

PUBLIC HEARING INFORMATION PACKAGE

Official Community Plan Amendment Bylaw No. 4072 & Zoning Amendment Bylaw No. 4077 3047-3037 Westhill Place

Public Hearing Notice and Bylaw Nos. 4072 & 4077

1. Notice of Public Hearing for **July 15, 2026 at 7:00 p.m.**
2. 1st Notification – Municipality’s Social Media - Facebook - Publication Date: June 26, 2026
3. 2nd Notification - Cowichan Valley Citizen and Chemainus Valley Courier – Publication Dates: July 8 & July 9
4. Bylaw Nos. 4072 & 4077
5. Maps of Subject Property

Planning Staff Reports to Council

1. Report to November 5, 2025 Regular Council – Analysis of Large Project Surcharge for OCP Amendments
2. Report to March 18, 2026 Regular Council – Early Consideration
3. Report to June 17, 2026 Regular Council – First & Second Reading, Schedule Public Hearing

Committee Resolutions

1. Committee Resolutions from November 12, 2025 Committee of the Whole – Large Project Surcharge Fee

Council Resolutions

1. Council Resolution from June 4, 2025 Regular Council – Refer Letter from Jim Dias to Staff for Report
2. Council Resolution from March 18, 2026 Regular Council – Early Consideration Approved
3. Council Resolution from June 17, 2026 – First & Second Reading

Other Correspondence

1. Letter dated May 27, 2025 from Jim Dias – Large Project Surcharge Fee

Public Comments

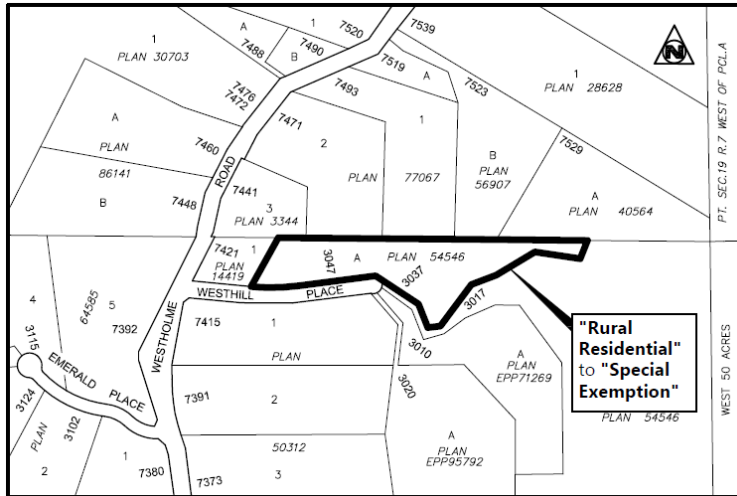
[See Written Submissions Package](#)



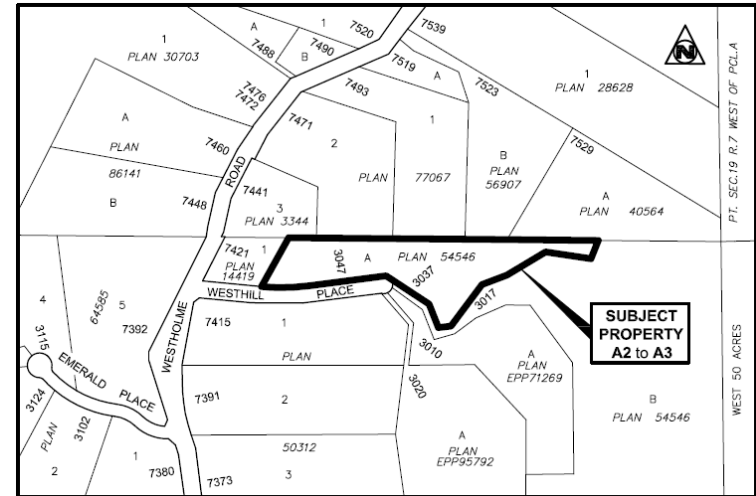
NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held at **7:00 p.m.** on **Wednesday, July 15, 2026** to allow Council to receive public input on **"Official Community Plan Amendment Bylaw No. 4072, 2026"** and **"Zoning Amendment Bylaw No. 4077, 2026"**. As authorized by the *Local Government Act*, this hearing will be conducted by electronic means and members of the public will be provided an opportunity to be heard verbally or by submitting their comments in writing in advance of the hearing. This hearing will be a Hybrid Meeting and will be conducted in person from Council Chambers and by video conference using the Cisco Webex platform. Anyone wishing to participate may do so in person by attending Council Chambers, or by joining the meeting using a computer, smartphone or tablet, or telephone (audio only). If you wish to participate electronically, please visit www.northcowichan.ca/virtualmeeting for instructions on how you can join this hearing and find the link to join. You may also view the meeting as it is streamed live by going to www.northcowichan.ca/agendas and click on the 'View Live Stream' link. A copy of the recording will be made available after the meeting on North Cowichan's website for on-demand viewing.

Official Community Plan Amendment Bylaw No. 4072 proposes to amend Official Community Plan Bylaw No. 3900, Map 2 [Growth and Land Use Management] by redesignating 3037 and 3047 Westhill Place (PID: 017-831-105) from 'Rural Residential' to the 'Special Exemption' land use designation.



Zoning Amendment Bylaw No. 4077 proposes to amend Zoning Bylaw 1997, No. 2950, Schedule 'C' [Zoning Map], by reclassifying 3037 and 3047 Westhill Place (PID: 017-831-105) from 'Rural Zone (A2) to Rural Restricted Zone' (A3). The purpose of the amendment is to facilitate a 2-lot subdivision.



PUBLIC INPUT

If you believe your interests in land will be affected by the proposed bylaw, you are encouraged to submit your comments by following the instructions provided below:

1. In Writing in Advance of the Public Hearing:

Submit your comments in writing to Mayor and Council until **1:00 p.m. on Monday, July 13, 2026** by:

- Email to publicmeetings@northcowichan.ca
- Mail to Mayor and Council, Municipality of North Cowichan, 7030 Trans-Canada Highway, North Cowichan, BC V9L 6A1
- In-Person deposited through the mail slot at the Municipal Hall, Main Entrance

2. Verbally or in Writing at the Public Hearing:

- In Person by attending Council Chambers at Municipal Hall, 7030 Trans-Canada Highway, North Cowichan, BC.
- Virtually by logging in electronically, details and instructions will be available at least one week prior to the Hearing at www.northcowichan.ca/PublicHearings.
- Written submissions may be submitted during the Public Hearing by presentation to the Corporate Officer or her designate.

PLEASE NOTE: Submissions should reference the bylaw number and include your name and the civic address or legal description of the land affected by the proposal. Please be advised that all submissions, including the individual's name and address will form part of the public record and will be published on North Cowichan's website. Do not include any personal information in your submission that you do not wish to be disclosed, as submissions received are public documents and will not be redacted (with the exception of email addresses on electronic submissions, phone numbers and signatures). Written submissions will not be accepted after the conclusion of the Public Hearing.

A copy of the Bylaw and related documents, including public comments received in writing, will be available to inspect online at www.northcowichan.ca/PublicHearings until the close of the Public Hearing. The documents may also be inspected in the Planning Department at the Municipal Hall, Monday to Friday (excluding statutory holidays) between **8:30 a.m. to 4:00 p.m.** from **June 29, 2026 to July 15, 2026**.

Personal information is collected by North Cowichan under the authority of s. 26 (c) of the *Freedom of Information and Protection of Privacy Act* for the purpose of administering the Public Hearing. Please direct any questions about personal information to North Cowichan's Privacy Officer by Phone: 250-746-3116, Email: privacy@northcowichan.ca or Regular Mail: 7030 Trans-Canada Highway, North Cowichan, BC V9L 6A1

PUBLIC HEARING NOTICE

1ST NOTIFICATION

Social Media Publication Date

June 26 2026

2nd NOTIFICATION

Newspaper Publication Date

July 8 2026 - Cowichan Valley Citizen

Newspaper Publication Date

July 9, 2026 - Chemainus Valley Courier



The Corporation of the District of North Cowichan

Official Community Plan Amendment Bylaw

BYLAW NO. 4072

A bylaw to amend Official Community Plan Bylaw No. 3900, to redesignate 3037 and 3047 Westhill Place from Rural Residential to Special Exemption

WHEREAS Council has considered the Interim Housing Needs Report 2026 for the Municipality of North Cowichan,

AND WHEREAS Council has considered consultation under Sections 475 and 476 of the *Local Government Act*,

NOW THEREFORE Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Official Community Plan Amendment Bylaw No. 4072, 2026*".

Amendments

2 Official Community Plan Bylaw No. 3900, 2022 be amended by redesignating 3037 and 3047 Westhill Place (PID: 017-831-105) in Schedule "A", Appendix 1: Maps, Map 2 [Growth and Land Use Management] from Rural Residential to Special Exemption land use designation, as shown in Schedule 1, attached to and forming part of this Bylaw.

READ a first time on _____.

READ a second time on _____.

NOTICE that a public hearing is scheduled for this bylaw was posted to the municipality's public notice board and on the municipality's website on _____, 202_, and advertised on the municipality's social media site on _____, 202_, and in the Cowichan Valley Citizen [if applicable, and the Chemainus Valley Courier] on _____, 202_.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

ADOPTED on _____.

CORPORATE OFFICER

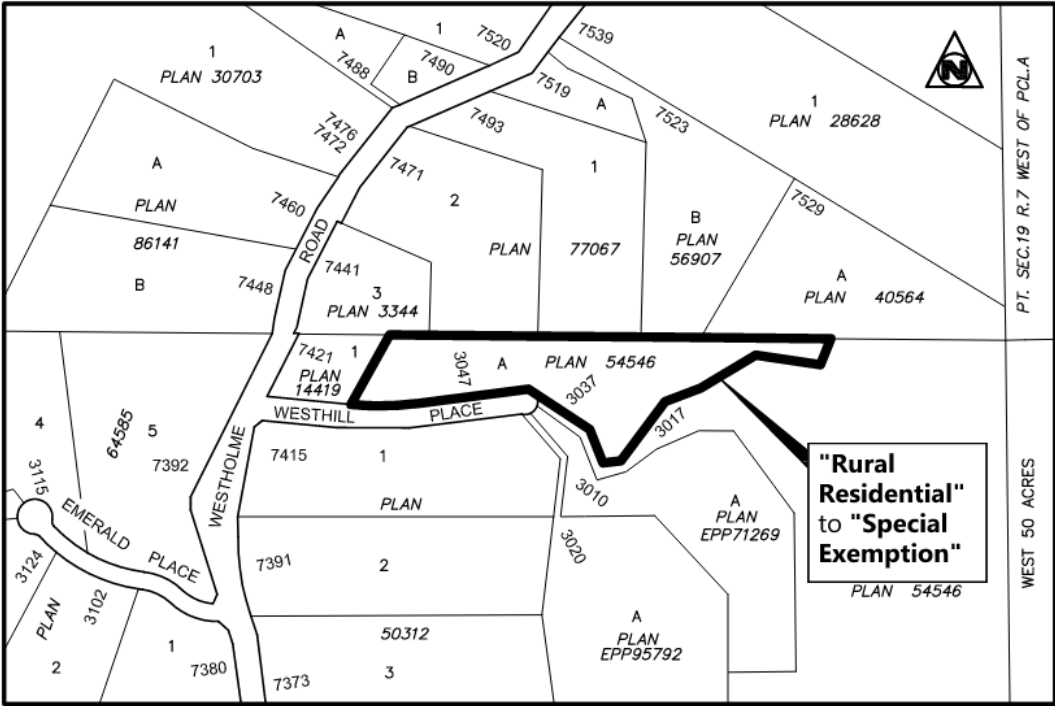
PRESIDING MEMBER

Schedule "1" to accompany "Official
Community Plan Amendment Bylaw No.
4072, 2026".

Presiding Member

Corporate Officer

SCHEDULE "1"





The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 4077

A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify 3037 and 3047 Westhill Place from A2 to A3.

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Zoning Amendment Bylaw No. 4077, 2026*".

Amendment

2 Zoning Bylaw 1997, No. 2950, Schedule 'C' [Zoning Map], be amended by reclassifying 3037 and 3047 Westhill Place (PID: 017-831-105) from Rural Zone (A2) to Rural Restricted Zone (A3), as shown outlined in black in Schedule 1 attached to and forming part of this bylaw.

READ a first time on

READ a second time on

Notice that a public hearing *is scheduled* for this bylaw was posted to the municipality's public notice board and on the municipality's website on _____, 202_, and advertised on the municipality's social media site on _____, 202_, and in the Cowichan Valley Citizen [if applicable, and the Chemainus Valley Courier] on _____, 202_.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

COVENANT registered on _____.

ADOPTED on _____.

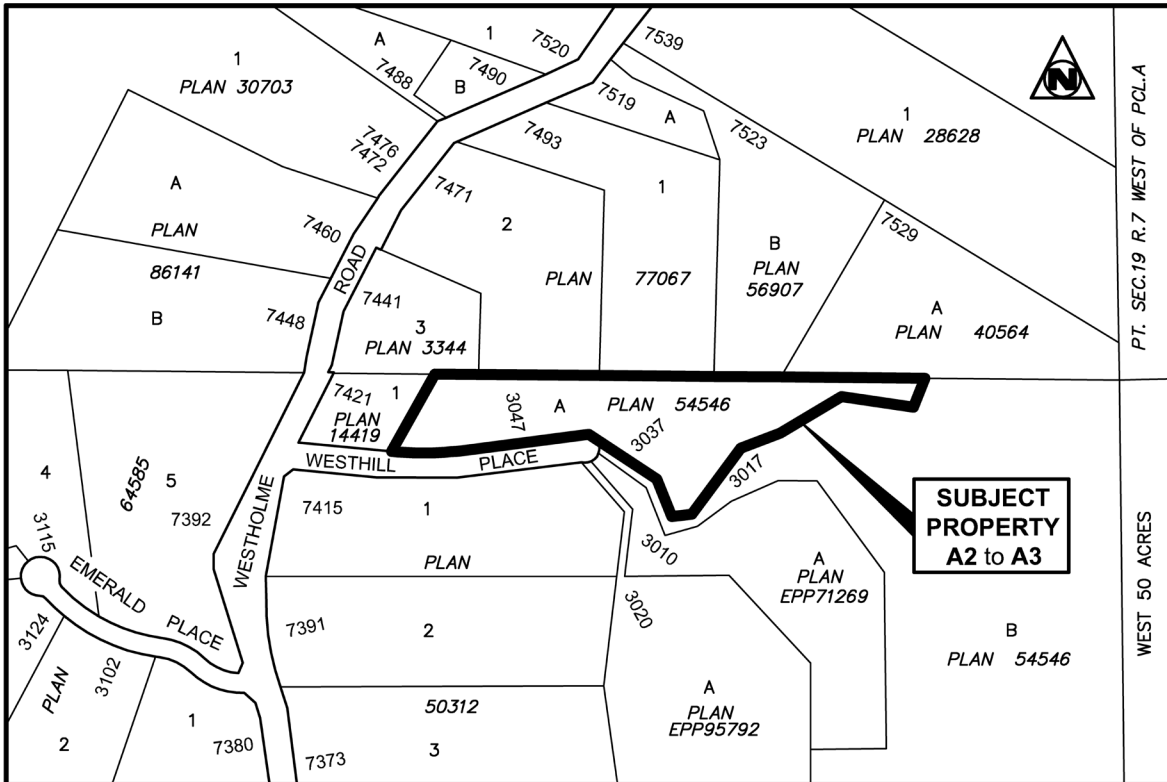
CORPORATE OFFICER

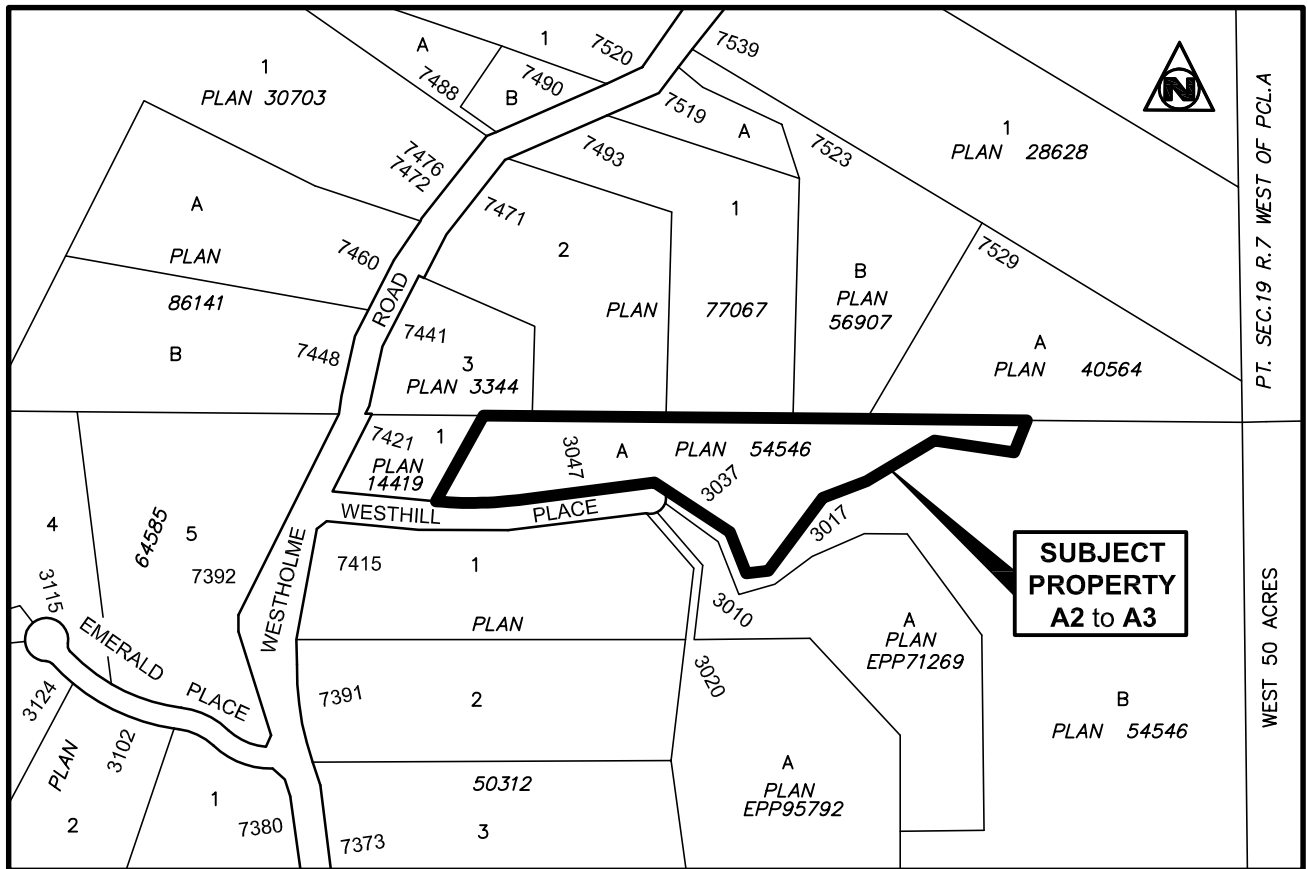
PRESIDING MEMBER

Presiding Member

Corporate Officer

SCHEDULE "1"





COMMITTEE REPORTS

Report

Date November 5, 2025

File: SPP00113

Subject Analysis of the Large Project Surcharge for OCP Amendments

PURPOSE

To present options regarding the Large Project Surcharge (LPS) for Official Community Plan (OCP) amendments in Fees and Charges Bylaw No. 3784 (2020).

