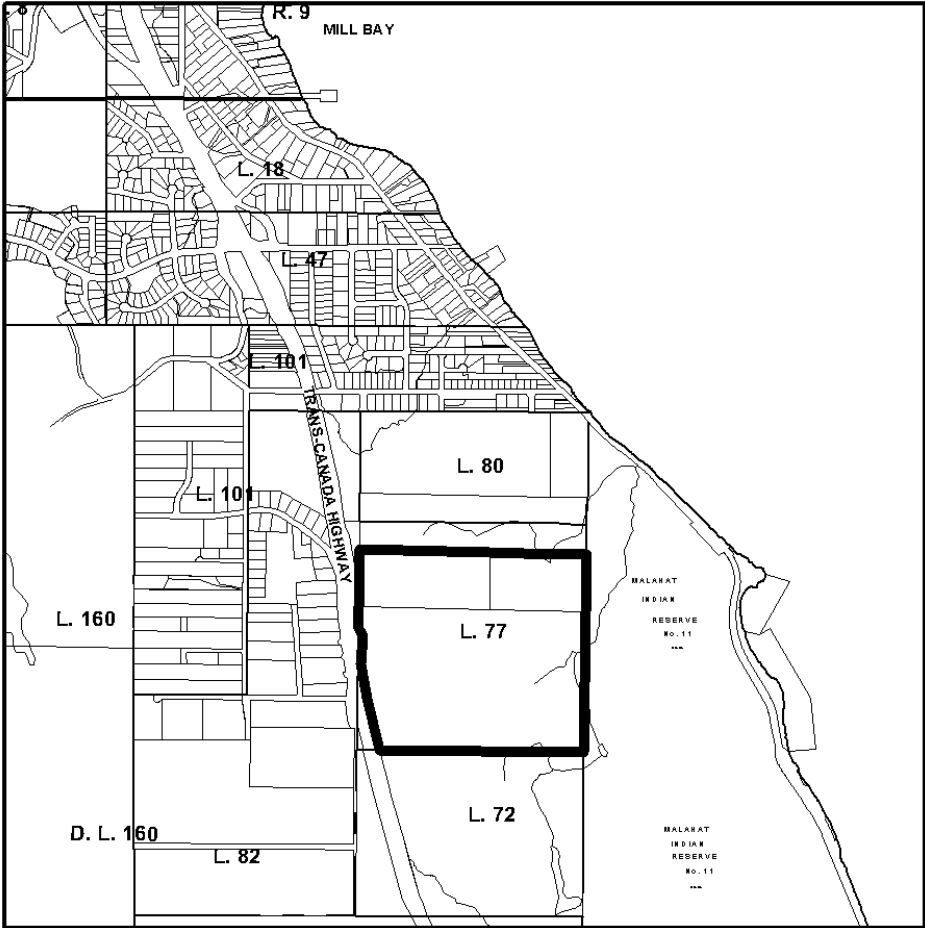


**SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO.  
OF THE COWICHAN VALLEY REGIONAL DISTRICT**



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM**

Forestry **TO**

Mill Bay Comprehensive Development Designation **APPLICABLE**

**TO ELECTORAL AREA A**



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 2856

#### **A Bylaw For The Purpose Of Amending Official Community Plan Bylaw No. 1890, Applicable To Electoral Area A – Mill Bay/Malahat**

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

**AND WHEREAS** the Regional District has adopted an official community plan bylaw for Electoral Area A – Mill Bay/Malahat, that being Official Community Plan Bylaw No. 1890;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Community Plan Bylaw No. 1890;

**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. 2856 - Area A – Mill Bay/Malahat Official Community Plan Amendment Bylaw (Ocean Terrace/Mark Wyatt), 2006**".

2. **AMENDMENTS**

Cowichan Valley Regional District Official Community Plan Bylaw No. 1890, as amended from time to time, is hereby amended as outlined on the attached Schedule A.

