

# Report

Date August 17, 2022  
Subject Official Community Plan Bylaw 3900 Further Readings, Adoption

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File: SPP00040

## PURPOSE

To provide Council with Official Community Plan (OCP) Bylaw No. 3900, 2022 for consideration of second reading, third reading and adoption.

## BACKGROUND

On April 25, Council gave first reading to [OCP Bylaw 3900 as attached to the Planning Manager's Report dated April 25 2022](#). Subsequently, on May 4, Council considered the OCP in conjunction with the relevant financial and waste management plans, and referred the OCP to the Agricultural Land Commission (ALC). The ALC provided a response on July 14, voicing no objections, which was included in the public hearing package.

On July 18 & 19, 2022 a public hearing was held. The public hearing was conducted by electronic means on July 18, 2022 and in-person at the Cowichan Exhibition Centre on July 19, 2022. Having considered representations made at the public hearing, Council is now in a position to give further readings to OCP Bylaw 3900 and potentially move to adoption. Following the public hearing, Council cannot receive any new information regarding the OCP or any public representations, but may receive technical clarification from staff on issues heard at the public hearing.

## DISCUSSION

### Minor OCP Changes Since First Reading

Since first reading of the bylaw, staff have made a number of cosmetic changes to the OCP itself and corrected minor errors. Additionally, a list of acronyms and a glossary of terms have been added as new Appendices 4 & 5. The revised OCP is included as Schedule A to the bylaw attached to this report. Prior to giving second reading, Council must pass a motion to amend the OCP Bylaw by substituting the revised Schedule A attached to this report for the original Schedule A. A summary of these minor changes contained in the revised Schedule A is listed below; none of which affect the OCP's policy directions:

#### **Photos:**

- *Front Cover image changed (Pg. 1)*
- *Chapter 4 front page image added (Pg. 65)*
- *Chapter 8 front page image changed (Pg. 133)*
- *Chapter 10 front page image changed (Pg. 166)*

#### **Captions:**

- *Figure 3.2 changed from "low density housing" to "High density housing" (Pg. 36)*

- *Figure 5.1 changed from "Housing Types of North" to "Housing Types of North Cowichan" (Pg. 94)*

**Policy order switch:**

- *Policies 4.6.2 h. and i. have been swapped so the layout looks better (Pg. 89)*

**Additions:**

- *Addition of Appendix 4 – Acronyms (Pg. 193)*
- *Addition of Appendix 5 – Glossary (Pg. 194)*
- *OCP Appendices Cover Page (Pg. 178) add Appendices 4 & 5*

**Maps:**

- *Map 10 name changed from "Water Service Area & Related Infrastructure" to "Water System Infrastructure" (including references on pages 179 & 189)*
- *Map 11 name changed from "Sewer Service Area & Related Infrastructure" to "Sanitary Sewer System Infrastructure" (including references on pages 179 & 190)*

**Other changes:**

- *Change wording from "this plan" to "this OCP" – 35 locations*
- *"Ministry of Environment" changed to "Ministry of Environment and Climate Change Strategy" – throughout document*
- *"Ministry of Agriculture" changed to "Ministry of Agriculture and Food" – throughout document*
- *"Agriculture Canada" changed to "Agriculture and Agri-Food Canada" – throughout document*
- *Various typos and font inconsistencies corrected throughout document*

**Council-Initiated Amendments**

Council may specify other minor amendments by resolution immediately prior to giving second reading. Any such amendments must be precise and clear, with exact wording specified where appropriate.

If, however, Council has further amendments of a more complex or abstract nature requiring staff to create wording, change imagery, alter maps in a way not readily and precisely described in words, or any other significant change, the OCP bylaw will need to be brought back to a future meeting in amended form for Council's subsequent consideration of second reading.

Any changes affecting land use and density, (and changes to the Land Use Designations Map 2 in particular) would trigger the need to hold a second public hearing. Having already held a full public hearing, any subsequent public hearing(s) would be intended to be focused only on the use- or density-related changes directed by Council. Unless Council directed otherwise, subsequent hearings would need only to be subject to the minimum statutory advertising requirements, rather than the full publicity efforts that were undertaken for the first public hearing. Speakers at the subsequent hearing(s) would however not be limited to discussing the new changes; legally, the hearing would remain in relation to the entire OCP; however, attendance might be anticipated to be significantly less

than for the first hearing as many people will not wish to rehearse the same comments made on the same document in the absence of anything other than wholesale change. A second hearing may be held entirely in electronic format should Council so wish. Following the close of a second public hearing, Council may move immediately to additional readings of the bylaw, up to and potentially including adoption.

