agree to a simple approach such as setting a density maximum of 1,000 residential units over all the Stonebridge lands.

- E. DPA-9 is a development permit that is focused on and I understand created specifically for in-fill development projects, especially where the in-fill project will have direct impact on neighbouring residential properties. The Stonebridge project is not an in-fill project therefore we ask that the Stonebridge project not be subject to DPA-9 for single family and duplex uses.

It is important for the EASC and the Board to know that removing DPA-9 from Stonebridge does not exclude development permits for multiple family buildings and commercial buildings at Stonebridge.

- F. The ability to construct up to six show homes on one parcel will allow show homes to be constructed prior to the subdivision of the land, therefore helping to expedite bringing housing to the market. This small change to allow multiple homes on one parcel also expands the housing options available to include cluster housing. Cluster housing is great for using oddly shaped parcels and is often focused on affordable family or seniors housing.

- G. Following the APC meeting where there was support for a short term / hotel type housing option in the area, we have been doing research into “extended stay” hotel formats and have found that most major hotel brands offer this hotel option.

An example of this type of housing is a typical “Staybridge Suites” for extended stay. The rooms are designed as compact versions of one and two-bedroom apartment units that include cooking facilities. We understand that stays can range from a few days to months.



- H. We were pleased to obtain support for drive-through use at the APC meeting, and we agree that guidelines are required to ensure that a drive-through is designed to current standards, for appearance, traffic management and to ensure no impact on any residential neighbours.

Noted in the staff report and identified as “S” in this document, we previously provided proposed guidelines that can be added to the zoning for Stonebridge. We surmise that guidelines should be placed in the consolidated zone for Stonebridge as opposed to a region wide DPA, however this will be CVRD’s decision.

- I. It is important to us during this process that our information and statements are clear and transparent, and in this regard, we wish to restate that images and layouts that have been shown are for reference only based on the concept development at that time. The layouts and design criteria are continuing to evolve based on engineering information, tenant needs and property features. When appropriate a full development permit application package will be submitted to CVRD that includes all relevant information.

- J. As stated in the past and noted above, one of the goals of the consolidated zone is to simplify, and adding further arbitrary rules or guidelines is not in keeping with this goal. It may be just our viewpoint but we do not understand why the CVRD would choose to become designers / architects for a project of this size that will impact no existing adjacent residential neighbours.

We understand with infill the need to ensure a multiple-family building design does not negatively impact surrounding single family, duplex or even townhouses, but with a project the size of Stonebridge where all housing is new and there are no existing neighbours that are impacted, why micro-manage design such as patios, windows, and doors? Project architects are highly trained on all aspects of design, and most importantly they are intimate with the requirements of housing providers for subsidized and rental buildings, as well as for market-based projects.

- K. In the interests of clarity and information, Stonebridge is the largest contributor to the new Mill Bay wastewater collection system with a contribution of approximately \$1,625,000. Civil work for this project will commence shortly and will be completed in 2024.
- L. We wish to point out that this statement can be misleading. The paragraph states, “*a significant increase in density*” and the fact is that it is not an increase in density but rather a realization of currently permitted density. Furthermore this density cannot be realized without approved domestic water supply, which approvals are the responsibility of the Provincial government, not CVRD. Our experience to date is that the process with the Province is extensive.
- M. We are not in agreement nor will we agree with zoning or use limitations by zoning areas in the consolidated zoning. As referenced in the past and noted above one of the goals of the consolidated zoning is to simplify the zoning, not increase the complexity and therefore reduce the ability for Stonebridge to provide housing to meet the needs of a rapidly changing housing environment.
- N. We confirm that we met with the Mill Bay Fire Chief recently and discussed many topics, most of which are similar to the comments in the Fire Department’s referral response, and all of items will continue to be addressed during the subdivision stages of Stonebridge.
- O. As discussed with the APC members, Stonebridge is not intended to provide “larger” homes, there are other housing projects in the Mill Bay and Shawnigan areas that cater to larger and more expensive homes. Homes at Stonebridge are focused on “workday” family housing, meaning housing that is attainable for residents and families with careers such as firefighters, nurses, teachers, government employees and skilled trades.



P. We agree that driveway lengths need to be sufficient to park a standard vehicle and we agree that 6 m is a reasonable standard. How the 6 m is measured provides two different options, first from the front property line, and secondly measured from the edge of the road (back of curb) or from the edge of a sidewalk or multi-functional trail. We support measurement of the 6 m from the road (back of curb) or from the edge of a sidewalk or multi-functional trail.

Q. Parking for single family and duplex buildings is something that are important when designing buildings as we want everyday parking for residents to be contained on the individual lots, and Buyers also do not want to rely on off-site parking to meet their needs.

As the developer of a project the size of Stonebridge we register and enforce through registered statutory building scheme parking on each lot. If CVRD has a concern with parking on lots under 450 m² we suggest that the consolidated zoning include “for single family buildings constructed on a lot less than 450 m², no less than 2 parking spaces be provided exclusive of an enclosed garage”. Parking in front of an enclosed garage would be included in this calculation.

R. We have proposed a replacement amenity and parks covenant that retains all park and amenity requirements that currently exist in zoning and a registered covenant. We do not agree with the addition of a penalty clause (inflation) that adds additional costs from the date the existing covenant was registered as this was not a term of the original agreement, and it is unreasonable to apply it retroactively.

S. We note the Drive Through Design Requirements Proposal (Nov 6, 2023) are attached in the staff report, and we confirm that we have sent these requirements to our architects for any final comments, suggestions, or additions they may have.

I hope the above information is helpful, please contact the undersigned with any questions you may have.

Regards,

A black rectangular box redacting the signature of Wayne Hopkins.

Wayne Hopkins

A black rectangular box redacting contact information, likely a phone number or email address.



COWICHAN
VALLEY
REGIONAL
DISTRICT

REFERRAL REPORT

DATE OF REPORT December 5, 2023

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. RZ23A03 (Stone Bridge)

REFERRAL TO: Advisory Planning Commission

FILE: RZ23A03

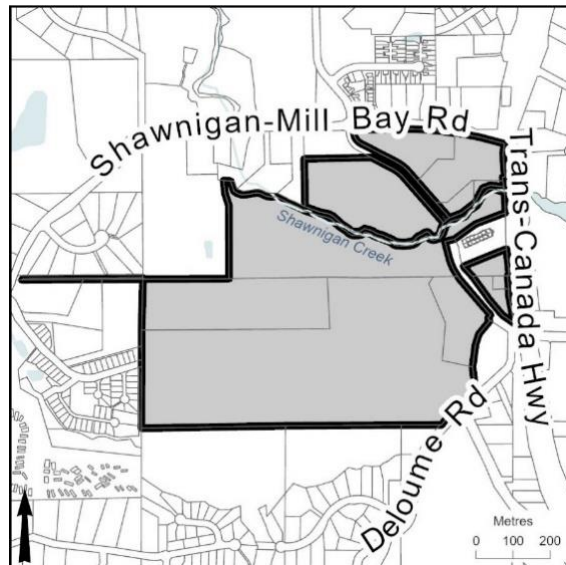
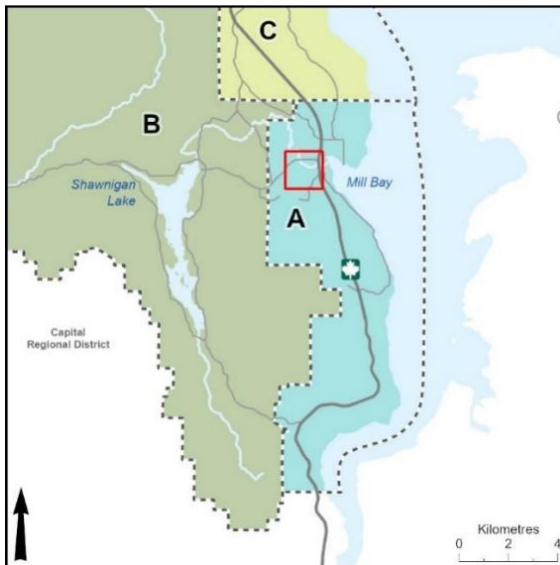
INTRODUCTION

The purpose of this report is to present an application to consolidate and update zoning for the Stonebridge Lands in Mill Bay, as well as several adjacent parcels.

The application is proposing to consolidate the existing zones into one comprehensive development zone with five areas. The applicant anticipates that the Stonebridge development will have up to a 15 year build out. The CVRD Board considered a [preliminary report](#) on this file on [November 8, 2023](#) and have advanced the application to external agencies for comment/feedback prior to considering potential bylaw changes.

Previous applications have been approved for the lands, including an OCP and zoning bylaw amendment to increase residential density, expand options for commercial uses, accommodate a senior citizens' care/housing facility, etc. all of which are reflected in the existing zoning. CVRD staff estimate that based on the land area and existing zoning, the total number of dwelling units that could be constructed today is approximately 753 dwelling units and 176 congregate care (seniors housing) units, for a total of 929 units that are permitted today.

LOCATION MAP



BACKGROUND

The subject properties are located in Electoral Area A. The lands are PIDs 010-208-089, 025-942-310, 000-278-131, 009-488-286, 009-487-247, 009-487-221, 009-528-601, 004-173-287, 029-533-601, and 009-497-803.

These properties have collectively been referred to as the “Stonebridge Lands” and “Pioneer Square”. They represent a key land assembly in the heart of Mill Bay. See Attachment B (Lot Breakdown) for property locations and current and proposed zoning.

APPLICATION SUMMARY

Attachment G ‘*Proposed Drive Though Design Requirements*’ and Attachment H ‘*Stonebridge APC Reference Material*’ has been provided by the Applicant to assist in the APC’s review and discussion.

The applicant has noted that the purpose of this application is to simplify and update the zoning bylaw. The current application consists of three key elements:

1. Rezoning the subject properties to a new comprehensive development zone.
- A 2. Amendments to the Official Community Plan to re-designate some of the lands to *Commercial (Mixed Use)* and to *Stonebridge Comprehensive Development Designation*.
3. Updating and consolidating the community amenity covenant associated with the Stonebridge lands.

These updates would also allow for:

- The expansion of housing typologies to encourage more affordable and attainable options, including:
 - A reduction on the size of single-family and duplex lots to allow for a wider range of housing options.
 - Expanding areas where multi-family dwellings are permitted.
 - B ○ Permitting show-homes (multiple residential buildings on lots capable of further subdivision).
- Allowing drive-thru businesses to operate in commercial areas (subject to zoning regulations and/or development permit guidelines).
- A long-term stay hotel use that could be used for workforce housing accommodation in the short term, and can transition into a hotel when workforce housing is no longer needed.

Official Community Plan Amendments:

The portion of the subject lands zoned [RM-3](#) allows for mixed use developments (commercial ground floors with accessory residential on upper-storeys). The proposed zoning and OCP designation would change this from mixed-use housing to residential and/or commercial (providing flexibility for standalone commercial and/or standalone residential developments in addition to mixed use buildings). These lands are proposed to be added to the Village Commercial designation. See *Table 1*

- C A portion of the lands currently zoned [CD-6](#) adjacent to Pioneer Square lands, is proposed to be added to the Village Commercial designation. See *Table 2*

Table 1 - [RM-3](#) lands: OCP Designation Change

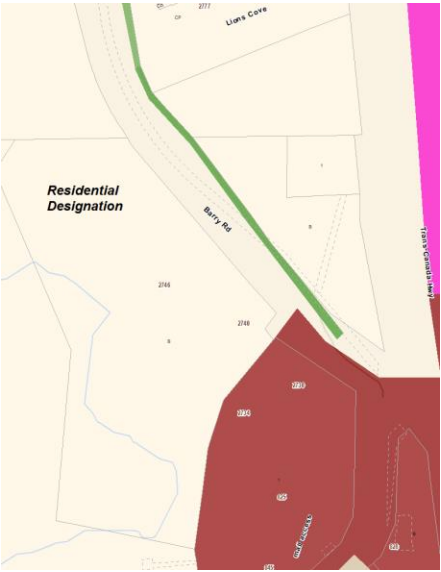
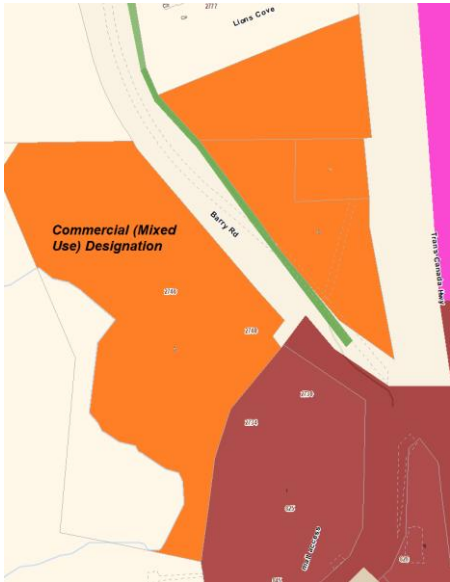
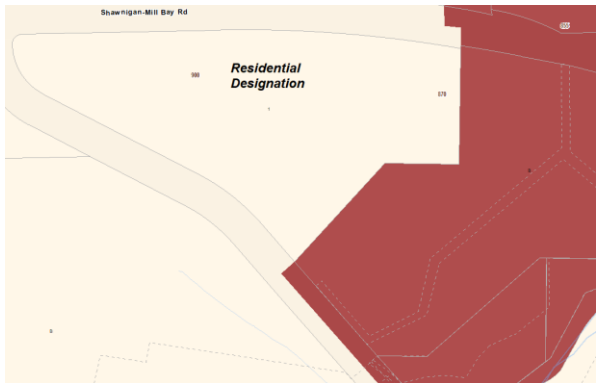
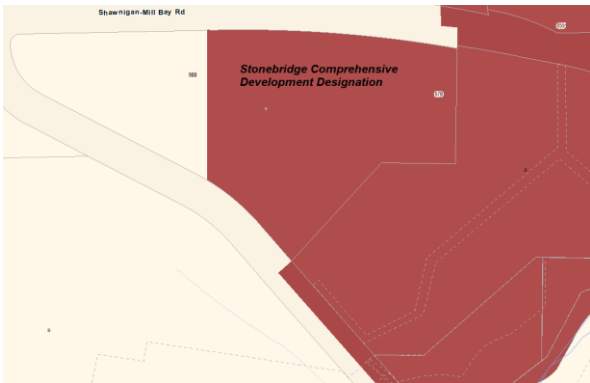
Current	Proposed
	

Table 2 - [CD-6](#) lands: OCP Designation Change

Current	Proposed
	

If the Board advances this application, some modifications may be required to the Draft Modernized Official Community Plan (MOCP) to ensure consistency with permitted densities. Alternatively, this can be done as an internal housekeeping amendment once the MOCP is adopted.

Density:

As the rezoning process is fundamentally a question about the impacts of proposed land uses and density, the potential density permitted under existing and proposed zoning, as well as the potential density given site constraints must all form part of the analysis and discussion.

While the proposed zoning increases permitted density, the applicant submits there is insufficient water to support the density that is currently permitted under existing zoning (929 units). The applicant has provided a build-out estimate of 561 units max. The applicant submits

that while the reduction of minimum lot sizes does increase potential density through zoning, the servicing constraints will limit the actual build out of the site.

Options to address density include:

- **No increase** in the permitted density - a unit cap within each area (e.g. as 929 units are permitted under existing zoning, a density limit could be included for each area and type of development within the proposed comprehensive development zone). The proposed CD zone could provide clarity on how density will be distributed between Areas 1 – 5.
- **Limited Increase** in the permitted density with a cap. The applicant has indicated that if a cap is desired, a 1,000-unit limit could be placed on the build-out of the site, which results in a 71-unit increase in the new zone. The applicant notes that existing servicing constraints (e.g. water) do not presently allow them to achieve the 929 units currently permitted.
- **Increase** in the permitted density - this may be subject to density bonusing provisions (contributions to the appropriate reserve fund per dwelling unit) to offset the impacts to parks, fire protection services, etc.). The CVRD Board may also wish to explore water conservation measures (building design and landscaping) to address impacts to the aquifer.

Proposed Covenant:

The general intent of the updated/modernized covenant is to remove the density bonusing provisions from the CD-8 Zone (South Lands) and provide one combined covenant for all of the lands. The existing Covenant only applies to a portion of the lands. The portion of the lands zoned 'CD-8' is not covered by the covenant and density bonusing provisions are embedded in the zoning bylaw.

The applicant proposes to maintain the same Park Fund Contribution for Electoral Area A, the transfer of greenspace (riparian areas with trail and sign improvements), the transfer for usable park land (e.g. tot lots with amenities), and the transfer of two parcels to an affordable housing provider.

The applicant proposes some modifications to the schedule for providing Park Fund Contributions to the CVRD, as well as some additional clarity regarding protections to the Stonebridge (e.g. replacement and repair thresholds).

Development Permit Guidelines:

If the Board advances this application staff may recommend:

- Possible amendments to DPA – 9 (Intensive residential) design guidelines. In particular, to deal with smaller narrow lots with front-access parking for suites.
- Possible amendments to DPA – 10 (multi-family) to establish targets for private amenity space and common amenity space in multi-family developments;
- Possible amendments to DPA - 11 (commercial and Mixed use) to establish targets for private amenity space and common amenity space in congregate care facilities, and,
- Possible amendments to DPA - 11 (commercial and Mixed use) to establish minimum standards for drive-thru establishments.

Examples of possible amendments to DPA – 9 (Intensive residential) design guidelines

Attachment H (the applicant's *APC Reference Material*) includes sample site plans showing the various single-family and duplex site configuration options envisioned for the development.

DPA 9 Guideline 1R5: Notes that driveways, parking and services Areas should be clustered and screened from view.

The guidelines include a graphic (*Figure 4-40* – which is attached for convenience) to help illustrate the guideline objectives.

This guideline could be expanded upon to include front-access garage/driveway options, and establish objectives for a balance of hard surfacing with landscaped areas.

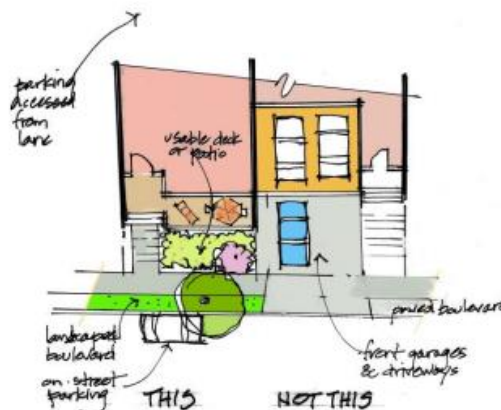


Figure 4-40: Garages are ideally located in the back of the house to front active uses on the street.

DPA 9 Guideline 1R4: states that garages should be designed to be 'secondary' to the primary form of the home, and recessed behind the front façade of the building.

Guideline 1R4. Generally limits building design options to those that recess garages. This can become challenging on smaller lots with limited widths. Alternative options are not presently contemplated; however, this guideline could be expanded upon to include:

- using a columned portico to frame the front entrance;
- coloring garage doors to blend into the design of the home;
- using columned roof overhangs over primary entrances;
- using two single-garage doors rather than one larger one; and,
- where lot configuration permits, designing garages that are not recessed but are 'side access only' (so garage doors are not immediately visible from the public street);

Front access garages and driveways can also limit the available front-yard space for landscaping. This can become challenging on smaller lots with limited widths. DPA 9 guidelines could be expanded upon to include:

- a minimum [%] of front yards to include intensive landscaping (i.e. layered planting of trees and shrubs within garden beds and/or planters rather than just lawn) to support year-round screening between neighbouring driveways.
- to help reduce the visual dominance of driveways, driveway widths will generally be limited to 6.0m may be expanded to 9.0m if two types of paving materials are used.
- driveways larger than 6.0m in width are encouraged to include permeable pavers, adjacent raingardens or bioswales to help capture stormwater;
- buildings with secondary suites shall include a functional (e.g. large enough for seating) private outdoor space for suite tenants in addition to the outdoor areas reserved for primary residents.

