

Date November 6, 2024
Subject OCP Amendment Bylaw No. 3976, 2024

File: 3900-50

PURPOSE

To rescind second reading of OCP Amendment Bylaw No. 3976, 2024 so that Council can fix a typographical error in the bylaw and consider North Cowichan's 2024 Five-Year Financial Plan after first reading.

BACKGROUND

At the October 16, 2024, regular Council meeting, Council considered the OCP and Zoning amendment application for 9337 Trans-Canada Highway, 3036 Juniper Road, 3037 Henry Road, and 3041 Henry Road, and passed the following resolutions:

10.2 OCP Amendment Bylaw No. 3976 and Zoning Amendment Bylaw No. 3977 for first and second reading

1. IT WAS MOVED AND SECONDED:

THAT Council has:

- (a) *considered consultations under Section 475 of the Local Government Act in relation to Official Community Plan Amendment Bylaw No. 3976, 2024 and determined that the interests of Halalt First Nation, Stz'uminus First Nation, Lyackson First Nation, Penelakut Tribe, and Cowichan Tribes may be affected and should receive a written request for consultation;*
- (b) *considered consultations under Section 475 of the Local Government Act in relation to Official Community Plan Amendment Bylaw No. 3976, 2024, and determine that the consultation under that section does not need to be early and ongoing; and*
- (c) *consulted under Section 476 of the Local Government Act with School District 79 in relation to Official Community Plan Amendment Bylaw No. 3976, 2024. CARRIED*

2. IT WAS MOVED AND SECONDED:

THAT Council give first reading to Official Community Plan Amendment Bylaw No. 3976, 2024. (Opposed: Justice) CARRIED

3. IT WAS MOVED AND SECONDED:

THAT Council has:

- (a) *considered Official Community Plan Amendment Bylaw No. 3976, 2024, in conjunction with the North Cowichan 2022 Five-Year Financial Plan; and,*
- (b) *considered Official Community Plan Amendment Bylaw No. 3976, 2024, in conjunction with the Cowichan Valley Regional District Solid Waste Management Plan (as amended) and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan. (Opposed: Justice) CARRIED*

4. IT WAS MOVED AND SECONDED:

THAT Council give second reading to Official Community Plan Amendment Bylaw No. 3976, 2024.

(Opposed: Justice)

CARRIED

5. IT WAS MOVED AND SECONDED:

THAT Council give first and second reading to Zoning Amendment Bylaw No. 3977, 2024.

(Opposed: Justice)

CARRIED

6. IT WAS MOVED AND SECONDED:

THAT Council direct staff to schedule a public hearing for Official Community Plan Amendment Bylaw No. 3976, 2024, and Zoning Amendment Bylaw No. 3977, 2024.

CARRIED

Following the meeting, two administrative errors were noted:

1. Resolution 3(a) refers to the 2022 Five-Year Financial Plan when it should have referred to the 2024-2028 Financial Plan.
2. The first whereas clause in the draft Official Community Plan Bylaw No. 3976, 2024 (Attachment 1) refers to the January 2021 Housing Needs Assessment report when it should refer to the recently adopted August 2024 Interim Housing Needs Assessment report.

DISCUSSION

Staff recommend fixing these errors and the cleanest way to do so would be to rescind second reading of the bylaw, rescind resolution 3(a), pass a motion that Council has considered the bylaw in conjunction with the 2024-2028 Financial Plan, pass a motion to amend the bylaw by replacing January 2021 Housing Needs Assessment with August 2024 Interim Housing Needs Assessment report, and finally giving second reading to the bylaw as amended.

OPTIONS

1. **(Recommended Option)**

- (1) THAT Council rescinds second reading of Official Community Plan Amendment Bylaw No. 3976, 2024.
- (2) THAT Council rescinds the resolution that Council has considered the Official Community Plan Amendment Bylaw No. 3976, 2024 in conjunction with the North Cowichan 2022 Five-Year Financial Plan.
- (3) THAT Council has considered Official Community Plan Amendment Bylaw No. 3976, 2024, in conjunction with North Cowichan's 2024-2028 Financial Plan.
- (4) THAT Official Community Plan Amendment Bylaw No. 3976, 2024 be amended by replacing the words "January 2021" in the whereas clause with the words "August 2024 Interim".
- (5) THAT Council gives second reading to Official Community Plan Amendment Bylaw No. 3976, 2024, as amended.

IMPLICATIONS

Bylaws can be amended at any time before third reading. After third reading, no further amendments are allowed unless Council rescinds the third reading to return it to second reading. However, in this instance, the legislation is very specific that, as part of the adoption procedures for an official community plan, the local government must consider its financial plan *after* the first reading. Technically, the reference error in the bylaw could be fixed prior to third reading, but it makes sense to address both issues simultaneously.

Following the staff recommendation will ensure that the bylaw complies with the legislation.

RECOMMENDATION

- (1) THAT Council rescinds second reading of Official Community Plan Amendment Bylaw No. 3976, 2024.
- (2) THAT Council rescinds the resolution that Council has considered the Official Community Plan Amendment Bylaw No. 3976, 2024 in conjunction with the North Cowichan 2022 Five-Year Financial Plan.
- (3) THAT Council has considered Official Community Plan Amendment Bylaw No. 3976, 2024, in conjunction with North Cowichan’s 2024-2028 Financial Plan.
- (4) THAT Official Community Plan Amendment Bylaw No. 3976, 2024 be amended by replacing the words “January 2021” in the whereas clause with the words “August 2024 Interim”.
- (5) THAT Council gives second reading to Official Community Plan Amendment Bylaw No. 3976, 2024, as amended.

Report prepared by:



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Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Official Community Plan Amendment Bylaw No. 3976, 2024 [Original version]
- (2) Official Community Plan Amendment Bylaw No. 3976, 2024 [Amended redlined version]