Figure 1 below shows the potential routes forward for the OCP, depending on whether Council directs further changes, and the nature of those changes:

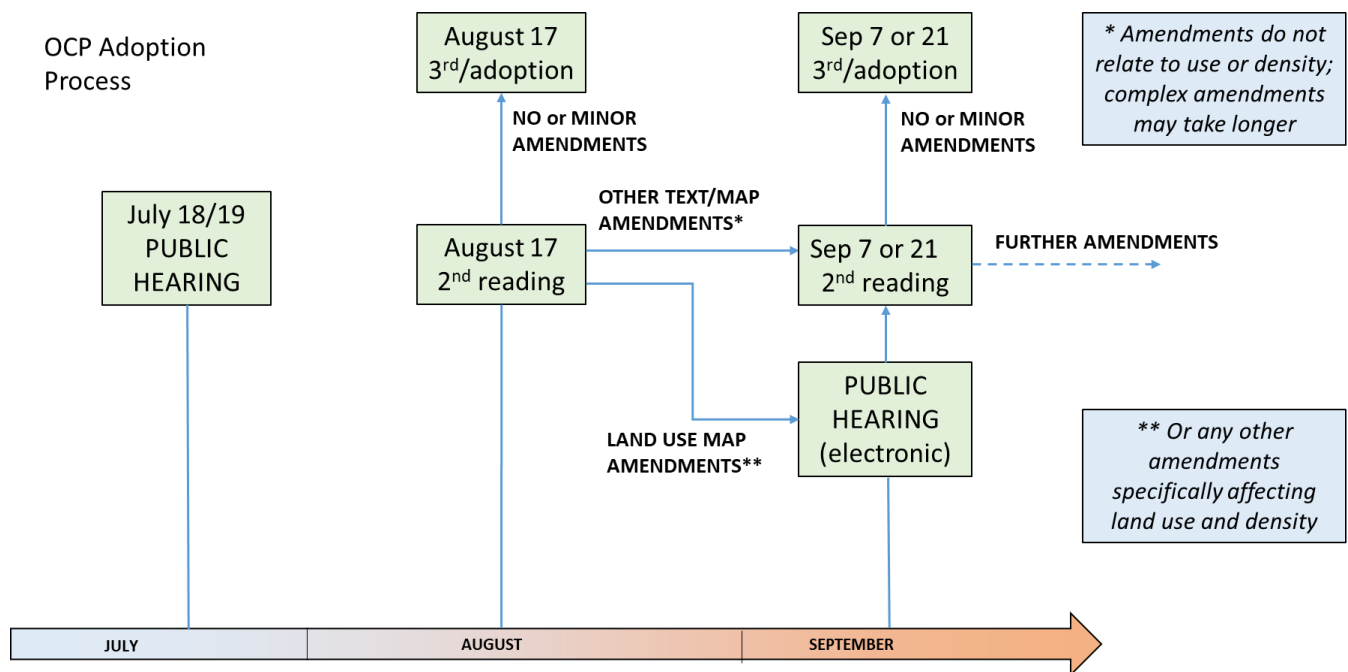


Figure 1: OCP adoption processes

## OPTIONS

### 1. (Recommended Option) Proceed with further readings of OCP Bylaw 3900 through to adoption

1. THAT Council amends "Official Community Plan Bylaw No. 3900, 2022" by substituting Schedule A with the revised Schedule A that is attached to the bylaw, and as outlined in the Planning Manager's August 17 2022 report.
2. THAT Council gives second reading to "Official Community Plan Bylaw No. 3900, 2022", as amended.
3. THAT Council gives third reading to "Official Community Plan Bylaw No. 3900, 2022".
4. THAT Council adopts "Official Community Plan Bylaw No. 3900, 2022".

- If Council has no further changes to the OCP following the public hearing, it is able to move through to adoption.