BACKGROUND

Development Application and Correspondence to Council

On May 27, 2025, Council received [correspondence](#) from Jim Dias, on behalf of Ken and LeeAnne Nickell, regarding a development application for 3037 & 3047 Westhill Place (PID: 017-831-105), a 2.04-hectare property to enable a two-lot subdivision. The application sought:

- an OCP amendment (from 'Agriculture, Forestry & Conservation (Rural)' to 'Rural Residential'), and,
- a zoning amendment (from A2 [Rural] to A3 [Rural Restricted]).

The applicant described the proposal as creating no immediate increase in residential density, since each of the two existing dwellings would remain on its own lot. However, by enabling subdivision and rezoning to A3 (Rural Restricted), the application did introduce density potential, permitting up to four units (two per lot) under the new zoning, which is a requirement under recent amendments to the *Local Government Act (Housing Statutes (Residential Development) Amendment Act, 2023 [Bill 44])*.

June 4, 2025 Council Meeting

At its [June 4, 2025 meeting](#), Council considered the applicability of the \$5,000 LPS to the OCP amendment associated with this subdivision. The applicant described the proposal as a "simple subdivision" and raised concerns regarding the proportionality of the surcharge, citing the minimal scale and negligible impact of the application on municipal services.

Council subsequently directed staff to explore options for modifying the LPS when applied to "low-complexity" applications, ensuring the fee is proportional to staff effort.

DISCUSSION

Part 1 – Statutory Framework and Fee Amendment Rationale

Legislative Context

Under *Community Charter s.194* and *Local Government Act s.462(2)*, municipal fees must be set by bylaw and must not exceed the estimated average processing cost. Amendments to fees, such as surcharges, reductions, or refunds, require supporting cost documentation and a formal bylaw amendment. Staff cannot waive or adjust fees unless expressly authorized through existing provisions or Council-approved changes. In this regard, the agent's request that the Fees & Charges Bylaw is

amended to “... provide staff with a degree of flexibility [with respect to the Large Surcharge]” is fundamentally problematic. A fee bylaw cannot, and should not, be subjective and discretionary.

As a result of the statutory context for Local Government fee-setting whereby a fee “...must not exceed the estimated average costs of processing, [...]” it is necessary to determine “average”. By definition, the actual cost of processing will fall below the average for some individual applications, and above the average for others. The agent’s letter contends that their application is “straightforward” in nature and would therefore fall into the “below average” group of applications relative to the fee.

2022 Comprehensive Review of Development Application Fees

A [2022 fee review](#) confirmed that development application fees were significantly below actual processing costs, resulting in the unintended subsidization of private development through general revenue. This finding contradicted North Cowichan’s policy direction favouring [cost recovery](#) from direct beneficiaries.

Key Findings:

- Processing time varies significantly with complexity; “basic” files require approximately [20-30 staff hours](#), while complex applications may exceed 100 hours.
- OCP amendments cost an estimated [\\$4,000 - \\$30,000](#) to process.
- A [60% cost-recovery model](#) was recommended, balancing applicant benefit with broader community value.
- Graduated fees and surcharges were proposed to align cost recovery with administrative complexity.

These findings led to the implementation of the [LPS](#), designed to more accurately reflect actual processing costs generally associated with larger application sites. Currently, under *Fees & Charges Bylaw No. 3784*, a [\\$5,000 surcharge](#) applies to OCP or rezoning applications involving parcels between 1.5 and 3.0 hectares. OCP amendments typically involve substantive policy analysis, multiple departments, and public engagement. Even seemingly “minor” OCP amendments may have knock-on implications elsewhere in the OCP, such that the document has to be reviewed as a whole in the context of every proposed amendment. For this reason, it is difficult to pre-determine whether an application is “basic” or not. The lot size was therefore chosen as a proxy, as larger sites typically recruit more complexity and issues, noting that this correspondence is an average and will not necessarily be reflected in every individual instance.

The current LPS fee structure from *Fees & Charges Bylaw No. 3784*, Schedule C is shown below:

SCHEDULE C – DEVELOPMENT AND PERMITTING FEES	
<i>(Section 3, Development Application Fees)</i> [BL3793, B:3839, BL3894; BL3954; BL3960, BL3993]	
6.	The large project surcharge [Items 5, 6 and 7] excludes Zoning Bylaw text amendment applications for Agricultural and Institutional Zones (A1, A2, A3, A4, A5, PI, PU, and PC) and Zoning Bylaw amendment applications to increase residential density by 3 or fewer units.
7.	The large project surcharge [Items 5, 6 and 7] for OCP or Zoning Bylaw amendments applies where an applicant has requested changes to land use designations.
Official Community Plan (OCP) and Zoning Bylaw Amendment Fees:	

5	OCP or Zoning Bylaw Amendment – Large Project Surcharge ^{6, 7} Site Area > 1.5 ha and < 3.0 ha	\$5,000
6	OCP or Zoning Bylaw Amendment – Large Project Surcharge ^{6, 7} Site Area > 3.0 ha and < 6.0 ha	\$10,000
7	OCP or Zoning Bylaw Amendment – Large Project Surcharge ^{6, 7} Site Area > 6.0 ha	\$15,000

Part 2 – Comparative Regional Practices

The jurisdictional review in Attachment 1 confirms that North Cowichan's tiered, parcel-size-based fee model is not only common but represents a balanced choice. The scan demonstrates that while more nuanced models exist, they introduce significant administrative burden and potential for dispute. The summary table below captures the core idea, advantages, and recurring drawbacks of the four common model families observed in practice, illustrating the trade-offs involved.

Model Type	Core Idea	Advantage	Drawback
Flat-Fee Models	One price per application type.	Predictable and easy to administer for staff and applicants.	Misaligns with actual effort; often significantly under-charges complex files and over-charges simple ones.
Tiered Models	Uses parcel size or basic lot-yield bands as a proxy for complexity.	Adds a degree of nuance while remaining relatively simple to administer.	Can overcharge low-impact applications on large parcels and undercharge high-impact applications on small parcels; still a coarse proxy for effort.
Complexity-Based Models (e.g., Minor vs Major)	Aligns fees with expected workload by creating different fee levels for minor and major amendments.	Links fees to known workload signals without speculative yield.	Requires a clear, defensible Minor/Major distinction; invites classification disputes and intake delays.
Intensity-Based Models (development yield)	Scales fee to proposed development yield (e.g., units) rather than parcel size.	Aims for proportionality to project scale.	Speculative at OCP stage; yield often unknown, negotiation-prone; reduces predictability and adds admin work.

Part 3 – Analysis of Options for Refining the Large Project Surcharge

Following Council's direction, staff analyzed two pathways to refine the LPS for OCP amendments. Each option balances the goals of fee proportionality, policy integrity, administrative efficiency, and equity. A detailed analysis of each option is provided in Attachment 2. The following table offers a high-level comparison of options for refining the LPS.

Option	Core Idea	Key Advantage	Primary Drawback	Evaluation of Trade-Offs
Status Quo (Tiered Model)	Maintains the current LPS structure without any change.	Consistent, predictable, low administrative overhead; aligns with the 2022 cost-recovery approach.	May not address perceived inequity for low-impact files.	Optimizes for predictability and administrative Simplicity. Accepts that perfect proportionality is unattainable without creating significant downsides, as demonstrated by the regional scan.
Minor OCP Amendment Fee Model	New "Minor OCP Amendment" fee category exempt from the LPS. Applications not meeting the "Minor" criteria default to the standard fee structure.	Provides a pathway for low-impact files that seeks to align fees with the potential complexity.	Requires precise, defensible criteria; does not legally prevent later intensification (policy risk remains). Defining "minor" is very difficult.	Aims for better proportionality but sacrifices administrative simplicity (requires defensible criteria, potential for disputes) and can reduce predictability for applicants unsure of their classification.
Intensity Based Model	New fee category contingent on the potential development yield arising from the amendment.	Aligns the fee with the scale of future development.	Adds legal and administrative complexity during the initial setup and application intake. Increases processing time and administrative load.	Seeks better proportionality but at a high cost to administrative simplicity and predictability (complex rules for applicants). Development intensity is not necessarily a significantly better proxy for complexity than lot size.

Both alternative models seek a proxy for complexity other than lot size. The difficulty inherent in any of these approaches is that OCP amendments are policy-based and require contemplation of how a proposal aligns with the entire framework; a determination that may be largely independent of the scale of development. In this regard, it is almost impossible to predict in advance (and in readily objective terms that could be captured by a fees bylaw) whether an OCP amendment will involve a significant amount of thought and work.

This problem can be illustrated by way of example, using two OCP amendment files considered by Council since 2022:

- OCP00026 [1771 Robert Street] adopted July 17, 2024
- OCP00033 [3499 Henry Road, Morgan Maples] denied August 20, 2025

At first glance, the Morgan Maples application appeared “simple,” seeking only a tenure change for development otherwise permitted. In contrast, 1771 Robert Street appeared “complex,” proposing a substantial number of new lots and housing units.

In practice, however, Morgan Maples required far more analysis to generate options that could reconcile the request with the OCP. The effort - reflected in the length and complexity of the staff reports - stemmed from a fundamental misalignment between the proposal (and its implications) and the OCP’s growth hierarchy.

The Robert Street application, on the other hand, conceptually aligns with the OCP’s own terms. Despite the level of development intensity, the proposal was not a radical departure from the growth strategy; the amendment ultimately amounted to a relatively straightforward adjustment to the Urban Containment Boundary consistent with Council direction.

The above example demonstrates that the complexity of a development concept that is subject to an OCP amendment is a poor predictor of processing time and cost. Arguably, using site area in the tiered approach is a little better, but it is much simpler to determine. Against the alternatives, the Status Quo option preserves a defensible, predictable framework grounded in the [2022 cost-recovery work](#), avoids creating new boundary cases and classification disputes, and protects staff capacity for higher-value work.

While either refinement could improve proportionality for a narrow set of files, each adds administrative load (legal drafting/monitoring or criteria design/enforcement) with limited public benefit. On balance, the incremental advantage from either refinement is outweighed by the implementation, monitoring, and precedent risks at this time. Efforts to recognize non-complexity become self-defeating when that process itself adds complexity. If a change is pursued, despite these risks, it should be through one clearly defined pathway, which are presented as alternative options in preference order below.

OPTIONS

1. **(Recommended Option – Status Quo)** THAT Council takes no further action regarding the proposed amendments to the Large Project Surcharge, thereby retaining the existing fee structure under “*Fees and Charges Bylaw No. 3784.*”
 - *This option maintains the current tiered surcharge model for all applicable OCP and rezoning amendments.*
2. **(Alternative Option – “Minor” Fee Category)** THAT Council directs staff to bring forward a Fees & Charges Amendment Bylaw defining a “minor” category of Official Community Plan amendment.

- *This option would seek to identify types of OCP amendment that may have a greater likelihood of being straightforward, categorized as "minor" and carrying a lower fee.*
- *However, "minor" is defined, it may not ultimately present any lesser degree of arbitrariness than the tiered approach according to site area.*

3. **(Alternative Option – Intensity-Based Amendment Fee Model)** THAT Council directs staff to bring forward a Fees & Charges Amendment Bylaw providing an intensity-based fee scale.

- *This option would replace the parcel-size-based surcharge with a fee calculated on the potential development yield (e.g., number of units or lots) enabled by the OCP amendment.*
- *Requires a speculative analysis of future development potential at the early OCP policy stage, which can lead to disputes and fee uncertainty for applicants.*

IMPLICATIONS

Implication	Status Quo (Retain Current LPS)
Financial	No new revenue risk or leakage from exemptions. Avoids ongoing legal/administrative costs tied to covenants or classification disputes.
Policy/Legislation	Any move towards discretionary or conditional categories undermines the legally defensible 'average cost' principle that the entire fee structure is built upon.
Strategic Priority	Preserves transparent, predictable fees without building alternative fee schemes on the basis of a single perceived edge case. Keeps the fee signal that larger or more consequential amendments generally require more staff effort.
Governance/Risk	Avoids creating a new regime that would generate fresh marginal cases and follow-on requests. Reduces risk of challenges over criteria, monitoring, or near-miss files.
Precedent/Equity	Treats similar applications similarly under an established framework; does not open the door to ad hoc relief for one landowner that others will seek to replicate.
Workplan/Capacity	Prevents diversion of limited staff and legal time into designing and administering a new system, potentially on more subjective and time-consuming terms. Capacity remains available for higher-value projects already on the workplan.
Sustainability	No direct impacts anticipated.
Communication	Message remains simple and consistent: fees reflect average processing costs and are applied uniformly; avoids complex explanations about covenants or Minor/Major thresholds.
Staffing	No new training, templates, or monitoring protocols required; eliminates the need for intake screening against new criteria or covenant enforcement.

RECOMMENDATION

THAT Council takes no further action regarding the proposed amendments to the Large Project Surcharge, thereby retaining the existing fee structure under "Fees and Charges Bylaw No. 3784."

Report prepared by:



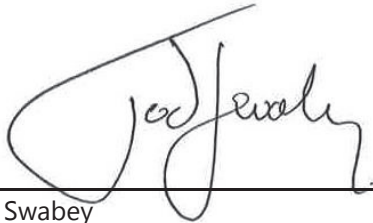
Patricia Taylor
Planner

Report reviewed by:



Amanda J. Young, RPP, MCIP
Director, Planning and Building

Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

Attachments:

- (1) Regional Approaches to Fees & Charges
- (2) Options for the Large Project Surcharge

Date November 5, 2025
Subject **Regional Approaches to Fee-Setting**

Background

To provide context for Council's review of the Large Project Surcharge, staff conducted a jurisdictional scan of development fee structures in other British Columbia municipalities. This attachment summarizes the findings and illustrates that while the goal of cost recovery is universal, the methods for achieving it vary significantly.

The review reveals there is no single "perfect" model for setting development fees. Every approach involves a fundamental trade-off between competing objectives:

- *Proportionality*: Aligning fees with the actual staff time and complexity a specific application requires.
- *Predictability*: Ensuring the fee structure is simple, clear, and easy for applicants to understand.
- *Administrative Simplicity*: Creating a system that is efficient for staff to manage without introducing subjective assessments or creating disputes over fee calculations.

The following information organizes regional practices into four common "families" of fee-setting: Flat-Fee, Tiered, Complexity-Based, and Intensity-Based models. Each section provides examples from other municipalities, highlighting how they navigate these trade-offs and demonstrating the inherent strengths and limitations of their chosen approach. This comparative analysis offers a valuable backdrop for evaluating North Cowichan's current framework and the options presented in the main report.

Four Common Models for Fee-Setting

The following sections provide a detailed look at the four common "families" of fee-setting models identified in the regional scan. Each includes specific municipal examples to illustrate how the model works in practice.

a) Flat-Fee Model:

The simplest approach, the flat-fee model, prioritizes predictability and administrative ease. Municipalities using this model charge a single, fixed fee for a given application type, regardless of the project's size, complexity, or potential impact.

Ladysmith (2008) – Flat-Fee Approach

Ladysmith applies a flat-fee for OCP amendments, regardless of parcel size or density:

- OCP Amendment: \$3,000 (excludes ancillary costs – e.g., notice, hearings)
- No surcharge or scaling by parcel size or density
- Designed for simplicity; does not reflect impact or complexity

This model is designed for administrative simplicity but does not account for variation in application complexity or staff effort.

Coquitlam (2021) – Flat-Fee by Project Type

Coquitlam differentiates between standard and major OCP amendment projects:

- OCP Amendment (Standard Projects): \$10,007.70
- OCP Amendment (Major Projects): \$17,862.60
- Does not scale fees by site area, it differentiates between project complexity by establishing separate flat fees for 'Standard' and 'Major' OCP amendments
- No LPS or per-unit/density scaling

Flat-fee models like Ladysmith and Coquitlam prioritize simplicity and predictability, but often under or over-represent actual processing costs depending on the application's scope.

b) Tiered Model:

Tiered models add a layer of nuance by using a simple proxy—most commonly parcel size or lot yield—to estimate an application's complexity. This approach assumes that larger properties generally involve more staff effort and scales the fee accordingly. North Cowichan's current Large Project Surcharge is an example of a tiered model.

North Cowichan (2023) – Tiered Fee by Parcel Size

North Cowichan applies the following tiered fee structure for OCP or Zoning Bylaw Amendments:

- Large Project Surcharge: \$5,000
(Applicable to site areas >1.5 ha and <3.0 ha)
- OCP Amendment – Base Fee: \$2,500
(Excludes Notice, Public Hearing, and Subdivision costs)

This approach uses parcel size as a proxy for development intensity or complexity and applies uniformly regardless of impact.

