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March 9, 2016

Your File No: 01-F-15RS
01-F-14ALR

Alison Garnett
Development Services Division
Planning & Development Department
Cowichan Valley Regional District
175 Ingram Street
Duncan, BC V9L 1N8

Dear Ms. Garnett:

Re: Rezoning and ALR Application for the Couverdon Real Estate/TimberWest Forest II Ltd.

Thank you for the opportunity to provide comment on the Rezoning and ALR Application for the Couverdon Real Estate/TimberWest Forest II Ltd.

How communities are planned and built, and the services and resources provided within them, directly impacts people's physical, mental, and social health. These impacts are reflected in levels of social cohesion, mental and physical fitness, chronic disease, obesity, and injury¹. By 2035, Lake Cowichan's population aged 45-74 is expected to decrease by 23%, while the population aged 75+ is expected to almost triple². As the population ages, the prevalence rates of chronic conditions such as cardiovascular diseases, type 2 diabetes, and obesity will also increase³.

All of these health effects arise in part from our interaction with the built environment, e.g. the buildings, parks, schools, road systems and other infrastructure that we encounter in our daily lives. Research indicates that we can improve health and reduce illness through different approaches to planning our communities. According to the World Health Organization, 80% of some chronic diseases can be prevented through moderate exercise and improved nutrition; as well as having well designed homes, sidewalks and transportation systems to help promote activity for all ages.

Island Health (VIHA) appreciates the opportunity to provide evidence-based recommendations and comments for this Rezoning. Regulatory requirements, as well as healthy built environment based recommendations, are itemized below.

Regulatory Considerations

In the mixed use designation, restaurants, retail stores (e.g. food stores), recreational facilities (e.g. swimming pools), personal service establishments (e.g. tanning or tattooing facilities), and community care facilities are possible commercial/public uses. We would like to simply mention that both the Health Protection and Environmental Services (HPES) and the Community Care and Facilities Licensing (CCFL) departments within Island Health have a regulatory role in these facilities, from construction to

Health Protection and Environmental Services

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viha.ca

operation. For more information, please refer to our website at www.viha.ca/mho, or do not hesitate to contact us.

Drinking Water

Island Health's HPES department would like to reference that any new drinking water sources to be tied in and connected to the Honeymoon Bay Water System must be submitted to this office. Under the *Drinking Water Protection Act and Regulation* 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 and undergo source approval with our Public Health Engineer and Environmental Health Officer/Drinking Water Officer respectively (for more information: <http://www.viha.ca/mho/water/>).

Community sewer

We do note that the (ultimate) collective volume of liquid waste as proposed would fall under the jurisdiction of the Ministry of Environment ($>5,000\text{Ga}/\text{flow/day}$) who has been consulted to comment on this proposal. However, we would like to mention that Island Health has a mandate under the *Sewerage System Regulation* and for new Subdivisions under this threshold (for more information http://www.viha.ca/mho/Land_Use.htm). As written the rezoning would be conditional to a Zoning Bylaw and Official Community Plan amendment as well as the transfer of the utility lot to the CVRD. We would only be supportive of this important infrastructure necessity and improvement if it occurs as written and not as a phased addition of units connected to an interim system.

Recommendations under Island Health's Healthy Built Environment Initiative

- As a result of the CVRD's newly approved Airshed Strategy, it is advised that all buildings align with this Plan and prohibit any wood-burning appliances from being installed in the development. This will reduce individual exposures to localized air pollutants, such as particulates attributed to wood smoke that can negatively impact respiratory and cardiovascular health.
- In the Traffic Impact Assessment (TIA):
 - In reviewing the TIA, we see that there will be no crosswalk provided at the intersection of South Shore Road and Gordon River Road. While we appreciate this is outside the jurisdiction of the CVRD, we encourage the proponent and Ministry of Transportation to address this intersection. An element for consideration would be to further slow vehicular traffic at this intersection, slowing speeds on streets reduces the dangers of vehicle-pedestrian collisions. Not only are there fewer collisions, but those that do occur at lower speeds cause less damage. A pedestrian's chance of surviving a crash at 30 km/h are 90%, much higher than if they are hit at 50 km/h with its 30% survival rate.
 - Street safety improvements such as traffic calming and marked bicycle lanes have been shown to greatly decrease the occurrence of traffic collisions and injuries among all road users. Evidence also illustrates that "safety concerns keep 1 in 5 Canadians from walking or bicycling." A 2.0m paved shoulder would not completely address this safety concern from a user perspective. Furthermore, numerous studies have found that on-road marked bike lanes reduce rates of injury and collision while cycling.