**2. Proceed with further readings of OCP Bylaw 3900 subject to minor changes (to be identified by Council)**

- 1) THAT Council amends "Official Community Plan Bylaw No. 3900, 2022" by substituting Schedule A with the revised Schedule A that is attached to the bylaw, and as outlined in the Planning Manager's August 17 2022 report.
  - 2) THAT Council further amends "Official Community Plan Bylaw No. 3900, 2022" by
    - a. *[amendments to be identified by Council]*
    - b. ...
    - c. ... etc.
  - 3) THAT Council gives second reading to "Official Community Plan Bylaw No. 3900, 2022", as amended;
  - 4) THAT Council gives third reading to "Official Community Plan Bylaw No. 3900, 2022";
  - 5) THAT Council adopts "Official Community Plan Bylaw No. 3900, 2022".
- Amendments under item 2) must be minor and unambiguous, not requiring any further development. If incorporated by resolution as per the above, Council may move through to adoption.

**3. Direct staff to make amendments to the OCP and bring the revised OCP back for consideration of second reading at a future meeting**

THAT Council:

- 1) Directs that "Official Community Plan Bylaw No. 3900, 2022" be amended by:
    - a. *[amendments to be identified by Council]*
    - b. ...
    - c. ... etc.
  - 2) Directs that "Official Community Plan Bylaw No. 3900, 2022", as amended, be brought back to Council for consideration of second reading at a future meeting.
  - 3) Directs that if a second public hearing is required, that the Director of Planning and Building be authorized to schedule a date and time, that the public hearing be held by electronic means, and that notification be issued in accordance with the *Local Government Act*.
- If Council's desired amendments are more complex and require staff to create wording, it is not recommended to progress to second reading at this time.
  - Any changes to the Land Use Designations Map (Map 2) or which pertain to policies regarding land use and density would require a second public hearing to be held prior to third reading.
  - Staff would attempt to schedule a public hearing for September 7 2022; however the resolution provides flexibility in the event that this is infeasible.

**4. Defeat OCP Bylaw 3900**

THAT Council abandons "Official Community Plan Bylaw No. 3900, 2022"

- If Council does not wish to proceed with OCP Bylaw 3900, the existing OCP Bylaw 3450 will remain in place until such time as a new OCP Bylaw is adopted.

## IMPLICATIONS

OCP Bylaw 3900 contains a provision to repeal the previous OCP Bylaw 3450, and would take effect immediately. From this point, all bylaws enacted and works undertaken by the Municipality must be consistent with the new OCP as per *Local Government Act* s.478(2).

There is no “grandparenting” provision for applications for rezoning submitted under the previous OCP, since at the point of adopting any zoning amendment bylaw, that bylaw is legally required to be consistent with the (new) OCP. Similarly, the Approving Officer in determining subdivision applications may cite the new OCP in making their decision; however, s.511 of the *Local Government Act* does provide a 12 month immunity period to instream subdivision applications for the application of bylaws adopted after the submission of an application.

The *Local Government Act* also specifies in s.478(1) that the Municipality is not authorized or committed to proceed with any project specified in the plan. Implementation of any OCP projects remain at the discretion of Council.

Should Council adopt OCP Bylaw 3900, staff will bring forward a subsequent report providing Council with options regarding implementation. Council may prioritize and resource implementation of OCP projects as it sees fit. Budget has already been allocated for a comprehensive update to the Zoning Bylaw and a project plan will be brought forward at a later time.

Once adopted, the new OCP may be amended or updated at any time either on the initiative of the Municipality or through an application submitted by a person, subject to the procedural requirements of the *Local Government Act* governing adoption and amendment of OCPs.

## RECOMMENDATION

1. THAT Council amends “Official Community Plan Bylaw No. 3900, 2022” by substituting Schedule A with the revised Schedule A that is attached to the bylaw, and as outlined in the Planning Manager’s August 17 2022 report.
2. THAT Council gives second reading to “Official Community Plan Bylaw No. 3900, 2022”, as amended.
3. THAT Council gives third reading to “Official Community Plan Bylaw No. 3900, 2022”.
4. THAT Council adopts “Official Community Plan Bylaw No. 3900, 2022”.

Report prepared by:



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**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Report reviewed by:



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Rob Conway MCIP, RPP  
Director, Planning and Building

Attachment(s):

(1) OCP Bylaw 3900 including Schedule "A" with all appendices [XXX pages]