Campbell River (2024) – Tiered Fees by Parcel Size or Lot Yield

[Campbell River](#) employs a fee model scaled by parcel size for OCP Amendments:

- $\leq 4,000 \text{ m}^2$ ($\leq 0.40 \text{ ha}$): \$3,000
- 4,001–20,000 m^2 (0.40–2.00 ha): \$6,000
- 20,001–40,000 m^2 (2.00–4.00 ha): \$9,000
- 40,000 m^2 ($> 4.00 \text{ ha}$): \$12,000

Similar to North Cowichan, this system assumes that larger parcels are generally associated with greater complexity, regardless of actual development impact.

c) Complexity-Based Model:

This model directly links fees to the anticipated staff workload by creating distinct categories based on procedural complexity. It distinguishes between straightforward administrative changes (e.g., text amendments) and major land use redesignations that require significant policy analysis and public engagement.

Kelowna (2016) – Minor vs. Major Amendments

[Kelowna](#) distinguishes its fees by procedural complexity:

- OCP Minor (e.g., text amendment): \$2,915
- OCP Major (e.g., land use redesignation): \$4,575 + \$260/ha for parcels $> 1 \text{ ha}$
- Delegated authority applies for low-impact permits

Maple Ridge (2019) – Procedural Scaling

[Maple Ridge](#) recently updated its fee structure to emphasize the procedural distinction between text-based amendments and full OCP redesignations:

- OCP Text Amendment: \$2,653
- Full OCP Amendment: \$4,245
- Fees are scaled to procedural complexity rather than parcel size

These municipalities explicitly separate minor administrative adjustments (e.g., text changes, small mapping corrections) from major land use redesignations that demand policy analysis and public process. This approach most directly aligns fees with actual staff workload.

d) Intensity-based Scaling Model:

The intensity-based model aligns fees with a project's potential community impact and development yield. Instead of parcel size, this approach scales the fee based on metrics like the number of proposed residential units, aiming for greater proportionality between the fee and the project's ultimate scale.

Gibsons (2012) – Intensity-Based Scaling

Gibsons applies a fee model that scales with anticipated development yield, tying fees directly to the number of residential units rather than parcel size or amendment type. This allows fees to reflect growth potential more precisely.

- OCP Amendment: \$2,500 base + \$100/residential unit
- Combined OCP & Zoning: \$3,000 + \$100/residential unit
- No separate surcharge for parcel size; scaling is tied to anticipated development yield
- Structure avoids overcharging low-density or non-residential projects

This model emphasizes either proportionality to build-out intensity rather than parcel size or OCP amendment type alone.

Key Takeaways from the Regional Scan

This jurisdictional review validates North Cowichan's existing tiered fee model as the most strategically balanced approach among the available options. While alternative models seek greater fee proportionality, they do so at a significant cost:

- The **Flat-Fee model** is inequitable, guaranteeing cross-subsidization between applicants and failing the core principle of cost recovery.
- The **Complexity-Based model** replaces an objective standard (parcel size) with subjective classifications, inviting disputes and consuming staff time in "Minor" vs. "Major" determinations, but still relies on unreliable proxies for "complexity"
- The **Intensity-Based model** is fundamentally speculative at the OCP stage, forcing municipalities to base fees on hypothetical yields, which undermines predictability and administrative efficiency. Bill 44 zoning changes make this model even more difficult to utilize.

The Tiered model, by contrast, successfully navigates the core trade-offs of municipal fee-setting. It uses parcel size as a reasonable, objective, and easily administered proxy for complexity, acknowledging the proxy is far from perfect. This approach provides a material improvement in proportionality over flat-fee systems while deliberately avoiding the administrative burdens, legal complexities, and potential for challenge inherent in the more nuanced models. The scan confirms that the current framework is a defensible and pragmatic solution that balances fairness, predictability, and operational efficiency.

Date: November 5, 2025
Subject: Options for the Large Project Surcharge

File: SPP00113

A. Background

In response to Council's June 4, 2025, resolution, staff undertook a review of the current Large Project Surcharge (LPS) framework, with particular focus on its application to Official Community Plan (OCP) amendments. This review responds to concerns that the \$5,000 surcharge may not be proportionate in cases where the proposed amendment is broadly consistent with existing OCP policy and does not result in measurable impacts to municipal servicing or infrastructure.

Three policy options were identified for Council's consideration:

1. *Status Quo*
2. *Major/Minor Amendment Fee Model*
3. *Intensity-Based Amendment Fee Model*

The following analysis provides a detailed evaluation of each option based on four key criteria:

1. *Fee Proportionality*: Alignment between application complexity and fee level
2. *Policy Integrity*: Safeguards against unanticipated increases in residential development potential
3. *Administrative Efficiency*: Implementation feasibility and clarity at intake
4. *Equity*: Consistent and fair treatment of applicants

B. Large Project Surcharge Options

Option 1: Status Quo

Purpose: To retain the existing LPS framework without modification, maintaining its role as a cost-recovery mechanism operating over two tiers related to parcel size, where changes pertaining to larger parcels are generally considered to have the potential for a greater variety and scale of impact.

How it works: The current fee structure is applied as follows:

- All OCP amendment applications are charged the Base OCP Amendment fee (\$2,500).
- Any application on a parcel greater than 1.5 hectares is additionally charged the applicable LPS (\$5,000 to \$15,000) based solely on parcel size, regardless of the application's complexity or impact.

Applicability Criteria: The LPS applies to an application if a single criterion is met:

- The property subject to the OCP or Zoning Bylaw Amendment is larger than 1.5 hectares.

Ineligibility (for LPS Exemption): No exemptions are granted based on application complexity, servicing impact, or alignment with existing policy. The current footnote exemptions for specific zoning text amendments and small density increases remain the only exceptions.

Implementation Process:

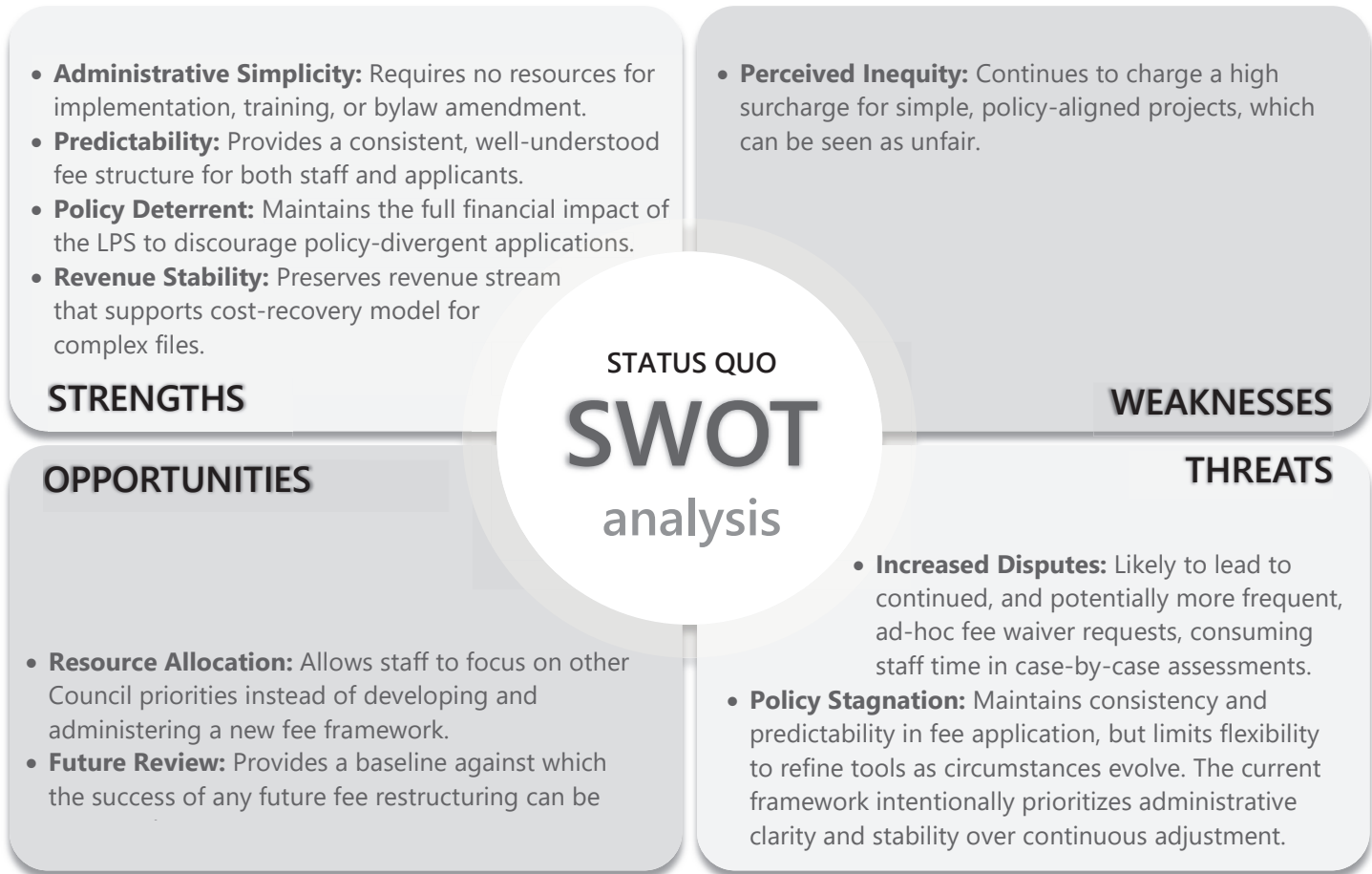
- **No Action Required:** No bylaw amendments, staff training, or procedural updates are necessary.
- **Fee Application:** Staff continue to apply fees according to the existing schedule and footnotes in *Fees and Charges Bylaw No. 3784*.

Administrative Notes:

- Existing application forms, internal workflows, and public guidance documents remain unchanged.
- Staff will continue to spend time addressing applicant concerns and potential fee-waiver requests regarding the proportionality of the LPS for low-impact files.

Rationale:

This option preserves administrative predictability and upholds the original intent of the LPS, which was to ensure 60% cost-recovery for processing complex applications while providing a very basic tiering to improve proportionality.



Option 2: Minor OCP Amendment Fee Model

Purpose: This option creates a new, self-contained fee category called "OCP Amendment - Minor" for simple, low-impact applications, however that is defined. The key is that this new category replaces the standard fee pathway for qualifying applications. It provides a fair, proportional fee for truly simple files while leaving the existing LPS completely unchanged and effective for all other projects.

How it works: This model creates two distinct fee pathways, assigning applications to either a simplified flat fee or the standard surcharge-inclusive structure based on their complexity and impact.

- **Minor Amendment Pathway:** Qualified applications are charged a single, flat fee of \$2,500. They are not subject to the LPS, providing significant savings on large parcels.
- **Standard Amendment Pathway:** All other applications follow the existing rules: Base OCP Amendment fee (\$2,500) + applicable LPS (Items 5, 6, or 7).

5	OCP or Zoning Bylaw Amendment – Large Project Surcharge ^{6,7} Site Area >1.5 ha and <3.0 ha	\$5,000
6	OCP or Zoning Bylaw Amendment – Large Project Surcharge ^{6,7} Site Area >3.0 ha and <6.0 ha	\$10,000
7	OCP or Zoning Bylaw Amendment – Large Project Surcharge ^{6,7} Site Area > 6.0 ha	\$15,000

If the application is...	New Fee	Old Fee	Savings
A "Minor" OCP Amendment (on any size parcel)	\$2,500 (flat fee)	\$2,500 (base) + \$5,000+ (LPS)	\$5,000 or more depending on parcel size
A Standard OCP Amendment (on a >1.5ha parcel)	\$2,500 + \$5,000+	(No change)	\$0

Applicability Criteria: To qualify as a Minor OCP Amendment, an application must meet criteria that define ‘minor’. Developing such criteria without introducing subjectivity may not be feasible, and further work would be required before implementation.

Ineligibility: Applications that do not trigger certain considerations tied to “complexity” do not qualify.

Implementation Process: This requires clear amendments directly within Schedule C [Development and Permitting Fees (Section 3, Development Application Fees)] of the Fees and Charges Bylaw:

1. **Insert a New Fee Line:** Add a new item in Section 3 (Development Application Fees) after the current Item 2:

Official Community Plan (OCP) and Zoning Bylaw Amendment Fees:		
2	OCP Bylaw Amendment – Base Fee	\$2,500

➔ *Item 2.1 - OCP Amendment – Minor (15, 16) -- \$2,500*

2. **Add Two New Footnotes:** Add the following footnotes (after 14) to define and govern the new category:

14. The subdivision approval fee [Item 35] excludes the \$50 plan examination fee established by the *Local Government Act*.

➔ **15.** "Minor OCP Amendment" refers to an application that meets all of the following criteria: [... non-subjective criteria to be identified]

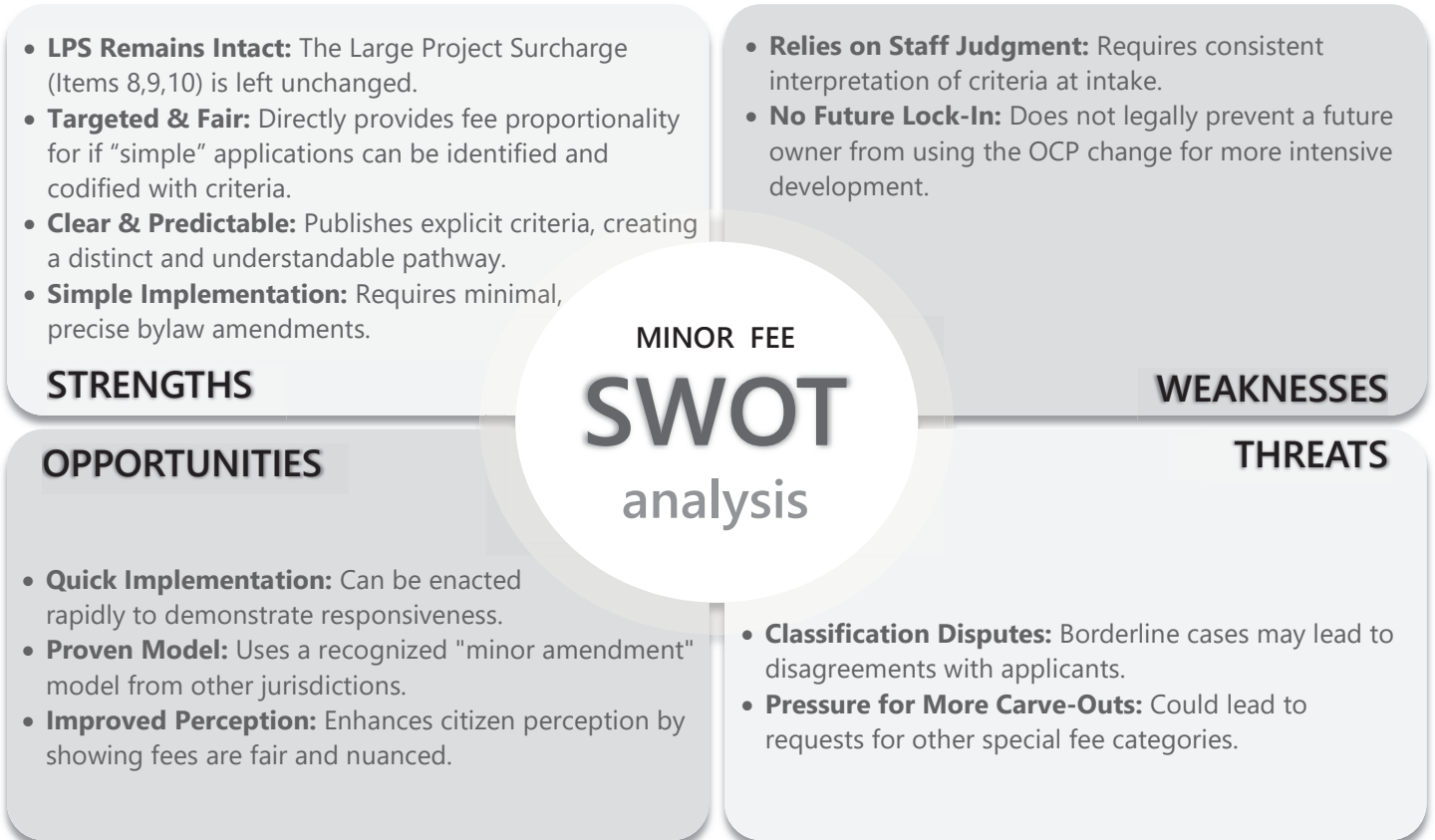
➔ **16.** Applications classified under Item 2.1 are not subject to the Large Project Surcharge (Items 8, 9, and 10).

Administrative Notes:

- **Practice & materials updated:** Implementation requires updates to all public-facing materials (forms, website, checklists) to reflect the Minor vs. Standard pathway and fees; adjust staff training/intake accordingly.
- **Subjectivity increases friction:** The more subjective the eligibility criteria, the more time-consuming and dispute-prone intake and classification will be.

Rationale:

This option addresses concerns about fee proportionality for low-impact, policy-aligned amendments by creating a separate "Minor" fee category. It aims to provide a fairer cost structure for simple applications while preserving the full Large Project Surcharge as a tool for complex files. However, this approach replaces an objective standard with a subjective classification system, which introduces new administrative layers and potential for disputes during application intake.



Option 3: Intensity-Based Amendment Fee Model

Purpose: This option establishes a fee structure that scales with the potential development yield enabled by an OCP amendment, rather than using parcel size as a proxy. It aims to align fees more directly with a project's potential community impact by tying them to measurable development metrics.

How it works: The LPS would be replaced with a per-unit or per-lot charge that applies once a threshold density is exceeded. Applications would be charged based on the maximum theoretical development potential created by the OCP amendment.

- *Base OCP Amendment fee:* \$2,500 (unchanged)
- *Intensity-based surcharge:* Applies when amendment enables more than [X] units/lots
- *Fee calculation:* Base fee + (\$[Y] × number of additional units/lots enabled)

Applicability Criteria: This model would apply a surcharge to any OCP amendment that increases development potential. However, recent provincial legislation (Bill 44) mandates significant density increases on most residential properties, making the establishment of a meaningful minimal density threshold practically unworkable, as most applications will now enable higher densities by default, which may be well in excess of what an applicant themselves envisions.

Non-Applicability: Applications for text amendments or mapping changes that create no net new development capacity would not incur the LPS.