**3. CAPITAL EXPENDITURE PROGRAM**

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

I hereby certify this to be a true and correct copy of Bylaw No. 2856 as given Third Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Date

APPROVED BY THE MINISTER OF COMMUNITY, ABORIGINAL AND WOMEN'S SERVICES UNDER SECTION 913(1) OF THE *LOCAL GOVERNMENT ACT* this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary



C·V·R·D

## SCHEDULE "A"

To CVRD Bylaw No. 2856

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Schedule A to Official Community Plan Bylaw No. 1890, is hereby amended as follows:

1. That **Figure 3 - Urban Containment Boundary (UCB)** be amended by including That part of District Lot 77, Malahat District, lying south of the south boundary of Parcel C (DD43694), District Lot 77 and Parcel D (DD33154I), District Lot 77, Malahat District, and except those parts in Plans 518RW and 505504, Parcel C (DD43694I), District Lot 77, Malahat District and Parcel D (DD33154I), District Lot 77, Malahat District, within the Urban Containment Boundary.
2. That the following be added after Section 7.9 Urban Containment Boundary Policies:

### ***7.10 MILL BAY COMPREHENSIVE DEVELOPMENT DESIGNATION POLICIES***

#### **POLICY 7.10.1**

Notwithstanding Official Community Plan Policy 7.6.3 (a) and c), Policy 7.6.4(b), and Policy 8.4.2, the Regional Board may allow for residential, intensive residential, multi-family residential and commercial development on That part of District Lot 77, Malahat District, lying south of the south boundary of Parcel C (DD43694), District Lot 77 and Parcel D (DD33154I), District Lot 77, Malahat District, and except those parts in Plans 518RW and 505504, Parcel C (DD43694I), District Lot 77, Malahat District and Parcel D (DD33154I), District Lot 77, Malahat District. This development will allow for a residential and retail commercial area south of Mill Bay, and will be designated as MILL BAY COMPREHENSIVE DEVELOPMENT DESIGNATION.

#### **POLICY 7.10.2**

The Mill Bay Comprehensive Development Designation will allow for no more than 438 dwelling units. Of these, a minimum of 165 units will be multi family units, a minimum of 136 units will be single family units, and the remaining dwelling units will be a mixture of single family, two-family and multi-family units.

#### **POLICY 7.10.3**

The Mill Bay Comprehensive Development Designation will allow for not more than 1.4 ha of contiguous commercial development, including commercial and accessory uses such as parking lots and landscaping.

#### **POLICY 7.10.4**

A minimum of 20% parkland will be dedicated to the CVRD in locations acceptable to the CVRD Parks Department, and will occur in the first phase of development, unless otherwise agreed upon by the CVRD Parks Department.

## POLICY 7.10.5

A future elementary school site will be dedicated to the CVRD during the first phase of development, unless it is otherwise agreed upon by the CVRD that the site will be dedicated to the CVRD at a subsequent phase of development. The school site will not be calculated as a component of the parkland requirement.

## POLICY 7.10.6

The Mill Bay Comprehensive Development Designation will be serviced in a manner consistent with the standards of the South Sector Liquid Waste Management Plan.

## POLICY 7.10.7

Development within the Mill Bay Comprehensive Development Designation will be subject to the guidelines of the Trans Canada Highway Development Permit Area, the Mill Bay Development Permit Area, and the Mill Bay Comprehensive Development Permit Area.

## POLICY 7.10.8

Notwithstanding Policy 7.10.2, a secondary suite will be permitted on Single Family Residential lots that are 0.074 ha in size or larger.

3. That Section 14.1 – Development Permit Areas - Introduction, be amended by adding “the Mill Bay Comprehensive Development Permit Area” into the bulleted list of Development Permit Areas.
4. That **Figure 7 - Mill Bay Development Permit Area** be amended to include That part of District Lot 77, Malahat District, lying south of the south boundary of Parcel C (DD43694), District Lot 77 and Parcel D (DD33154I), District Lot 77, Malahat District, and except those parts in Plans 518RW and 505504, Parcel C (DD43694I), District Lot 77, Malahat District and Parcel D (DD33154I), District Lot 77, Malahat District.
5. That Section 14 – Development Permit Areas be amended by adding the following after Policy 14.8.8:

#### 14.9 MILL BAY COMPREHENSIVE DEVELOPMENT PERMIT AREA

*Category*

The Mill Bay Comprehensive Development Permit Area is designated pursuant to Section 919.1(1)(a), (e) and (f) of the *Local Government Act* for the purpose of protecting the natural environment, its ecosystems and biodiversity, the establishment of objectives for the form and character of intensive residential development, and the establishment of objectives for the form and character of multi-family and commercial development.

*Justification*

- (a) The CVRD Board wishes to allow for a comprehensive development, consistent with the community's high expectations for visual quality and community cohesiveness, on lands south of Mill Bay, within the Mill Bay Comprehensive Development Permit Area.
- (b) The CVRD Board wishes to allow for a comprehensive development, consistent with the community's expectations for trails, parks, and pedestrian and bicycle corridors.
- (c) An objective of the CVRD Board is to ensure that surface water, groundwater, land and air quality is protected from inappropriate development.