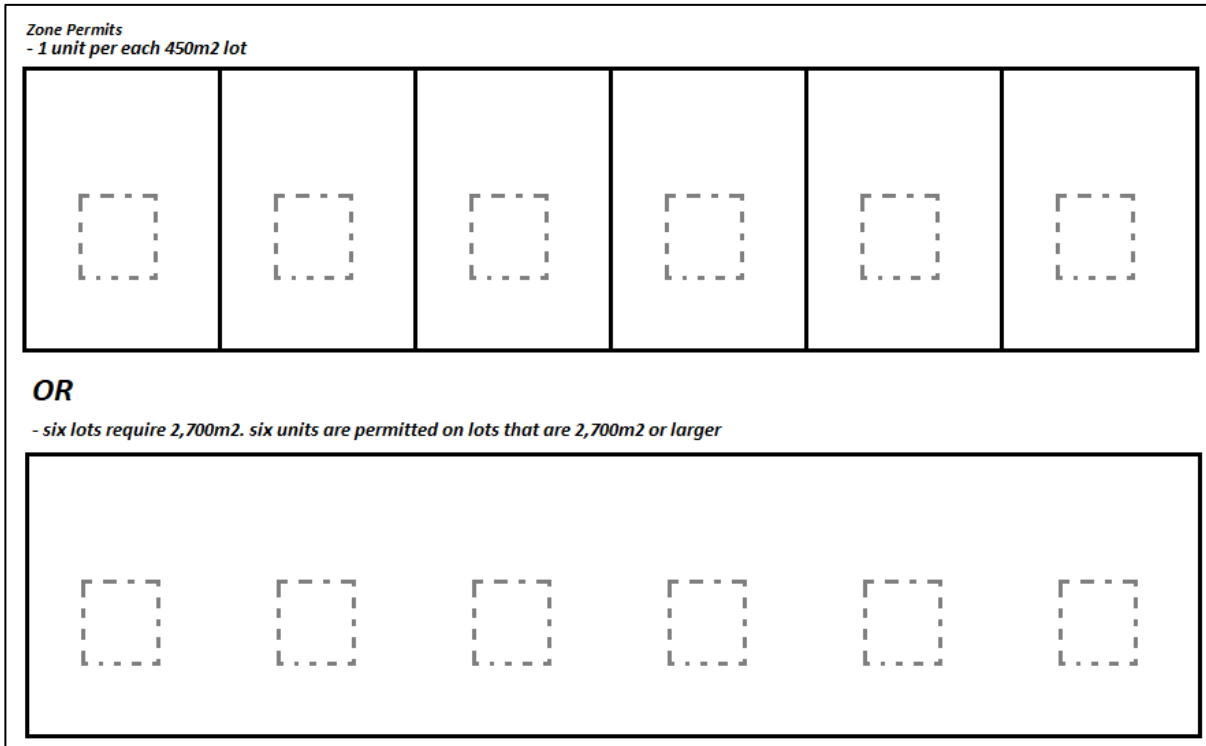
The CVRD Board may also wish to amend Schedule C of the Official Community Plans to refine where DPA 9 is applicable. At present, in areas A, B and C, it applies to single-family detached dwellings on parcels less than 0.074 ha (740m²). Since the owner is also proposing show

homes, this may be worth expanding to include single-family detached dwellings on any sized parcels in the event that more than 2 homes are proposed to be situated on a single parcel.

Show Homes:

F The applicant is requesting a zoning provision that would enable multiple homes to be built on a single lot that is capable of further subdivision. A zoning regulation reduces the risk/liability to the CVRD in the event that show homes are sold and/or occupied prior to subdivision by enabling the development of a multiple dwelling building strata.

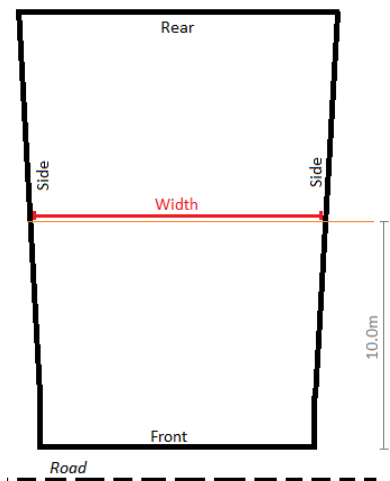
Figure 1 - *Show Home Concept*



Parcel Width:

The applicant has proposed a definition for parcel width: "*Parcel Width*" means the horizontal distance between side lot lines measured at right angles to the lot depth and ten metres from the front lot line.

The applicant proposes to require a minimum 10 m parcel width for single-family lots (which may be 300 m² or larger). The applicant also proposes a 14 m parcel width for duplex lots (which may be 500 m² or larger). The intent of the minimum parcel width requirement is to ensure that there is sufficient space for parking areas on smaller lots (particularly for those with suites).



Workforce Housing:

G The applicant is interested in including a 'hotel' use with special regulations to allow 'extended-stay' in the proposed zone. This would enable the operator to target guests staying five or more nights such as emergency service workers (e.g. firefighters), and short-term contract workers.

"Extended Stay Hotels" and "Workforce Housing" have been discussed as part of the CVRD's Workforce Housing Strategy Project: <https://www.planyourcowichan.ca/workforce-housing>. An extended stay hotel can offer short-term and/or long-term accommodation options for guests.

Drive Through Facilities:

H Attachment F (the applicant's *Proposed Drive Through Standards*) includes a summary of guidelines and regulations proposed to help regulate Drive Through Facilities throughout the Commercial areas within the Stonebridge development. The applicant is interested in securing the option to establish drive through facilities in any of the commercially zoned areas.

At present, *Section 4.18* of the South Cowichan Zoning Bylaw No. 3520 does not permit drive-through facilities for any restaurant, coffee shop or cafeteria unless such a use has been explicitly permitted in a zone. No existing zone explicitly allows for drive-through facilities.

Drive-Through facilities are generally not supported without a site-specific rezoning proposal (so that the design and location of drive-thru facilities can be evaluated with respect to impacts on neighbouring parcels and/or road networks); however, the CVRD Board can consider allowing drive-through facilities as part of this application.

The applicant has proposed a variety of bylaw standards and development permit guidelines to regulate drive through facility design standards. The intent of these standards is to regulate the general design and location of drive-thru facilities with respect to impacts on neighbouring parcels, site functionality, and/or impacts to road networks.

If the CVRD Board is interested in facilitating drive through facilities staff will recommend possible amendments to DPA - 11 (commercial and Mixed use) to establish guidelines for drive through facilities.

DPA – 11 (commercial and Mixed use) design guidelines

I Attachment H (the applicant's *APC Reference Material*) includes sample site plans showing the conceptual aesthetic for Stonebridge Village (formerly Pioneer Square) as well as a conceptual site plan.

This plan will require further refinement to substantially achieve the CVRD's General [Form and Character Design Guidelines](#) as well as the CVRD's [Commercial and Mixed use Development Design Guidelines](#).

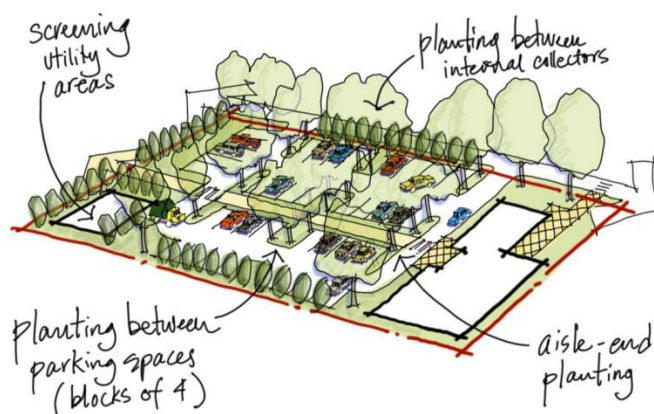


Figure 7: Support pedestrian movement, safety and comfort in parking areas.

For example:

- *Guideline CM8*: Notes that parking areas should be clustered in groups of no more than 20 spaces, with landscaping (using pervious materials).
- *Guideline FCG23*: Notes that surface parking should be located at the rear and/or side of buildings to further promote quality pedestrian realm design along active frontages.
- *Guideline FCG26*: Notes that pedestrian walkways should be separated from parking areas with raised and/or landscaped features and, where walkways and parking areas share space, use design features (e.g. different colours, materials and/or textures) to clearly indicate that pedestrians have priority.
- *Guideline FCG19*: Encourages the configuration of development within larger parcels to accommodate pedestrian connections among/between and beyond individual building sites.
- *Figure 7* is referenced in the design Guidelines as an example that supports pedestrian movement, safety and comfort in parking areas.

Guideline CM10. States that “Where permitted, drive-thru facilities should be located at the side or rear of the building, except where such siting will conflict with adjacent residential uses, in which case alternate orientations may be considered.”

If the CVRD Board is interested in facilitating drive-through facilities - expansions and refinement to Guideline CM10 are recommended.

Building Height & Expanded Housing Options:

At present, the maximum building height for multi-family homes within existing residential zones is generally limited to 10-15 meters which can potentially permit two to four storey buildings (depending on topographic site conditions). The CD-8 portions of the site is generally limited to 10 meters which can potentially permit two to three storey buildings. See *Attachment B* for a map.

The CD-6 (Seniors Congregate Care) zone allows for building heights that do not exceed 57.0m Geodetic (metres above sea level). The applicant estimates that this would potentially permit 22m tall buildings (potentially five to six storeys) based on existing topography. The applicant proposes to extend the max 22m height to all residential areas within the proposed CD Zone.

The CVRD's General Form and Character and DPA – 10 (Multi-Family Residential Development) design guidelines include:

- *Guideline FCG38* – which states “where appropriate, use stepped massing to transition and improve the relationship between developments of differing scale. Adjacent building heights should not be greater than one-and-a-half storeys higher than existing adjacent development, with additional storeys terraced back with a minimum step back of 3 m”;
 - *Guideline MR2* – which states “where a proposed building would be taller than adjacent development, a podium feature similar in height to an abutting building (or buildings) should be considered to provide transition in scale. Where a building
-

exceeds four storeys in height, all storeys above the podium should be setback 3 m to create a comfortable street environment.”

- Figure 15 – referenced in the guidelines, provides an example where a proposed building would be taller than adjacent development, upper floors should step back to provide transition in scale

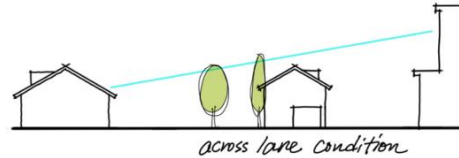


Figure 15: If a proposed building would be taller than adjacent development, upper floors should step back to provide transition in scale.

The CVRD Board could also consider limitations within the proposed comprehensive development zone to limit areas where multi-family buildings exceeding 15m in height are permitted.

If the CVRD Board is interested in expanding options for multi-family buildings throughout the Stonebridge development, it may also wish to adopt additional guidelines to help enhance transition between single-family/duplex and multi-family building forms.

Examples:

- Carefully position doors, balconies, patios, and windows on multi-family developments to minimize direct views into neighboring dwellings;
- Privacy of adjacent dwellings should be maintained through increased setbacks above the ground floor, careful placement of doors and patios, and offsetting windows on adjacent facades. Be especially mindful of privacy concerns along side-yards and building façades facing single-family/duplex houses;
- Maintain privacy for nearby homes by increasing the distance between buildings, utilizing common property amenity areas or private amenity spaces within the development to act as a buffer for adjacent lands;
- For multi-family developments, centralize usable private open spaces. Arrange multi-family units to face this common central area, rather than overlooking adjacent lands, to enhance privacy for residents;
- Use fencing, screening, and landscaping in the site layout to ensure privacy for neighboring properties.

POLICY & REGULATORY CONSIDERATIONS

Development Permit Areas:

The subject property is currently subject to the following Development Permit Areas (DPA): DPA-1 [Riparian Protection](#); DPA-2 [Sensitive Ecosystem](#); DPA-4 [Aquifer Protection](#); DPA-5 [Wildfire Hazard](#); DPA-9 [Intensive Residential](#); DPA-10 [Multi-Family Residential](#); DPA-11 [Commercial and Mixed-use](#); DPA-13 [Energy and Water Conservation; Greenhouse Gas Emissions Reduction](#).

South Cowichan Zoning Bylaw No. 3520:

The subject property is split into eight distinct zones: [CD-8](#) – Village Comprehensive Development 8 – Stonebridge South [CD-9A](#) – Village Comprehensive Mixed Use 9A [CD-9B](#) – Village Comprehensive Residential 9B [RM-3](#) – Medium Density Multiple Family Residential 3 [R-2](#) – Village Suburban Residential 2 [C-5](#) – Village Commercial 5 [CD-6](#) – Village Comprehensive Development 6 – Congregate Care [P-1](#) – Parks 1

Background Info & Proposed Zoning:

- Attachment B (Existing Zone Map & Comparison Table) illustrates the boundaries of the existing zones as well as a comparison with the proposed Stonebridge Comprehensive Development Zone. This includes estimates for existing permitted densities.
- Attachment C (Lot Breakdown) also provides a summary of the existing zoning and official community plan designations that currently apply to the property.
- Attachment A – illustrate the applicant's proposed Comprehensive Development Zone's Components
- Attachment H (the applicant's *APC Reference Material*) includes a conceptual subdivision plan with road layout.

CONCLUSION

We would appreciate receiving any comments and recommendations you may have regarding this application so they can be incorporated into a report that will be prepared for a future Electoral Area Services Committee (EASC) meeting, where the CVRD Area Directors will consider the application. Should you require any further information or have questions regarding the application, please contact the undersigned.

Prepared by:

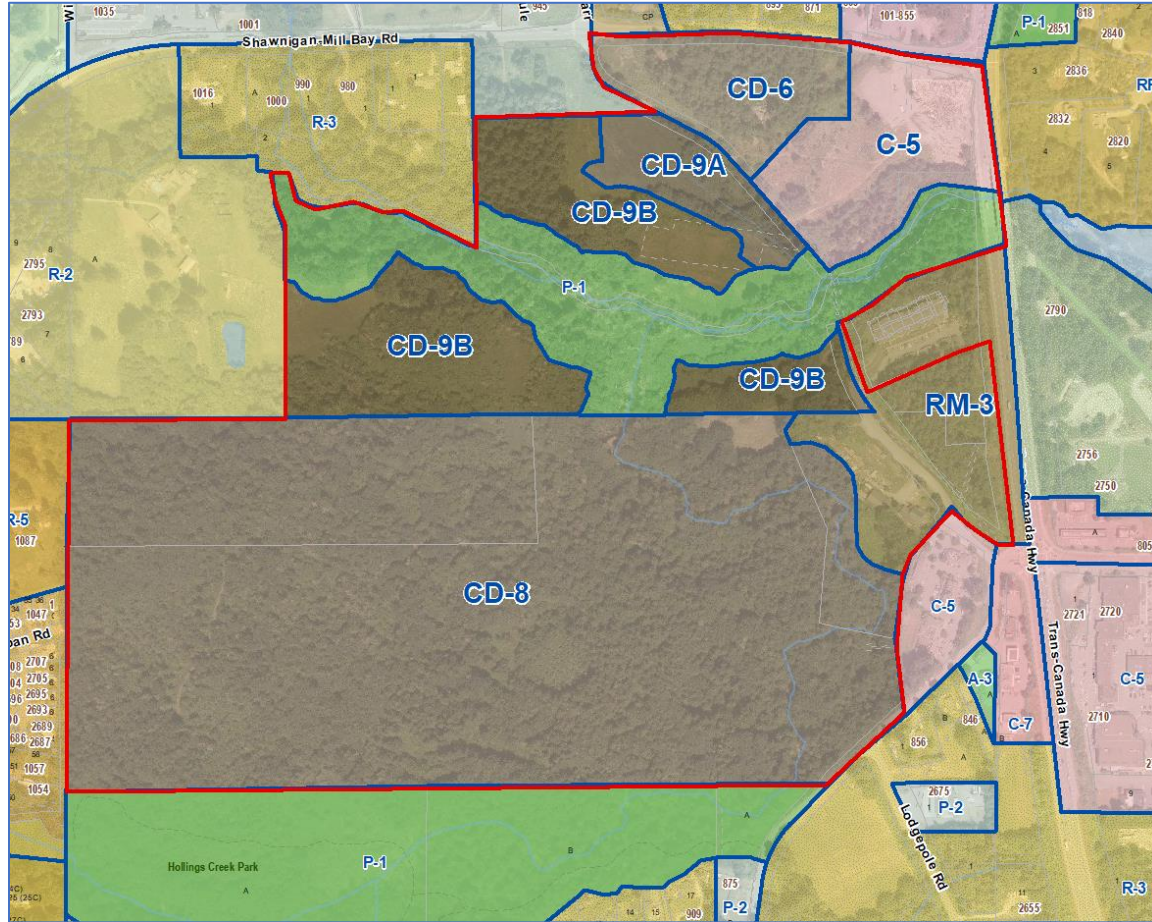


Richard Buchan, Planner III
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Email: richard.buchan@cverd.bc.ca
Development Services Division
Land Use Services Department
Cowichan Valley Regional District

Attachments:

- Attachment A – Applicant's Proposed CD Zone Components
- Attachment B – Existing Zone Map & Comparison Table
- Attachment C – Lot Breakdown
- Attachment D – Internal Referral Responses
- Attachment E – Applicant's Rationale
- Attachment F – Existing Covenant
- Attachment G – Applicant's Proposed '*Drive Through*' Design Criteria
- Attachment H – Applicant's APC Reference Material

Existing Zoning Map



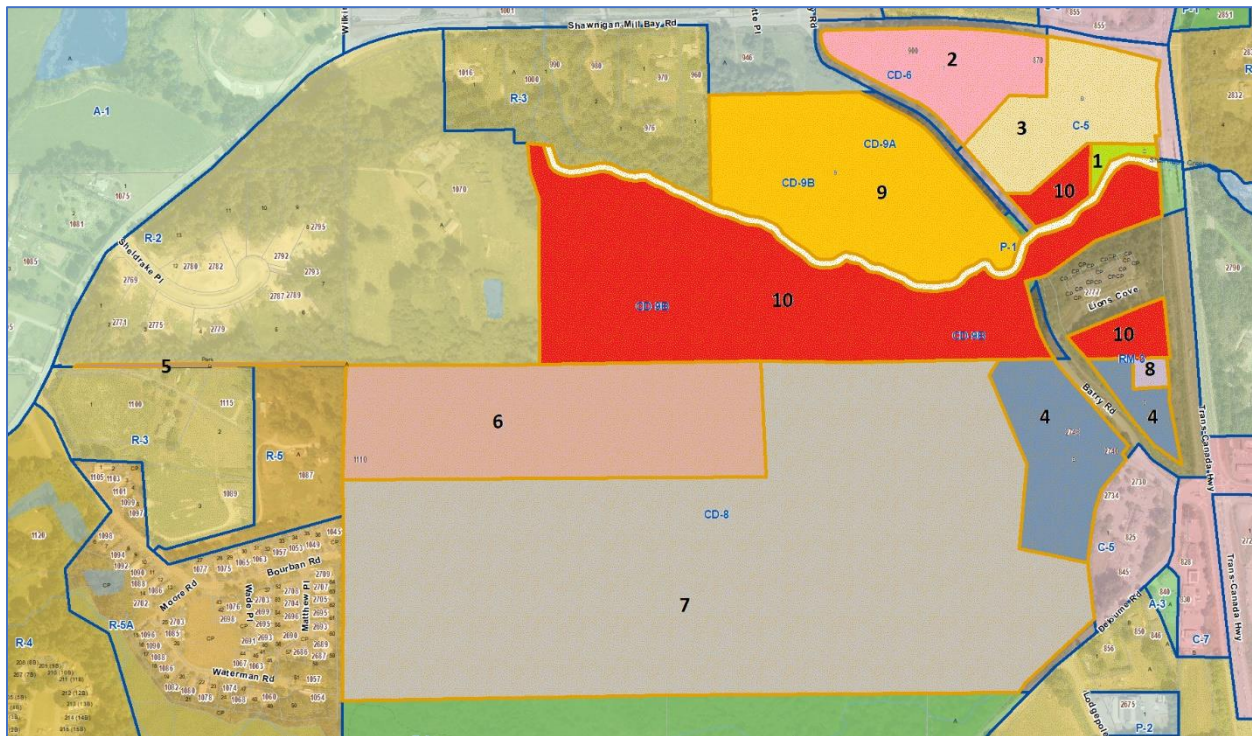
Zone Comparison Table

Existing Zones	Proposed CD Zone
<p>Approximately 2.2 ha (22,095 m²) of the subject lands are zoned CD-6</p> <ul style="list-style-type: none"> Permits senior's congregate housing and accessory commercial and service uses. Minimum parcel size is 1 hectare (10,000 m²). Maximum density of residential facility units and personal care units combined shall not exceed 80 units per hectare (approx. 176 units for the subject lands). 	<p>Area 1 – replaces the existing CD-6 zoning, and reduces the land area available for seniors congregate care.</p> <ul style="list-style-type: none"> No density cap other than a 55% lot coverage, 1000 m² min parcel and, 22 m (approx. 6 storey) height limit.
<p>Approximately 1.49 ha (14,904 m²) of the subject lands are zoned CD-9A</p> <ul style="list-style-type: none"> The CD-9A zone permits Seniors residences and multi-family dwellings on lots 1,000 m² or larger. 	<p>Area 2 – replaces a portion of lands zoned CD-9B, and all of the lands zoned CD-9A.</p> <ul style="list-style-type: none"> No density cap; density limited by minimum lot size, parcel coverage, setbacks and building height.

