



## COWICHAN VALLEY REGIONAL DISTRICT

### BYLAW NO. 2453

**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** notices were published in consecutive issues of the “Citizen” on Sunday, September 28, 2003 and Wednesday, October 1, 2003, setting forth notice of public hearing to be held on Monday, October 6, 2003, at 7:00 p.m., in the Theatre at Frances Kelsey Secondary School, 953 Shawnigan-Mill Bay Road, Mill Bay, BC, to hear all those people who deem themselves affected by the amendments 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:

#### **CITATION**


1. This bylaw shall be cited for all purposes as the “**CVRD Official Community Plan Amendment Bylaw No. 2453, 2003, Area A – Mill Bay/Malahat (Bancroft/Garnett), amendment to CVRD Bylaw No. 1890**”.
2. That 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. This bylaw has been examined in light of the most recent Capital Expenditure Program of the Cowichan Valley Regional District and is consistent therewith.

READ A FIRST TIME this 27<sup>th</sup> day of August, 2003.

READ A SECOND TIME this 27<sup>th</sup> day of August, 2003.

READ A THIRD TIME this 12<sup>th</sup> day of November, 2003.

I hereby certify this to be a true and correct copy of Bylaw No. 2453 as given Third Reading on the 12<sup>th</sup> day of November, 2003.

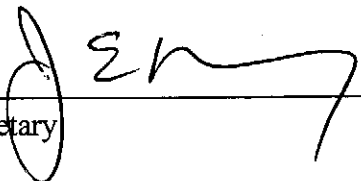
  
Secretary

NOVEMBER 14, 2003  
Date

APPROVED BY THE MINISTER UNDER SECTION 882 OF THE LOCAL GOVERNMENT ACT this 11<sup>th</sup> day of December, 2003.

ADOPTED with the consent of the Electoral Area Director for Electoral Area A this 14<sup>th</sup> day of January, 2003/4

  
Chairperson

  
Secretary

## SCHEDULE A

to Bylaw No. 2453

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

- 1) That Part 7.6 – Urban Residential Policies be amended by adding the following new Policy 7.6.3 and that existing Policies 7.6.3 through 7.6.7 be renumbered accordingly:

“POLICY 7.6.3:

Notwithstanding Section 7.6.1, the Regional Board may consider new comprehensive zones that include intensive residential and general commercial uses for lands designated Urban Residential within the Urban Containment Boundary. In considering rezoning of lands for comprehensive development, the Regional Board shall give preference to the following:

- a) The proposed uses are compatible with adjacent land use;
  - b) The development is subject to Section 14 “Development Permit Areas” of this Plan;
  - c) The development is located in the near vicinity (10 minute walk) of Mill Bay Centre, within the Urban Containment Boundary shown on Figure 3;
  - d) If feasible, the development shall connect to community water and community sewer systems. If not feasible, lots shall be of sufficient size to prevent cross contamination of wells from septic disposal fields and in accordance with Ministry of Health or Ministry of Water, Land and Air Protection regulations.
- 2) That Part 14.5 Mill Bay Development Permit Area be amended by deleting existing policy 14.5.1 and replacing with new policy 14.5.1 as follows:

“14.5.1 CATEGORY AND AREA

All lands located within the area highlighted on Figure 7 are designated as the Mill Bay Development Permit Area under Section 919.1(1)(a)(e) and (f) of the *Local Government Act* for the purpose of protecting the environment, and establishing objectives and providing guidelines for the form and character of intensive residential, commercial, industrial, and multi-family development in the Development Permit Area.”