- A highlight noted in the TIA is the recommendation for a new bus stop, shelter, and bench be provided at this intersection. To encourage the use of public transit is make it safe, convenient and accessible to everyone. It is important to provide well-maintained, safe access to transit stops. Achieving this can result in increased levels of physical activity since people often get to and from transit stops on foot or by bike.
- Overall, there are concerns about the ALR application. Agricultural capacity is a key aspect of health food systems. Expert opinion indicates that agricultural land and capacity are essential for a healthy food system, particularly at the regional or local level. Land use decisions such as this rezoning can influence food production (or the availability of food producing lands) impacting the accessibility, quality, and variety of food available to future residents.
- While the Community Safety and Social Policies section speaks to aging in place, we would further suggest the provisions for and development of supportive housing and community care facilities in the development as the Lake Cowichan population continues to age.
- In our review of this rezoning and in light of the decreasing population projection, we concur with the conclusion (on page 5 of the referral form), is rezoning this land for residential use even warranted?
- Lastly, a comment on the industrial and agricultural land interface suggested abutting up to this proposed residential development. It is advised that the siting of housing development is situated as such to limit the production of, and exposure to air pollution, noise pollution and other environmental hazards. As for example, high levels of noise exposure can result in sleep disturbance, fatigue and other mental and physical health problems.

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

Yours sincerely,



Jade Yehia, CPHI(C)
Regional Built Environment Consultant

cc: Shaun Malakoe, Senior Environmental Health Officer, Nanaimo
 Alison Gardner, Environmental Health Officer, Duncan

¹ Provincial Health Services Authority (PHSA). (2008). *Introduction to Land Use Planning for Health Professionals*. Retrieved from: www.phsa.ca/NR/rdonlyres/B874A0D9-398F-4B44-A0D5-32634328EBAB/0/IntroductiontoLandUsePlanningforHealthProfessionalsWorkshopReader.pdf

² Local Health Area Profiles (Island Health). (2013). Retrieved from http://www.viha.ca/mho/stats/lha_profiles.htm

³ PlanH. (2014). *How do Local Governments Improve Health and Community Well-being? A Resource Guide for Local Governments*. Retrieved from: planh.ca/sites/default/files/planh_local_government_guide-web_0.pdf

Alison Garnett

From: Bednard, Gordon ALC:EX <Gordon.Bednard@gov.bc.ca>
Sent: February-04-16 4:20 PM
To: Alison Garnett
Subject: Electoral Area F CVRD Files 01-F-15RS and 01-F-14ALR

Allison,

The Agricultural Land Commission thanks you for the opportunity to review the above Bylaw amendment referral. The Commission offers the following comments:

- 1) Much of this development proposal, including the areas proposed for light industrial, urban residential, parks and greenspace, industrial, commercial and road dedications appear to be located outside the ALR and are therefore not within the jurisdiction of the Commission. With the exception of a request to ensure provisions are made within these areas to provide an effective buffer between development land and the ALR, the Commission has no comment.
- 2) The Commission is not generally supportive of the subdivision or use of ALR land for infrastructure works in support of adjacent non-farm activities/developments. If ALR applications have not yet been received by the Regional District, the Commission requests that you advise the proponent that these are required. The Commission asks that the proposed bylaw amendments for areas designated ALR within this development proposal be held in abeyance until the Commission has considered the required applications.

Gordon Bednard
Regional Planner
Agricultural Land Commission
gordon.bednard@gov.bc.ca
604-660-7011 (direct)



Cowichan Tribes
5760 Allenby Road Duncan, BC V9L 5J1
Telephone (250) 748-3196 Fax: (250) 748-1233

February 17, 2016

Our File No. 872607
Your File No. 01-F-15RS & 01-F-14ALR

Alison Garnett
Planner, Development Services Division
Cowichan Valley Regional District
175 Ingram Street, Duncan BC V9L 1N8

BY ELECTRONIC MAIL: agarnett@cvrd.bc.ca

Dear Ms. Garnett,

Re: Application to Rezone Parcels in Honeymoon Bay

Cowichan Tribes is in receipt of your referral package dated January 20, 2016 regarding the application made by Couverdon Real Estate/TimberWest Forest II Ltd. to rezone four parcels totaling approximately 120 hectares and zoned for forestry, industrial and agriculture, to a new comprehensive development zone that would allow a 150-unit residential development, sewage disposal site, and new commercial land use. We understand that the application also includes a change in the ALR lands to allow for a “non-farm use” which would allow a drainage field and accompanying utility lot for a community sewer system.