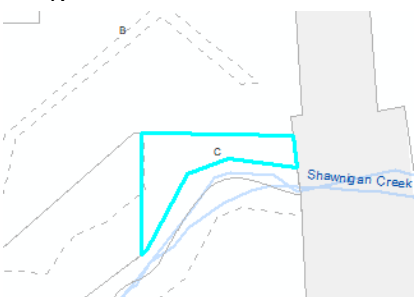

Attachment B – Existing Zone Map & Comparison Table


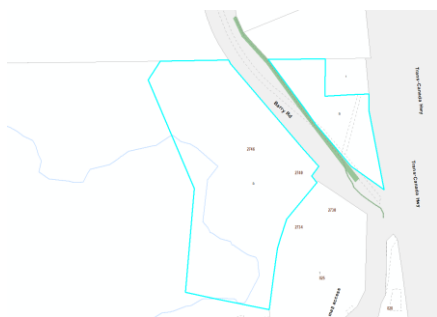
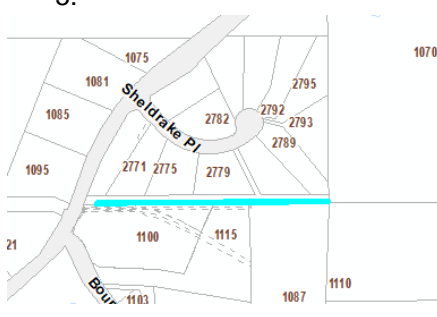
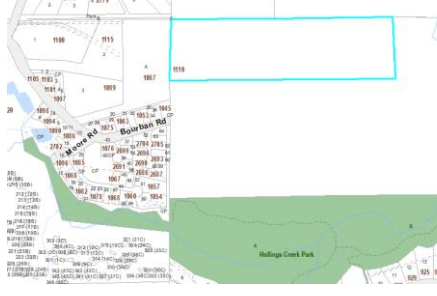
<ul style="list-style-type: none"> A maximum number of 140 dwelling units are permitted in this zone. 	<ul style="list-style-type: none"> Minimum density of 150 multi-family dwelling units
<p>Approximately 7.86 ha (78,632 m²) of the subject lands are zoned CD-9B</p> <ul style="list-style-type: none"> The CD-9B Zone allows for a minimum parcel size of 450 m² (single family), 700 m² (duplex), and 1,000 m² (multi-family). Maximum 140 dwelling (subject to the transfer of riparian assessment areas for park purposes, amenity contributions, and two serviced duplex parcels). <p>Approximately 34 ha (345,727 m²) of the subject lands are zoned CD-8.</p> <ul style="list-style-type: none"> Minimum parcel size of 450 m² (single family), 700 m² (duplex), and 1,000 m² (multi-family). Secondary suites permitted on lots 600 m² or larger for single-family, and on all duplex lots. The base number of units (not including suites) that can be created are 325 units (subject to 8 ha of land being transferred to the CVRD). 	<p>Area 3 – replaces the remainder of the lands zoned CD-9B, as well as the lands zoned CD-8.</p> <ul style="list-style-type: none"> No density cap; density limited by minimum lot size, parcel coverage, setbacks and building height.
<p>Approximately 2.48 ha (24,840 m²) of the subject lands are zoned RM-3</p> <ul style="list-style-type: none"> The RM-3 Zone allows for a minimum parcel size of 2,000 m² for multi-family dwellings. This zone allows accessory commercial uses on lots where a multi-family dwelling has been established The RM-3 zone allows for a maximum of 35 dwelling units per hectare (approx. 86 units for the subject lands). 	<p>Area 4 – replaces the existing RM-3 zoning</p> <ul style="list-style-type: none"> No density cap; density limited by minimum lot size, parcel coverage, setbacks and building height. Drive-Thru, and Workforce housing/ long-term hotel stay uses added.
<p>Approximately 3.14 ha (31,482 m²) of the subject lands are zoned C-5</p> <ul style="list-style-type: none"> Allows for commercial uses, as well as multiple family residences above the ground floor of any building. Minimum parcel size is 1,000 m² for parcels serviced by a community water and sewer system. Allows for a maximum of 20 dwelling units per hectare (approx. 62 units for the subject lands). 	<p>Area 5 – replaces the existing C-5 zoning</p> <ul style="list-style-type: none"> Retains the maximum 20 dwelling units per hectare; however, additional land added from the existing CD-6 zoning to Area 5. Drive-Thru, and Workforce housing/ long-term hotel stay uses added.

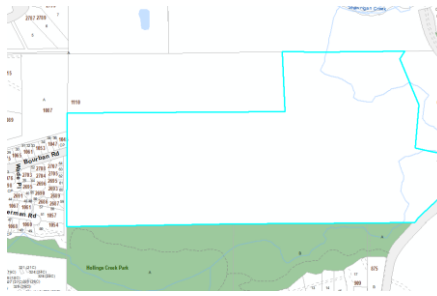
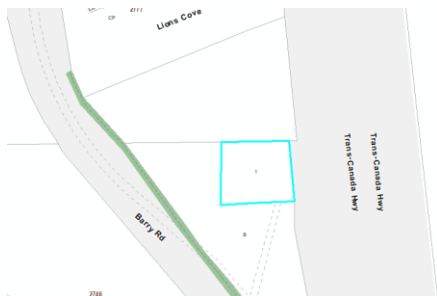


Overview Map



Lot Breakdown

PID	Zone	Proposed Zone	OCP	Map
010-208-089 Area: 2,023 m ²	C-5 – Village Commercial 5	CD – Area 5	Regional: Commercial LAP: Village Commercial	1. 
025-942-310 Area: 22,095 m ²	CD-6 – Village Comprehensive Development 6 – Congregate Care	Split: CD – Area 1 CD – Area 5	Regional: Residential LAP: Mixed-Use Comprehensive	2. 

000-278-131 Area: 25,292 m ²	C-5 – Village Commercial 5	CD – Area 5	Regional: Commercial LAP: Village Commercial	3. 
009-488-286 Area: 31,067 m ²	CD-8 – Village Comprehensive Development 8 – Stonebridge South RM-3 – Medium Density Multiple Family Residential 3	CD – Area 4	Regional: Residential LAP: Stonebridge Comprehensive Development	4. 
009-487-247 Area: (combined with PID 009-487-221)	R-2 – Village Suburban Residential 2	No Change: This strip is identified to be a trail connection	Regional: Residential LAP: Village Residential	5. 
009-487-221 Area: 68,472 m ²	CD-8 – Village Comprehensive Development 8 – Stonebridge South	CD – Area 3	Regional: Residential LAP: Stonebridge Comprehensive Development	6. 

009-528-601 Area: 271,220 m ²	CD-8 – Village Comprehensive Development 8 – Stonebridge South	CD – Area 3	Regional: Residential LAP: Stonebridge Comprehensive Development	7. 
004-173-287 Area: 1,885 m ²	RM-3 – Medium Density Multiple Family Residential 3	CD – Area 4	Regional: Residential LAP: Multi-Family Residential	8. 
029-533-601 Area: 57,396 m ²	CD-9A – Village Comprehensive Mixed Use 9A CD-9B – Village Compressive Residential 9B P-1 – Parks 1	CD – Area 2	Regional: Residential LAP: Stonebridge Comprehensive Development	9. 
009-497-803 Area: 120,531 m ²	CD-9A – Village Comprehensive Mixed Use 9A CD-9B – Village Compressive Residential 9B RM-3 – Medium Density Multiple Family Residential 3 P-1 – Parks 1	Split: CD – Area 3 CD – Area 4 CD – Area 5	Regional: Residential LAP: Stonebridge Comprehensive Development <u>Portion in Red:</u> Regional: Commercial LAP: Village Commercial	10. 



CVRD INTERNAL REFERRAL RESPONSES

COWICHAN VALLEY REGIONAL
DISTRICT

175 Ingram Street, Duncan, B.C. V9L 1N8
Tel: 250.746.2620 | Fax: 250.746.2621

CVRD File No.:	RZ23A03 (Stonebridge)
Application Type:	Rezoning & OCP Amendment
Subject Property:	PIDS: 010-208-089, 025-942-310, 000-278-131, 009-488-286, 009-487-247, 009-487-221, 009-528-601, 004-173-287, 029-533-601, and 009-497-803
Proposal:	This application is a request that the CVRD Board consider approving an application to consolidate and modernize existing zoning for the Stonebridge Lands in Mill Bay and several adjacent parcels.
Utilities Division <i>(Louise Knodel-Joy & Vanessa Thomson)</i> <div style="color: red; font-weight: bold; font-size: 1.5em;">K</div>	<p><input checked="" type="checkbox"/> Application supported subject to the recommendations outlined below.</p> <p><i>With respect to our Division's goals/interests, we offer the following comments:</i></p> <ul style="list-style-type: none"> <i>The Stonebridge developers are working with the CVRD and other developments to join the Mill Springs Wastewater system and upgrade the collection system.</i> <i>The proposed development will require an eventual upgrade of the wastewater treatment plant, but the anticipated timeline for the development of 10-15 years, so therefore not an issue at this time.</i> <i>Consolidation of this site, has no bearing on the sewer system expansion at this time and Utilities division will refer to Land Use Services for their expertise.</i> <i>Provision of potable water, is Mill Bay Water District, an Improvement District.</i> <i>Further CVRD has no drainage systems in the area.</i>
Building Inspections and Bylaw Enforcement Division <i>(Sonny Bryski)</i>	<p><i>With respect to our Division's goals/interests, we offer the following comments:</i></p> <ul style="list-style-type: none"> <i>Continued discussions will take place with the applicants through the rezoning process regarding the Building Inspection and Bylaw Enforcement Division interests pertaining to options for show homes.</i> <i>If the Board wishes to provide options to show homes, Building Inspections recommends that the CVRD provide a zoning regulation that allows multiple homes on a larger lot. This would provide an option to construct show homes which could receive an occupancy permit.</i> <i>Building Inspections & Bylaw Enforcement Division has also flagged concerns with respect to Spatial Separation as it relates to small narrow lots. The proposed 300m2 lots increase the likelihood that the side elevations of each dwelling will not be</i>

	<p><i>permitted to have unprotected openings (which significantly limits building design options).</i></p> <ul style="list-style-type: none"> • <i>Bylaw Enforcement is not supportive of a workforce housing use that does not include a housing agreement; however, zoning provisions for a hotel with flexibility for long-term stays could be supported.</i>
Parks & Trails Division <i>(Tanya Soroka)</i>	<p>☑ Application supported subject to the recommendations outlined below.</p> <p><i>With respect to the Parks & Trails Division's goals/interests, we offer the following comments:</i></p> <ul style="list-style-type: none"> • <i>Continued discussions will take place with the applicants through the rezoning process regarding the Parks and Trails Division interests per the registered section 219 community amenity covenant.</i> • <i>The Parks and Trails Division will work with Development Services Division to finalize the new replacement covenant ensuring the needs of the community are met per the adopted 2015 Electoral Area A Community Parks & Trails Master Plan.</i> • <i>The application should be referred to the Electoral Area A Parks Advisory Commission for comments on the amended covenant.</i>
Environmental Services Division <i>(Keith Lawrence)</i>	<p>☑ Application supported subject to the recommendations outlined below.</p> <p><i>With respect to our Division's goals/interests, we offer the following comments:</i></p> <p><i>We understand that:</i></p> <ul style="list-style-type: none"> • <i>Based on the land area and existing zoning – the total number of dwelling units that could be built today is approximately 929 units.</i> • <i>Despite the zoning allowance for 929 units (plus commercial buildings), the developers estimated that the potential build-out is 561 units based on the infrastructure constraints that exist today.</i> • <i>The development is presently anticipated to have a 15-year build out, and the constraints that exist today could change tomorrow.</i> <p><i>Our concerns regard the potential increase in density that this application could enable. With no density cap on some of the proposed areas and the possibility of a significant increase in density, the current watershed condition would be unable to accommodate the added stress of this high demand.</i></p> <p><i>On review of the proposal:</i></p> <ul style="list-style-type: none"> • <i>No density caps are proposed for Areas 1 and 4.</i> • <i>A density cap is proposed for Area 5</i> • <i>For Areas 2 and 3 the developer notes that their intent is to have a mix of single-family, duplex, and multi-family lots</i> <ul style="list-style-type: none"> ○ <i>Under existing zoning, Areas 2 and 3 currently have a density cap of 605 units (single-family or duplex).</i> ○ <i>The proposed zoning for Areas 2 and 3 would potentially result in a density of 942 Single-Family Lots, or 565 duplex lots (1,131 units), or 282 multi-family lots (each multi-</i>

M

family lot would be capable of accommodating a 6-storey building under the proposed zoning). We understand that the developer intends to build a mix of single-family, duplex and multi-family lots.

Our recommendations are as follows:

- *A density limit should be included for each area within the proposed comprehensive development zone.*
- *The Environmental Services Division notes that a density cap would not prevent the developer from applying for future zoning amendments when/if infrastructure and water supply constraints can be overcome and environmental impacts addressed in the future. The Division would prefer that requests for density increases be tied to available infrastructure and water resource capacity so that the true impacts of a development can be evaluated and understood prior to approvals.*
- *Since the developer suggests that the density permitted under the existing zoning provisions cannot be achieved, the Environmental Services Division would support a reassignment of density.*
 - *For example, since the existing RM-3 zone (proposed Area 4) allows for a maximum of 35 dwelling units per hectare (approx. 86 units for the subject lands). If the developer only plans to build 40 units in Area 4, the remainder 46 units could be transferred to Area 3. This would help to facilitate the intent of this rezoning (providing flexibility for a mix of multi-family building options) without increasing overall site density.*
- *We understand that the province's Water Protection group is developing a hydrological model for surface and ground water. While the Ministry of Forests has previously communicated that the watershed model will not be a determining factor for future decision-making pertaining to water licensing, their model is intended to support decision making on water resource allocations.*
- *If no density cap is proposed, or if a density increase is proposed, we recommend that further decisions on rezoning in the Shawnigan Creek watershed be postponed until after the establishment of the watershed model.*

Any additional density should be evaluated against the watershed Model.

Once this model is established, we recommend the following:

- *The establishment of a water use plan for the Shawnigan Creek watershed which considers water supply and groundwater stresses, demand and availability for the long term.*
- *Solutions outlined in the plan should include water conservation measures and the potential need for both community and site-specific water storage options.*

We also expect the following:

- *A liquid waste management connectivity plan be put in place to reduce potential impact on the surrounding environment due to the increase in usage of the current system.*

	<ul style="list-style-type: none"> • All measures be taken to protect the riparian areas of Shawnigan Creek and Handysen Creek during all development. • A rainwater management plan be completed by a professional due to the increase in impervious area that would result in less groundwater absorption and increase the risk of flooding and debris run off into the surrounding watershed. • The habitat of Edward's Beach Moth that is noted on the property not be affected during development. • The environment of the mature forest that is noted on the property not be affected during development.
Emergency Management Division (Robb Schouler & Chris McInerney, Mill Bay Fire Department Chief)	<p><i>The Fire Department appreciates the opportunity to comment on this application at this preliminary stage. We understand that further engagement with external agencies will include the Mill Bay Fire Department. We offer the following preliminary comments:</i></p> <ul style="list-style-type: none"> • The department would like to see the traffic plan (if any) on the Barry rd., Deloume rd., and TCH intersections. That area already gets very congested and would become much worse with the proposed development if not mitigated in some way making it difficult for us to get our trucks to calls. • BC building code must be followed, specifically the codes on building construction on building in close proximity to other buildings and the codes on fire hydrant spacing. • Fire hydrants should be tested as per NFPA and fire department shall be consulted on pumper connection thread type. • Fire hydrants shall be operational before construction starts. • If street parking is allowed the road shall be wide enough for fire apparatus when vehicles are parked on both sides. • If additional density is proposed, we would request that the developer consider identifying a percentage of new housing for local first responders (to have first right of refusal) as part of any additional Community Amenity Contribution package.
Community Planning Division (Mike Tippet & Lauren Wright)	<p>☑ Application supported subject to the recommendations outlined below.</p> <p><i>With respect to our Division's goals/interests, we offer the following comments:</i></p> <ul style="list-style-type: none"> • Increasing density in a fully serviced core area like the Stonebridge lands would be a good thing; however, the applicant indicates that the changes proposed are not largely intended to achieve higher densities; but rather, to enhance flexibility. Flexibility is also a good thing. • Stonebridge is a large, inward-focussed site within a basin and using it as a test site for innovative and alternative forms of residential development would be consistent with adaptive management protocols. • Would note that as proposed parcel sizes get down to 300 square metres it becomes very difficult to have larger homes and sufficient off-street parking. • On the other hand, smaller lots means less yard, which in all likelihood means less water demand for landscaping, though a landscape devoid of (deciduous) trees may not be ideal from a microclimate perspective. • Would suggest that a density cap in terms of units/ha or over all as per the present CD-8 Zone should perhaps not be necessary

so long as other proxy regulations are sufficiently well developed (for example, regulating density indirectly through building massing regulations like floor area ratio; off-street parking; parcel coverage; minimum setback of garage door from road right-of-way).

- Workforce housing concept is good and I would make a pitch for totally flexible MFR/hotel occupancies combined and have the owner/developer regulate occupancies as needed.
- Show homes should be accommodated if at all possible and staff seem to have found a suitable way to do this.
- If secondary suites are permitted within single residential dwellings, parking for both the suite and dwelling should be required on each parcel. Sufficient parking spaces should be shown on the site plan for each parcel. The driveways should be long enough to ensure large sized vehicles (such as large trucks) do not overhang onto the road.
- Driveway lengths should be at least 6 meters to accommodate large trucks and other large vehicles so they do not overhang onto the road.
- Garage parking should not be considered a parking space (all required parking should be able to be accommodated in the driveway). Many times, in such dense developments on smaller parcels, garage space ends up being used as storage areas. This pushes parking to the driveway and/or street.
- The covenant should be amended to require any financial contribution to the CVRD to be adjusted for inflation on the date the contribution is eventually received, starting in 2016 (the year of the current covenant was registered).
- Minimum parcel widths should be carefully considered in terms of providing adequate parking for single residential dwellings and suites.
- Consider adding further regulations that pertain to drive-thrus, including minimum drive-isle widths, RV parking areas (as this is a tourist commuter hub in summer months), etc.
- Definitions are being reviewed as part of the Comprehensive Land Use Bylaw development process. Any definition is subject to change.
- The Comprehensive Land Use Bylaw will also include new/updated parking provisions. The parking for this CD zone should follow the parking regulations proposed in the new bylaw.

S STONEBRIDGE DRIVE THROUGH DESIGN REQUIREMENTS PROPOSAL

1. Location on Site

- a) Drive-throughs shall not be located directly adjacent to any lot designated for residential use, and where a larger site is adjacent to a residential use the location of the drive-through within the site shall not be located within 18 m of the residential use.
- b) Drive-through facilities shall not be located within a building that contains residential use.
- c) Stacking lanes shall be out of view of as much as feasible by placing at rear or side of buildings away from pedestrian access points and screened from public view by use of landscaping and fencing where appropriate.

2. Vehicle Stacking

- a) Provide a minimum of 10 vehicle spaces for restaurant and food sale drive-through facilities, with a minimum of 5 vehicle spaces between the entrance to the stacking lane and the order station.
- b) Provide a minimum of 4 vehicle spaces on site for banking, pharmacies, and similar non-food related use drive-through facilities.
- c) Provide stacking spaces which are measured no less than 3.0 m in width and 6.0 m in length.
- d) To the extent feasible, design stacking lanes to be linear and straight, with a minimum number of curves and turning movements.
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4. Pedestrian Access

- a) Include well-articulated pedestrian routes and zones on the site to distinguish pedestrian routes from the entrance or exit of drive-through facilities. Use decorative paving or similar means, complemented by soft landscaping to delineate these linkages.
- b) Pedestrian / barrier free access to building entrances should be provided in a safe and convenient manner, by ensuring that direct pedestrian links to main parking areas and public sidewalks, do not pass through a stacking lane.