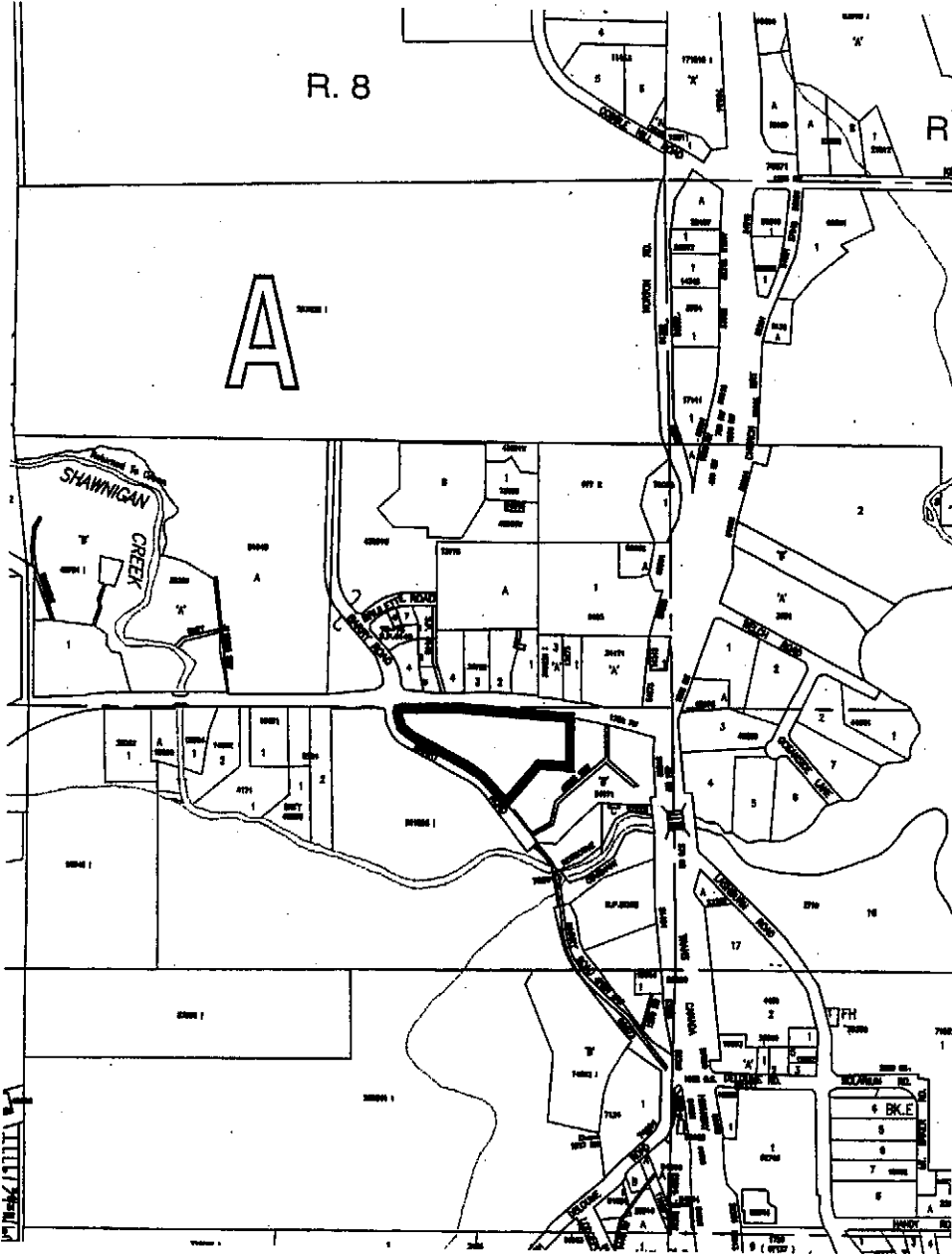
- 3) That Part 14.5.2 JUSTIFICATION be amended to insert the words ‘intensive residential’ in paragraphs a), b), c) and d) to read as follows:

14.5.2 JUSTIFICATION

- a) An objective of the Regional District is to ensure that the design of any intensive residential, multi-family residential, commercial or industrial development is more stringently regulated than provided for in the zoning bylaw, in order to ensure that it is compatible with surrounding land uses.

- b) An objective of the Regional District is to ensure that intensive residential, multi-family residential, commercial and industrial activities are attractive, with rigorous requirements for the storage of materials, landscaping, traffic mitigation and environmental protection.
  - c) An objective of the Regional District is to ensure that intensive residential, multi-family residential, commercial and industrial development does not impact negatively on the attractive character of any portion of the community, the livability of any residential neighbourhood, or the natural environment, in particular the groundwater resource.
  - d) An objective of the Regional District is to ensure that intensive residential and multi-family residential development is designed to encourage affordability, safety, and accessibility, and is aesthetically landscaped and screened.
- 4) That Part 14.5.3 b) Vehicular Access be amended by inserting new subparagraph 4 as follows:
4. The Regional Board may give favourable consideration to variances of the terms of its parking bylaw (as stated in Policy 14.5.6 VARIANCES), for intensive residential development that features extended care facilities for seniors, if the development is located within the Urban Containment Boundary and in the vicinity of a public transit route which connects with Mill Bay Centre.
- 5) That Part 14.5.3 GUIDELINES be amended to insert the words 'intensive residential' in paragraph j) Development Adjacent to Environmentally Sensitive Areas and Hazardous Lands, subparagraph 1 to read as follows:
1. For intensive residential, multi-family residential, commercial and industrial uses, development shall be discouraged within 30 metres (100 feet) of any watercourse, including the Saanich Inlet, except as approved by the Ministry of Water, Land and Air Protection. Any development near streams or wetlands should be reviewed first by the Ministry of Water, Land and Air Protection, and where appropriate the Federal Department of Fisheries and Oceans.
- 6) That part of Section 3, Range 8, Shawnigan Land District (261803<sup>1</sup>) lying north east of Barry Road and adjacent to and west of Lot B, Plan 34171, Section 3, Range 8, Shawnigan Land District, as shown outlined in a solid black line on Plan number Z-2453 attached hereto and forming Schedule B of this bylaw, be redesignated from A (Agricultural) and C (Commercial) to UR (Urban Residential); and that Schedule B to Official Community Plan Bylaw No. 1890 be amended accordingly.

SCHEDULE "B" TO PLAN AMENDMENT BYLAW NO. 2453  
OF THE COWICHAN VALLEY REGIONAL DISTRICT



THE AREA OUTLINED IN A SOLID BLACK LINE IS REDESIGNATED FROM

Agricultural and Commercial TO

Urban Residential APPLICABLE

TO ELECTORAL AREA A



No. 2003196

## Statutory Approval

*Under the provisions of section 882*

*of the Local Government Act*

*I hereby approve Bylaw No. 2453*

*Cowichan Valley Regional District,*

*a copy of which is attached hereto.*

*Dated this 11<sup>th</sup> day  
Of December, 2003*

  
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Minister of Community, Aboriginal and  
Women's Services