

Report

Date	November 19, 2025	File: OCP00037
Subject	Bill 44 Compliance: Official Community Plan Amendment Bylaw 4040 initial readings	

PURPOSE

To provide Council with Official Community Plan Amendment Bylaw 4040 to align Official Community Plan (OCP) policy text with new housing targets for consideration of first and second readings.

BACKGROUND

On October 15, Council received draft Bylaw 4040 for initial readings along with [a report outlining the proposed changes to the OCP](#) intended to achieve compliance with the *Local Government Act*.

Council referred the issue to its Committee of the Whole (CoW) meeting on November 12 and reviewed the bylaw in more detail. Two directions were issued:

- 1) THAT the Committee of the Whole direct staff to amend draft Official Community Plan Bylaw No. 4040, 2025, to incorporate references to the latest BC stats population Housing projections and note the challenges in projecting such changes over the long-term.
- 2) THAT the Committee of the Whole direct staff to amend draft Official Community Plan Bylaw No. 4040, 2025, to remove section 25 of the draft bylaw, and refer to Agricultural Advisory Committee.

DISCUSSION

Draft bylaw 4040 has been amended as per the direction issued by CoW, namely:

- 1) The removal of former section 25 of the bylaw (and renumbering of subsequent sections);
- 2) The addition of text to section 2 of the bylaw, adding reference to BC Stats' population forecasts;
- 3) The addition of text to section 6 of the bylaw, noting the uncertainty inherent in population forecasts and the need for periodic review.

Attachment 2 to this report contains a red-lined version of the three affected bylaw sections above, showing the specific edits.

OPTIONS

1) **(RECOMMENDED OPTION)** THAT COUNCIL:

1. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolves that:
 - a. the following entities are the only persons, organizations and authorities that it considers will be affected and thereby require an opportunity for consultation:
 - i. Island Health
 - ii. Agricultural Land Commission
 - b. that consultation with these entities need not be early or ongoing; and,
 - c. that staff be directed to refer Bylaw 4040 to the entities listed under subclause a.
 2. Directs staff to refer Bylaw 4040 to the Cowichan Valley School District pursuant to Section 476 of the *Local Government Act*,
 3. Having considered the housing needs report, including the 2024 interim housing needs report, pursuant to Section 473.1(2) of the *Local Government Act* give first and second reading to Official Community Plan Amendment Bylaw No. 4040, 2025;
 4. Considers Bylaw 4040 in conjunction with the 2024-2028 Financial Plan, the Cowichan Valley Regional District Solid Waste Management Plan and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan; and
 5. Directs staff to schedule a public hearing for Bylaw 4040 pursuant to section 464(1) of the *Local Government Act*.
- Council is able to amend section 1.a. of the recommended resolution above if it wishes to add or remove persons, organizations or authorities that it considers affected and requiring an opportunity for consultation.
 - Statute requires this OCP amendment to be completed by December 31, 2025

2) THAT Council directs staff to provide further information with respect to:

1. ... *[issues to be identified by Council]*
- Council may require additional information, in which case staff will bring this bylaw back to the next meeting for consideration along with any further information as Council requires.
 - This option would imperil the ability to adopt the required changes by the statutory deadline of December 31, 2025. The consequences of missing the deadline are unknown.

IMPLICATIONS

There are no significant implications associated with proceeding with the update of the OCP in the manner described in order to achieve legislative compliance. There is a risk in not proceeding, as the Municipality would be in default of its statutory obligation and thus potentially exposed to legal challenges and sanctions by the provincial government.

RECOMMENDATION

THAT Council:

1. Having considered s. 475 of the *Local Government Act*, and in particular the matters set out in subsections (2)(a) and (b), resolves that:
 - a. the following entities are the only persons, organizations and authorities that it considers will be affected and thereby require an opportunity for consultation:
 - i. Island Health
 - ii. Agricultural Land Commission
 - b. that consultation with these entities need not be early or ongoing; and
 - c. that staff be directed to refer Bylaw 4040 to the entities listed under subclause a.
2. Directs staff to refer Bylaw 4040 to the Cowichan Valley School District pursuant to Section 476 of the *Local Government Act*,
3. Having considered the housing needs report, including the 2024 interim housing needs report, pursuant to Section 473.1(2) of the *Local Government Act* give first and second reading to Official Community Plan Amendment Bylaw No. 4040, 2025;
4. Considers Bylaw 4040 in conjunction with the 2024-2028 Financial Plan, the Cowichan Valley Regional District Solid Waste Management Plan and the Cowichan Valley Regional District Central Sector Liquid Waste Management Plan; and
5. Directs staff to schedule a public hearing for Bylaw 4040 pursuant to section 464(1) of the *Local Government Act*.

Report prepared by:



Chris Osborne RPP, MCIP
Manager, Planning

Report reviewed by:



Amanda Young, MCIP, RPP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Official Community Plan Amendment Bylaw No. 4040, 2025
- (2) Bylaw excerpts showing changes made in response to CoW resolutions