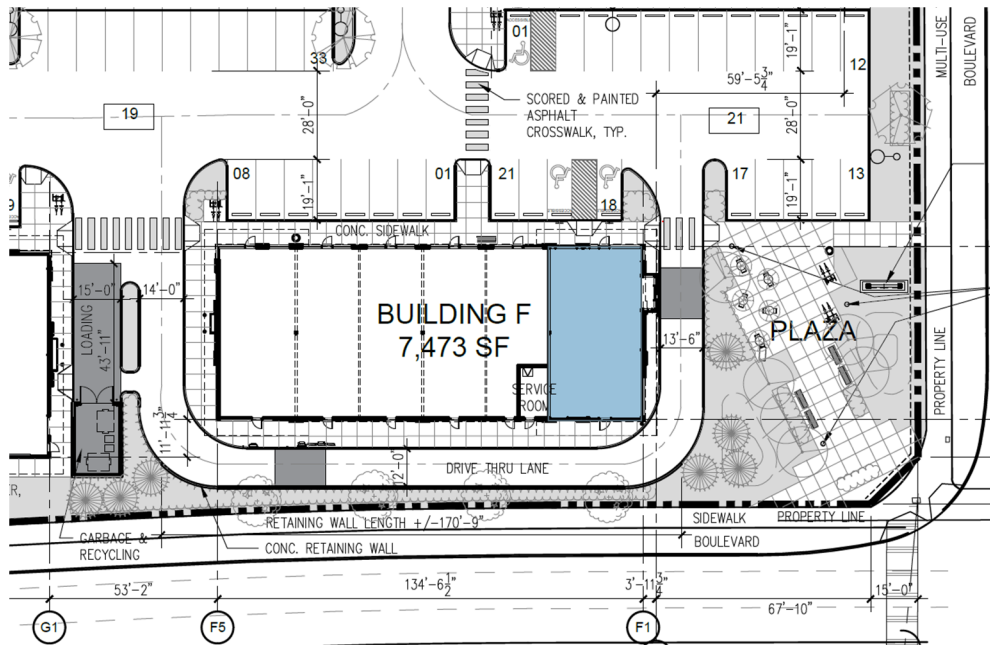
5. Other

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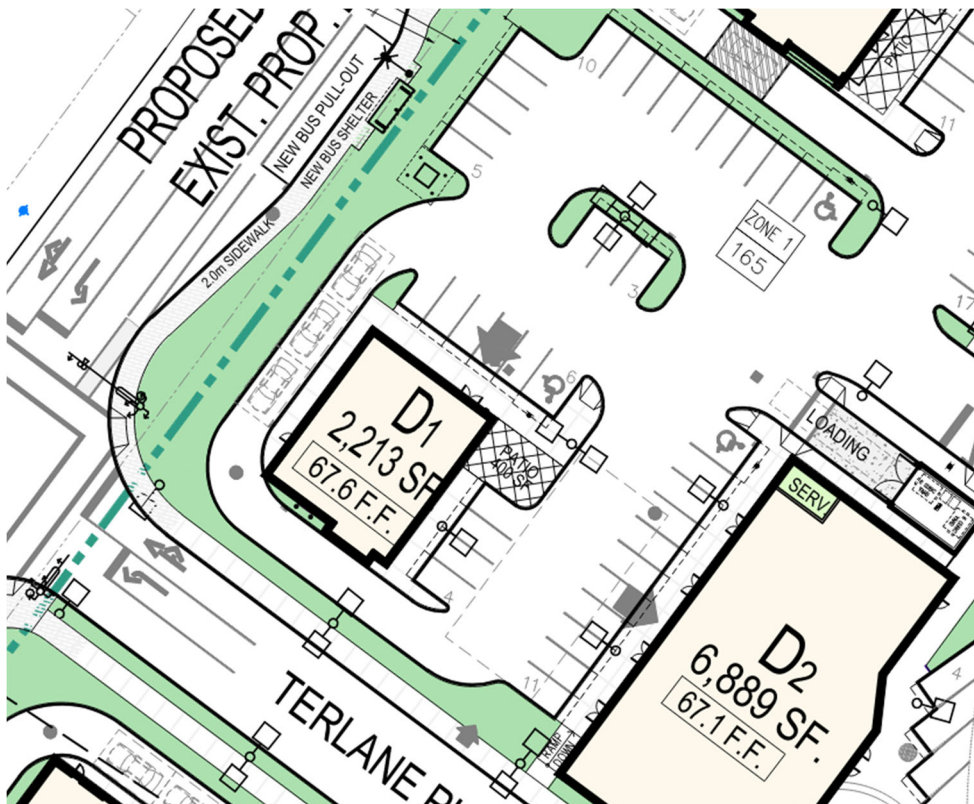
DRIVE THROUGH DESIGN EXAMPLES

Example of a drive-through restaurant (unit in blue) attached to a building.

- Sufficient Stacking for Vehicles
- Drive-through Lane is screened by Landscaping, south and east of the building

**Example of a stand-alone drive-through restaurant.**

- Drive-through Lane is screened by landscaping throughout.



STONEBRIDGE PROJECT

CONSOLIDATED ZONING DATA COMPARISON CHART



Stonebridge Zoning

Consolidation Data

	Residential <u>CD-8</u>	Residential <u>CD-9A</u>	Residential <u>CD-9B</u>	Seniors <u>CD-6</u>	Mixed <u>RM-3</u>	Consolidated <u>Zone</u>
Parcel Coverage						
SFR (Single Family)	45	-	45	-	-	45
Duplex	50	-	50	-	-	50
MFR (Multi-Family)	50	55	50	60	50	55
Lot Area						
SFR (Single Family)	450		450	-	-	300
Duplex	700		700	-	-	500
MFR (Multi-Family)	1000	1000	1000	10000	2000	1000
Hieght (Avg Grade - Highest Point)						
SFR (Single Family)	7.5	-	7.5	-	-	10
Duplex	?	-	7.5	-	-	10
MFR (Multi-Family)	10	15	15	22*	12	22
Accessory	6	?	7.5	-	7.5	7.5
<div> <div>* Max 57 Geodetic</div> <div>Current grade est. as low as 35 geodetic</div> </div>						
Frontage (Lot Width)						
SFR (Single Family)	-	-	-	-	-	10
Duplex	16	-	16	-	-	14
MFR (Multi-Family)	6	23	6	-	-	0
Setbacks						
<u>SFR (Single Family)</u>						
Front Parcel (from Garage)	5.0	-	5.0	-	-	5.0
Front	4.5	-	4.5	-	-	4.5
Interior Side	1.5	-	1.5	-	-	1.5
Exterior Side	3.5	-	3.5	-	-	3.0
Rear Parcel	4.0	-	4.0	-	-	4.0
<u>Duplex</u>						
Front Parcel (from Garage)	5.0	-	5.0	-	-	5.0
Front	4.5	-	4.5	-	-	4.5
Interior Side	1.5	-	1.5	-	-	1.5
Exterior Side	3.5	-	3.5	-	-	3.0
Rear Parcel	4.0	-	4.0	-	-	4.0
<u>MFR (Multi-Family)</u>						
Front Parcel (from Garage)	4.5	4.5	4.5	6.0	-	4.5
Front	4.5	4.5	4.5	6.0	4.5	4.5
Interior Side	3.0	3.0	3.0	6.0	3.5	3.0
Exterior Side	4.5	4.5	4.5	6.0	4.5	4.5
Rear Parcel	4.0	4.5	4.5	6.0	4.5	4.0
<u>Accessory</u>						
Front Parcel (from Garage)	5.0	5.0	5.0	-	-	5.0
Front	5.0	5.0	5.0	-	-	5.0
Interior Side	1.0	1.0	1.0	-	-	1.0
Exterior Side	3.0	3.0	3.0	-	-	3.0
Rear Parcel	1.0	1.0	1.0	-	-	1.0
Secondary Suites (May be superceded by Provincial Legislation)						
SFR Permitted	Yes	No	Yes**	-	-	Yes
Parcel Area Required m ²	600	-	600	-	-	450
Duplex Permitted	Yes	No	Yes	-	-	Yes
Parcel Area Required m ²	700	-	700	-	-	600

** Error in zoning

STONEBRIDGE PROJECT

PRELIMINARY ROAD LAYOUT & CONCEPTUAL MASTER PLAN

(For Reference Only)

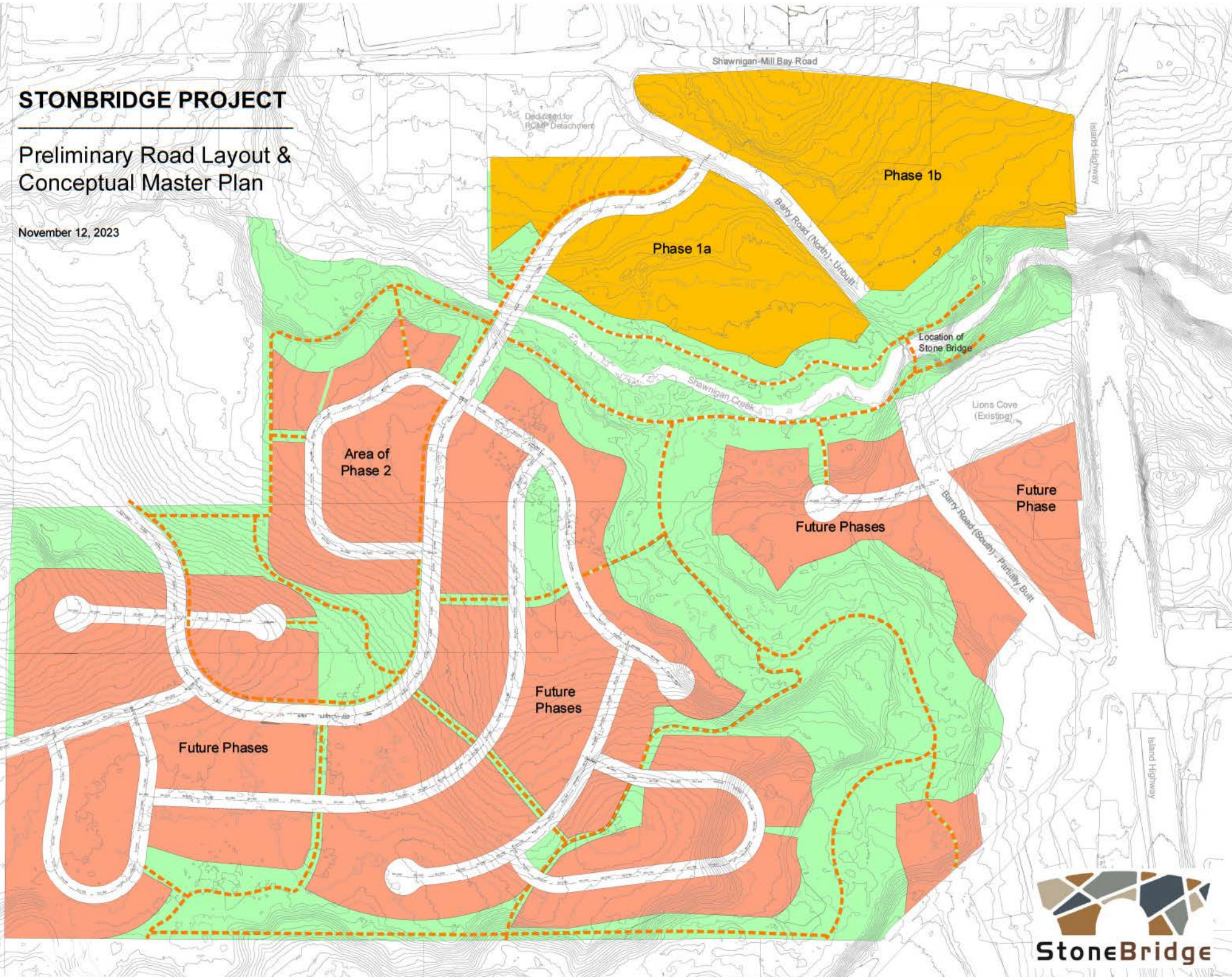




STONBRIDGE PROJECT

Preliminary Road Layout & Conceptual Master Plan

November 12, 2023

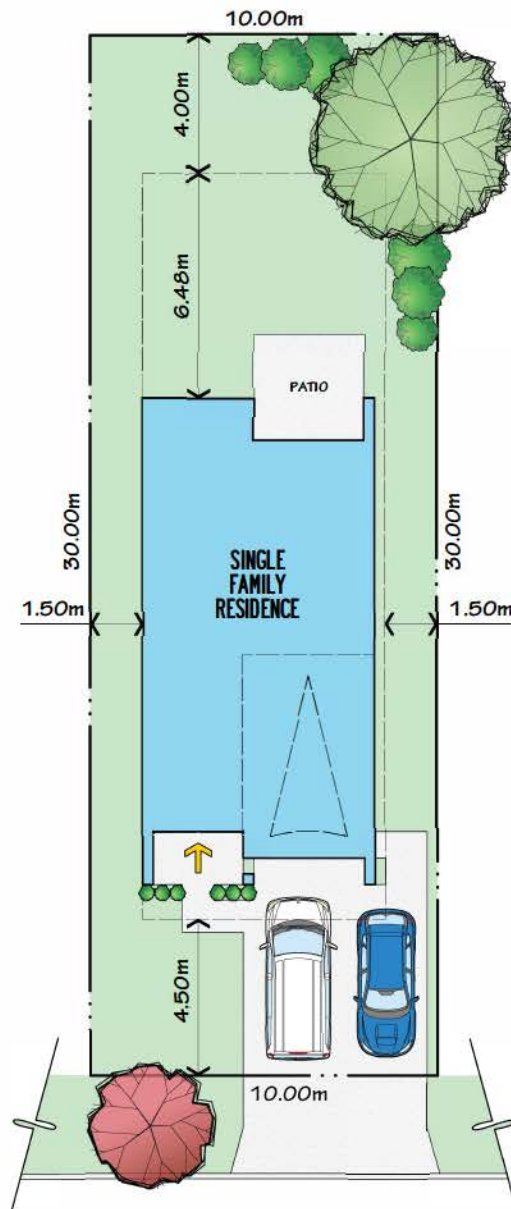


STONEBRIDGE PROJECT

SINGLE FAMILY RESIDENTIAL LAND USE

SAMPLE SITE PLANS REFERENCE INFORMATION



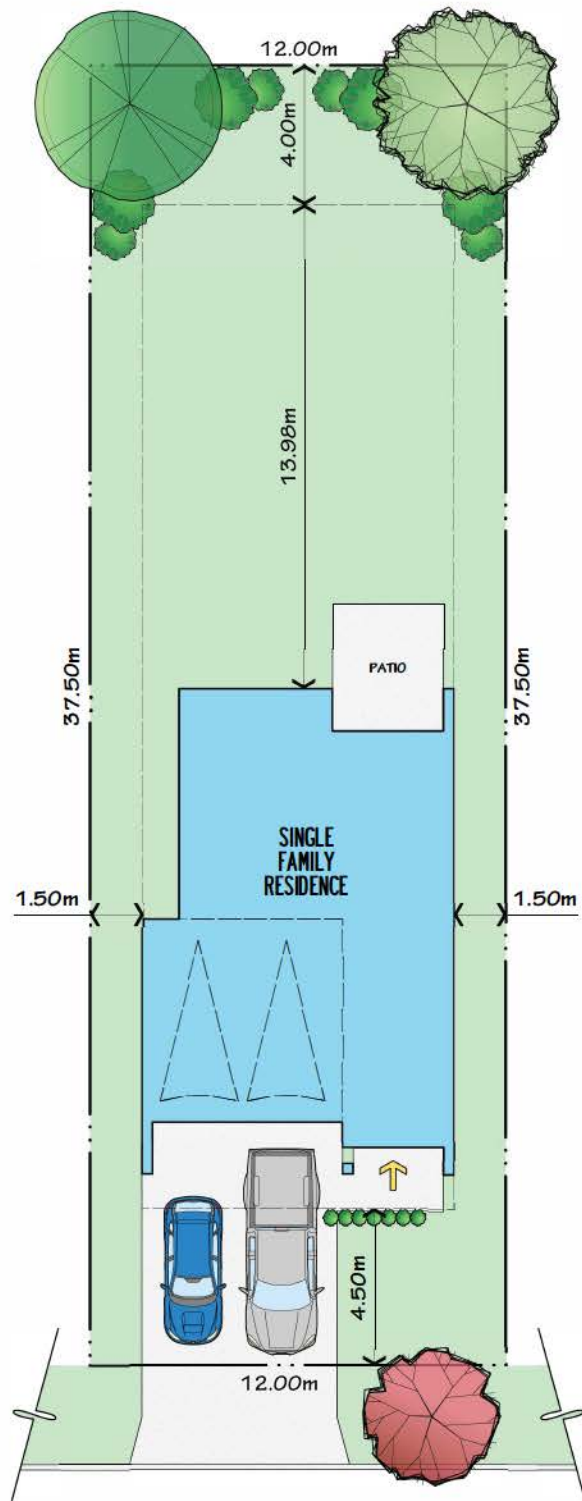


R O A D



SFR - MINIMUM SIZED LOT

LOT SIZE: 300 SQ. M.



R O A D



SFR - TYPICAL SIZED LOT

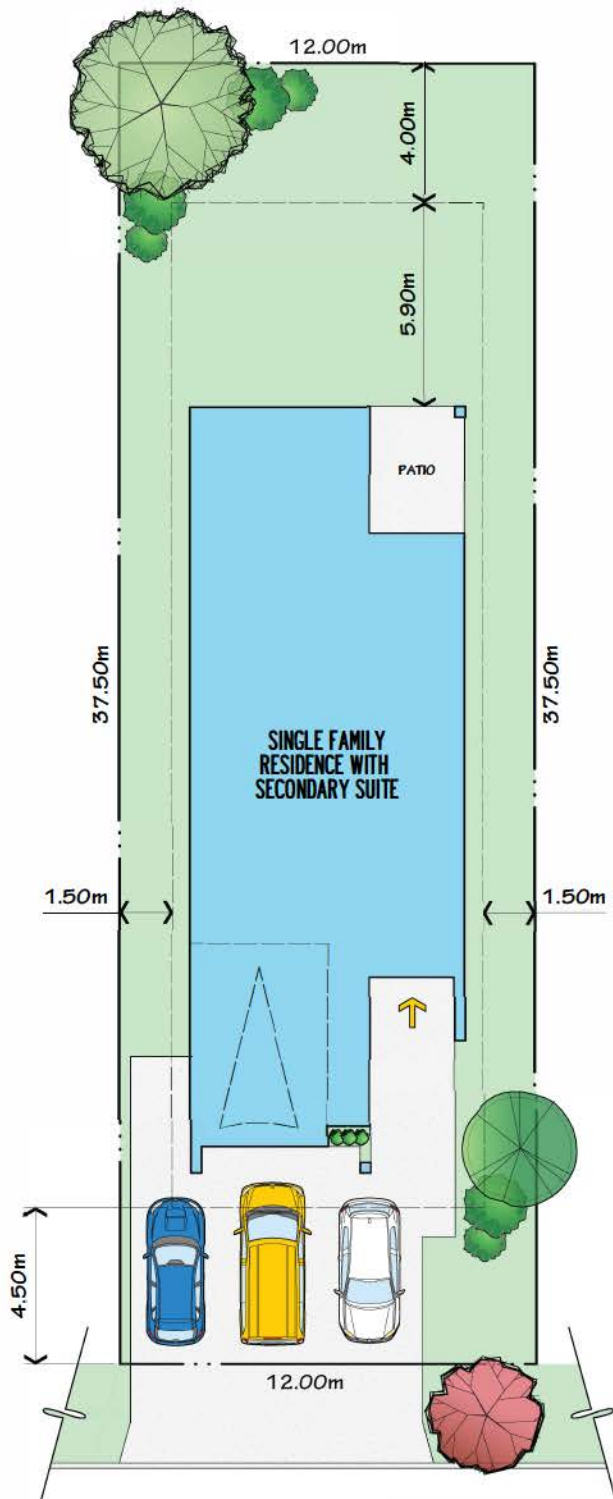
LOT SIZE: 450 SQ. M.