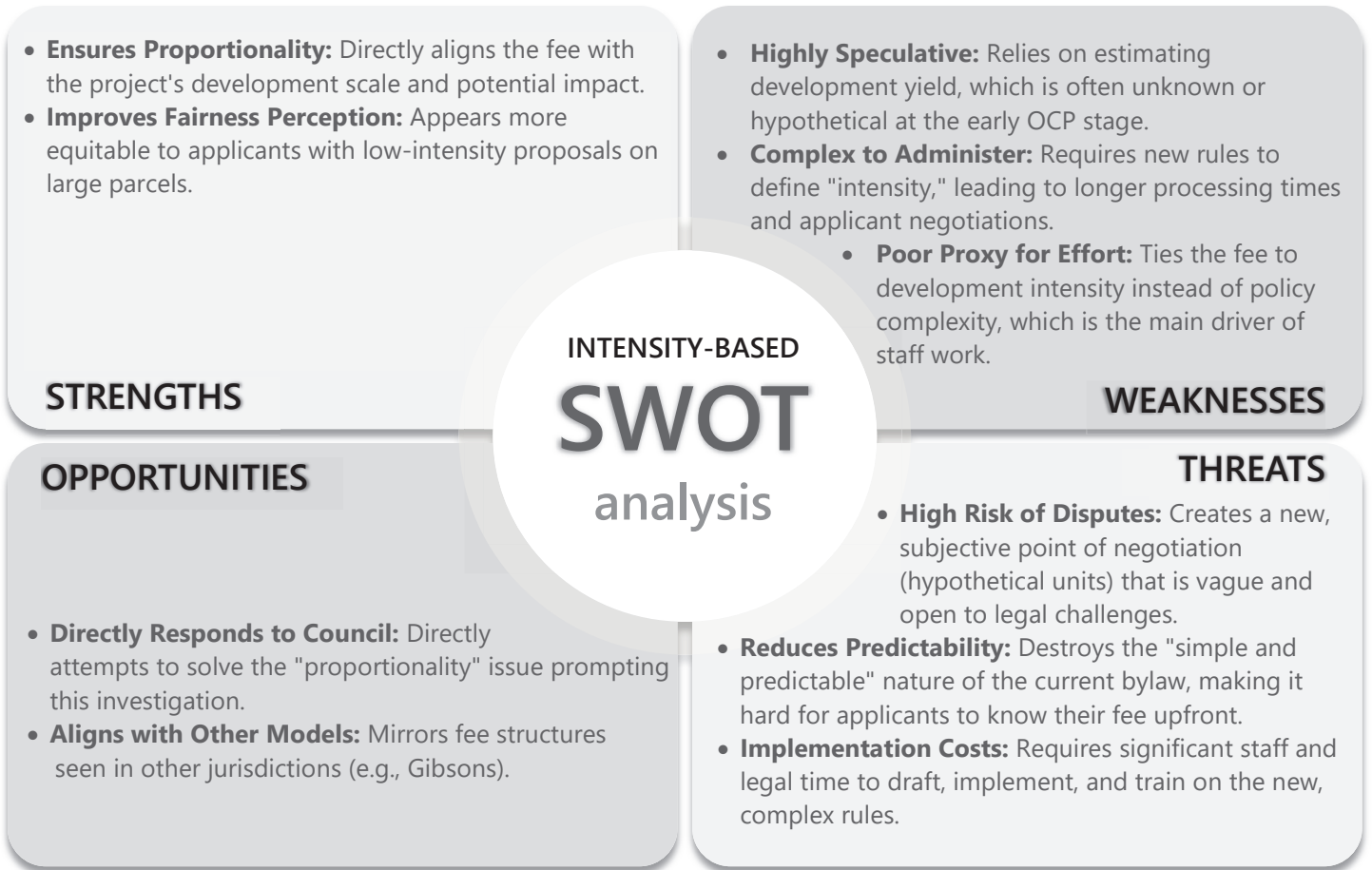
Implementation Process:

- *Yield Estimation:* Applicants must submit a yield analysis demonstrating maximum development potential under the proposed amendment.
- *Staff Verification:* Planning staff review and verify the yield analysis for accuracy
- *Fee Calculation:* Fees calculated based on verified development potential.
- *Bylaw Amendments:* Requires new fee schedule with per-unit charges and thresholds.

Administrative Notes:

- **High Administrative Burden:** This model shifts the administrative burden from a simple, objective check (parcel size) to a complex, subjective assessment of hypothetical future development.
- **Speculative Basis:** As noted in the main report's regional scan, this model is difficult to apply at the OCP stage, as the final development yield is often unknown.
- **Potential for Disputes:** It would likely force staff into negotiations with applicants over "hypothetical future units," undermining predictability and increasing processing time.
- **Poor Proxy for Effort:** As illustrated by the "Morgan Maples" vs. "Robert Street" examples in the main report, development *intensity* is not always a good proxy for *staff effort*, which is often driven by policy complexity.

Rationale: This model responds to concerns that parcel size alone may not reflect development impact. By tying fees directly to development potential, it aims for greater alignment between fees and ultimate community impact. However, as noted in the regional scan, this approach is inherently speculative at the OCP stage and may create administrative complexity in verifying development yield assumptions.



C. Comparison and Analysis of Options

This analysis evaluates three pathways for the Large Project Surcharge, assessing how each balances the core municipal objectives of fee proportionality, policy integrity, and administrative efficiency. The comparison is presented in three parts: first, the practical implementation requirements of each option; second, their performance against key municipal objectives; and finally, a summary analysis of the strategic trade-offs involved.

Implementation Requirements & Impacts:

The table below compares what implementing each option would involve - from Council action to ongoing administrative work. It shows that while all three options can address fee proportionality concerns, they do so through very different mechanisms with significantly different impacts on staff resources and municipal operations.

Option	Council Action	Legal Mechanism	Fee Outcome	Policy Risk	Administrative Impact	Strategic Alignment
Status Quo	None	None	Base fee + LPS	Low	None - No changes	High - Preserves defensible framework
Minor Category	Bylaw amendment	Classification only	Flat fee; LPS exempt	Medium	Moderate - Screening & interpreting	Medium - Improves proportionality but adds disputes
Intensity-Based Amendment	Bylaw amendment	Yield calculation & verification	Base fee + per unit charge	Medium	High – Yield analysis & disputes	Low – Highly speculative at OCP stage

Evaluation against Municipal Objectives:

This evaluation assesses how each option performs against the core objectives of municipal fee-setting. While perfect proportionality appears desirable in isolation, it must be balanced against other critical considerations like administrative efficiency, policy integrity, operational predictability, and legal defensibility. Council's consideration may focus on which trade-offs best serve the community's broader interests.

Evaluation Criteria	Option 1 - Status Quo	Option 2 - Minor OCP Amendment	Option 3 - Intensity-Based Amendment
Fee Proportionality	✓✓ Moderate	✓✓✓ Excellent	✓✓✓ Excellent
	Based on defensible 'average cost' principle; balances competing objectives	But creates subjective classification system that invites disputes	Theoretically aligns fees with ultimate development impact
Policy Integrity	✓✓✓ Excellent	✓ Limited	✓✓ Moderate
	LPS remains effective policy tool for all applications	No legal barrier prevents future owners from seeking intensification	Does not prevent intensification, but charges for it
Administrative Efficiency	✓✓✓ Excellent	✓✓ Moderate	✓ Limited
	No system changes, training, or new procedures required	Requires criteria development, staff training, and dispute resolution protocols	Requires yield analysis, verification, and potential disputes
Predictability	✓✓✓ Excellent	✓✓ Moderate	✓ Limited
	Simple, objective rules based on parcel size, easy for applicants to understand	Published criteria help, but subjective classification creates "near-miss" disputes	Uncertain yield estimates create fee uncertainty for applicants
Legal Defensibility	✓✓✓ Excellent	✓✓ Moderate	✓✓ Moderate
	Built on objective criteria and legally sound 'average cost' principle	Subjective classification criteria may lead to disputes and appeals	Objective calculations but disputes over assumptions likely
Overall Recommendation	Recommended Option	Alternative Option	Alternative Option
	Preserves strategically balanced framework that serves broader community interests	Solves few problems while creating new administrative challenges	Excellent proportionality in theory, but highly speculative & administratively burdensome in practice

D. Conclusion and Strategic Implications

The review of the Large Project Surcharge presents Council with three options, each defined by a fundamental trade-off between the principle of fee proportionality and the operational objectives of administrative efficiency, predictability, and policy integrity.

The **Status Quo (Option 1)** is characterized by its operational robustness. It maintains an objective, parcel-size-based trigger that provides transparent and predictable fees for applicants while avoiding subjective classification disputes. This approach upholds the legally defensible 'average cost' principle, protects staff capacity from new administrative burdens, and preserves the LPS as a clear policy tool. The trade-off for this administrative certainty is that it does not adjust fees to account for the specific circumstance of low-impact, technical amendments on large parcels, which was the catalyst for this review.

The **Minor OCP Amendment Model (Option 2)** directly targets this fee proportionality concern by creating a dedicated pathway for low-impact applications. However, achieving this precision requires a significant operational shift from an objective standard to a subjective classification system. This introduces new administrative layers, including the development of detailed eligibility criteria and the establishment of protocols to manage potential disputes and reclassifications. The model would likely improve fee proportionality to some degree, but replaces a simple rule with a more complex and potentially contentious process. Adding complexity undermines the very rationale for wishing to recognize apparent "lower complexity" with a lesser fee.

The **Intensity-Based Model (Option 3)** seeks the most direct alignment between fees and potential development impact, noting that development intensity does not necessarily correlate with file complexity. While theoretically proportional, this model is fundamentally challenging to implement at the OCP amendment stage, where development yields are inherently speculative. It would require staff and applicants to engage in complex and potentially disputable analyses of hypothetical future units, creating significant administrative burden and undermining fee predictability for all parties. As evidenced in regional scans, this approach is better suited to application types that are made in later, more certain stages of the development process.

In summary, the central decision rests on determining the appropriate balance for North Cowichan. The choice is between the administrative simplicity and predictability of the Status Quo and the more nuanced, but operationally complex, approaches of Options 2 and 3 which seek to refine fee proportionality at the cost of introducing new processes and potential uncertainties. The strategic implications of this balance will shape the efficiency, fairness, and defensibility of the development application fee structure for the foreseeable future.

REPORTS TO COUNCIL

Report

Date March 18, 2026

File: OCP00032

Subject Early Consideration – Proposed Official Community Plan Amendment for 3037 & 3047 Westhill Place

PURPOSE

To present an application for Council’s early consideration to amend the Official Community Plan by redesignating 3037 & 3047 Westhill Place (PID: 017-831-105) from “Rural Residential” to “Special Exemption” to enable a 2-lot subdivision.

BACKGROUND

3037 & 3047 Westhill Place comprise a 5-acre (2 hectare) residential property located outside of the Urban Containment Boundary (UCB) in the Westholme region of North Cowichan (Attachments 1 & 2). The parcel is zoned as Rural Zone (A2) in [Zoning Bylaw 1997 No. 2950](#) and is designated as “Rural Residential” in [Official Community Plan No. 3900](#) (OCP) (Attachments 3 & 4). The parcel contains a single-family dwelling and a manufactured home, each serviced by individual sewerage disposal systems and a shared well. A site plan is included as Attachment 5.

The surrounding area consists of parcels also zoned A2 and designated “Rural Residential”, ranging from approximately 0.4 hectares to 9 hectares in size. Most surrounding parcels exceed the 2-hectare minimum lot size required in the A2 zone. The subject property and surrounding parcels are heavily treed and are located outside of the Agricultural Land Reserve.

Proposal

The property owner has submitted an OCP amendment application for early consideration to redesignate the subject property from “Rural Residential” to “Special Exemption”. The purpose of the application is to enable a 2-lot subdivision to allow the owner to transfer title of one of the resulting lots to a family member. The proposed subdivision would create two parcels approximately 1 hectare in size each.

Should Council choose to advance the application, an OCP and Zoning Bylaw amendment would subsequently be brought forward to Council for consideration. These amendments would propose changing the OCP designation from “Rural Residential” to “Special Exemption” and rezoning the property from A2 (Rural Zone) to A3 (Rural Restricted Zone), thereby reducing the minimum lot size from 2 hectares to 1 hectare. If approved, the applicant would then be required to submit a subdivision application for review by the Municipal Approving Officer. The applicant’s letter of rationale is included as Attachment 6.

DISCUSSION

1. Official Community Plan

The OCP directs housing growth and subdivisions to urban growth centres, located within the UCB, as shown on OCP Map 2. Outside of the UCB, the OCP discourages further development and subdivision in order to preserve rural character, protect forested lands, and support efficient and financially sustainable infrastructure and servicing. As subdivision is not permitted under the existing Rural Residential land use designation applicable to 3037 & 3047 Westhill Place, this early consideration report reviews and assesses the feasibility of assigning a new “Special Exemption” land use designation to the property to enable a two-lot subdivision.

Urban Containment Boundary OCP Policies

The following UCB policies apply to the proposed rezoning and subdivision:

- **Section 3.1.1** – *Defining Success – Urban Containment Boundary*
Focus development to the reduced urban containment boundary to protect rural and natural areas from expanded residential development.
- **Section 3.1.2 (a)** – *The Municipality will strive to:*
Direct growth only inside the UCB, resisting growth elsewhere.
- **Section 3.1.2 (b)** – *The Municipality will strive to:*
Only support significant UCB alterations as part of a comprehensive OCP review, or implementation of a secondary local area or neighbourhood planning process.
- **Section 3.1.2 (c)** – *The Municipality will strive to:*
Not to approve bylaws, works, or projects that would facilitate significant densification beyond the UCB.

The adoption of the OCP in August 2022 established North Cowichan’s position that subdivision of rural residential lands outside of the UCB is generally not in the public interest. The OCP contains no land use designations outside the UCB that would both align with OCP policy and support the subdivision proposed for 3037 and 3047 Westhill Place. Expansion of the UCB to enable the proposed subdivision is not recommended by staff, as such an amendment would be inconsistent with the growth management direction of the OCP.

Should Council choose to advance the OCP amendment application, staff would recommend assigning a “Special Exemption” land use designation to the property. This designation would allow for site-specific subdivision without requiring expansion of the UCB; however, Council should be aware that applying a “Special Exemption” designation in this context may create a precedent that could weaken the intent of the OCP’s land use policies and the UCB framework.

If the property is concurrently rezoned from A2 (Rural Zone) to A3 (Rural Restricted Zone), the property owner could apply to subdivide the property into two fee-simple lots of approximately 1 hectare each. This rezoning would also permit the construction of secondary suites on each lot in addition to the existing dwellings, potentially doubling the residential density permitted on the property. Although additional residential development is not within the stated intent of the applicant's proposal, amending the zone would allow for an increase in residential density in the future.

Existing Designation: Rural Residential

The Rural Residential land use designation applies to areas with the lowest residential density located outside of the UCB and Agricultural Land Reserve. The following policies apply to the subject property:

- **Section 3.2.18 – Defining Success – Rural Residential Designation**
Very little housing growth is anticipated in these areas, although there may be some limited context-specific opportunities.
- **Section 3.2.19 (a) – The Municipality will strive to:**
Generally not allow subdivision, although it may be permitted where the parcels created are 2 ha or larger.
- **Section 3.2.19 (b) – The Municipality will strive to:**
Only allow subdivision approval, contingent on the applicant entering into a restrictive covenant to limit building sizes, locations and/or certain uses on the parcel.

The OCP provides some flexibility for Council to consider housing growth and subdivision outside of the UCB; however, the OCP is specific that subdivision in the Rural Residential land use designation shall only be considered where newly created parcels are 2 hectares or larger. While this regulation would no longer apply if the land use designation were amended from Rural Residential to Special Exemption, it remains important to consider the broader context of surrounding properties and the intended purpose of the Rural Residential designation, which includes maintaining larger rural lot sizes and preserving rural character.

Although Section 3.2.19 (b) of the OCP references the potential use of covenants to restrict building size, location, or uses on a parcel, a new covenant cannot be used to limit the number of dwelling units below the minimum required under Bill 44, which mandates that at least two dwelling units be permitted on all residentially zoned parcels. As a result, restricting future residential density through a covenant would not be permissible.

2. Zoning Bylaw

Should Council choose to move forward with the proposed OCP amendment, a Zoning Bylaw amendment application would be submitted concurrently to rezone the parcel from A2 to A3. Rezoning would be necessary to enable subdivision with a minimum lot size of 1 hectare. As part of this process, staff would request a subdivision plan to assess compliance with A3 zoning regulations, including minimum setbacks, lot frontage, and other applicable standards.

A building strata conversion is not recommended as an alternative to rezoning the property to permit a conventional subdivision. A building strata conversion is a form of subdivision that would allow for individual ownership of the dwelling units on the property without the need for rezoning. Staff do not recommend approval of a building strata conversion on the subject parcel for the following reasons:

- While the A2 Zone permits two detached dwelling units on lots larger than 2 hectares, Section 52(4)(b) of the Zoning Bylaw restricts the area of the second dwelling to 90 m², unless replacing an existing pre-2022 second dwelling. In addition, Section 52(4)(c) does not permit a second dwelling on a parcel unless a covenant is registered on title to prohibit registration of a strata subdivision. These restrictions are further supported by Council's [Second Dwelling Rural Lands Policy](#), which indicates that strata subdivisions of primary and secondary dwellings are not supported by North Cowichan.
- The two existing dwellings (a single-family dwelling and a modular home) are different in type and size, which may result in disproportionate shared maintenance responsibilities between owners.
- The age of the buildings (constructed in 1992) may result in higher shared maintenance costs in the short term.
- A strata ownership structure could result in higher home insurance costs for both owners compared to fee-simple ownership.

3. Local Government Act Requirements for OCP Amendments

The *Local Government Act* outlines procedural requirements for amending an Official Community Plan, which must be carried out if Council chooses to move forward with the OCP amendment application process:

Section 473.1 – Official Community Plan and Housing Needs Report

- (2) *A local government must consider the most recent housing needs and the housing information on which the report is based when amending an official community plan in relation to statements and map designations under section 473 (1)(a).*

North Cowichan's [2024 Interim Housing Needs Report](#) identifies a need for 2,172 new housing units within the next 5 years (2029) and 7,083 housing units within the next 20 years (2044). To support this level of growth in a sustainable manner, new housing should be concentrated within the UCB, where residents have access to transportation networks that support walking, cycling, public transit, and other alternative modes. This approach aligns with Section 790(3)(b)(iii) of the *Local Government Act*, which directs growth toward areas where infrastructure and services can be provided efficiently.