*Scope*

The Mill Bay Comprehensive Development Permit Area applies to those lands highlighted on Figure 12 – Mill Bay Comprehensive Development Permit Area.

*Guidelines*

Prior to commencing any development, including subdivision, on lands within the Mill Bay Comprehensive Development Permit Area, the owner shall obtain a development permit that conforms to the following guidelines:

- (a) The location of all intensive residential, multi-family, institutional, utility and commercial development will be generally as shown on Figure 12 – Mill Bay Comprehensive Development Permit Area.
- (b) A minimum of 20% parkland will be dedicated to the CVRD in locations acceptable to the CVRD Parks Department and will occur in the first phase of development, unless otherwise agreed upon by the CVRD Parks Department.
- (c) A future elementary school site will be dedicated to the CVRD during the first phase of development, unless it is otherwise agreed upon by the CVRD that the site will be dedicated to the CVRD at a subsequent phase of development. The school site will not be calculated as a component of the parkland requirement.

*Exemptions*

The terms of the Mill Bay Comprehensive Development Permit Area shall not apply to the following:

- Interior or minor exterior renovations to an existing building;
- Changes to the text or message of existing signage allowed by a previous development permit;
- Construction or renovations of single family dwellings.

*Variances*

Where a proposed development plan adheres to the guidelines of this development permit area, the Regional Board may give favourable consideration to variances of the terms of its zoning, sign and parking bylaws, where such variances are deemed by the Regional Board to have no negative impact on adjacent parcels and would enhance the aesthetics of the site in question. Such variances would be incorporated into the development permit.