STONEBRIDGE PROJECT

SINGLE FAMILY RESIDENTIAL LAND USE WITH SECONDARY SUITE

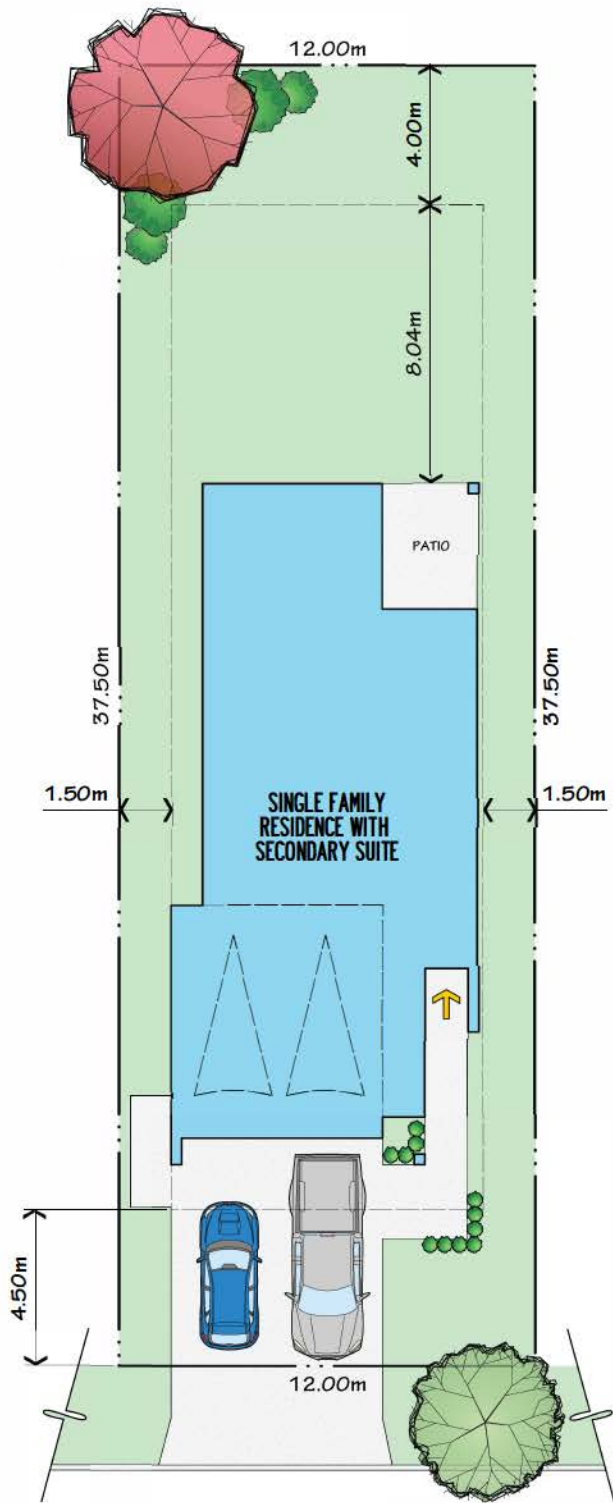
SAMPLE SITE PLANS REFERENCE INFORMATION





SFR WITH SUITE - MIN. SIZED LOT

LOT SIZE: 450 SQ. M.



R O A D



SFR WITH SUITE - MIN. SIZED LOT

LOT SIZE: 450 SQ. M.

STONEBRIDGE PROJECT

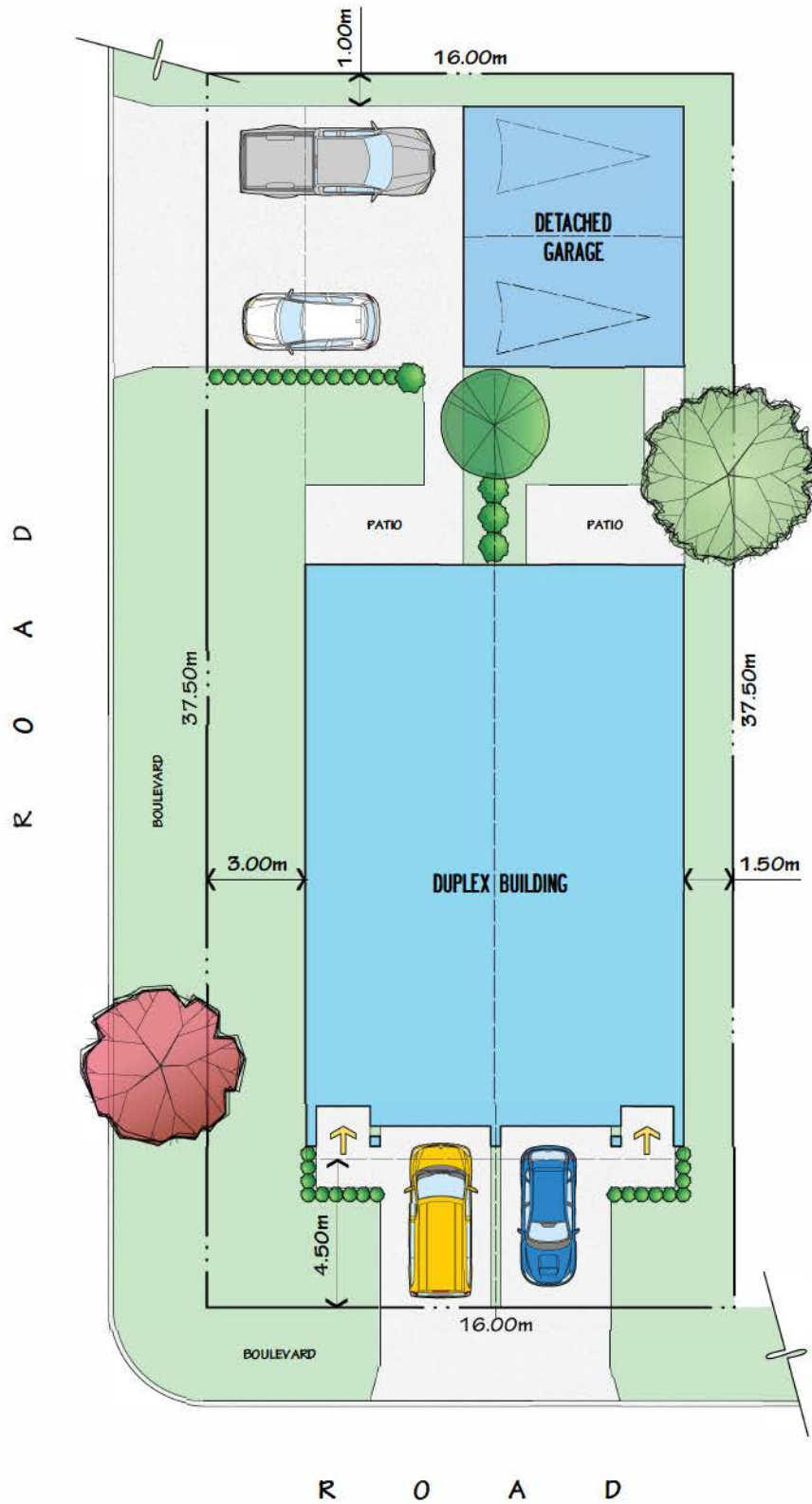
DUPLEX RESIDENTIAL LAND USE

SAMPLE SITE PLANS REFERENCE INFORMATION





LOT SIZE: 600 SQ. M.



DUPLEX - CORNER LOT

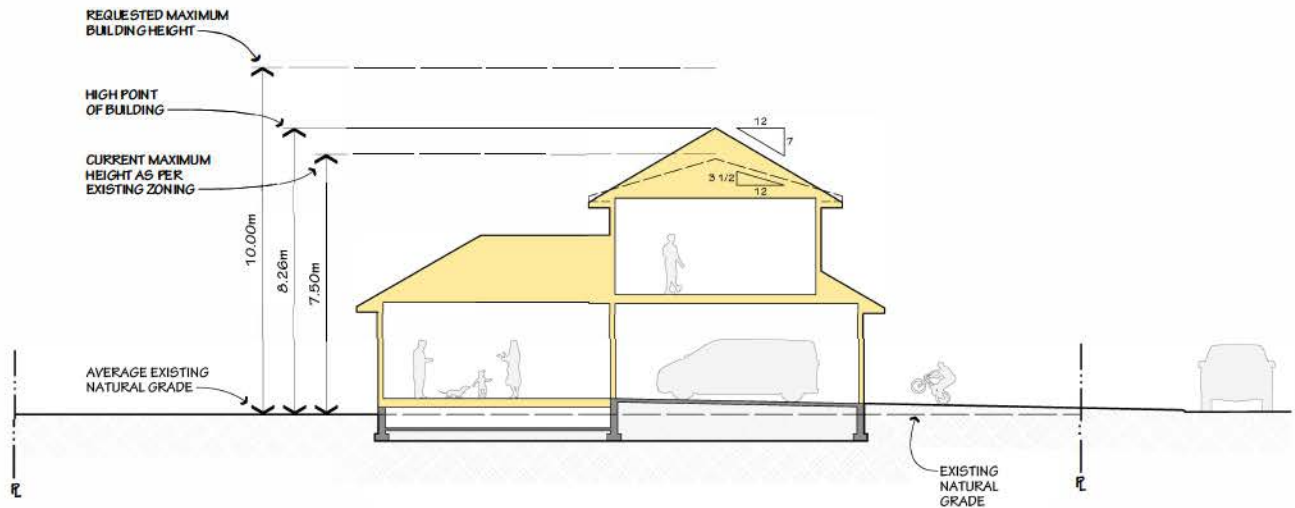
LOT SIZE: 600 SQ. M.