Section 481.7 – Zoning Bylaws and Housing Needs Report

- (1) A council of a municipality that is subject to section 473.1 (3) [official community plan and housing needs report] must exercise the powers under section 479 [zoning bylaws] to permit the use and density of use necessary to accommodate at least the 20-year total number of housing units required to meet anticipated housing needs, which total number is included in the most recent housing needs report received by the council.

At the Special Council meeting on August 12, 2025, Council moved and seconded the following motion:

THAT Council:

1. *Confirms that the map designations included in the Official Community Plan provide for a quantity of housing units in excess of the 20-year total number of housing units identified within the Municipality's 2024 Interim Housing Needs Report;*
2. *Directs staff to initiate an Official Community Plan amendment as described in the Planning Manager's August 12, 2025 report to ensure that the statements included in the Official Community Plan also provide for the 20-year total number of housing units identified within the Municipality's 2024 Interim Housing Needs Report; and,*
3. *Confirms that Zoning Bylaw 2950 (as amended) permits the use and density necessary to accommodate at least the 20-year total number of housing units identified within the Municipality's 2024 Interim Housing Needs Report.*

Residential growth in areas outside of the UCB is not identified as a priority in the OCP and is not required based on the findings of the 2024 Interim Housing Needs Report.

Section 475 & 476 – Consultation During Development of Official Community Plan & Planning for School Facilities

- 475 (1) *the local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.*
- 475 (3) *Consultation under this section is in addition to a public hearing.*
- 476 (1) *the local government must consult with the boards of education for school districts impacted by the proposed amendment at the time of preparing or amending the official community plan.*

Should Council choose to advance the OCP amendment application, staff will send a referral request to School District 79. Due to the limited scale of the proposed application, staff do not recommend additional public consultation beyond the required Public Hearing process.

4. Development Permit Requirements

Subdivision of the property would be subject to issuance of a Development Permit for DPA 4 – High Fire Hazards Lands and Steep Slope Hazard Lands, as indicated in OCP Maps 6 & 7. A geotechnical engineering report compliant with Development Approval Information Bylaw No. 3942, 2024 would be required.

5. Servicing, Infrastructure, and Access Requirements

The existing residential buildings are serviced by individual septic fields and a shared well. As a condition of subdivision, a second well would need to be drilled to provide individual water sources for each parcel. There are currently two driveways providing access to the lot. As a condition of subdivision, each new lot would be required to have its own dedicated driveway access meeting applicable municipal standards. The subject parcel is located more than 800 metres from a controlled access intersection; thus, the Ministry of Transportation and Transit approval would not be required for a rezoning application.

6. Community Amenity Contributions

Council's [Interim Community Amenity Contribution Policy](#) applies to all applications for Zoning Bylaw Amendments that would result in an increase in density on a property. Rezoning the parcel from A2 to A3 would enable subdivision into two 1-hectare parcels, increasing the number of permitted dwelling units from 2 to 4. In addition, the rezoning would be subject to the Affordable Housing Fund Community Amenity Contribution (CAC), which requests a \$4,000 contribution per additional single-detached lot created through subdivision.

Should Council choose to advance the application, CAC requirements would be negotiated with the applicant and presented to Council as part of the staff report accompanying first and second reading of the amendment bylaws. Prior to the adoption of the Zoning Bylaw Amendment, a Section 219 Covenant would be registered on the title of the property to secure payment of the CACs.

7. Fire Service

Based on the Fire Underwriters, this site is in the "Semi-Protected area for the Dwelling Protection Grade 3B". It is a fair distance from the closest water supply and fire station (South End Station 9.3kms/Crofton 10kms). The ability to provide fire protection to this site will need to be examined in more detail should Council wish to consider an OCP amendment.

ANALYSIS & SUMMARY

The existing Rural Residential land use designation and A2 zoning do not support the subdivision of 3037 and 3047 Westhill Place. North Cowichan's 2022 OCP directs housing growth and subdivision toward existing urban areas to retain rural character and tree cover, and to more efficiently locate infrastructure such as roads, water, sewer, and other utilities. The OCP contains numerous policies that limit development outside the UCB, and residential growth in rural areas is not required to meet North Cowichan's identified 5-year or 20-year housing needs, as outlined in the 2024 Interim Housing Needs Report.

Should Council wish to advance review of the proposal, staff would recommend redesignating the property from 'Rural Residential' to a 'Special Exemption'. This designation would allow for subdivision of the parcel without necessitating an expansion of the UCB. Although the Special Exemption designation has been proposed as an option in similar applications, such as OCP00023, it has not yet been implemented in North Cowichan.

Approving the Special Exemption designation would establish a precedent that may increase the risk of future applications seeking to circumvent the intent of the OCP. There are hundreds of properties located outside of the UCB and within the Rural Residential designation that are currently not able to apply for subdivision due to OCP policy. The 'Special Exemption' designation would provide an avenue for these owners to apply to subdivide their properties, which does not align with the intent of the UCB or OCP. While applications to amend land use designation are assessed on a case-by-case basis, approval of the 'Special Exemption' designation would indicate to potential applicants that the Municipality is willing to bypass the policy that was designed to limit growth in rural areas of North Cowichan. If Council feels that the existing OCP policy no longer suits the needs of the community, or if a 'Special Exemption' designation is desired, a larger-scale OCP amendment with clear guidelines for the 'Special Exemption' designation may be more appropriate.

Given the lack of supporting policy and the potential implications of introducing a new "Special Exemption" designation outside of the UCB, staff do not recommend that Council proceed with the OCP amendment application.

OPTIONS

1. **(Recommended Option)** THAT Council denies OCP00032 to amend Official Community Plan Bylaw No. 3900, 2022, to redesignate 3037 & 3047 Westhill Place (PID: 017-831-105) from "Rural Residential" to "Special Exemption" to facilitate a 2-lot subdivision of the property.
 - *The property owner would not be permitted to subdivide, submit a strata conversion application, or construct additional dwelling units on the property.*
2. THAT Council directs staff to proceed with processing OCP00032 and draft an amendment to Official Community Plan Bylaw No. 3900, 2022, in conjunction with a rezoning application for Council's consideration.
 - *A complete OCP and Zoning Bylaw amendment application would be brought to a future Council meeting for Council's consideration. If first and second reading are supported, Council may then*

- *direct staff to schedule a public hearing to provide an opportunity for members of the public to speak or submit letters in support of or against the application.*

IMPLICATIONS

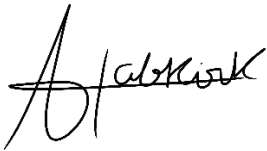
Should Council deny the early consideration request to amend the OCP land use designation for the subject property, the applicant would be discouraged from further pursuing a comprehensive application for Council's consideration. However, it is the applicant's prerogative to proceed with an amendment application, irrespective of Council's early consideration decision.

Should Council direct staff to bring the application forward at a future meeting, Council will have the opportunity to review the OCP amendment and Zoning Bylaw amendment applications and hold a public hearing to obtain input from members of the community.

RECOMMENDATION

THAT Council denies OCP00032 to amend Official Community Plan Bylaw No. 3900, 2022, to redesignate 3037 & 3047 Westhill Place (PID: 017-831-105) from "Rural Residential" to "Special Exemption" to facilitate a 2-lot subdivision of the property.

Report prepared by:



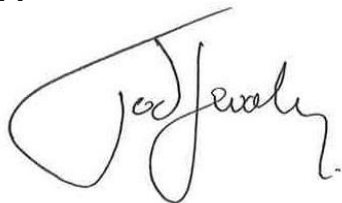
Amanda Habkirk
Development Planner

Report reviewed by:



Amanda Young
Director, Planning and Building

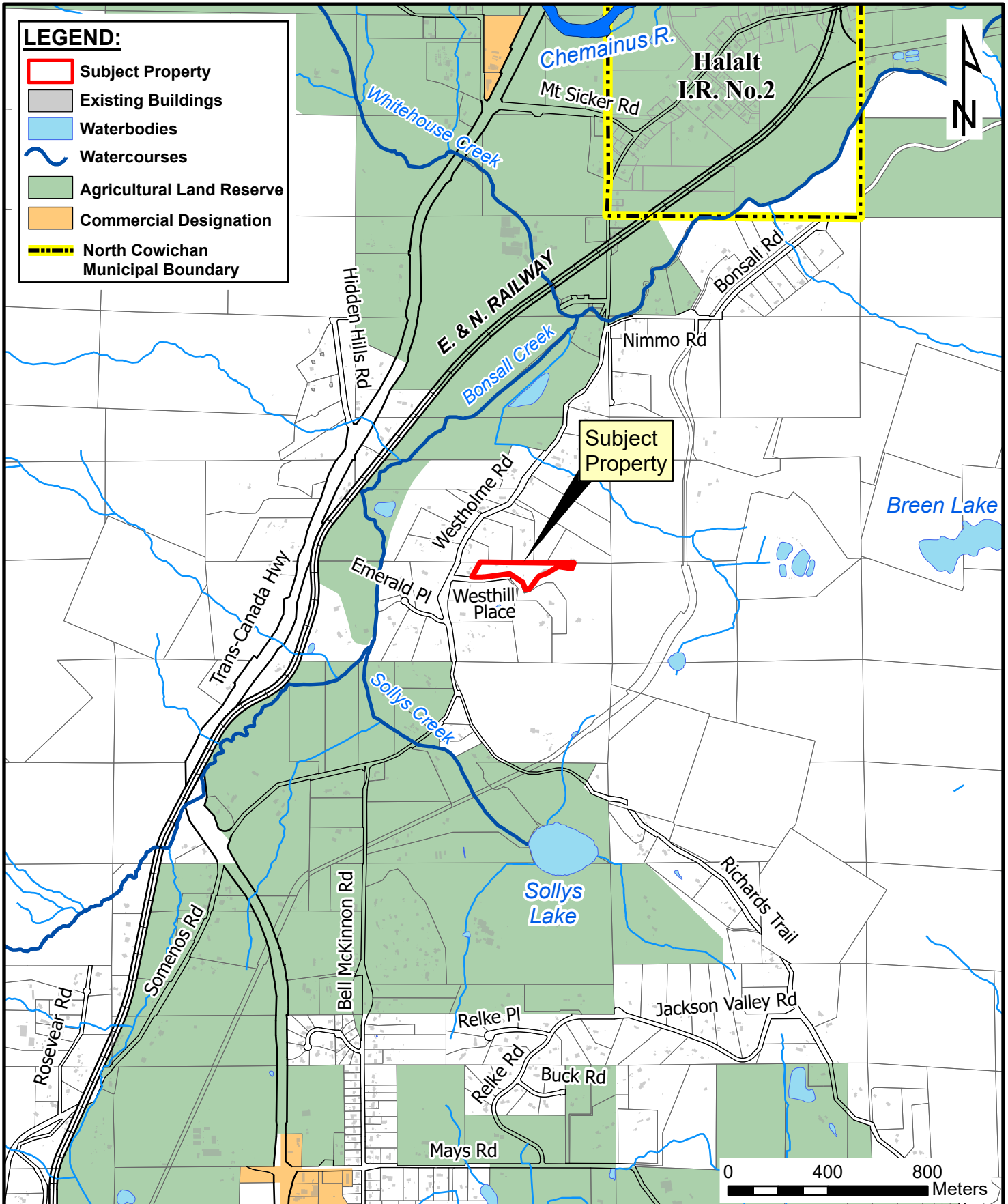
Approved to be forwarded to Council:

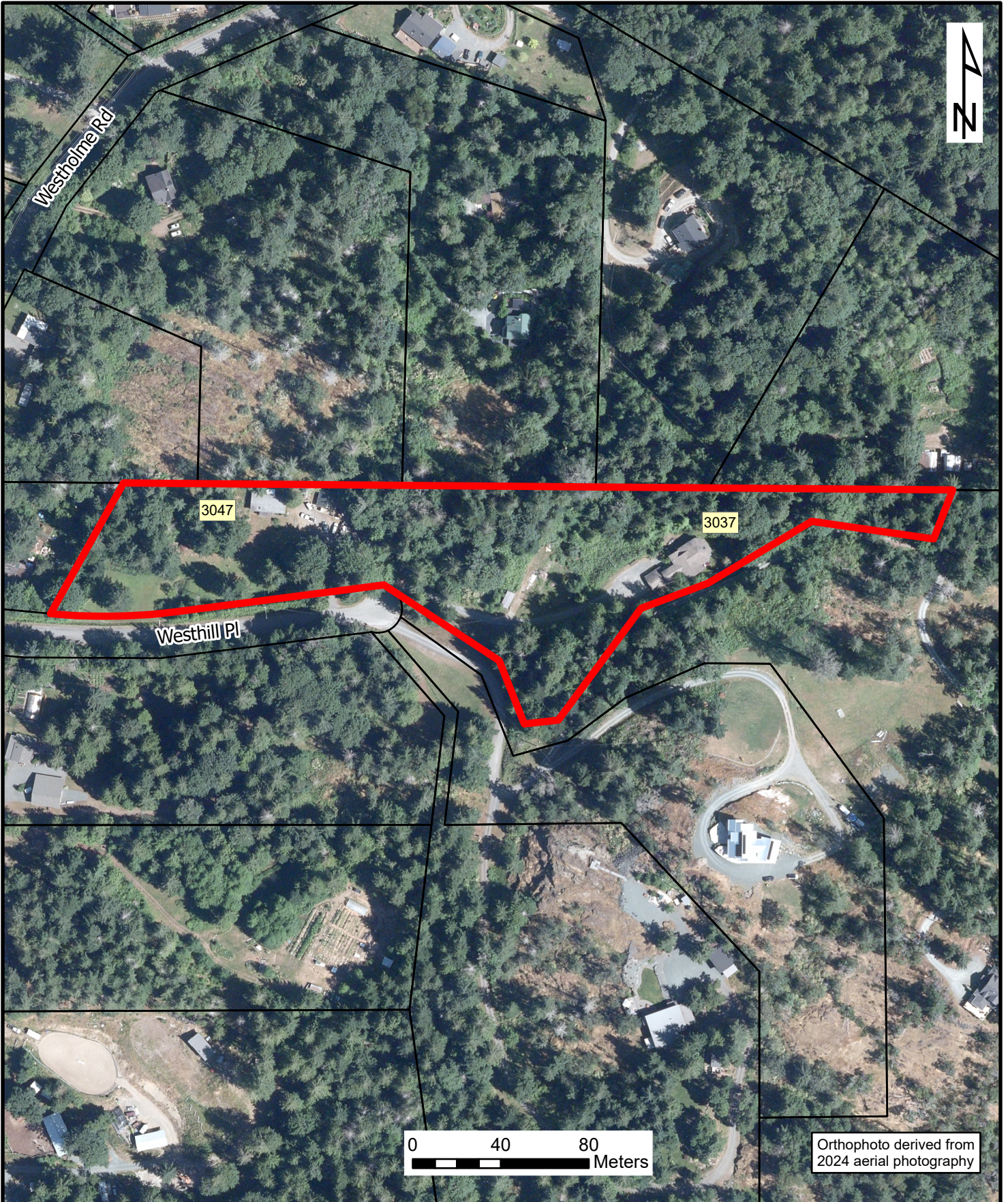


Ted Swabey
Chief Administrative Officer

Attachments:

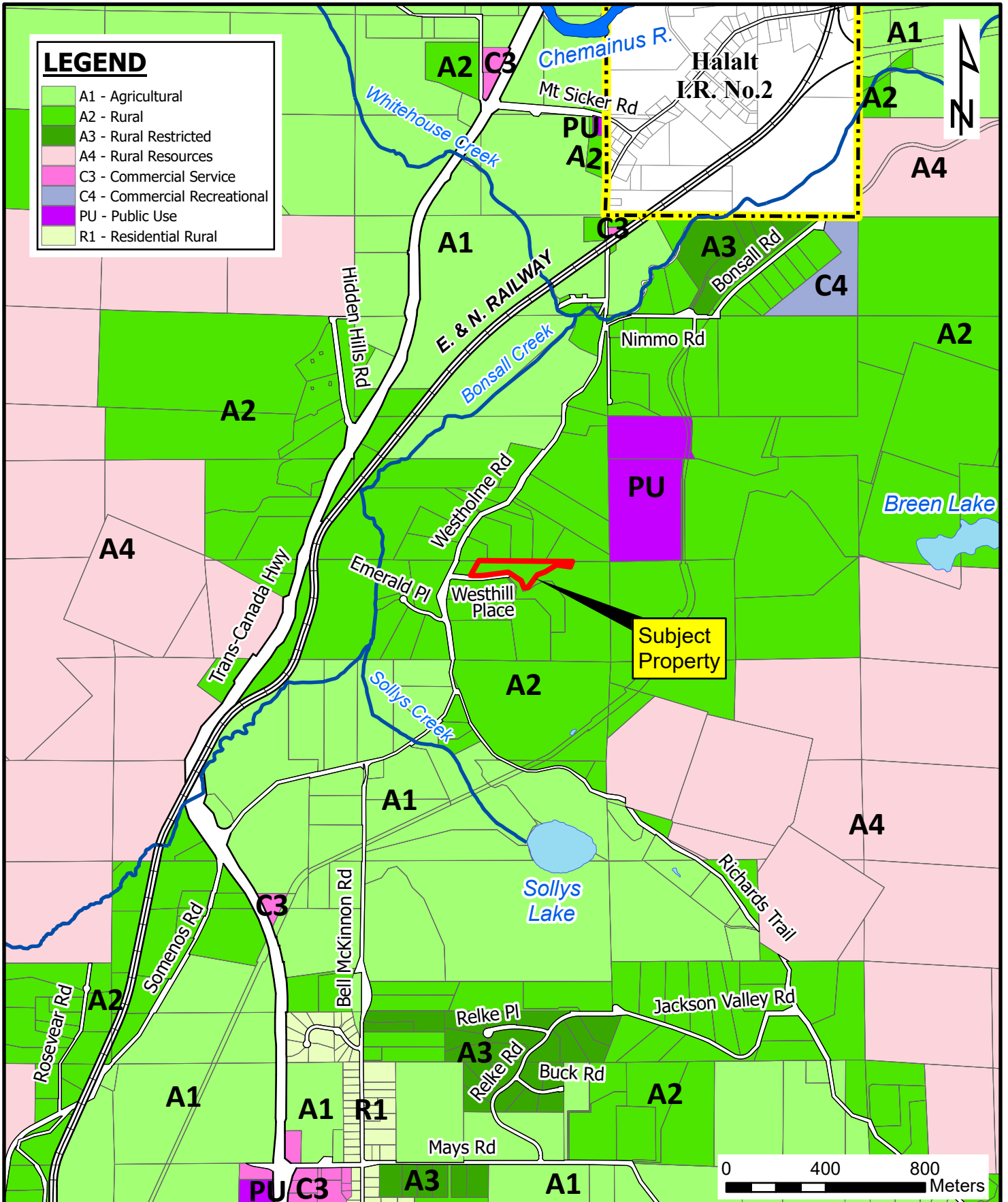
- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) OCP Map
- (5) Site Plan
- (6) Letter of Rationale