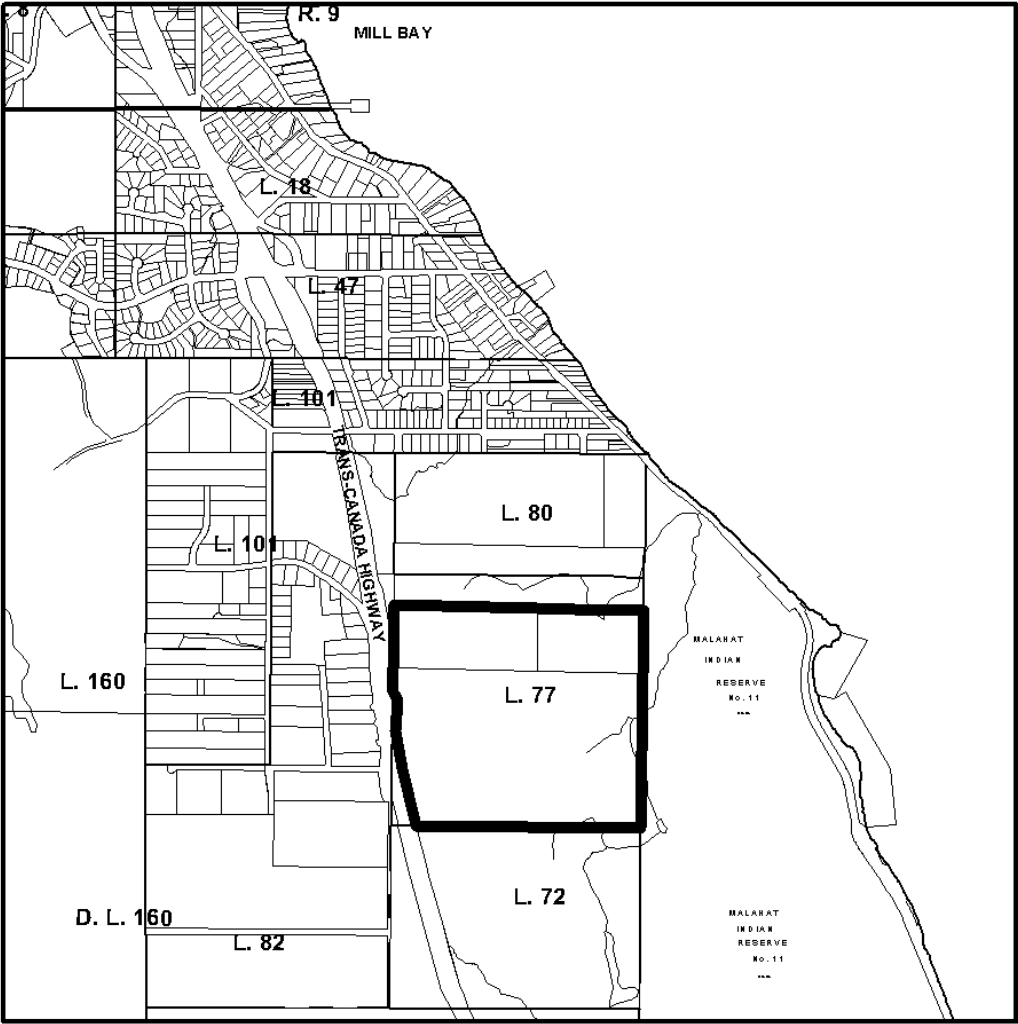
*Application Requirements*

Before the CVRD Board considers the issuance of a development permit for a parcel in the Mill Bay Comprehensive Development Permit Area, the applicant's submission shall include:

- (a) A written description of the proposed development.
- (b) Information with respect to the subject property in the form of one or more maps/elevation drawings as follows:
  - Location and extent of proposed work;
  - Location of watercourses and water bodies, including top of bank;
  - Percentage of and location of impervious surfaces;
  - Setback distances from watercourses and waterbodies;
  - Existing tree cover, and proposed areas to be cleared;
  - Existing and proposed buildings and structures;
  - Location of existing and proposed parcel lines;
  - Existing and proposed building setback distances from parcel boundaries;
  - Existing and proposed roads, driveways, parking and loading areas, vehicular access points, pedestrian walkways, and outdoor lighting design,
  - Existing and proposed drainage works, runoff mitigation, water retention areas, culverts and ditches;
  - Location of water lines, wells and utility lines;
  - Topographical contours, including location of slopes exceeding 25 percent grade;
  - Location of lands subject to periodic flooding;
  - Areas of sensitive native plant communities;
  - Proposed landscaping plan, identifying the number of plant species types proposed for all landscaping areas;
  - Existing and proposed septic tanks and sewage treatment systems, and drainage fields; and
  - Existing and proposed sign design and location.
- (c) For intensive residential, multifamily, and commercial development, a preliminary building design, including proposed roof and exterior finish details.

6. That Schedule B - Official Community Plan Map - to Electoral Area A – Mill Bay/Malahat Official Community Plan Bylaw No. 1890, be amended by redesignating that part of District Lot 77, Malahat District, lying south of the south boundary of Parcel C (DD43694), District Lot 77 and Parcel D (DD33154I), District Lot 77, Malahat District, and except those parts in Plans 518RW and 505504, Parcel C (DD43694I), District Lot 77, Malahat District and Parcel D (DD33154I), District Lot 77, Malahat District, as shown outlined in a solid black line on Schedule B attached hereto and forming part of this bylaw, numbered Z-2856, from Forestry to Mill Bay Comprehensive Development Designation.

**SCHEDULE "A" TO ZONING AMENDMENT BYLAW NO.  
OF THE COWICHAN VALLEY REGIONAL DISTRICT**



**THE AREA OUTLINED IN A SOLID BLACK LINE IS REZONED FROM**

F-1 (Primary Forestry) **TO**

CD-2 (Comprehensive Development) **APPLICABLE**

**TO ELECTORAL AREA A**



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 2857

#### A Bylaw For The Purpose Of Amending Zoning Bylaw No. 2000, Applicable To Electoral Area A – Mill bay/Malahat

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

**AND WHEREAS** the Regional District has adopted a zoning bylaw for Electoral Area A – Mill Bay/Malahat, that being Zoning Bylaw No. 2000;

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

**AND WHEREAS** after the close of the public hearing and with due regard to the reports received, the Regional Board considers it advisable to amend Zoning Bylaw No. 2000;

**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. 2857 - Area A – Mill Bay/Malahat Zoning Amendment Bylaw (Ocean Terrace/Wyatt), 2006**".

2. **AMENDMENTS**

Cowichan Valley Regional District Zoning Bylaw No. 2000, as amended from time to time, is hereby amended in the following manner:

- a) That Part 8 be amended by adding the following after Section 8.9:

#### 8.10 CD-2 ZONE - COMPREHENSIVE DEVELOPMENT

Subject to compliance with the general requirements detailed in Parts 4 and 5 of this Bylaw, the following regulations shall apply in the CD-2 Zone.