STONEBRIDGE PROJECT

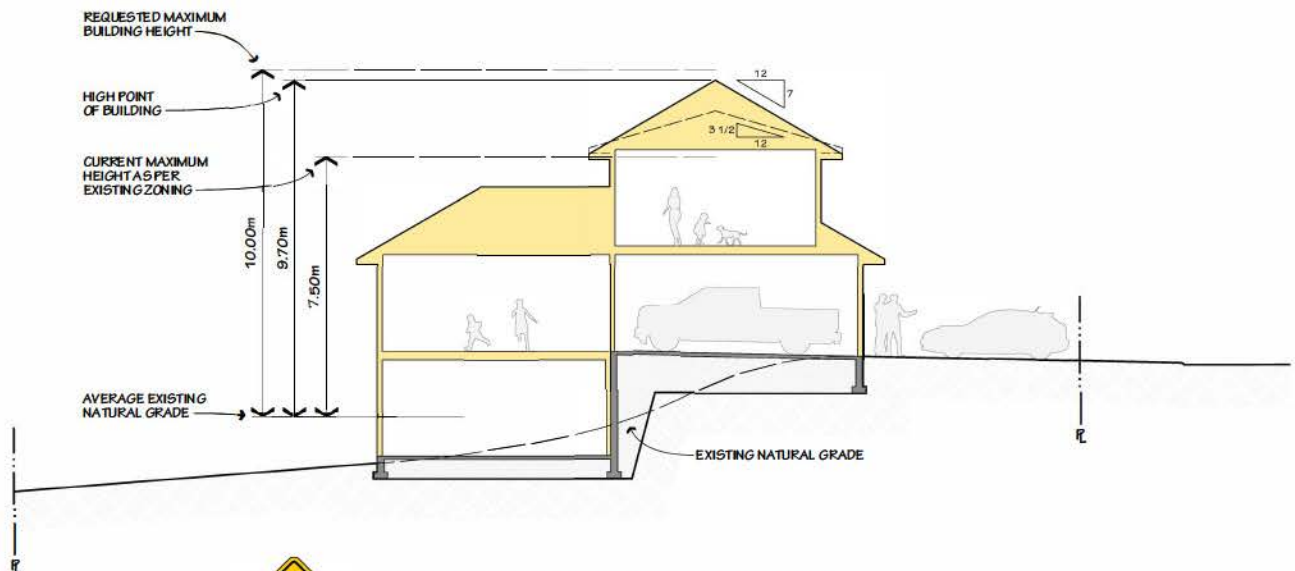
SINGLE-FAMILY & DUPLEX BUILDINGS

BUILDING HEIGHT REFERENCE INFORMATION





FLAT LOT CROSS SECTION



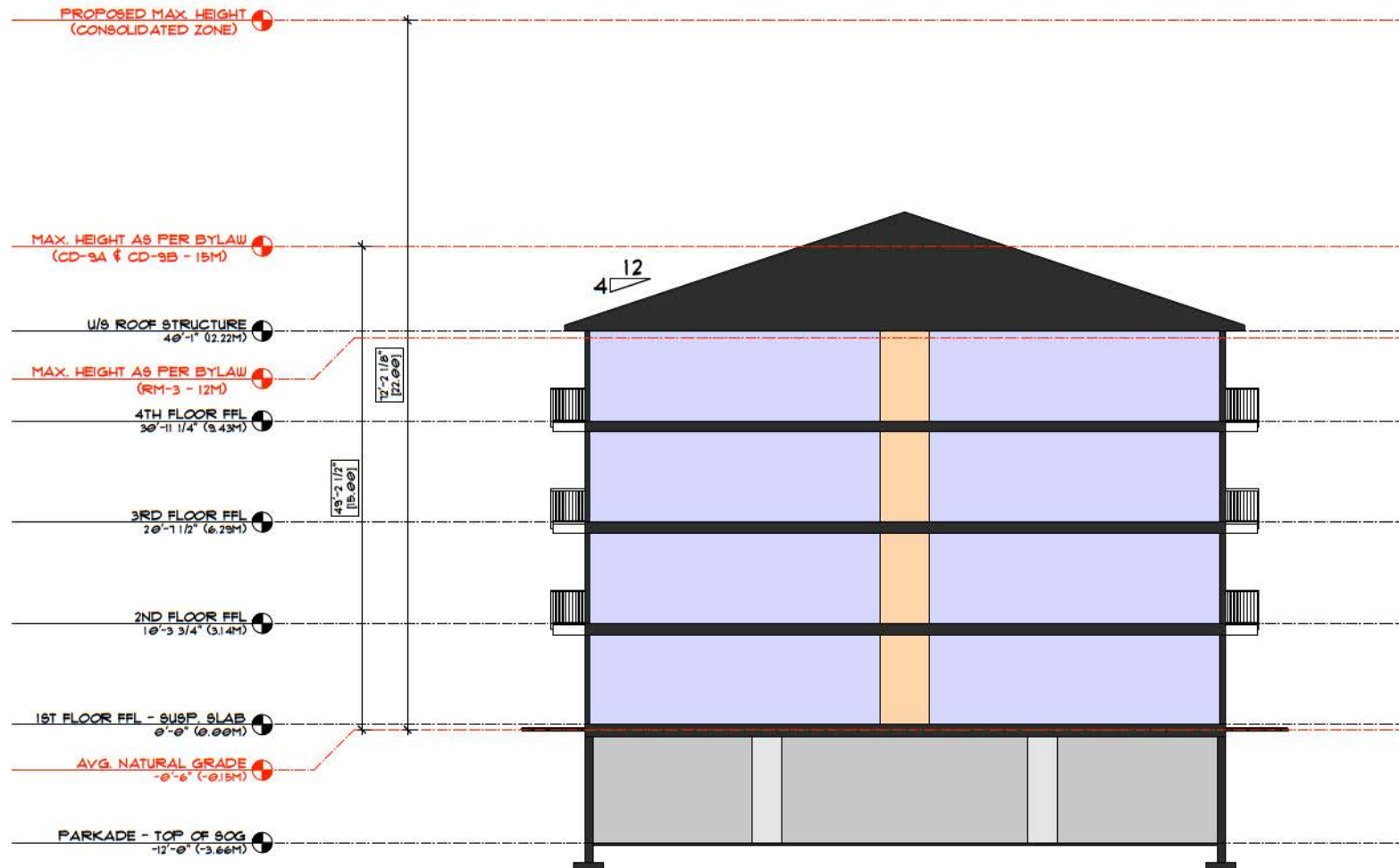
SLOPED LOT CROSS SECTION

STONEBRIDGE PROJECT

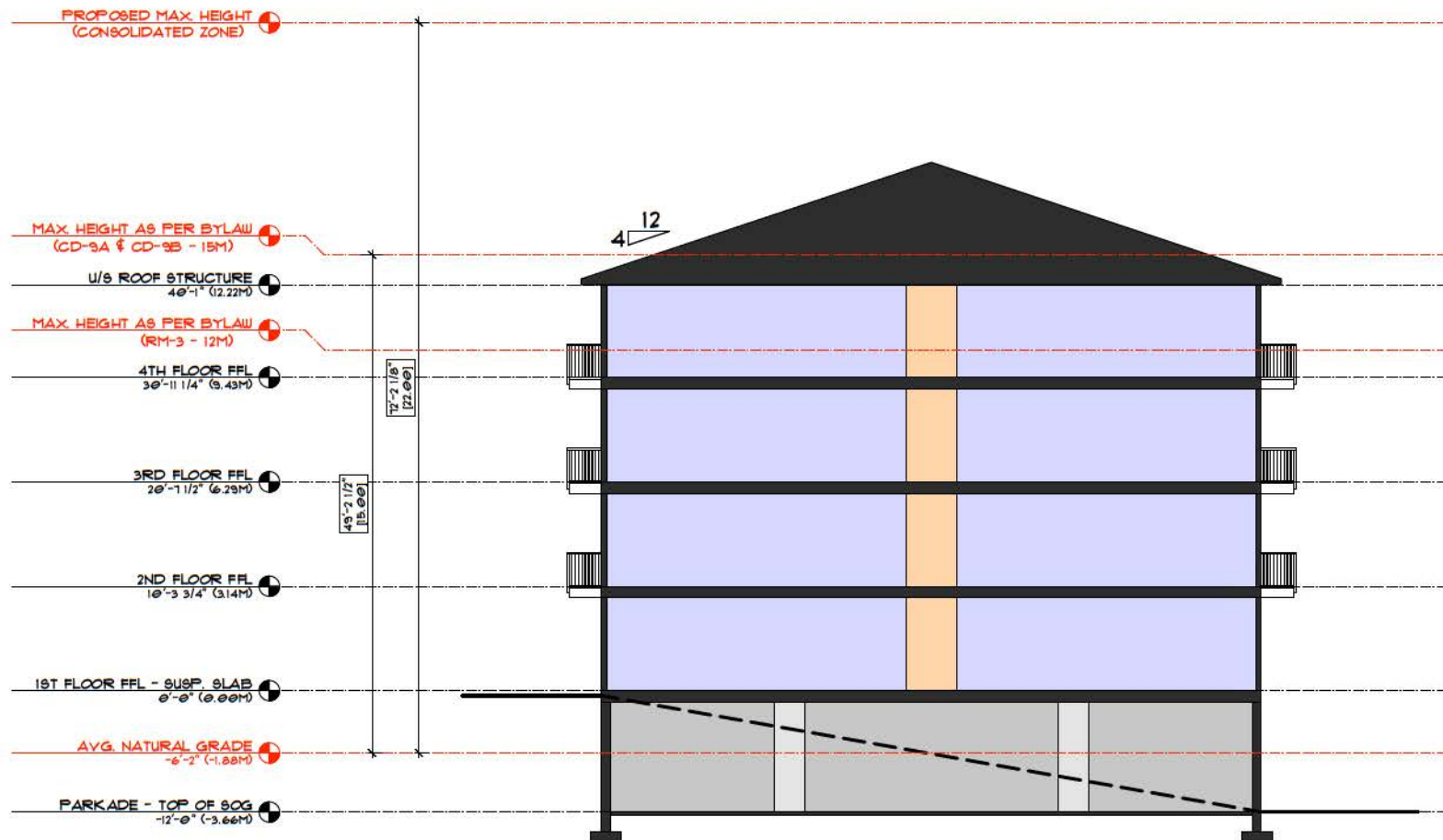
MULTIPLE-FAMILY BUILDINGS

BUILDING HEIGHT REFERENCE INFORMATION

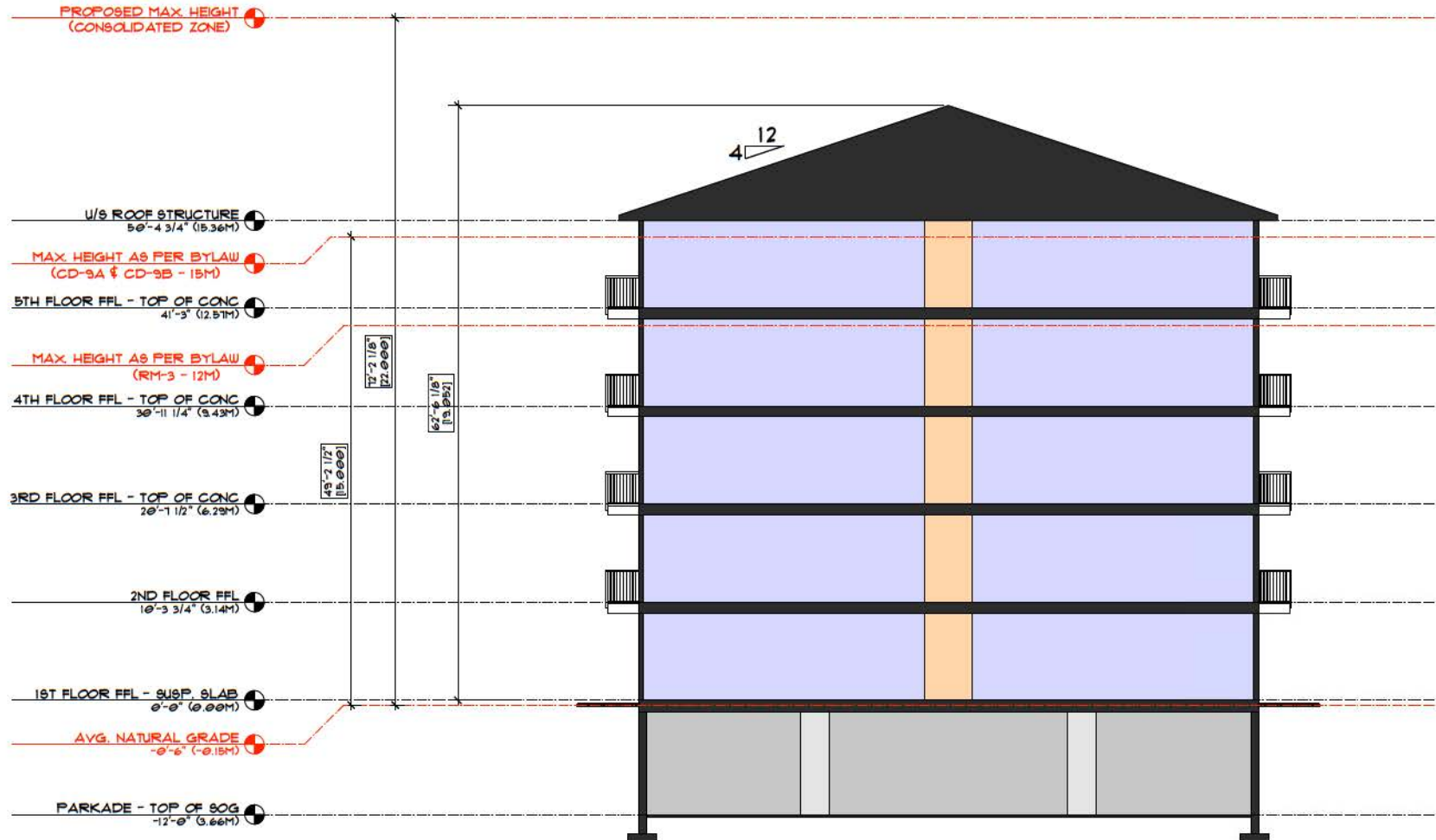




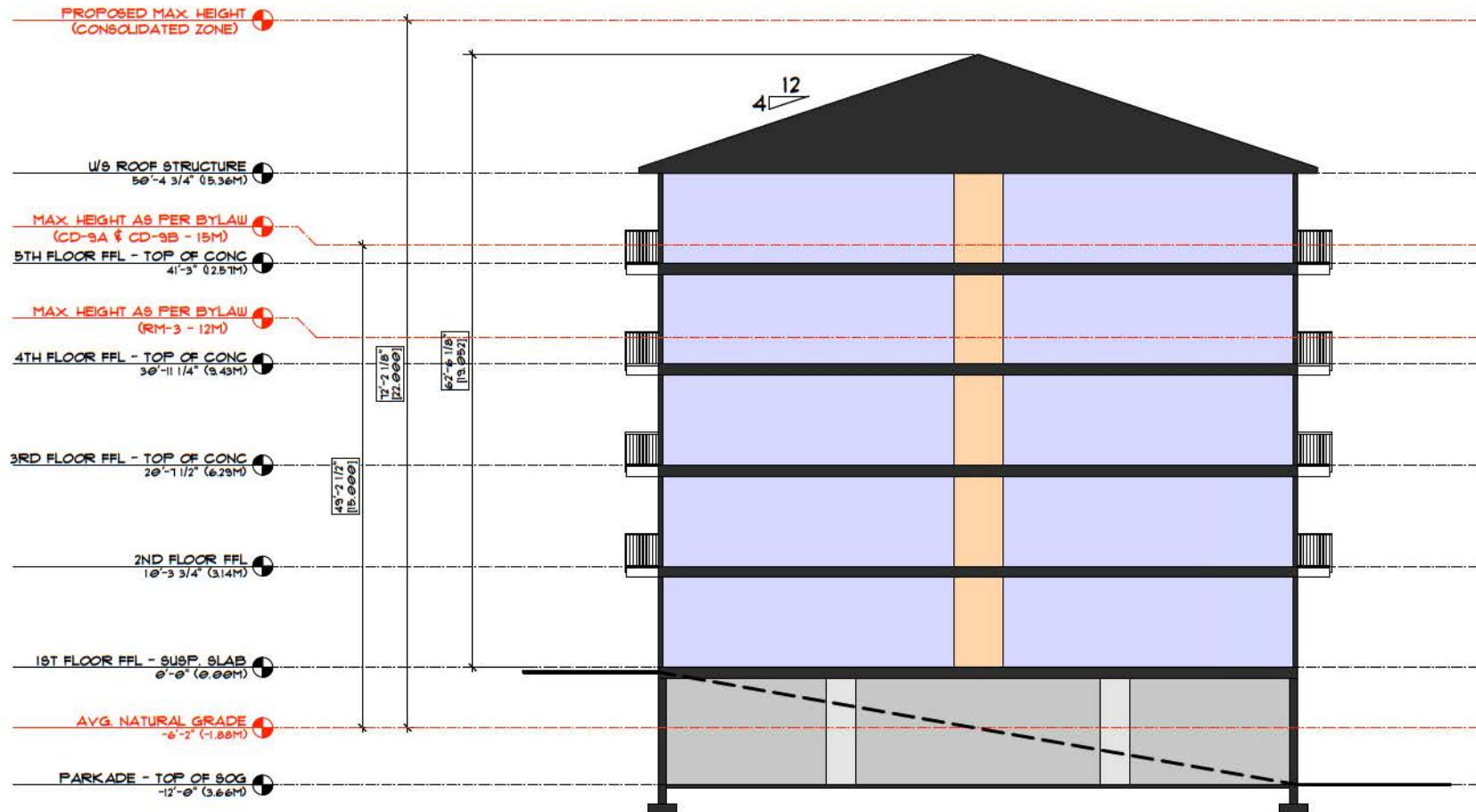
**MULTI-FAMILY
EXAMPLE BUILDING**
4-STOUREYS W/SLOPED ROOF
ON FLAT SITE



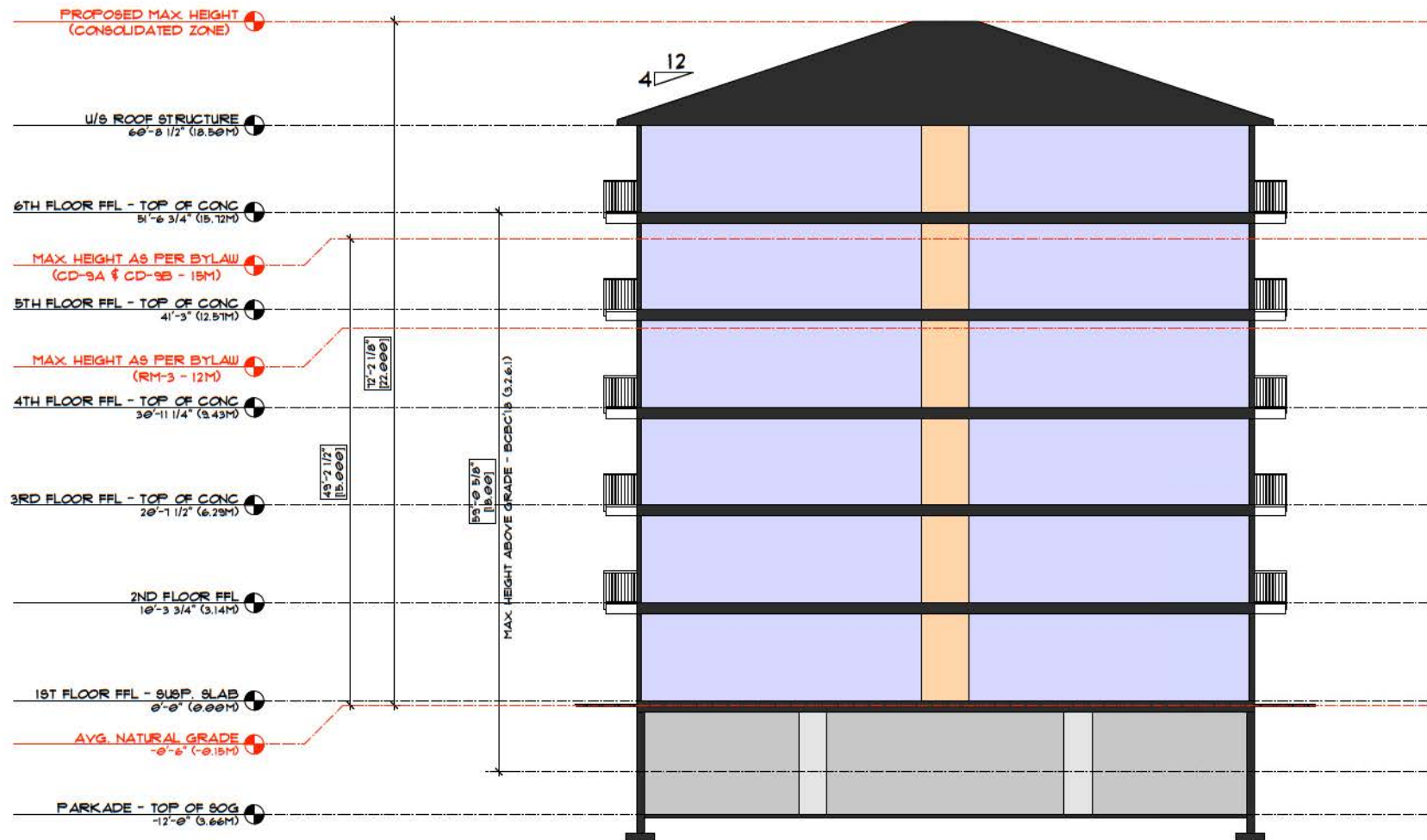
**MULTI-FAMILY
EXAMPLE BUILDING**
4-STOORIES W/ SLOPED ROOF
ON SLOPED SITE



**MULTI-FAMILY
EXAMPLE BUILDING**
5-STORYS W/SLOPED ROOF
ON FLAT SITE

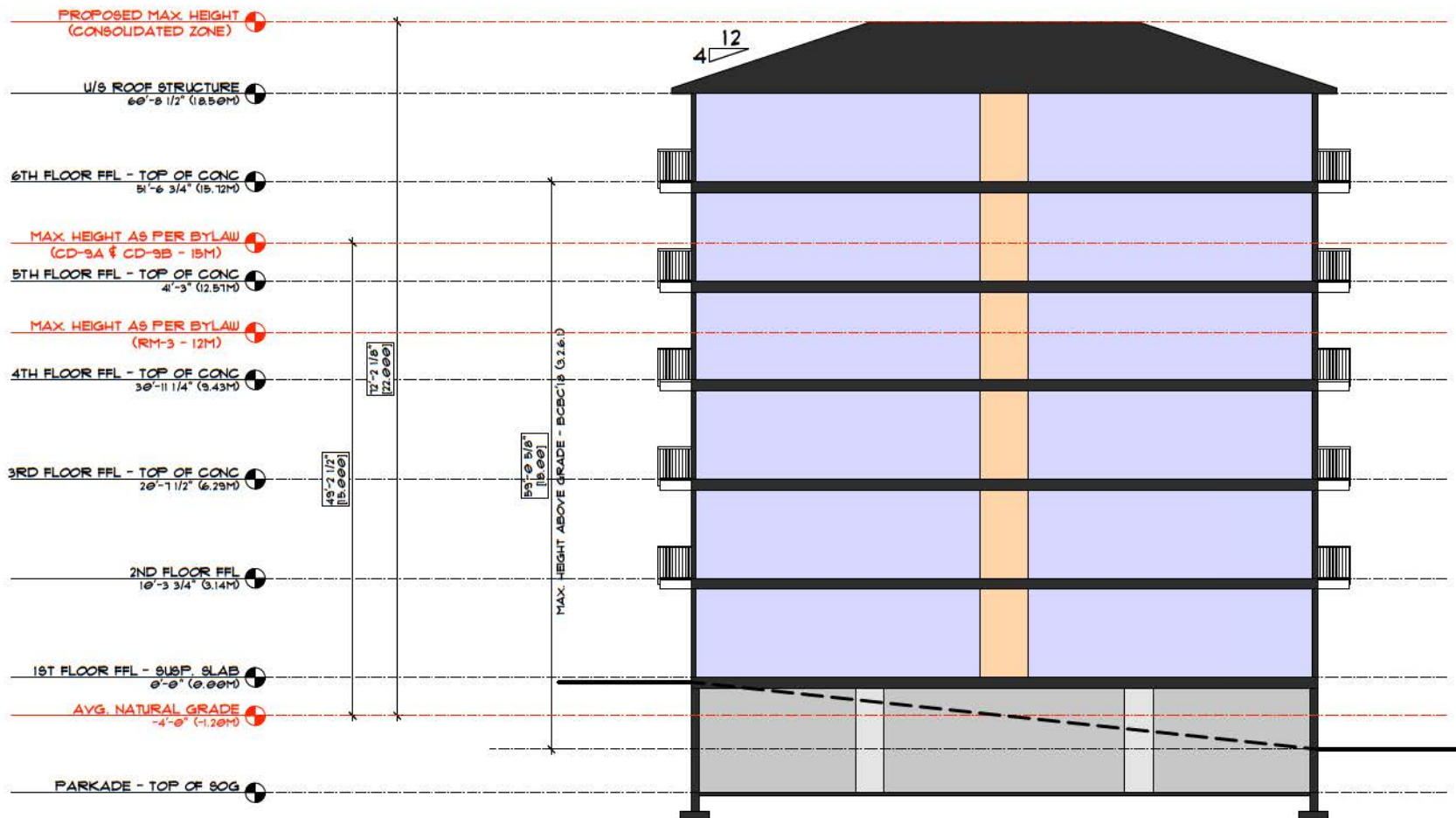


**MULTI-FAMILY
EXAMPLE BUILDING**
5-STOOREYS W/SLOPED ROOF
ON SLOPED SITE



**MULTI-FAMILY
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6-STOUREYS W/SLOPED ROOF
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*NOTE: BC BUILDING CODE 2018 CLAUSE 3.2.6.1(D)
STATES THAT HIGH BUILDING REQUIREMENTS ARE
TRIGGERED WHEN TOP FLOOR ELEVATION IS 18M
ABOVE GRADE (LOWEST BUILDING ELEVATION)



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STONEBRIDGE PROJECT

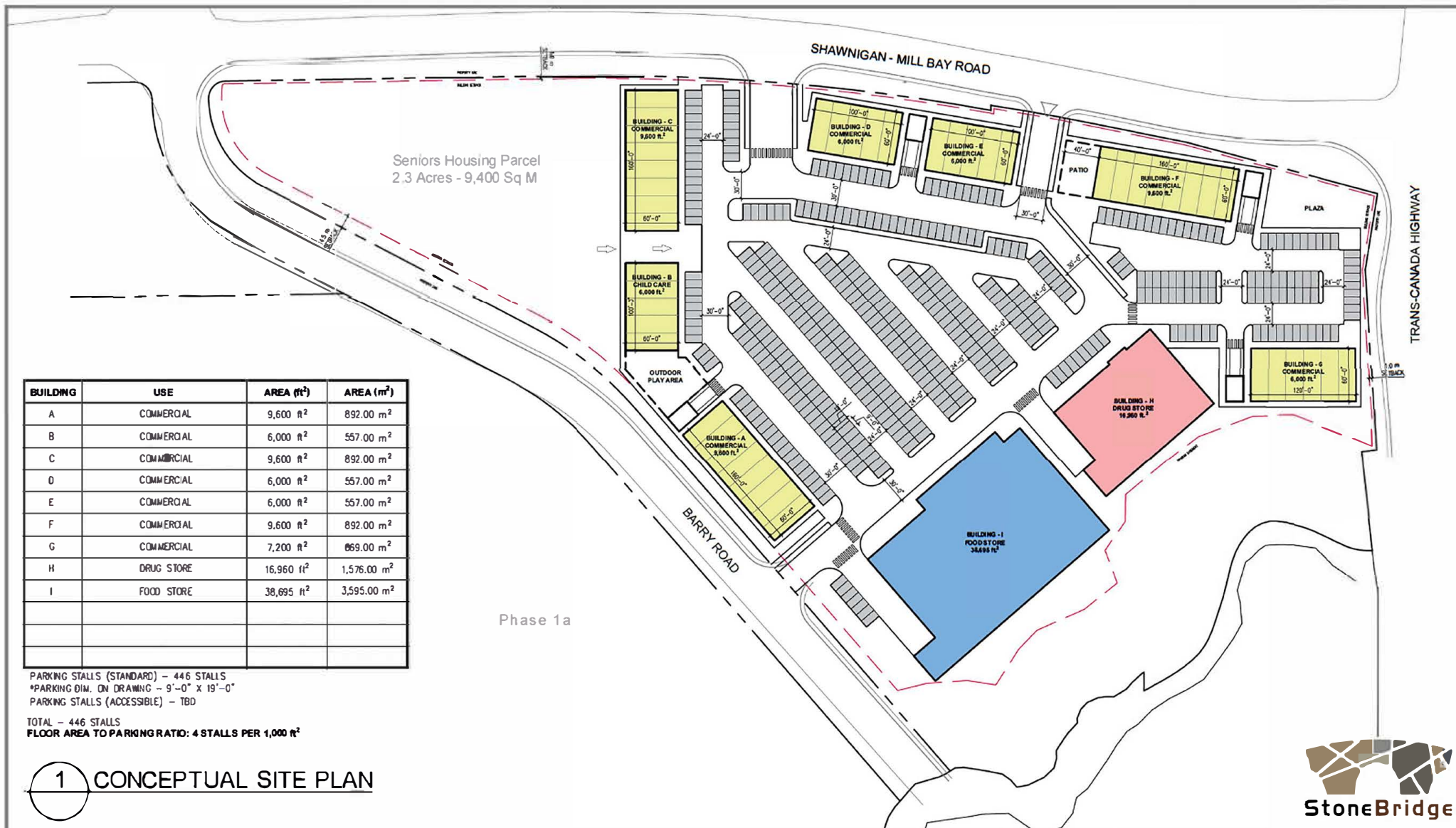
STONEBRIDGE VILLAGE COMMERCIAL LANDS

CONCEPTUAL LAYOUT & DESIGN CONCEPT

(FOR REFERENCE ONLY)