ORTHOPHOTO MAP
3037 and 3047 Westhill Place

DATE:	January 14, 2026
TYPE:	OCP Amendment
FILE#:	OCP00032



LEGEND

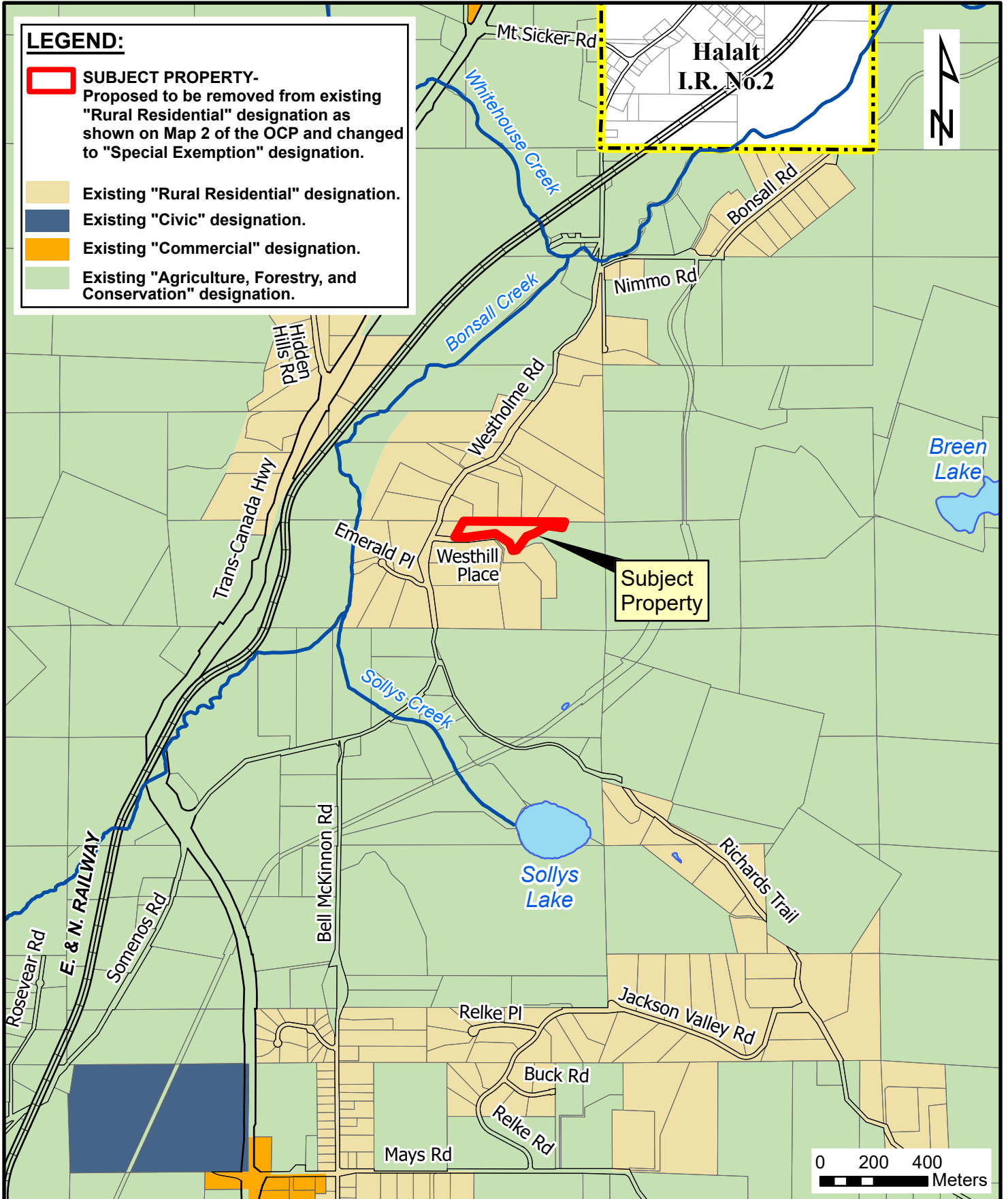
- A1 - Agricultural
- A2 - Rural
- A3 - Rural Restricted
- A4 - Rural Resources
- C3 - Commercial Service
- C4 - Commercial Recreational
- PU - Public Use
- R1 - Residential Rural

Subject Property



ZONING MAP
 3037 and 3047 Westhill Place

DATE:	January 14, 2026
TYPE:	OCP Amendment
FILE#:	OCP00032



Accessory Building
(Existing)

3037/3047 Westhill

BP 6563 - Aug - 27, 2013

B.C. LAND SURVEYOR'S
CERTIFICATE OF LOCATION FOR

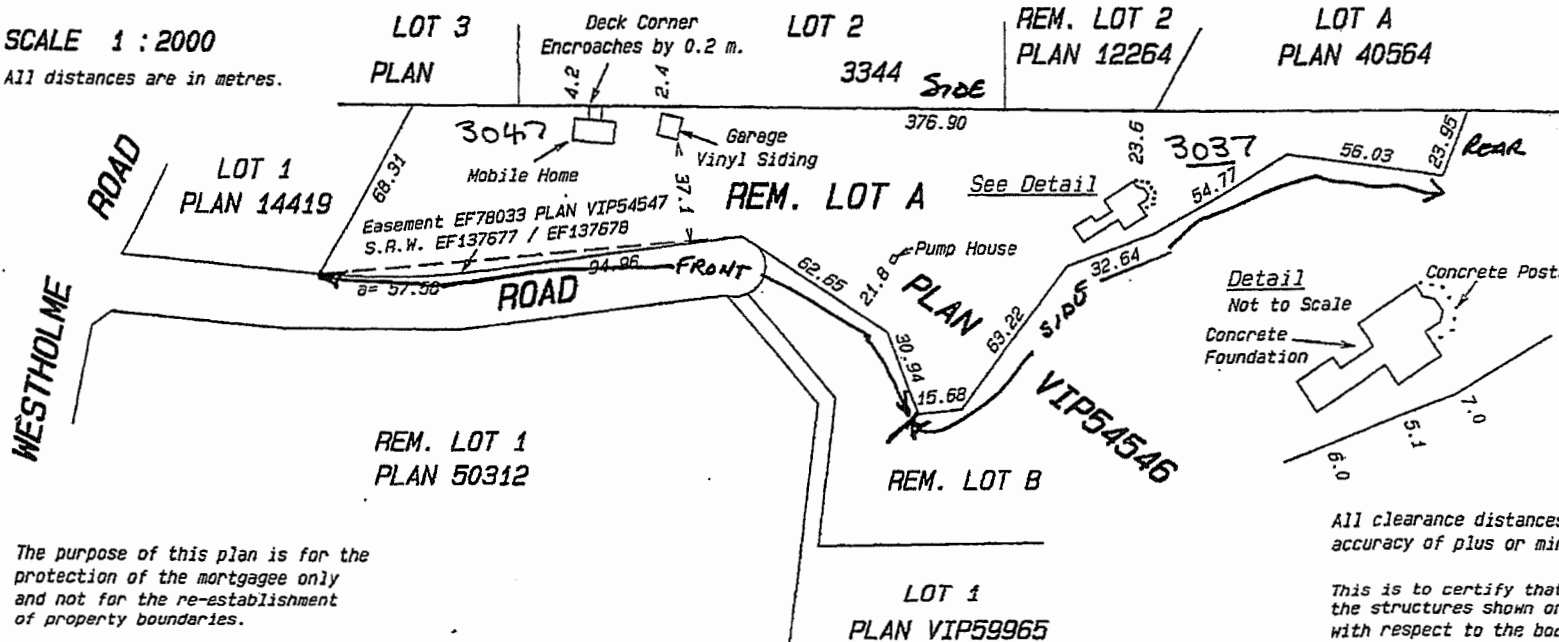
LOT A, SECTION 18, RANGE 6,
SOMENOS DISTRICT, PLAN VIP54546.
EXCEPT PART IN PLAN VIP59965.

THIS IS
NOT A CERTIFIED COPY
PROVIDED FOR
CONVENIENCE USE ONLY

Note: Lot A lies within the Corporation of the
District of North Cowichan and is Zoned A-2.
Bylaw setback requirements are as follows:

Principal Buildings	Accessory Buildings	Mobile Homes
Front 6.0 m	Front 8.0 m	Front 30.0 m
Side 3.0 m	Side 3.0 m	Side 12.0 m
Rear 8.0 m	Rear 8.0 m	Rear 12.0 m

SCALE 1 : 2000
All distances are in metres.



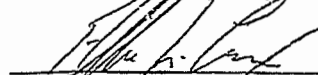
The purpose of this plan is for the
protection of the mortgagee only
and not for the re-establishment
of property boundaries.

KENYON & WILSON
PROFESSIONAL LAND SURVEYORS
#221 CORONATION AVE.
DUNCAN, B.C. V9L 2T1 (250) 746-4745
FILE 00-5146.CAT

This information has been provided
subject to the federal Copyright Act
and in accordance with the provincial
Freedom of Information and
Protection of Privacy Act.

All clearance distances are shown to an
accuracy of plus or minus 0.1 metres.

This is to certify that the location of
the structures shown on the above lot,
with respect to the boundaries, is
correct this 27th day of April, 2000.

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THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

OFFICE
COPY

January 4/2025

Letter of Rationale Official Community Plan Amendment

Applicant: Jim Dias, Agent on behalf of Ken and Leeann Nickell

Legal Description: Lot A, Plan VIP 54546, Section 18, Range 6, Somenos District (Except Plan VIP 59965)
Mfg Home Reg # 10583 PID 017-831-105

OCP Designation: Rural Residential, Environmentally Sensitive Areas-None; Natural Hazard Areas-slope over 20%; Not flood plain; not within Water Resource Protection Area

Zoning Designation: Rural

ALR: Not In ALR

Civic Address: 3037 & 3047 Westhill Place, Westholme BC V0R 3C0

Mailing Address: PO Box 102 Westhome BC V0R 3C0

Current Use of Property: This 5.04 acre parcel contains two separate single family dwellings: a Manufactured Home registered #10583 located under an approved MNC Building Permit in 1992 and a single family dwelling also constructed under an approved MNC Building Permit in 2000. Both dwellings have approved occupancy certificates. Each dwelling has its own independent approved sewerage disposal system and separate driveway onto Westhill Place. The dwellings are both served by a common drilled well which has pump tested at 20 gpm?

Intended Use of Property: Should the application for the OCP amendment be approved the owners would like to proceed to the next step of applying for a Zoning Amendment to Rural A3 which would allow them to apply to subdivide the property into two approximately evenly sized parcels. If approved the owners intention is transfer title to the constructed single family dwelling to a family member and for them to remain in the Manufactured Home.

Rationale for the Application: Having the ability to transfer the single family home provides firstly an opportunity for members of this family to acquire an affordable asset. It will give them stability and the security of owning their own home, along with all of the challenges and opportunities that go with that. In addition it puts the owners into a better financial situation allowing them to stay in their current home, which is essentially a rancher, and age in place.

We do not see this as “new development” per se. Rather it is an opportunity to create two fee simple lots, without any new development. Essentially legally dividing what is already there; it is not “new growth” nor “sprawl”, and will certainly help meet housing demand by providing affordable housing to a family member. There is no impact on municipal services as the dwellings are on wells and approved sewerage disposal systems. There is road side waste collection for both homes already. The property abuts a local road, Westhill Place, and other than the standard maintenance requirements that go hand in hand with North Cowichan’s other road responsibilities, the ultimate subdivision would put no increase in maintenance demands or cost.

Under section 3.2.17 of the OCP a statement is made “the municipality will strive to permit subdivisions only in exceptional circumstances” and I would submit that this is one of those. 3.2.19 of that same document states “generally not allow subdivisions” and I would submit again that this is not “new development, sprawl, or new growth” but simply an opportunity to allow the owners to complete their long term vision of being able to transfer a home to family members and to give them an opportunity to be in a position where financially they can retire and age in place. There is no negative impact on the

local Westhill Place or Westholme Area community. The homes exist and all that would ultimately change is the manner in which titles are held.

Report

Date June 17, 2026

File: OCP00032 &
ZB000294

Subject Proposed Official Community Plan and Zoning Bylaw Amendments for 3037 & 3047
Westhill Place

PURPOSE

To present for Council's consideration concurrent applications to:

1. Amend the Official Community Plan (OCP) by redesignating 3037 & 3047 Westhill Place (PID: 017-831-105) from "Rural Residential" to "Special Exemption"; and,
2. Amend Zoning Bylaw 1997 by rezoning 3037 & 3047 Westhill Place (PID: 017-831-105) from 'Rural Zone' (A2) to 'Rural Restricted Zone' (A3) to facilitate a proposed 2-lot subdivision.

BACKGROUND

The owner has applied to amend the OCP to redesignate the subject property from Rural Residential to Special Exemption, and to rezone the property from the 'Rural Zone' (A2) to the 'Rural Restricted Zone' (A3), to facilitate a 2-lot subdivision and enable the transfer of one lot to a family member.

At the regular Council meeting on March 18, 2026, Council gave early consideration to OCP amendment application OCP00032. Following review of the file, Council made a motion directing staff to proceed with processing the OCP application in conjunction with a rezoning application for Council's consideration.

Subject Property & Surrounding Context

3037 & 3047 Westhill Place is a 2.0 hectare (5-acre) parcel located outside of the Urban Containment Boundary (UCB) in a rural area characterized by large, heavily treed parcels (Attachments 1 & 2). The parcel is zoned as 'Rural Zone' (A2) in [Zoning Bylaw 1997 No. 2950](#) and is designated as 'Rural Residential' in [Official Community Plan No. 3900](#) (Attachment 3 & 4). The parcel contains an existing single-family dwelling and a manufactured home, each serviced by individual sewage disposal systems and a shared well. A site plan is included as Attachment 5.

The surrounding area consists of parcels zoned A2 and designated 'Rural Residential', generally consistent with the 2-hectare minimum lot size required in the A2 zone, reinforcing the area's low-density rural character. The subject property and surrounding parcels are located outside of the Agricultural Land Reserve (ALR).

Summary of the Proposal

The applicant proposes to subdivide the subject property into two parcels approximately 1 hectare in size, each containing one of the existing dwellings, to facilitate the transfer of one of the proposed parcels to a family member. No additional construction is currently proposed.

As the current A2 zoning does not permit subdivision below 2 hectares, and any zoning amendment must be consistent with the OCP, the proposal requires both a rezoning and an OCP amendment. Given the property's location outside the UCB and Rural Residential designation, the proposed subdivision is not supported under the current policy framework.

The applicant's letter of rationale (Attachment 6) identifies financial and ownership benefits associated with the proposed subdivision. Proposed Bylaws No. 4072 (OCP00032) and No. 4077 (ZB000294) are included as Attachments 7 & 8, respectively.

Framing of the Proposal

It is important to distinguish the applicant's personal circumstances from the land-use implications of the application. While the proposal is presented as a way to support a family member, land use decisions must be evaluated on their long-term planning impacts rather than the specific characteristics or intentions of individual applicants. The OCP's planning framework is designed to apply consistently and equitably across all properties, regardless of ownership or circumstances.

Support for families, or the desire to facilitate intergenerational arrangements, is not in question. However, the mechanism proposed to achieve this outcome—namely, subdivision and rezoning—constitutes development and must be assessed accordingly.

Subdivision is not simply administrative; it is a fundamental land-use change that creates new parcels, establishes additional development rights, and enables increased residential density, both immediately and over time. While the application is presented as modest, it would reduce parcel size and could introduce additional density that is not permitted under current policy. For this reason, the proposal is best understood as rural intensification through subdivision, rather than "gentle densification," which typically occurs in areas already planned and serviced for growth.

DISCUSSION

Official Community Plan

Growth Management Policies

The proposal does not align with OCP's growth management framework. The OCP establishes a clear and deliberate approach to managing growth by directing residential development and subdivision to lands within the UCB. This framework is intended to support efficient servicing, compact community form, and reduced reliance on vehicle travel, while protecting rural and natural lands from incremental fragmentation. Outside the UCB, the OCP consistently prioritizes the preservation of rural character, retention of forest cover, and avoidance of dispersed, low-efficiency servicing patterns. Subdivision of rural lands is therefore explicitly discouraged, except in limited circumstances that align with these objectives.

The subject property is located outside the UCB and is designated as Rural Residential land, which does not support subdivision at the scale proposed. There are no existing OCP designations that would accommodate this form of development in this location. Facilitating the application would therefore require the introduction of a site-specific “Special Exemption” designation.

The use of a Special Exemption designation in this context would shift from a policy-led framework to a site-specific exception, enabling subdivision that would otherwise not be permitted and effectively bypassing the intent of the OCP rather than working within it.

Urban Containment Boundary Policies

The proposal is not consistent with core UCB policies, which collectively establish a clear and deliberate growth strategy:

- *Section 3.1.1 – Defining Success – Urban Containment Boundary*
Focus development to the reduced urban containment boundary to protect rural and natural areas from expanded residential development.
- *Section 3.1.2 (a) – The Municipality will strive to:*
Direct growth only inside the UCB, resisting growth elsewhere.
- *Section 3.1.2 (b) – The Municipality will strive to:*
Only support significant UCB alterations as part of a comprehensive OCP review, or implementation of a secondary local area or neighbourhood planning process.
- *Section 3.1.2 (c) – The Municipality will strive to:*
Not to approve bylaws, works, or projects that would facilitate significant densification beyond the UCB.

The proposal conflicts with the OCP's direction by introducing additional residential density in a rural area where growth is not intended. The Special Exemption designation would function as a site-specific override of the OCP, enabling subdivision that would otherwise not be supported. This introduces a more discretionary, case-by-case approach, reducing clarity in how OCP policy is applied.