1. A minimum of 20% of the lands within the CD-2 Zone will be used for parkland.
2. A future school site will be provided in the CD-2 Zone.
3. The CD-2 Comprehensive Development Zone shall allow for a commercial development area whereby the following regulations apply:
  - a) Commercial development shall be permitted on a maximum site area of 1.4 ha.
  - b) Commercial development shall be located on contiguous parcels of land, rather than being fragmented throughout the site.
  - c) The following commercial uses, and no other commercial uses, are permitted:
    - i. Daycare
    - ii. Convenience Store
    - iii. Professional, Financial Offices
    - iv. Personal Service Use
    - v. Retail
    - vi. Software Development
    - vii. Printing, publishing, libraries
    - viii. Plant nursery, horticulture, retail sales of gardening supplies and produce, accessory outdoor storage
    - ix. Restaurant, catering
    - x. Community use
    - xi. Sale, rental or servicing of power tools and household equipment
    - xii. Veterinary clinic
    - xiii. Office, wholesale sales, warehousing
- d) Within the commercial development area:
  - i. The parcel coverage shall not exceed 50 percent for all buildings and structures;
  - ii. The height of all buildings and structures shall not exceed 10 m;

iii. The following setbacks shall apply:

Column 1 Type of Parcel Line	Column 2 Building and Structures
Front	6.0 metres
Interior Side	6.0 metres
Exterior Side	6.0 metres
Rear	6.0 metres

4. The CD-2 Comprehensive Development Zone shall allow for a range of residential development, whereby the following regulations apply:

a. The total number of residential units will depend upon lot yield, in accordance with the following regulations, and will not exceed 438 dwelling units (not including secondary suites, which are permitted on single family residential parcels over 0.074 ha). Of the total residential units, a minimum of 136 dwelling units, or 31% of units shall be single family residential units, and a minimum of 165 units or 38% shall be multi-family units, with the remainder being a mix of single family, duplexes and multi-family dwelling units.

b. The minimum parcel sizes for residential development shall be:

- i. Single Family Residential (with potential suite): 0.074 ha.
- ii. Small Lot Single Family Residential: 0.04 ha
- iii. Duplex/2 Family Residential: 0.05 ha
- iv. Multi Family Residential: 0.1 ha

c. The following residential uses and no other residential uses shall be permitted:

- i. Single Family Dwelling
- ii. Multi Family Dwelling
- iii. Duplex
- iv. Bed and Breakfast Accommodation
- v. Daycare, Nursery School accessory to a Residential Use
- vi. Home Occupation
- vii. Secondary Suite, on parcels of 0.074 ha (8000 ft<sup>2</sup>) or larger.

d. The parcel coverage in Residential areas shall not exceed:

- i 35 percent for single family dwellings and accessory buildings and structures;
- ii 40 percent for duplexes and accessory buildings and structures;
- iii 40 percent for multi family dwellings and accessory buildings and structures.

e. The height of all buildings and structures shall not exceed:

- i 10 m for single family dwellings;
- ii 10 m for duplexes;
- iii 12 m for multi family dwellings
- iv 6 m for accessory buildings and structures.

f. For residential development, the following minimum setbacks shall apply:

Column 1 Type of Parcel Line	Column 2 Single Family Dwellings	Column 3 Duplex/2 Family Dwellings	Column 4 Multi Family Dwellings	Column 5 Accessory Buildings and Structures
Front	4.0 metres	4.0 metres	3.0 metres	7.5 metres
Interior Side	1.8 metres	3.0 metres	3.0 metres	1.8 metres
Exterior Side	3.0 metres	3.0 metres	3.0 metres	3.0 metres
Rear	4.0 metres	4.0 metres	4.0 metres	1.5 metres

b) That Schedule A (Zoning Map) to Electoral Area A – Mill Bay/Malahat Zoning Bylaw No. 2000 be amended by rezoning That part of District Lot 77, Malahat District, lying south of the south boundary of Parcel C (DD43694), District Lot 77 and Parcel D (DD33154I), District Lot 77, Malahat District, and except those parts in Plans 518RW and 505504, Parcel C (DD43694I), District Lot 77, Malahat District and Parcel D (DD33154I), District Lot 77, Malahat District, as shown outlined in a solid black line on Schedule A attached hereto and forming part of this bylaw, numbered Z-2857, from F-1 (Primary Forestry) to CD-2 (Comprehensive Development).

**3. FORCE AND EFFECT**

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

READ A FIRST TIME this \_\_\_\_\_ day of \_\_\_\_\_ , 2006

READ A SECOND TIME this \_\_\_\_\_ day of \_\_\_\_\_ , 2006.

READ A THIRD TIME this \_\_\_\_\_ day of \_\_\_\_\_ , 2006.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ , 2006.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Secretary