After review of your referral package and associated environmental reports (Land Capability Assessment – Madrone, Patricia Creek Fish Habitat Assessment- Clough Consulting, and Environmental Overview Assessment Report- ENKON Environmental Ltd.), we are prepared to make preliminary comments on this application. Please be aware that the legal duty of consultation resting with the CVRD with regards to this particular application falls on the high end of the *Haida* spectrum, as this rezoning and subsequent development has a high potential to negatively impact Cowichan Tribes’ Aboriginal interests. Just as treaty rights can be exercised on private land which is not subject to an incompatible land use, the Cowichan people also continue to exercise Aboriginal rights on private lands in the area not subject to an incompatible use – as such, the duty to consult is triggered when local government (CVRD) considers amending the zoning which would potentially adversely impact the exercise of these rights.¹

That being said, our concerns constitute, but are not limited to, the following:

- The project proposal area contains an extremely sensitive wetland ecosystem. These important ecosystems are the only ecosystems designated for conservation by international convention². They provide food and essential habitat for many species of fish, shorebirds, waterfowl, and furbearing

¹ *R. v. Badger*, [1996] 1 S.C.R. 771. See also *Hupacasath First Nation v. British Columbia*, [2005] BCSC 1712

² http://www.ramsar.org/sites/default/files/documents/library/scan_certified_e.pdf

mammals. They filter sediments and toxic substances, and absorb the impact of hydrologic events (floods). As a result of colonial activity, wetlands have become a scarce resource. They are particularly sensitive to erosion and flooding, and often have very close connections with the groundwater system. Any development initiated within the vicinity of such an important and sensitive fish and wildlife habitat would be environmentally irresponsible.

- Patricia Creek and associated drainages (all 9 of which offer some fish access and/or spawning areas) ultimately discharge into Lake Cowichan. Development that negatively affects any of these tributaries or alters flow regime will be detrimental to Lake Cowichan, and to the Cowichan watershed in general.
- Patricia Creek and associated drainages provide habitat for blue-listed Cutthroat Trout as well as other species of salmonids. Cowichan Tribes members depend on these fish for food, social, and ceremonial (FSC) purposes.
- Environmental overview assessment field survey found evidence of the presence of Roosevelt elk on site. This species is also blue-listed, and under stress from hunting and habitat loss. Causing habitat fragmentation and disrupting the local migration paths of these animals could result in their further endangerment.
- Cowichan Tribes holds the following trees, shrubs, forbs, and wetland grasses found in the proposal area to be of particular cultural concern and importance: bitter cherry, western red cedar, Sitka spruce, Pacific yew, vine maple, Saskatoon, cascara, black twinberry, Pacific crabapple, devil's club, Pacific ninebark, black raspberry, salmonberry, common snowberry, pipsissewa, woodland strawberry, stinging nettle, and common rush.
- The proposal area is home to large-diameter veteran Red Cedar and Sitka Spruce trees. Old growth trees provide countless benefits to wildlife and vegetation, and help to regulate the hydrologic cycle, which in turn provides direct benefits to residents of the Cowichan watershed.
- The approval of this application would be in direct conflict with the CVRD's own objectives and goals of the Cowichan Basin Water Management Plan, which include to "promote land use and development patterns that maximize water efficiency and protect Cowichan Basin water resources" (pg 13). Cutting down trees and building unneeded housing in this area and the large increase of impervious surfaces will increase storm water run-off and create less area for rainwater filtration and aquifer recharge, thus creating a high potential for further lake contamination. Lake contamination would further degrade the water quality of the Cowichan watershed.
- There is absolutely no economic justification for this development to proceed; it is entirely inconsistent with the projected population decrease in the area over the next 20 years. Further, the rationale behind prematurely altering zoning now for a development proposed to commence in 10 to 15 years is perplexing.

Due to the detrimental impacts on our Aboriginal rights and environmental destruction that would result were this rezoning and development to proceed, Cowichan Tribes does NOT support the approval of this application.

If you should have any further questions, please do not hesitate to contact my referrals staff at
Candace.charlie@cowichantribes.com, ph: (250) 748-3196 extension 415.

Yours truly,



Larry George
Smaalthun
Manager, Lands and Governance Department

LG/cc



MEMORANDUM

DATE: February 11, 2016 **FILE No:** 01-F-15RS & 01-F-14ALR

To: Alison Garnett, Planner II Development Services Division

FROM: Jason deJong, Fire Rescue Services Coordinator Public Safety

SUBJECT: Bylaw Amendment Referral Form **No. 01-F-15RS & 01-F-14ALR – Public Safety Application Review**

In review of the Bylaw Amendment Referral Form No. 01 -F-15RS & 01-F-14ALR (Carvalho for Timberwest) the following comments are provided:

- ✓ Proposal is within the Lake Cowichan RCMP Detachment area.
- ✓ Proposal is within the British Columbia Ambulance Station 119 (Lake Cowichan) response area.
- ✓ Proposal is within the boundaries of the CVRD Regional Emergency Program.
- ✓ Proposal PID's 017-766-741, 014-178-788 and 000-204-706 are within the Honeymoon Bay Fire Department protection response area.
- ✓ Proposal PID 018-871-020 is not within the Honeymoon Bay Fire Department protection response area.