While framed as a single-property exception, the implications extend beyond the site. Given the abundance of similarly designated rural parcels, approval of the Special Exemption designation may signal that comparable requests will be considered by Council, with broader implications for the application of the UCB framework over time. Should the property be concurrently rezoned from A2 to A3, subdivision into two approximately 1-hectare parcels would be enabled. This would also increase future development potential by permitting additional dwelling units, effectively introducing further residential density beyond what is currently permitted, regardless of the applicant's stated intent.

Existing Land Use Designation

The Rural Residential designation applies to areas of lowest residential density outside the UCB and ALR, with an emphasis on limited growth and minimal subdivision. Relevant OCP policies include:

- *Section 3.2.18 – Defining Success – Rural Residential Designation*

Very little housing growth is anticipated in these areas, although there may be some limited context-specific opportunities.

- *Section 3.2.19 (a) – The Municipality will strive to:
Generally not allow subdivision, although it may be permitted where the parcels created are 2 ha or larger.*
- *Section 3.2.19 (b) – The Municipality will strive to:
Only allow subdivision approval, contingent on the applicant entering into a restrictive covenant to limit building sizes, locations and/or certain uses on the parcel.*

While the OCP allows some flexibility, subdivision within this designation is clearly constrained to larger parcel sizes consistent with rural character. The proposed subdivision into 1-hectare parcels does not align with these parameters.

Although an OCP amendment could remove these requirements, the underlying intent of the designation remains a key consideration, including maintaining larger lot sizes and avoiding incremental fragmentation of rural land. Further, while covenants may be used to regulate certain aspects of development, they cannot restrict the minimum number of dwelling units required under provincial legislation (Bill 44). As a result, they are not an effective tool to limit future residential density in this context.

Zoning Bylaw

Concurrently rezoning the subject property from A2 to A3 would reduce minimum lot size requirements, increase allowable lot coverage, and enable the subdivision as proposed. The table below outlines the material differences between the A2 and A3 zones:

	A2 Zone (Current)	A3 Zone (Proposed)
Permitted Uses	Agriculture Agricultural Storage Animal Shelter Assisted Living Bed and Breakfast Community Care Facility Craft Distillery Forestry Use Greenhouse Home-based Business Kennel Manufactured Home Riding Stable Single-Family Dwelling Supportive Housing Two-Family Dwelling	Agriculture Agricultural Storage Assisted Living Bed and Breakfast Community Care Facility Greenhouse Home-based Business Modular Home Single-Family Dwelling Supportive Housing Two-Family Dwelling

Minimum Lot Size	2 hectares (20,000 m ²)	0.8 hectares (8,000 m ²)
Minimum Frontage	75 metres	60 metres
Maximum Lot Coverage	10%	30%

Although the applicant has not indicated an intent to develop additional dwelling units following subdivision, the proposal will permit additional residential development. Approval of the applications would not be tied to the current owner or stated purpose and would thus enable additional residential units and future redevelopment opportunities in accordance with provincial legislation. As such, the proposal must be evaluated based on its full development potential, not solely the applicant's stated intent.

Building Strata Conversion

A building strata conversion is not supported as an alternative to rezoning the property to permit a conventional subdivision. While a building strata would allow separate ownership of the existing dwellings without increasing density, it is not appropriate in this context for the following reasons:

- The A2 zone places limitations on second dwellings, including size restrictions and a requirement for a covenant prohibiting strata subdivision. These provisions, along with Council's [Second Dwelling Rural Lands Policy](#), do not support strata subdivision of primary and secondary dwellings.
- The existing dwellings differ in type and size, which may result in unequal maintenance responsibilities under a shared ownership model.
- The age of the buildings may result in higher shared maintenance costs in the short term.
- A strata ownership structure could result in higher home insurance costs for both owners compared to fee-simple ownership.

Local Government Act Requirements for OCP Amendments

The *Local Government Act* establishes procedural and policy considerations for OCP amendments:

Section 473.1 – Official Community Plan and Housing Needs Report

- (2) A local government must consider the most recent housing needs and the housing information on which the report is based when amending an official community plan in relation to statements and map designations under section 473 (1)(a).

North Cowichan's [2024 Interim Housing Needs Report](#) identifies a need for 2,172 new housing units within 5 years (2029) and 7,083 housing units within 20 years (2044). To support this level of growth in a sustainable manner, the OCP directs that this new growth should be accommodated within the UCB, where residents have access to transportation networks that support walking, cycling, public transit, and other alternative modes. This approach aligns with section 790(3)(b)(iii) of the *Local Government Act*, which directs growth toward areas where infrastructure and services can be provided efficiently.

Section 481.7 – Zoning Bylaws and Housing Needs Report

- (1) *A council of a municipality that is subject to section 473.1 (3) [official community plan and housing needs report] must exercise the powers under section 479 [zoning bylaws] to permit the use and density of use necessary to accommodate at least the 20-year total number of housing units required to meet anticipated housing needs, which total number is included in the most recent housing needs report received by the council.*

Council has previously confirmed (August 12, 2025) that North Cowichan's existing OCP and zoning framework already provides capacity to meet 20-year housing demand. As such, additional subdivision in rural areas is not required to meet identified housing needs and is not prioritized under the OCP.

Section 475 & 476 – Consultation During Development of Official Community Plan & Planning for School Facilities

- 475 (1) *the local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.*
- 475 (3) *Consultation under this section is in addition to a public hearing.*
- 476 (1) *the local government must consult with the boards of education for school districts impacted by the proposed amendment at the time of preparing or amending the Official Community Plan.*

Staff sent a referral to School District 79 and did not receive comments. Due to the limited scale of the proposed application, staff do not recommend additional public consultation beyond the required Public Hearing process.

Development Permit Requirements

Subdivision of the property would be subject to issuance of a Development Permit for DPA 4 – High Fire Hazards Lands and Steep Slope Hazard Lands, as indicated in OCP maps 6 & 7. A geotechnical engineering report compliant with *Development Approval Information Bylaw No. 3942, 2024* would be required.

Development Variance Permit Requirements

A Development Variance Permit may be required if the frontage of either proposed lot is less than 60 metres, or another site parameter is not met by the proposed subdivision. Under section 24 of the Delegation of Authority Bylaw, authority to vary minimum parcel frontage under section 512(2) of the

Local Government Act is delegated to the Approving Officer.

Servicing, Infrastructure, and Access Requirements

The existing residential buildings are serviced by individual septic fields and a shared well. As a condition of subdivision, a second well must be drilled to provide individual water sources for each parcel. There are currently two driveways providing access to the property. As a condition of subdivision, each new lot would be required to have its own dedicated driveway access meeting applicable municipal standards. The subject parcel is located more than 800 metres from a controlled access intersection; therefore, Ministry of Transportation and Transit approval is not required.

Community Amenity Contributions

Council's [*Interim Community Amenity Contribution Policy*](#) applies to all applications for Zoning Bylaw Amendments that would result in an increase in residential density on a property. Rezoning the parcel from A2 to A3 would enable subdivision of the property into two 1-hectare parcels and increase the total number of permitted dwelling units from two to four.

The Short-Term Infrastructure Fund requests three times the Development Cost Charge (DCC) amount. The proposed development is subject to the Roads and Parks DCCs, totalling \$11,532 (Parks = \$1,408 x 3 = \$4,224; Roads = \$2,436 x 3 = \$7,308).

In addition, the rezoning would be subject to the Affordable Housing Fund Community Amenity Contribution (CAC), which requests \$4,000 per additional single detached lot created through subdivision. Prior to the adoption of the Zoning Bylaw Amendment, a section 219 Covenant would be registered on the title of the property to secure payment of the CACs.

Fire Service

The property is located within a Semi-Protected (Dwelling Protection Grade 3B) area and is situated approximately 9–10 km from the nearest fire stations and water supply. The adequacy of fire protection would require further review at the subdivision or development permit stage should the application proceed. No additional comments have been provided by the Fire Department at this time.

ANALYSIS & SUMMARY

The applicant's intent to support a family member is understood and reflects a common objective in rural areas. However, land use decisions must be based on long-term planning implications, rather than individual circumstances. The OCP is intended to provide a consistent framework that applies equitably across all properties. This evaluation is not a reflection on the applicant or their objective. Rather, it focuses on the proposed mechanism for achieving that objective. In this case, the mechanism is subdivision and rezoning, forms of development with lasting implications. Subdivision is not simply administrative; it creates new parcels, establishes additional development rights, and enables increased residential density over time. For this reason, the proposal is more accurately characterized as rural intensification through subdivision, rather than "gentle densification," which typically occurs in

areas already planned and serviced for growth.

The OCP is intended to maintain low-density rural land use patterns and direct residential growth to serviced areas within the UCB, ensuring efficient infrastructure use and limiting fragmentation of rural lands. The existing Rural Residential designation and A2 zoning both support this objective by requiring larger parcel sizes and discouraging subdivision.

The proposal does not align with this framework. It introduces additional density through subdivision in a location where growth is not intended and relies on an exception to policies designed to prevent this outcome. Furthermore, the implications would extend beyond the subject property. Approval would establish a pathway for subdivision outside the UCB and create precedent for similar applications.

There is also no identified need for this form of development. North Cowichan has confirmed that sufficient capacity exists within the UCB to accommodate projected housing demand. If Council wishes to consider greater flexibility for rural subdivision or a Special Exemption approach, that would be more appropriately addressed through a comprehensive OCP review, rather than a site-specific amendment. In summary, the proposal represents a substantial departure from the OCP. It introduces additional density outside the UCB, requires an exception to established OCP policy, creates precedent implications across rural areas, and is not required to meet identified housing needs. For these reasons, the application cannot be supported from a land use planning and policy perspective, and denial of the OCP and zoning amendments is recommended.

OPTIONS

1. **(Recommended Option)** THAT Council:
 - a. Denies Official Community Plan Application No. OCP00032, and,
 - b. Denies Zoning Application No. ZB000294.
 - *The application to redesignate 3037 & 3047 Westhill Place (PID: 017-831-105) from "Rural Residential" to "Special Exemption" and to rezone the property from A2 to A3 would not proceed. The property owner would not be permitted to subdivide, submit a strata conversion application, or construct additional dwelling units on the property. This recommendation reflects the need to apply the OCP consistently and transparently, and to evaluate subdivision as a form of development that introduces new density and long-term land use change, regardless of applicant intent.*
2. THAT Council:
 - a. Gives first and second reading to Official Community Plan Amendment Bylaw No. 4072, 2026;
 - b. Gives first and second reading to Zoning Amendment Bylaw No. 4077, 2026; and,
 - c. Directs staff to schedule a public hearing.
 - *A public hearing would be held to gather public input, after which Council may consider third reading or denial of the bylaws.*

IMPLICATIONS

Should Council deny Bylaws No. 4072 and 4077, the application would be closed, and the applicant would not be able to subdivide the property. Subject to section 2.5 of the [Development Procedures Bylaw](#), re-application for an OCP amendment that has been denied by Council will not be accepted for a 12-month period following the date of refusal. If Bylaw No. 4072 (OCP amendment) is denied by Council, then Bylaw No. 4077 (Zoning amendment) should also be denied, as subdivision of the property is not possible unless both bylaws are supported.

Should Council give first and second reading to proposed Bylaws No. 4072 and 4077, staff would schedule a public hearing to provide an opportunity for members of the community to comment on the proposals. If the application is subsequently approved, the property would be rezoned from A2 to A3 and redesignated from Rural Residential to Special Exemption. The property owner would then be permitted to submit a subdivision application to split the property into two parcels.

RECOMMENDATION

THAT Council:

- a. Denies Official Community Plan Application No. OCP00032, and,
- b. Denies Zoning Application No. ZB000294.

Report prepared by:



Amanda Habkirk
Development Planner

Report reviewed by:



Amanda J. Young, MCIP, RPP
Director, Planning, Building, & Environment Services |
Deputy AO

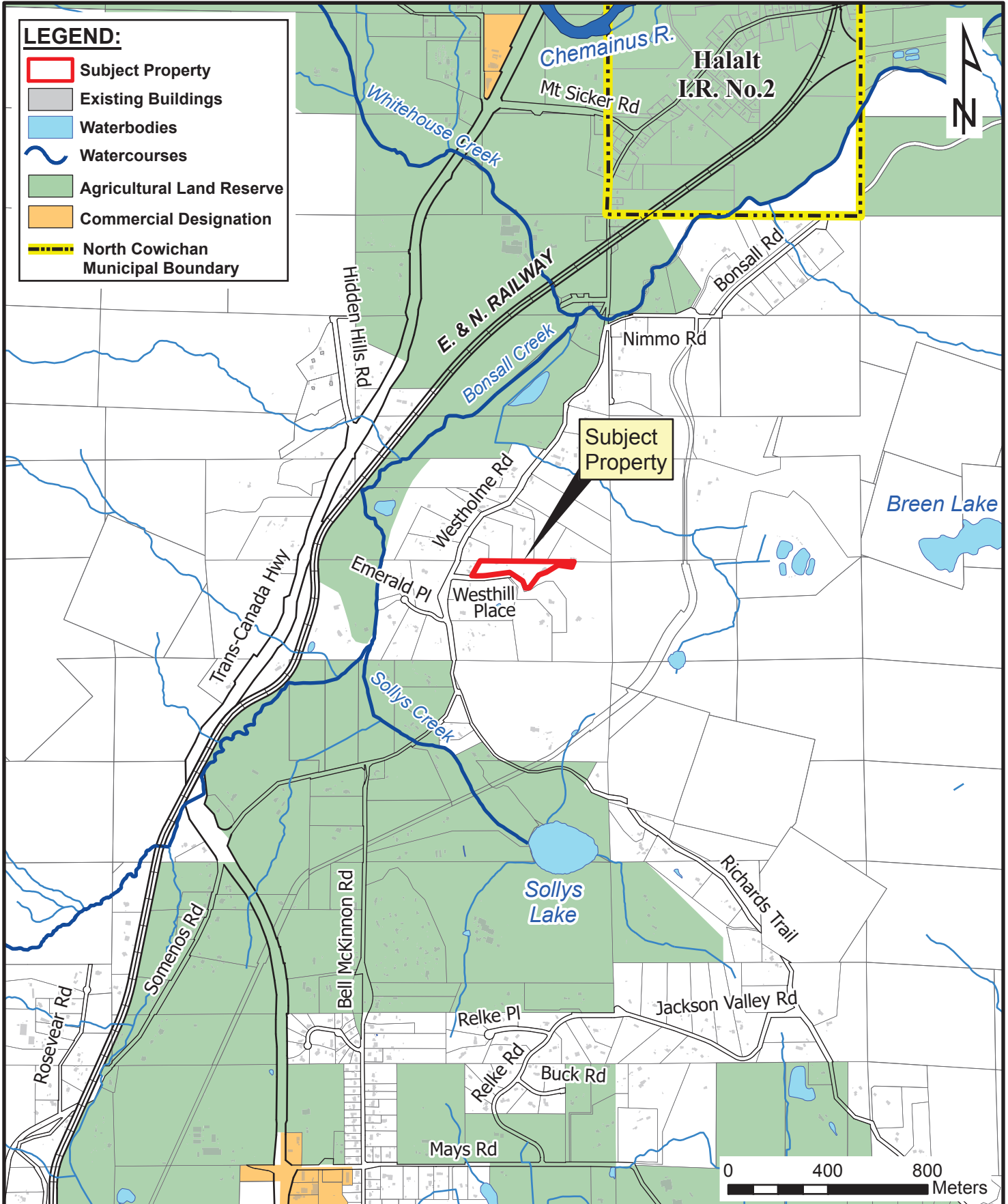
Approved to be forwarded to Council:



Ted Swabey
Chief Administrative Officer

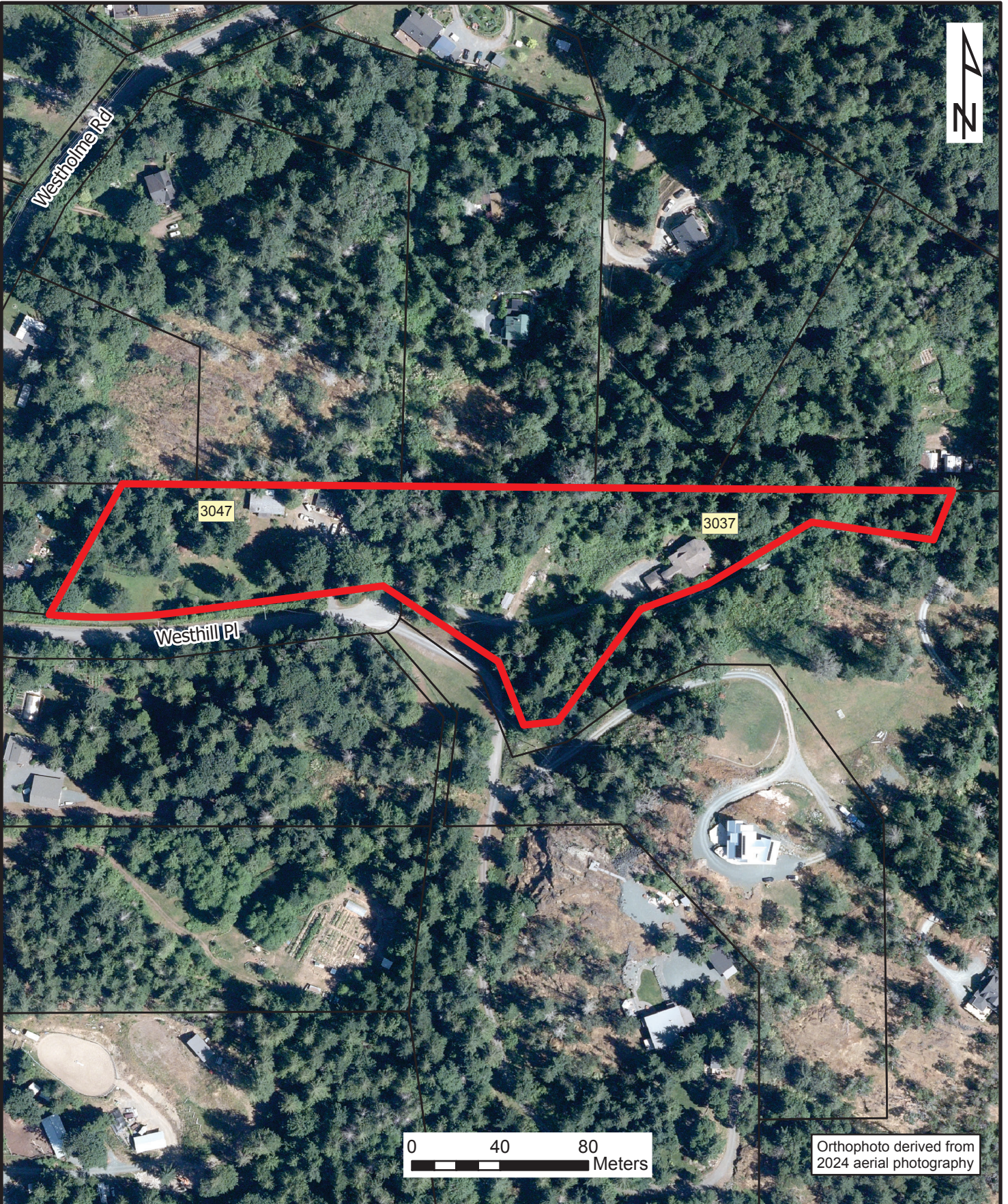
Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) OCP Map
- (5) Site Plan
- (6) Letter of Rationale
- (7) Bylaw No. 4072
- (8) Bylaw No. 4077