STONEBRIDGE DRIVE THROUGH DESIGN REQUIREMENTS PROPOSAL

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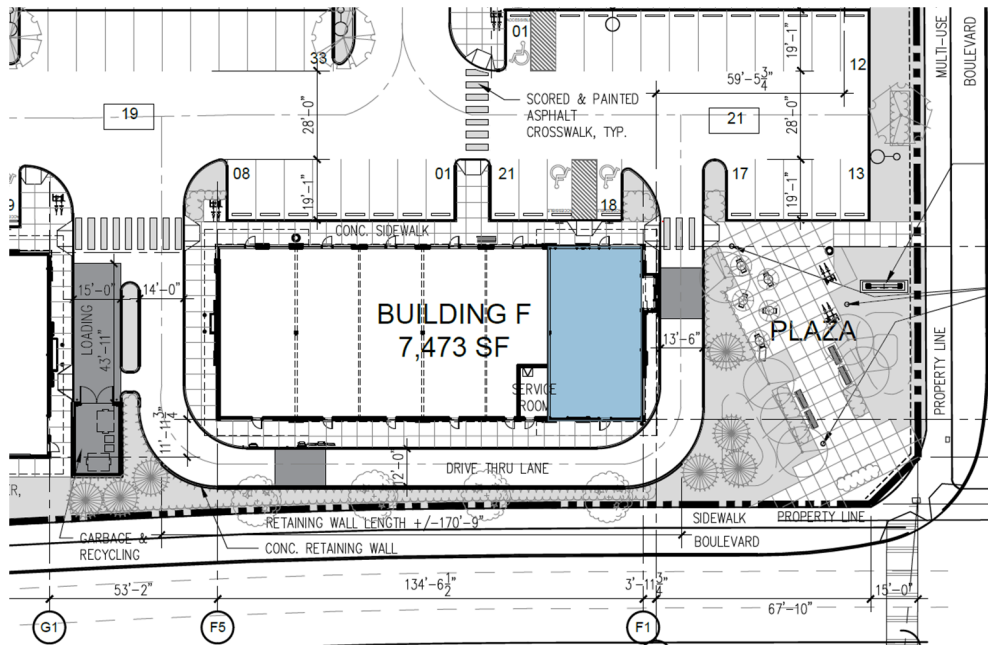
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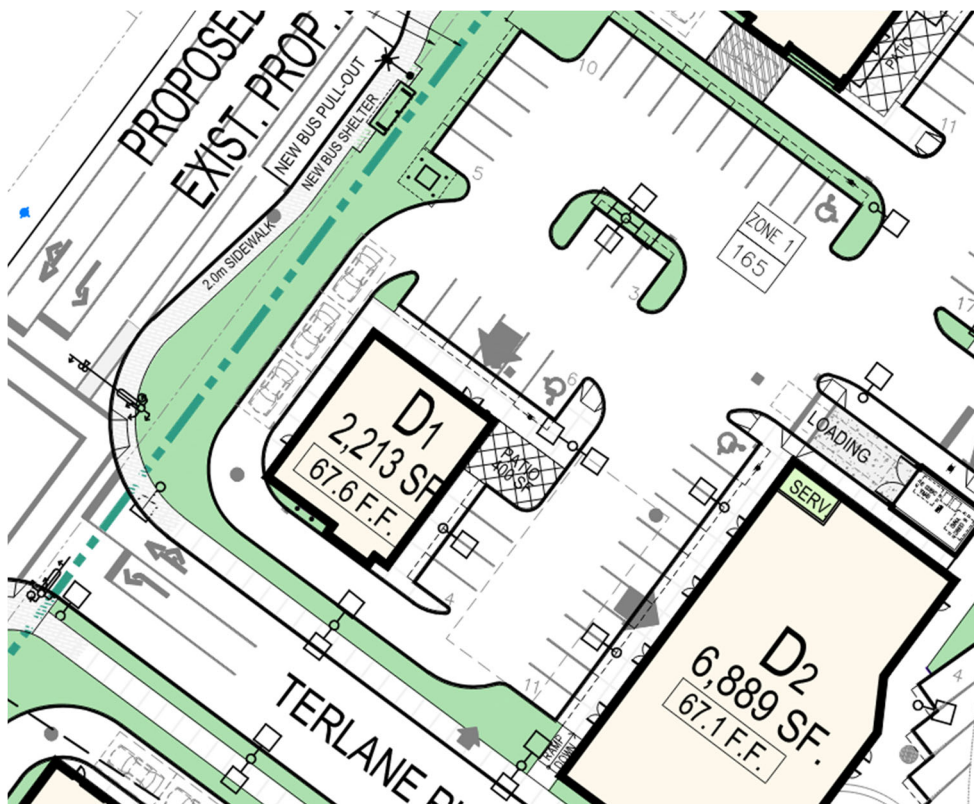
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Status: Registered

Doc #: CA5728036

RCVD: 2016-12-20 RQST: 2021-09-29 12.46.35

FORM_C_V21 (Charge)

VICTORIA LAND TITLE OFFICE

LAND TITLE ACT
FORM C (Section 233) CHARGE

Dec-20-2016 17:27:20.001

CA5728036 CA5728037

GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 31 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

John Dawson
Mullin 87JXTV

Digitally signed by John Dawson
Mullin 87JXTV
DN: c=CA, cn=John Dawson Mullin
87JXTV, o=Lawyer, ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=87JXTV
Date: 2016.12.20 13:57:14 -0800

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

MULLIN DEMEO

Lawyers

1626 Garnet Road

Victoria

BC V8P 3C8

Phone: 250-477-3327

File #: 72885/Limona/Stoneridge/JDM

Client No. 11886

(Park Covenant)

Document Fees: \$143.16

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

SEE SCHEDULESTC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

COWICHAN VALLEY REGIONAL DISTRICT

175 INGRAM STREET

DUNCAN

BRITISH COLUMBIA

V9L 1N8

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

JOHN D. MULLIN

Barrister & Solicitor

1626 Garnet Road

Victoria, BC V8P 3C8

Execution Date

Y	M	D
16	12	06

Transferor(s) Signature(s)

0927020 B.C. LTD. by its authorized signatory(ies):

Name: Mike Baier

Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 2 of 31 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Shannon Carlow

Commissioner for Taking Affidavits in British Columbia

Commission 2015-0836
Cowichan Valley Regional District
175 Ingram Street
Duncan BC V9L 1N8

(as to both signatures)

Y M D

16 12 16

COWICHAN VALLEY REGIONAL
DISTRICT by its authorized signatory
(ies):

Name: Jon Lefebure, Chairperson

Name: Joseph E. Barry, Corporate
Secretary

David B. Pope

Barrister & Solicitor

PO Box 83 Mill Bay, BC
VOR 2P0 250-743 3245

16 12 07

(AS TO PRIORITY)

STEPHEN HOWARD GARNETT,
EXECUTOR OF THE WILL OF GRANT
MAKEPEACE GARNETT,
DECEASED, SEE FB419709

David B. Pope

Barrister & Solicitor

PO Box 83 Mill Bay, BC
VOR 2P0 250-743 3245

16 12 07

(AS TO PRIORITY)

DAVID GREGORY GARNETT,
EXECUTOR OF THE WILL OF GRANT
MAKEPEACE GARNETT,
DECEASED, SEE FB419709

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM D****EXECUTIONS CONTINUED**

PAGE 3 of 31 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

GERRY M. LAARAKKER

Barrister & Solicitor

Gerry M. Laarakker Law Corp.
Unit 1, 4205 - 27th Street
Vernon, BC V1T 4Y3

Y	M	D
16	12	06

(AS TO PRIORITY)

MURRAY CRAIG GARNETT,
EXECUTOR OF THE WILL OF GRANT
MAKEPEACE GARNETT,
DECEASED, SEE FB419709**OFFICER CERTIFICATION:**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM D****EXECUTIONS CONTINUED**

PAGE 4 of 31 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y	M	D
16	12	07

David B. Pope
Barrister & Solicitor
PO Box 83 Mill Bay, BC
VOR 2P0 250-743 3245

(AS TO PRIORITY)

LOIS BERYL GARNETT

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 5 OF 31 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

029-533-601 LOT B SECTION 3 RANGE 8 SHAWNIGAN DISTRICT PLAN EPP49270

STC? YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

**009-497-803 SECTION 3 RANGE 8 SHAWNIGAN DISTRICT EXCEPT PARCEL A
(DD43570I); PARCEL B (DD45704I); PARCEL C (DD91923I) AND EXCEPT
THOSE PARTS IN PLANS 4171, 8239, 9554, 34171, 51404, VIP69873, VIP77020,
EPP18211 AND EPP49270**

STC? YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
[PID] [LEGAL DESCRIPTION]

STC? YES ☐

FORM_E_V21

**LAND TITLE ACT
FORM E****SCHEDULE**

PAGE 6 OF 31 PAGES

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

Entire Instrument, except page 19, paragraph 45

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Priority Agreement

Granting this Covenant with one registration number less than this priority agreement priority over Mortgage CA3612491 and Assignment of Rents CA3612492
Page 19, paragraph 45

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 7 OF 31 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

5. TRANSFEROR(S):

0927020 B.C. LTD., INC. NO. BC0927020
(as to Statutory Right of Way)

STEPHEN HOWARD GARNETT, DAVID GREGORY GARNETT, MURRAY CRAIG GARNETT
EXECUTOR OF THE WILL OF GRANT MAKEPEACE GARNETT, DECEASED, SEE FB419709,
AS TO AN UNDIVIDED 70/100 INTEREST
and
LOIS BERYL GARNETT, AS TO AN UNDIVIDED 30/100 INTEREST
(as to Priority)

TERMS OF INSTRUMENT - PART 2

W H E R E A S:

- A. The Transferor is the registered owner in fee-simple of those lands and premises located within the Cowichan Valley Regional District, in the Province of British Columbia, more particularly described as:

PID 029-533-601

Lot B Section 3 Range 8 Shawnigan District Plan EPP49270

PID 009-497-803

Section 3 Range 8 Shawnigan District Except Parcel A (DD 43570I); Parcel B (DD 45704I); Parcel C (DD 91923I) and Except Those Parts in Plans 4171, 8239, 9554, 34171, 51404, VIP69873, VIP77020, EPP18211 and EPP49270

(collectively, the “**Lands**”)

- B. The Transferee is the Cowichan Valley Regional District (hereafter referred to as the “**CVRD**”);
- C. The Transferor has applied to amend the South Cowichan Official Community Plan Bylaw No. 3510 (the “**OCP**”) as it applies to the Lands, under the terms of CVRD Bylaw No. 4007 – South Cowichan Official Community Plan Amendment Bylaw (Stonebridge North), 2016, and to rezone the Lands under the provisions of Cowichan Valley Regional District Bylaw No. 4008 – South Cowichan Zoning Amendment Bylaw (Stonebridge CD Zone Amendments), 2016 (the “**Zoning Amendment Bylaw**”).
- D. The Zoning Amendment Bylaw includes provisions under section 482 of the *Local Government Act*, S.B.C. 2015 c. 1, under which the density of development on that portion of the Lands in the CD-9B Zone (as that Zone is defined in the Zoning Bylaw) may be increased on the condition that certain amenities are provided.
- E. The Transferor and the CVRD wish to enter into this Agreement to better define the timing and conditions for the provision of amenities to permit the increased density of development of that part of the Lands in the CD-9B Zone.
- F. The Transferor has also offered on a voluntary basis to provide the CVRD with certain other amenities, over and above the amenities referred to in Recital D, including additional land for park purposes, park improvements including a tot lot, Trails, and improvements to the Stone Bridge for the benefit of the surrounding community.
- G. The Transferor has, in accordance with Schedule A, Appendix A, Policy 7.3 of the OCP, provided a community facility lot by donating 1.0 hectares of land to the Government of Canada for a new Royal Canadian Mounted Police station.
- H. The Transferor acknowledges that it is in the public interest that the development and

use of the Lands be limited and wishes to grant this covenant to the CVRD;

- D. Section 219 of the *Land Title Act* provides that a covenant, whether of negative or positive nature, in respect of the use of land or the use of a building on or to be erected on land, and:
- that land is to be built on in accordance with the covenant;
 - that land is not to be built on or subdivided except in accordance with the covenant;
 - that land is not to be used, built on or subdivided;
 - that land or specified amenities be protected, preserved, conserved, maintained, enhanced, restored or kept in its natural or existing state;
- may be granted in favour of the CVRD and may be registered as a charge against the title to that land.

NOW THEREFORE THIS AGREEMENT WITNESSES that under Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein, and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada now paid to the Transferor by the CVRD (the receipt and sufficiency of which is hereby acknowledged), and for other good and valuable consideration the parties covenant and agree each with the other as follows:

Part A – Definitions and Interpretation

1. In this Agreement the following words have the following meanings:

“Bylaw Amenities” means the following amenities, as referred to in Section 11.9B.5e of the Zoning Bylaw, that are required to be provided in order to increase the density of development of the Lands within the CD-9B Zone:

- (a) the donation of two lots created by subdivision of the Lands within the CD-9B Zone, each of which is suitable for the construction of one (1) duplex, to an affordable housing provider that is acceptable to the CVRD;
- (b) the financial contribution of Three Hundred Thousand (\$300,000.00) Dollars to the Electoral Area A Community Parks Capital Reserve Fund; and
- (c) the transfer to the CVRD of the fee simple interest in all Riparian Areas for park and conservation purposes;

“CVRD Parks and Trails Standards and Specifications” means the standards and specifications for Type I and Type II Trails utilized by the CVRD Parks and Trails Division in the development and construction of parks, trails and similar amenities, as amended or replaced and in effect on the date that this s. 219 covenant is registered at the Land Title Office;

“Dwelling Unit” and **“Duplex”** have the same meaning as under the Zoning Bylaw;

“Multi-Use Stonebridge Trail” means that trail shown outlined on the Park Area and Amenity Plan labeled “Multi-Use Stonebridge Trail” built to the CVRD Parks and Trails Standards and Specifications for a Type I Trail by the Transferor in accordance with this Agreement, which will form a part of the CVRD’s recreational trail system, and which

starts at the end of Barry Road on the north side of Shawnigan Creek and travels across Shawnigan Creek via the Stone Bridge, where it joins with Barry Road on the south side of Shawnigan Creek, the general location of which is shown outlined and labeled "Multi-Use Stonebridge Trail" on the Park Area and Amenity Plan;

"Park Area and Amenity Plan" means the plan showing the Transferor's proposed subdivision and development of the Lands, and the approximate location of lands and park amenities to be provided by the Transferor under this Agreement, attached as Schedule "A";

"Park Areas" means, collectively, those parts of the Lands comprising the:

- (a) Tot Lot Park Land;
- (b) Trail Corridor Dedication Areas;
- (c) Trails;
- (d) Multi-Use Stonebridge Trail; and
- (e) Riparian Areas

all of which are to be transferred to the CVRD in accordance with this Agreement for park or conservation purposes;

"Phase" means an area of the Lands that is proposed to be subdivided by a single subdivision plan;

"Professional Engineer" means a professional engineer licensed to practice in British Columbia;

"Riparian Areas" means the riparian areas of the Lands comprising approximately 7.09 hectares, more or less, adjoining Shawnigan Creek, which includes the part of the Lands that has been determined to be the streamside protection and enhancement area (SPEA) in accordance with *Riparian Areas Regulation*, B.C. Reg. 376/2004, as generally shown outlined and labelled "Riparian" on the Park Area and Amenity Plan;

"Stone Bridge" means the historic stone bridge situated within the Park Area that crosses Shawnigan Creek and that will be donated by the Transferor to the CVRD in accordance with this Agreement;

"Subdivision" means the division of land into two (2) or more legal parcels, including by plan, apt descriptive words or otherwise, and for certainty includes a subdivision of land under the *Strata Property Act* into one or more strata lots, whether a building strata or bare land strata subdivision;

"Tot Lot Park Land" means an area of the Lands comprising approximately 0.06 hectares, more or less, which is a corner lot in close proximity to a Trail that connects with the system of Trails in the Riparian Areas, and which will be improved as a tot lot park by the Transferor with amenities, which will include a playground, park furniture, landscaping, irrigation, and such other amenities as agreed upon by the CVRD and the Transferor and as more particularly described in sections 16 to 20 of this Agreement, and the general location of which is shown outlined and labeled "Tot Lot" on the Park

Area and Amenity Plan;

“Trail” or “Trails” means those trails on the Lands, to be constructed to the CVRD Parks and Trails Standards and Specifications for a Type II Trail by the Transferor in accordance with this Agreement, the locations of which are generally shown by the dotted lines on the Park Area and Amenity Plan, and that will form a part of the CVRD's recreational trail system; and

“Trail Corridor Dedication Areas” means those corridors on the Lands to be transferred to the CVRD for recreational trail purposes in accordance with this Agreement, and that will not be less than 7 metres in width.

Part B - Covenant Not to Build or Subdivide Except in Accordance With this Agreement

2. (a) The Transferor covenants and agrees with the CVRD that it shall not construct any buildings on the Lands or subdivide the Lands except in strict accordance with this Agreement.
- (b) Sections 3 through 8 of this Agreement apply to the subdivision and development of that part of the Lands in the CD-9B Zone where undertaken pursuant to the amenity bonus provisions of section 11.9B.5e of the Zoning Amendment Bylaw.

A. Provision of Bylaw Amenities for Increased Density under Zoning Bylaw

3. The Transferor covenants and agrees that no later than the third or last subdivision of the Lands within the CD-9B Zone, whichever is the earlier, it shall transfer the fee simple interest in two fully serviced lots within the CD-9B Zone, each of which is suitable for the construction of one duplex, to a not-for-profit affordable housing provider that is acceptable to the CVRD.
4. The Transferor covenants and agrees that it shall:
 - (a) concurrently with the first subdivision of the Lands within the CD-9B Zone, make a financial contribution of \$50,000.00 to the Electoral Area A Community Parks Capital Reserve Fund;
 - (b) concurrently with the second subdivision of the Lands within the CD-9B Zone, make a financial contribution of \$50,000.00 to the Electoral Area A Community Parks Capital Reserve Fund;
 - (c) concurrently with the third subdivision of the Lands within the CD-9 B Zone, make a financial contribution of \$100,000.00 to the Electoral Area A Community Parks Capital Reserve Fund; and
 - (d) currently with the fourth subdivision of the Lands within the CD-9 B Zone, make a financial contribution of \$100,000.00 to the Electoral Area A Community Parks Capital Reserve Fund.

5. For certainty, the Transferor covenants and agrees that:
 - (a) it shall make a total financial contribution to the Electoral Area A Community Parks Capital Reserve Fund in an amount not less than \$300,000.00, regardless of the number of subdivisions the Transferor finally elects to make to the Lands within the CD-9B Zone; and
 - (b) notwithstanding section 4, in the event that the Transferor makes fewer than four subdivisions to the Lands within the CD-9B Zone, the Transferor shall pay to the Regional District the entire remaining balance of the \$300,000.00 financial contribution to the Electoral Area A Community Parks Capital Reserve Fund concurrently with the final subdivision of the Lands within the CD-9B Zone.
6. The Transferor covenants and agrees that it shall not subdivide the Lands unless it first transfers the fee simple interest in the Riparian Areas to the CVRD, for park and conservation purposes.
7. The Transferor shall be solely responsible for the cost of subdividing the Lands as required to create the lots that are required to be transferred under the terms of this Agreement, including the lots to be transferred to an affordable housing provider under section 3 and the transfer of the Riparian Areas to the CVRD under section 6, and for certainty the cost of subdivision includes the cost of surveying the Lands, plan preparation, the servicing of the lots referred to in section 3 with water and sewer services as well as all other services required as a condition of subdivision, and the cost of preparing and registering at the Land Title Office all required plans and transfers.
8. Each of the parcels that are required to be transferred under the terms of this Agreement, including the parcels to be transferred to an affordable housing provider under section 3 and the transfer of the Riparian Areas to the CVRD under section 6, must be transferred by the Transferor free and clear of any rights of way, covenants, easements, financial charges or encumbrances, property taxes, or other liens, charges or encumbrances of any kind, other than charges that are approved in advance and in writing by the CVRD, such approval not to be unreasonably or arbitrarily withheld.
9. For certainty, in the event that the Transferor does not provide all of the Bylaw Amenities in accordance with the requirements of this Agreement, then:
 - (a) in accordance with the Zoning Bylaw, no more than fifty (50) dwelling units, excluding any secondary suites, may be constructed on the Lands that are within the CD-9B Zone; and
 - (b) the Transferor shall not subdivide the Lands within the CD-9B Zone until it has, at its sole cost, first prepared and registered against title to the Lands a Statutory Right of Way in favour of the CVRD over the Riparian Areas in the form attached to this Agreement as Schedule "B" for the purpose of providing public access over the Trails that are to be developed by the Transferor in the Riparian Areas.