Public Safety has the following concerns that may affect the delivery of emergency services to the proposed facility:

- ✓ Prior to development, PID 018-871-020 is to be included into the Honeymoon Bay Volunteer Fire Department fire protection response area.
- ✓ The Community Wildfire Protection Plan has identified this area as **extreme** and requires the completion of a professional Wildland Urban Interface Assessment.
- ✓ FireSmart principles must be adhered to (see attached information).
- ✓ The Honeymoon Bay water system for the development must be compliant with "NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting" to ensure necessary firefighting water flows.
- ✓ Other water resource options for firefighting should be discussed with the Honeymoon Bay Volunteer Fire Department.
- ✓ Minimum two points of access/egress to the proposed residential development should be considered to provide community and emergency services personnel the ability to enter and exit simultaneously to improve response and evacuation capability.
- ✓ All roadways (private & public) and driveways must be designed to support and allow access to the largest emergency vehicle likely to be operated on the driveway. This includes fire trucks and other emergency vehicles.
- ✓ As per Cowichan Valley Regional District House Numbering, Unsightly Premises and Graffiti Bylaw No. 1341, building numbers assigned are to be displayed in a conspicuous

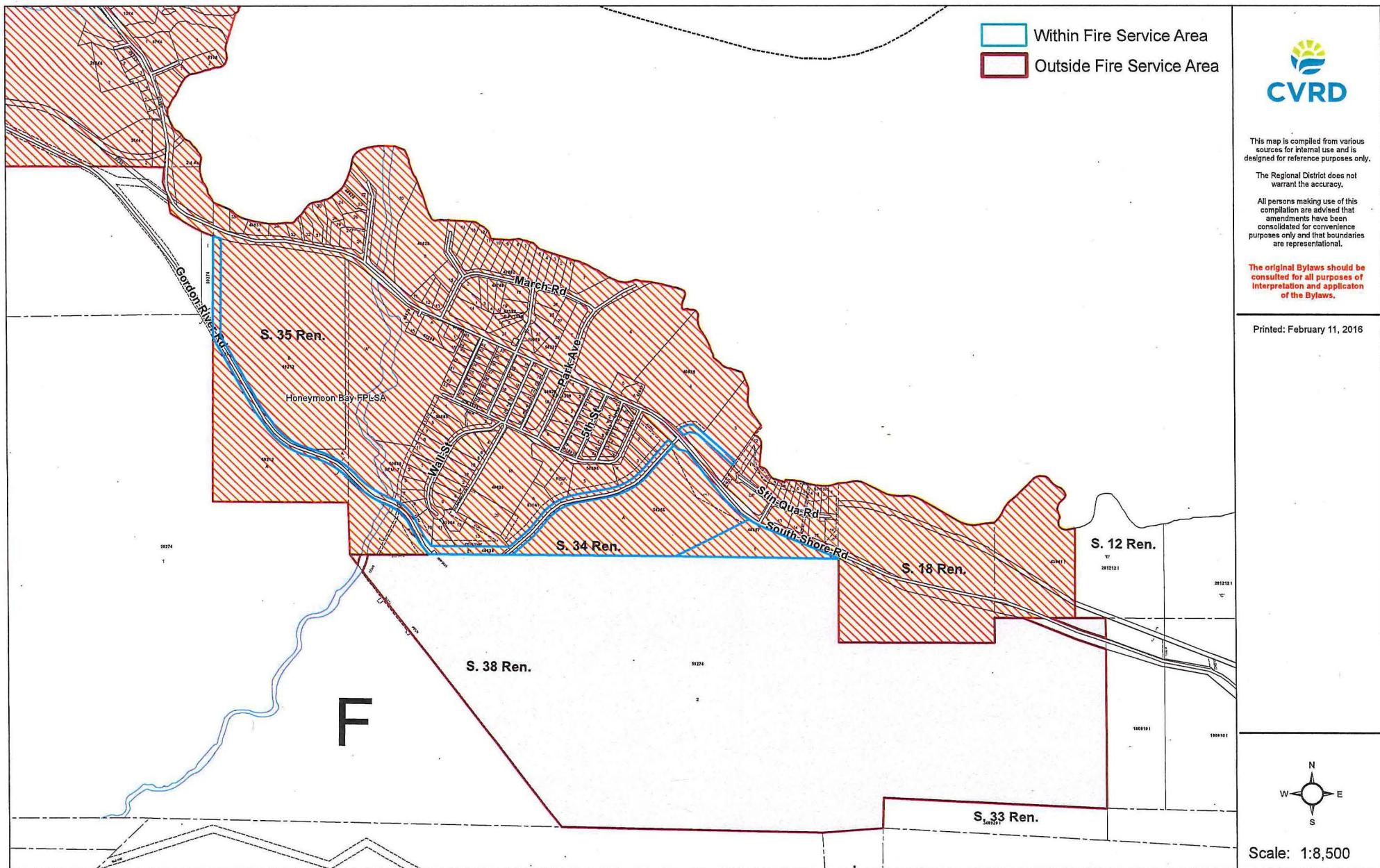
place on the property on which the building is located so that the number is visible from the roadway.