Part C - Park Land and Park Improvement Amenities**A. Transfer of Park Areas other than Riparian Areas**

10. The Transferor shall not deposit or register a subdivision plan that subdivides the Lands into one or more parcels comprising all or a portion of a Phase unless concurrently with that subdivision the Transferor subdivides and transfers to the CVRD the fee simple interest in the portion of the Lands comprising the Park Areas that are contained within that Phase. For greater certainty, this section 10, and sections 11 through 17 of this Agreement apply to the subdivision and transfer to the CVRD of all Park Areas other than the Riparian Areas, the subdivision and transfer of which are addressed in section 6, 7 and 8 of this Agreement.
11. The Transferor shall be solely responsible for the cost of subdividing the Lands as required to create each legal parcel or parcels comprising a Park Area capable of being transferred to the CVRD, and for certainty the cost of subdivision includes the cost of surveying the Lands, plan preparation, and the cost of preparing and registering at the Land Title Office all required plans and transfers but expressly excludes any property transfer tax, or goods and services tax applicable to such transfer.
12. The final surveyed boundaries of all Park Areas as shown on a subdivision plan must be acceptable to the CVRD, such acceptance and approval not to be unreasonably withheld, and:
 - (a) in the case of the portions of the Lands that must be transferred to the CVRD to accommodate the Trails, and the Multi-Use Stonebridge Trail, the width and actual layout of the Trail Corridor Dedication Areas in each case shall be determined by the CVRD, acting reasonably, at the time of subdivision based on site conditions and trail requirements, including without limitation the requirement that the Trail Corridor Dedication Areas that pass between residential lots must be in the locations generally shown outlined and labeled as "Trail Corridors" on the Park Area and Amenity Plan, and must not be less than 7 metres in width;
 - (b) in the case of the Tot Lot Park Land, the location and boundaries of the Tot Lot Park Land shall be as approved by the CVRD, acting reasonably.
13. All Park Areas shall be transferred to the CVRD free and clear of any rights of way, covenants, easements, financial charges or encumbrances, overhead services, property taxes, or other liens, charges or encumbrances of any kind, other than charges that are approved in advance and in writing by the CVRD, such approval not to be unreasonably or arbitrarily withheld. Any part of the Lands required to be created by subdivision and to be transferred to the CVRD under this Agreement shall not be included within any area of the Lands that is required to be dedicated as highway or public roadway as a condition of subdivision.
14. The Transferor shall not construct or install underground services or utility works including, but not limited to, those underground services or utility works described in sections 19 and 20 on those parts of the Lands that will be transferred to the CVRD under this Agreement without first obtaining the written approval of the Manager of the

CVRD Parks and Trails Division. Without limiting the other circumstances in which the Manager of the CVRD Parks and Trails Division may withhold approval, approval may be withheld if the following conditions are not met:

- (a) except as specifically provided in section 14(c), all such infrastructure is located underground;
 - (b) the location of the infrastructure will not affect the CVRD's ability to develop or use the Park Area for park, trail, or conservation purposes;
 - (c) where practical the infrastructure is or will be aligned with a Trail or the Multi-Use Stonebridge Trail, except that CVRD may require portions of the infrastructure be located approximately 40 metres west of the Stone Bridge if the CVRD Engineering Services Department determines that a pipe bridge crossing Shawnigan Creek is required; and
 - (d) the Transferor registers such easements or statutory rights of way as are necessary for the construction and maintenance of the infrastructure, such easements or statutory rights of way to be on terms that are to the CVRD's satisfaction in accordance with section 13 of this Agreement.
15. Except for that stormwater infrastructure specifically described in section 20(a) or that pre-existing stormwater infrastructure shown outlined and identified by the letters "SW" on the Park Area and Amenity Plan, the Transferor covenants and agrees that it will not construct any stormwater infrastructure within the Park Areas.

B. Amenities and Trail Improvements

16. The Transferor covenants and agrees that it shall construct at its sole cost and expense:
- (a) improvements required for the establishment and use of the Trails and the Multi-Use Stonebridge Trail (the "**Trail Improvements**");
 - (b) amenities and improvements required for the establishment and use of the Tot Lot Park Land (the "**Tot Lot Amenities**");
 - (c) all signage which identifies the boundaries between the Park Areas and private property ("**Park Area Signage**").
17. The Transferor covenants and agrees that the Trail Improvements and Tot Lot Amenities and Park Area Signage must be constructed in accordance with this Agreement and to the satisfaction of the CVRD prior to the subdivision and transfer of the fee simple interest in the parcel or parcels comprising the Park Area in which the Trail Improvements, Tot Lot Amenities or Park Area Signage is located.
18. All Trail Improvements, Tot Lot Amenities and Park Area Signage to be constructed under this Agreement shall be designed and constructed by the Transferor to the satisfaction of the CVRD and to CVRD Parks and Trails Standards and Specifications,

Type I for the Multi-use Stonebridge Trail and Type II for all other Trails.

19. Prior to the construction of any Trail Improvements, Tot Lot Amenities, or Park Area Signage, the Transferor shall submit to the CVRD, for the CVRD's written approval, a set of drawings and specifications prepared by a qualified landscape designer, in such detail as is reasonably necessary to demonstrate that the Trail Improvements, Tot Lot Amenities and Park Area Signage will comply with the requirements of this Agreement, and that, where applicable, provide details of:
 - (a) all site preparation work;
 - (b) all hard surfaces;
 - (c) all landscaping including grassed areas and trees;
 - (d) signage;
 - (e) playground equipment and park furniture where required; and
 - (f) site services including water, sewer and hydro where applicable.
20. The Tot Lot Amenities must include:
 - (a) potable water, irrigation, and storm drainage services at locations that are acceptable to the CVRD;
 - (b) playground equipment suitable for the size of the Tot Lot Park Land and that meets the current Canadian Standards Association standards, which equipment must be approved in writing by the CVRD prior to the purchase and installation of the equipment, such approval not to be unreasonably withheld, and all playground equipment must be installed by a certified playground equipment contractor;
 - (c) park furniture that meets CVRD Parks and Trails Standards or such other standard as the CVRD may, in its sole discretion, direct in substitution;
 - (d) landscaping suitable for the size and use of the Tot Lot Park Land, as determined by the CVRD acting in its sole discretion; and
 - (e) all other amenities and improvements that the parties agree are reasonably required or desirable for the use of the Tot Lot Park Land as a tot lot park.
21. The Transferor covenants and agrees that it shall construct, at its sole cost and expense, the Multi-Use Stonebridge Trail, and all other Trails in accordance with CVRD Parks and Trails Standards, and within the Trail Corridor Dedication Areas, or such other area of the Lands that the CVRD in its sole discretion may direct in substitution.

C. Stone Bridge

22. Concurrently with the subdivision of that part of the Lands upon which the Stone Bridge is situated, the Transferor shall transfer its interest in the Stone Bridge to the CVRD, free of all liens, charges and encumbrances, together with the portion of the Lands on which any part of the Stone Bridge is situated, that surrounds the Stone Bridge and that is reasonably required for the CVRD's use and maintenance of the Stone Bridge as part of the CVRD's recreational trail system.
23. Prior to the transfer described in section 22, the Transferor shall, at its sole expense:
- (a) retain a Professional Engineer to inspect and assess the Stone Bridge and prepare, for the CVRD's written approval, a report detailing all work and upgrades that must be completed before the Stone Bridge may be safely used by the public as a bridge for pedestrians and non-motorized vehicles, which work must include, but shall in no way be limited to, the construction of a hand-railing on both sides of the Stone Bridge;
 - (b) perform all work and upgrades to the Stone Bridge in accordance with the report described in section 23.

D. No Disturbance of Land Pending Transfer to CVRD

24. Except as may be necessary to construct the Trail Improvements, Park Area Amenities and Park Area Signage required under this Agreement, the Transferor agrees that it shall not disturb or remove any soil and/or vegetation on that part of the Lands that might reasonably be expected to be transferred for park or conservation purposes under this Agreement, whether before or after the transfer of the Park Areas, including, but not limited to, any such disturbance or removal undertaken as part of any land clearing or construction activities, without the prior express written consent of the CVRD.

E. Local Government Act Requirements for Provision of Park Land or Payment for Parks Purposes

25. The CVRD confirms that in the event that the Transferor develops the Lands within the CD-9B Zone pursuant to the amenity bonus provisions of section 11.9B.5e of the Zoning Amendment Bylaw, and transfers all of the Park Areas to the CVRD in accordance with this Agreement, the Transferor shall not be required to provide any additional park land at the time of subdivision of the Lands in accordance with section 510 of the *Local Government Act*.
26. If the Transferor does not develop the Lands within the CD-9B Zone pursuant to the amenity bonus provisions of section 11.9B.5e of the Zoning Amendment Bylaw, or in any event does not transfer all of the Park Areas required to be transferred to the CVRD under this Agreement, the Transferor shall be required to provide the CVRD with sufficient park land at the time of subdivision of the Lands to meet the requirements of section 510 of the *Local Government Act*. In the circumstances described in this section 26, the parties agree that any Park Areas actually provided by the Transferor to the CVRD under this Agreement shall be counted as a credit towards the total amount

of park land required to be provided by the Transferor to the CVRD under section 510 of the *Local Government Act*.

F. General Provisions

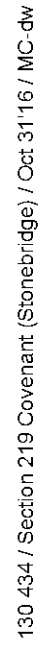
27. The Transferor shall indemnify and save harmless the CVRD from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the CVRD or which the CVRD incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
28. The Transferor hereby releases and forever discharges the CVRD of and from any claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the CVRD for any loss or damage or injury, including economic loss, that the Transferor may sustain or suffer arising out of or connected with:
 - (a) the breach of any covenant in this Agreement;
 - (b) the use of the Lands contemplated under this Agreement; and
 - (c) restrictions or requirements under this Agreement.
29. At the Transferor's expense, the Transferor must do everything necessary to secure priority of registration and interest for this Agreement and the Section 219 Covenant it creates over all registered and pending charges and encumbrances of a financial nature against the Lands.
30. This Agreement is effective on the date the Zoning Bylaw is adopted by the Board of the Cowichan Valley Regional District. In the event the Zoning Bylaw is not adopted on or before the date that is six months following the registration of this Agreement in the Land Title Office, the CVRD will execute a discharge of this Agreement, the preparation and registration of which shall be at the sole cost of the Transferor.
31. Nothing contained or implied in this Agreement shall prejudice or affect the rights and powers of the CVRD in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Transferor.
32. Each party shall pay their own legal costs associated with the preparation of this Agreement. The Transferor agrees to pay all other costs associated with the final registration of this Agreement. This is a personal covenant between the parties.

33. Time is of the essence of this Agreement.
34. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the requirements and restrictions set out in this Agreement and they shall be binding upon the Transferor as personal covenants only during the period of its respective ownership of any interest in the Lands.
35. It is mutually understood, acknowledged and agreed by the parties hereto that the CVRD has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Transferor other than those contained in this Agreement.
36. The waiver by a party of any breach of this Agreement or failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar, and no waiver shall be effective unless it is in writing signed by both parties.
37. Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
38. No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.
39. The enforcement of this Agreement shall be entirely within the discretion of the CVRD and the execution and registration of the Agreement against title to the Lands shall not be interpreted as creating any duty on the part of the CVRD to the Transferor or to any other person to enforce any provision of the breach of any provision of this Agreement.
40. The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual, and shall continue to bind all of the Lands when subdivided, and shall be registered in the Victoria Land Title Office pursuant to section 219 of the *Land Title Act* as covenants in favour of the CVRD as a first charge against the Lands.
41. The Transferor agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
42. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.
43. This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.
44. This Agreement may be executed in counterpart with the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement. This Agreement may be delivered by electronic means.

45. Stephen Howard Garnett, David Gregory Garnett, Murray Craig Garnett, Executor of the Will of Grant Makepeace Garnett, Deceased, See FB419709, as to an undivided 70/100 interest, and Lois Beryl Garnett, as to an undivided 30/100 interest (collectively, the "**Chargeholder**"), the registered holder of a charge by way of Mortgage and Assignment of Rents against the Lands and registered under numbers CA3612491 and CA3612492, respectively (collectively, the "**Charge**") in the Land Title Office at Victoria, British Columbia, for and in consideration of the sum of One (\$1.00) Dollar paid by the CVRD to the said Chargeholder (the receipt whereof is hereby acknowledged), agrees with the CVRD, its successors and assigns, that the within section 219 Covenant shall be an encumbrance upon the Lands in priority to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

The Transferor and CVRD acknowledge that this Agreement has been duly executed and delivered by the parties executing Forms C and D (pages 1 and 2) attached hereto.

Park Area and Amenity Plan

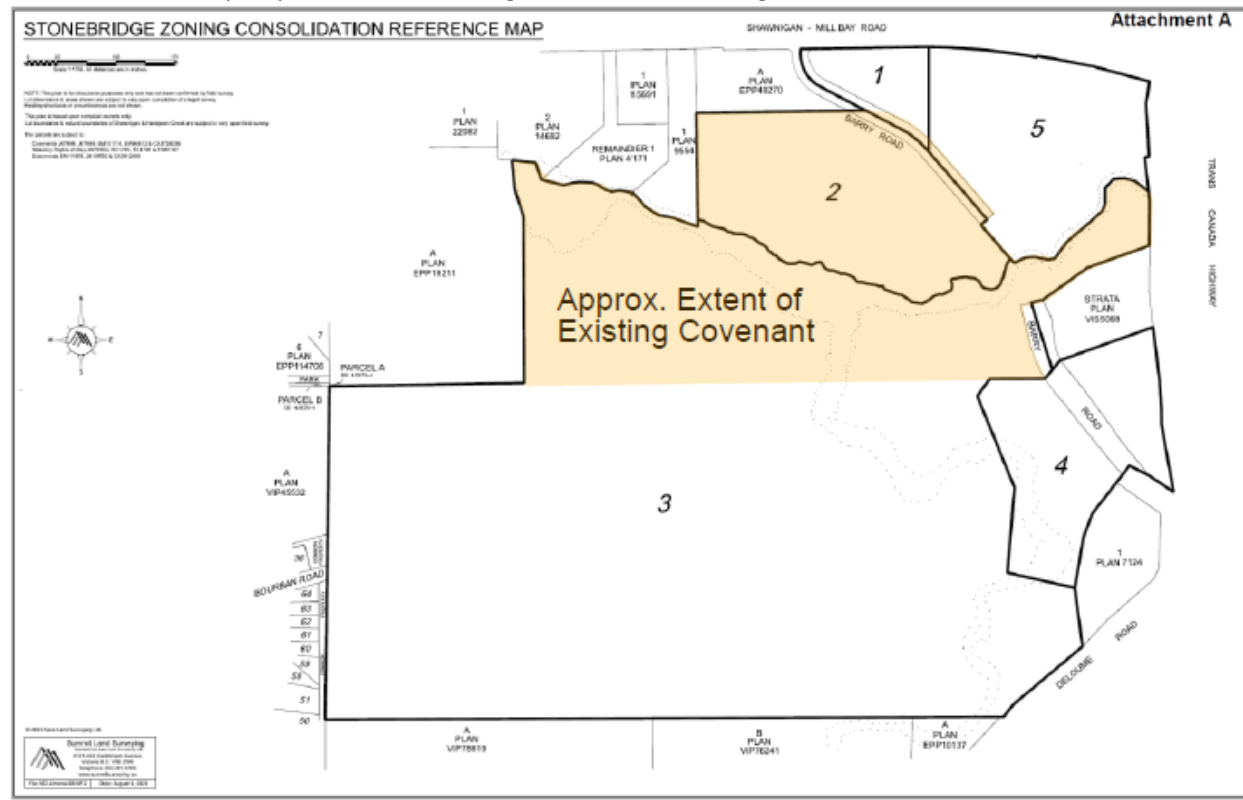


Schedule “B”
Statutory Right of Way

STONEBRIDGE AMENITY COVENANT 2023

Amenity Covenant over Areas 2, 3, 4 & 5 (as defined by zone schedule)

A new covenant document outlined below would replace amenities in Covenant CA5728037 and amenity requirements stated in the current zoning on the lands. There are no changes proposed to the total amenities currently required in the existing covenant and zoning.



1. Park Fund Contribution

The Park Fund Contribution shall apply to subdivision plans within Areas 2-4 as defined by the land use zone:

- Concurrently with registration of the first subdivision of the land that creates single family residential or duplex residential lots, a contribution of \$50,000.00 to the Electoral Area A Community Parks Capital Reserve Fund.
- Concurrently with the second subdivision, a contribution of \$50,000.00 to the Electoral Area A Community Parks Capital Reserve Fund.
- Concurrently with the third subdivision, a contribution of \$50,000.00 to the Electoral Area A Community Parks Capital Reserve Fund.
- Concurrently with the fourth subdivision, a contribution of \$50,000.00 to the Electoral Area A Community Parks Capital Reserve Fund.
- Concurrently with the fifth subdivision, a contribution of \$50,000.00 to the Electoral Area A Community Parks Capital Reserve Fund.

- f) Concurrently with the sixth subdivision, a contribution of \$50,000.00 to the Electoral Area A Community Parks Capital Reserve Fund.
- g) For clarity, the total contribution shall be \$300,000.00.

2. Riparian Park Amenity Lots

The Riparian Park Amenity Lots shall apply to subdivision plans within Areas 2-5 as defined by the land use zone:

- a) That concurrently with the first subdivision of the lands that creates single family residential or duplex residential lots, the transferor will transfer in fee simple interest the Riparian areas (as defined in existing covenant) to the CVRD, for park and conservation purposes, the location to be substantially the same as shown on schedule "A".
- b) The transfer may occur in multiple phases as agreed by CVRD acting reasonably.
- c) The transferor shall maintain the right to work within the areas transferred to CVRD, in accordance with relevant legislation, including but not limited to the installation of works and services for sewer, water, stormwater management, BC hydro, Telus, Shaw, roads, vehicle bridges, pedestrian bridges, multi-functional trails and any other related items.

3. Additional Park Transfer

- a) In addition to the riparian park areas shown on Schedule "A", a further park amenity parcel or parcels totaling 1.8 ha will be transferred to CVRD during subdivision phases of Areas 2 – 4 as defined by the land use zone, the location, boundaries, and features of the park to be transferred will be designed by the transferor and approved by CVRD acting reasonable.
- b) Included in the additional park being transferred or dedicated there shall be no less than three tot lots created.
- c) Where a multi-functional trail is located on a strip of land, this land will be included in and form part of the 1.8 ha required.

4. Multi-Functional Trail Network

The specifications for the multi-functional trails to remain the same as the existing covenant, with the following inclusions:

- a) Trails will be constructed in the approximate location as shown on Schedule "A" and Schedule "B", final location approved by CVRD acting reasonable.
- b) Where a trail is located outside of lands described in Schedule "A" the lands used for the trail shall form part of the additional park lands described in section 3 above.
- c) Schedule "A" will show the trail dedication within the riparian park dedication areas that is accurate, with refinements and final location to be approved by CVRD acting reasonably.
- d) Schedule "B" will show the intent for further trail network locations and connections with the knowledge that the locations shown as for reference only and subject to change as each phase of

the project is planned. The final locations of the trails within the Schedule "B" areas to be approved by CVRD acting reasonably.

5. Park Trail Signage & General Park Specifications

The descriptions and requirements for items such as park trail signage and other general park specifications to be designed and installed in accordance with CVRD requirements with the approval by CVRD, and as generally described in the existing covenant.

6. Affordable Housing Duplex Parcels

- a) That no later than the third subdivision of the lands that creates single family residential or duplex residential parcels, two parcels that are zoned to accommodate a duplex shall be transferred to a non-profit affordable housing provider acceptable to the CVRD.
- b) If a non-profit affordable housing provider is not available the transferor will construct a duplex on each duplex lot identified for transfer, and these duplex dwelling units will be sold to buyers approved by CVRD at a value that is 20% below market value.
- c) Where 6 b) occurs a covenant will be registered on the title of each duplex dwelling unit that requires each unit to be conveyed in the future at the same reduced value and this requirement shall remain in perpetuity. (Sample attached)

7. Stone Bridge

The stone bridge clauses in Section C of the existing covenant will be retained with the addition of:

- a) A "demo" clause that releases the transferor's obligations if the stone bridge structure requires reconstruction greater than 20% or if the bridge suffers catastrophic failures or issues beyond the control of the transferor.
- b) That the transferor's obligations will be released if the BC Ministry of Transportation requires the two current dead ends of Barry Road to be connected.

8. General

- a) This covenant will be released from each phase as each phase is approved and registered at LTO where the transferor is in compliance with the covenant.
- b) The CVRD acknowledges and accepts that the amenity lots, park areas and greenspace being transferred to the CVRD or dedicated as park, as described in this amenity covenant, are in excess of the required park dedication as required by the Land Title Act, and that no further dedication will be required or expected in the future for the lands described in this covenant.