- ✓ Consideration should be given to retention of volunteer firefighters within the immediate area.
- ✓ Prior to development, a parcel of land shall be contributed to the CVRD on behalf of the Honeymoon Bay Fire Department for future operational needs. Considerations from the Honeymoon Bay Fire Department and the CVRD Public Safety would determine suitable size, location and accessibility of this parcel.

Sincerely,



Jason deJong





BCTransit

Linking Communities, Businesses & Lifestyles

Development Referral Response

February 22, 2016

Development Location: South Shore Rd and Gordon Bay Main, Honeymoon Bay

Local Government: Cowichan Valley Regional District

Transit System: Cowichan Valley Regional Transit System

Overall Transit Impact

The proposed site:

- Is currently served by transit within 400 metres of Gordon River Road and on South Shore Road (Route #21, Honeymoon Bay). No increases to the level of transit service or service area are anticipated in the near future. Provincial transit funding levels will remain relatively flat until 2018 meaning that service expansion is not possible, and given lower ridership volumes on this route, are not warranted.
- This area currently has Flex Routing/ "On Request" bus service as well which means that buses may deviate from a fixed route up to two times per trip based on customer requests 24 hours in advance to pick up or drop off at addresses within 1.5 kilometres of the route. The proposed development sites fall within this 1.5 km area so it is important that any future developments consider bus access and infrastructure requirements noted below.
- Custom transit services (i.e. handyDART) also operate in this area as it falls within 1.5 km of fixed routes services.

Land Use Requirements to Support Transit (minimums)

- A minimum of 25 jobs per hectare over a minimum of 10 hectares
- A minimum of 10 persons per hectare

Both these conditions would support transit service with an hourly or two-hour frequency.

Infrastructure Requirements to Support Transit Service

- For transit service to be feasible and successful adequate road and pedestrian access that provides for the safe and efficient operation of bus services is required.
 - The road network must support a direct bus route and there must be the ability to turn the bus around.
 - The service area must be walkable with supporting pedestrian amenities such as sidewalks and sidewalk accessibility.

BC Transit Level of Support

- BC Transit has no objection to the development, however expansion of transit services to this area is contingent on the establishment of the minimum employment and population density identified above and the ability to provide a road network that supports safe and efficient transit operations. Consideration should also be given to the other points identified in the referral response.
- As residential development is still 10-15 years away, transit requirements will need to be reviewed closer to the actual build-out timeframe.

Thank you for the opportunity to review this proposed development. If you have any questions or would like further comments on this proposal, please contact:

Shilpa Panicker

Senior Transit Planner

BC Transit Strategic Planning

Email: shilpa_panicker@bctransit.com, Phone: 250-995-5837

Alison Garnett

From: Erin Annis
Sent: February-22-16 2:40 PM
To: Alison Garnett
Cc: Panicker, Shilpa
Subject: FW: Development referral
Attachments: Honeymoon bay Development Referral Response_02222016.pdf

Hi Alison,

Attached is a joint response from BC Transit and CVRD Transit staff with respect to Bylaw Amendment Referral, CVRD File No. 01-F-15RS & 01-F-14ALR (Carvalho for Timberwest Forest Corp.)

From a CVRD transit perspective, I would also advise that transit interests are not materially affected at this time as existing transit services could support additional density in this area. However, since build-out is not projected for another 10-15 years, transit impacts would need to be reviewed closer to that time and it may make sense to defer rezoning.

Feel free to call if you need anything further, 2637.

Thanks,

Erin

Erin Annis
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