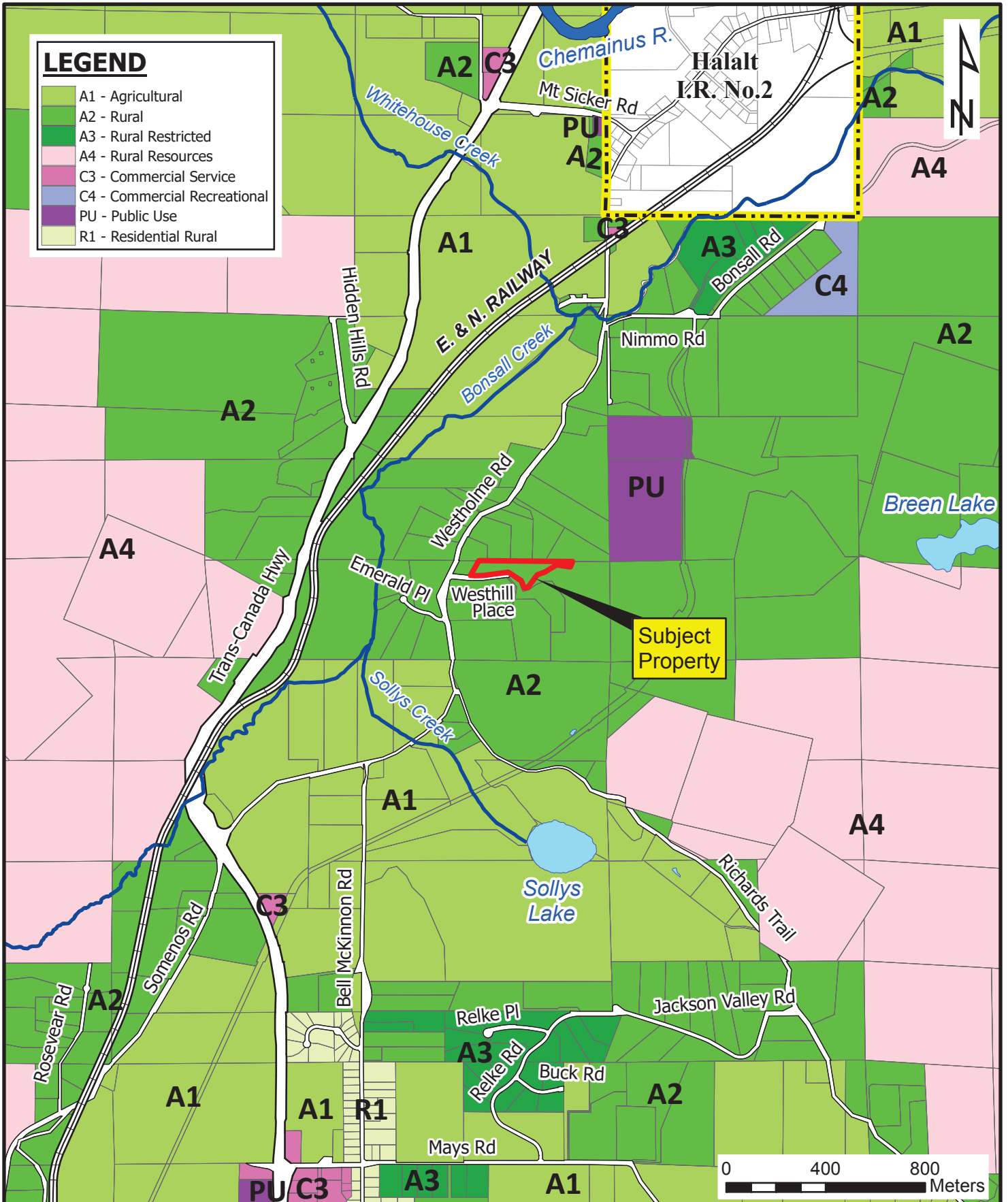
LOCATION MAP
3037 and 3047 Westhill Place

DATE:	April 16, 2026
TYPE:	Zoning Amendment
FILE#:	ZB000294



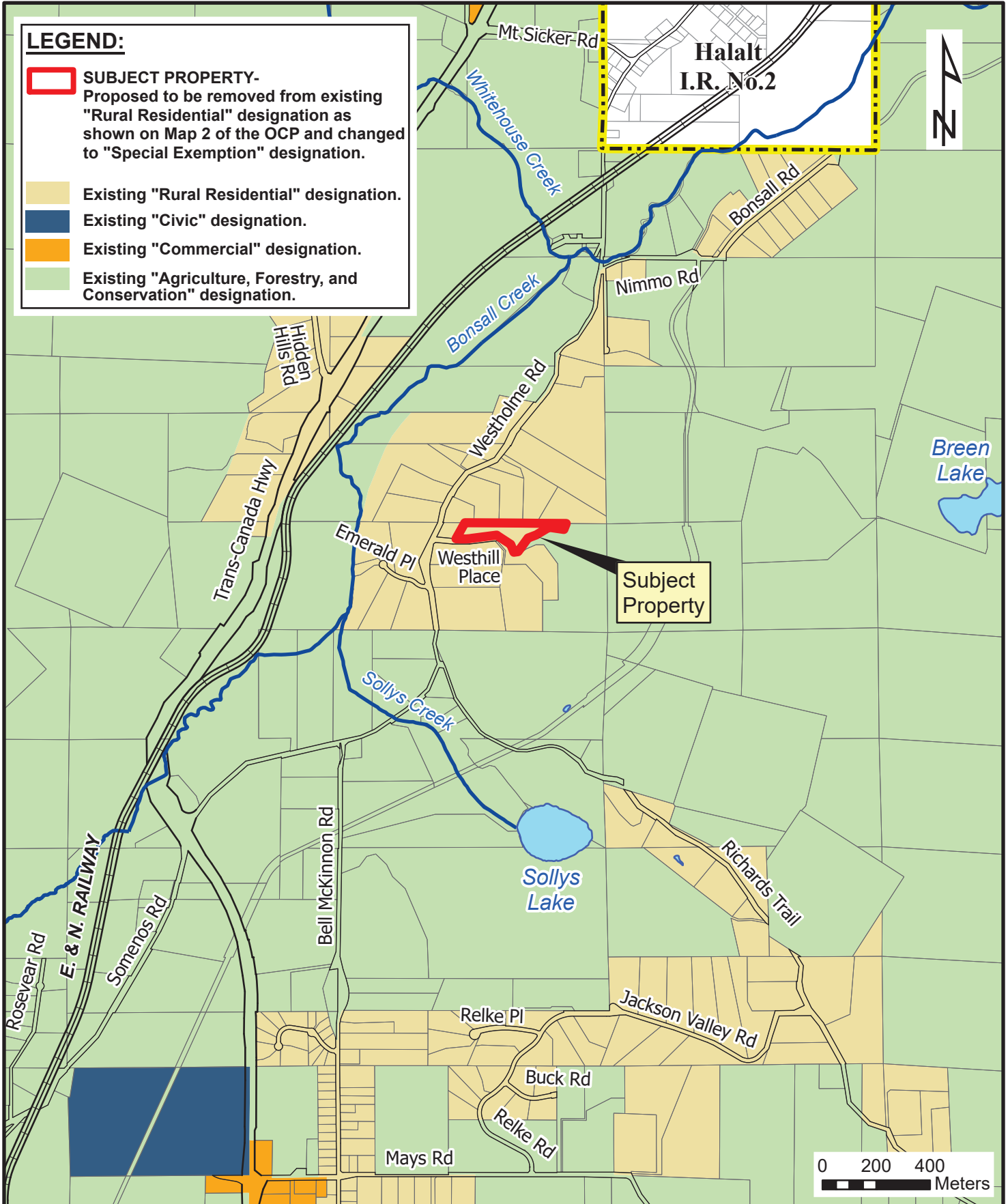
ORTHOPHOTO MAP
3037 and 3047 Westhill Place

DATE:	April 16, 2026
TYPE:	Zoning Amendment
FILE#:	ZB000294



LEGEND:

- SUBJECT PROPERTY.**
Proposed to be removed from existing "Rural Residential" designation as shown on Map 2 of the OCP and changed to "Special Exemption" designation.
- Existing "Rural Residential" designation.
- Existing "Civic" designation.
- Existing "Commercial" designation.
- Existing "Agriculture, Forestry, and Conservation" designation.



OCP MAP 2 Revisions
(OCP Map 2 Growth and Land Use Management)
3037 and 3047 Westhill Place

DATE:	January 14, 2026
TYPE:	OCP Amendment
FILE#:	OCP00032

Accessory Buildings
(Existing)

3037/3047 Westhill

BP 6563 - Aug. 27, 2013

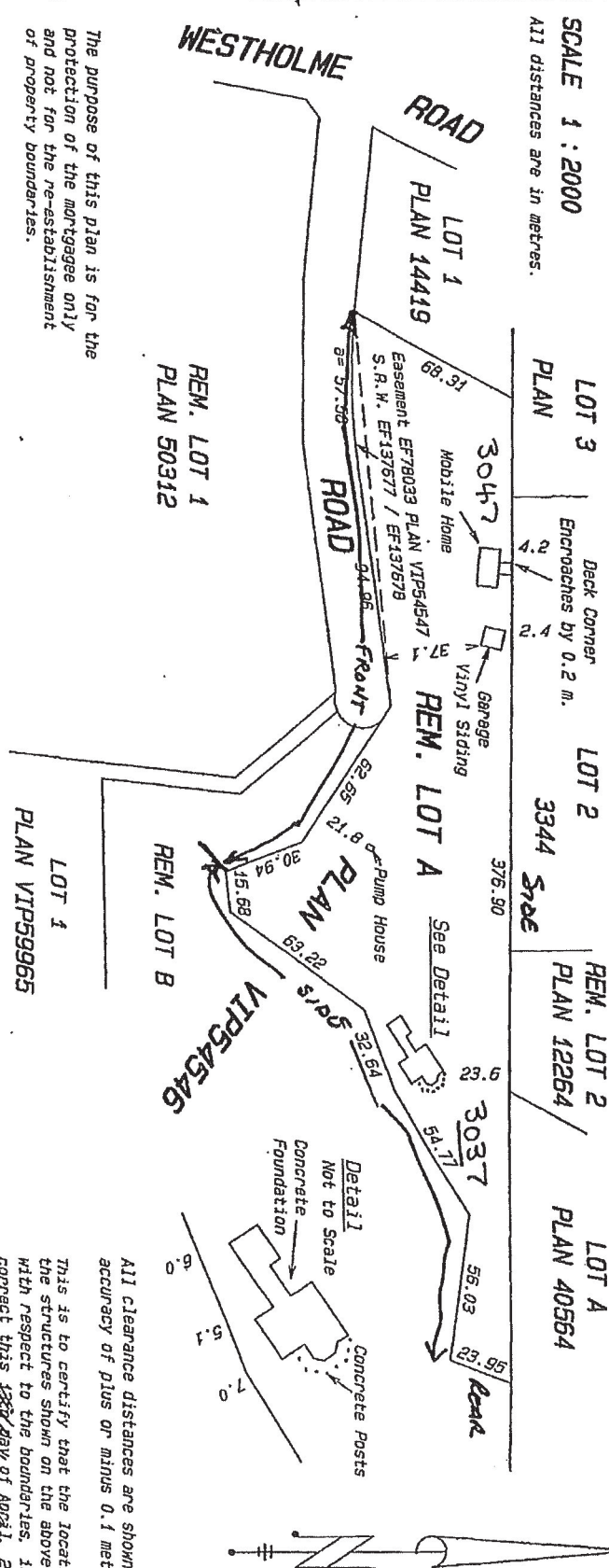
B.C. LAND SURVEYOR'S
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LOT A, SECTION 18, RANGE 6,
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EXCEPT PART IN PLAN VIP59965.

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Note: Lot A lies within the Corporation of the District of North Cowichan and is zoned A-2. By-law setback requirements are as follows:

Principal Buildings	Accessory Buildings	Mobile Homes
Front 6.0 m	Front 8.0 m	Front 30.0 m
Side 3.0 m	Side 3.0 m	Side 12.0 m
Rear 8.0 m	Rear 8.0 m	Rear 12.0 m

SCALE 1 : 2000
All distances are in metres.



KENYON & WILSON
PROFESSIONAL LAND SURVEYORS
#221 CORONATION AVE.
DUNCAN, B.C. V9L 2T1 (250) 746-4745
FILE 00-5146.081

The purpose of this plan is for the protection of the mortgagee only and not for the re-establishment of property boundaries.

This information has been provided subject to the federal Copyright Act and in accordance with the provincial Freedom of Information and Protection of Privacy Act.

All clearance distances are shown to an accuracy of plus or minus 0.1 metres.

This is to certify that the location of the structures shown on the above lot, with respect to the boundaries, is correct this 20th day of April, 2000.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALY SIGNED AND SEALED.

B.C.L.S.



January 4/2025

Letter of Rationale Official Community Plan Amendment

Applicant: Jim Dias, Agent on behalf of Ken and Leeann Nickell

Legal Description: Lot A, Plan VIP 54546, Section 18, Range 6, Somenos District (Except Plan VIP 59965)
Mfg Home Reg # 10583 PID 017-831-105

OCP Designation: Rural Residential, Environmentally Sensitive Areas-None; Natural Hazard Areas-slope over 20%; Not flood plain; not within Water Resource Protection Area

Zoning Designation: Rural

ALR: Not In ALR

Civic Address: 3037 & 3047 Westhill Place, Westholme BC V0R 3C0

Mailing Address: PO Box 102 Westhome BC V0R 3C0

Current Use of Property: This 5.04 acre parcel contains two separate single family dwellings: a Manufactured Home registered #10583 located under an approved MNC Building Permit in 1992 and a single family dwelling also constructed under an approved MNC Building Permit in 2000. Both dwellings have approved occupancy certificates. Each dwelling has its own independent approved sewerage disposal system and separate driveway onto Westhill Place. The dwellings are both served by a common drilled well which has pump tested at 20 gpm?

Intended Use of Property: Should the application for the OCP amendment be approved the owners would like to proceed to the next step of applying for a Zoning Amendment to Rural A3 which would allow them to apply to subdivide the property into two approximately evenly sized parcels. If approved the owners intention is transfer title to the constructed single family dwelling to a family member and for them to remain in the Manufactured Home.

Rationale for the Application: Having the ability to transfer the single family home provides firstly an opportunity for members of this family to acquire an affordable asset. It will give them stability and the security of owning their own home, along with all of the challenges and opportunities that go with that. In addition it puts the owners into a better financial situation allowing them to stay in their current home, which is essentially a rancher, and age in place.

We do not see this as “new development” per se. Rather it is an opportunity to create two fee simple lots, without any new development. Essentially legally dividing what is already there; it is not “new growth” nor “sprawl”, and will certainly help meet housing demand by providing affordable housing to a family member. There is no impact on municipal services as the dwellings are on wells and approved sewerage disposal systems. There is road side waste collection for both homes already. The property abuts a local road, Westhill Place, and other than the standard maintenance requirements that go hand in hand with North Cowichan’s other road responsibilities, the ultimate subdivision would put no increase in maintenance demands or cost.

Under section 3.2.17 of the OCP a statement is made “the municipality will strive to permit subdivisions only in exceptional circumstances” and I would submit that this is one of those. 3.2.19 of that same document states “generally not allow subdivisions” and I would submit again that this is not “new development, sprawl, or new growth” but simply an opportunity to allow the owners to complete their long term vision of being able to transfer a home to family members and to give them an opportunity to be in a position where financially they can retire and age in place. There is no negative impact on the

local Westhill Place or Westholme Area community. The homes exist and all that would ultimately change is the manner in which titles are held.

ATTACHMENT 7



The Corporation of the District of North Cowichan

Official Community Plan Amendment Bylaw

BYLAW NO. 4072

A bylaw to amend Official Community Plan Bylaw No. 3900, to redesignate 3037 and 3047 Westhill Place from Rural Residential to Special Exemption

WHEREAS Council has considered the Interim Housing Needs Report 2026 for the Municipality of North Cowichan,

AND WHEREAS Council has considered consultation under Sections 475 and 476 of the *Local Government Act*,

NOW THEREFORE Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "*Official Community Plan Amendment Bylaw No. 4072, 2026*".

Amendments

2 Official Community Plan Bylaw No. 3900, 2022 be amended by redesignating 3037 and 3047 Westhill Place (PID: 017-831-105) in Schedule "A", Appendix 1: Maps, Map 2 [Growth and Land Use Management] from Rural Residential to Special Exemption land use designation, as shown in Schedule 1, attached to and forming part of this Bylaw.

READ a first time on _____.

READ a second time on _____.

NOTICE that a public hearing is scheduled for this bylaw was posted to the municipality's public notice board and on the municipality's website on _____, 202_, and advertised on the municipality's social media site on _____, 202_, and in the Cowichan Valley Citizen [if applicable, and the Chemainus Valley Courier] on _____, 202_.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

ADOPTED on _____.

CORPORATE OFFICER

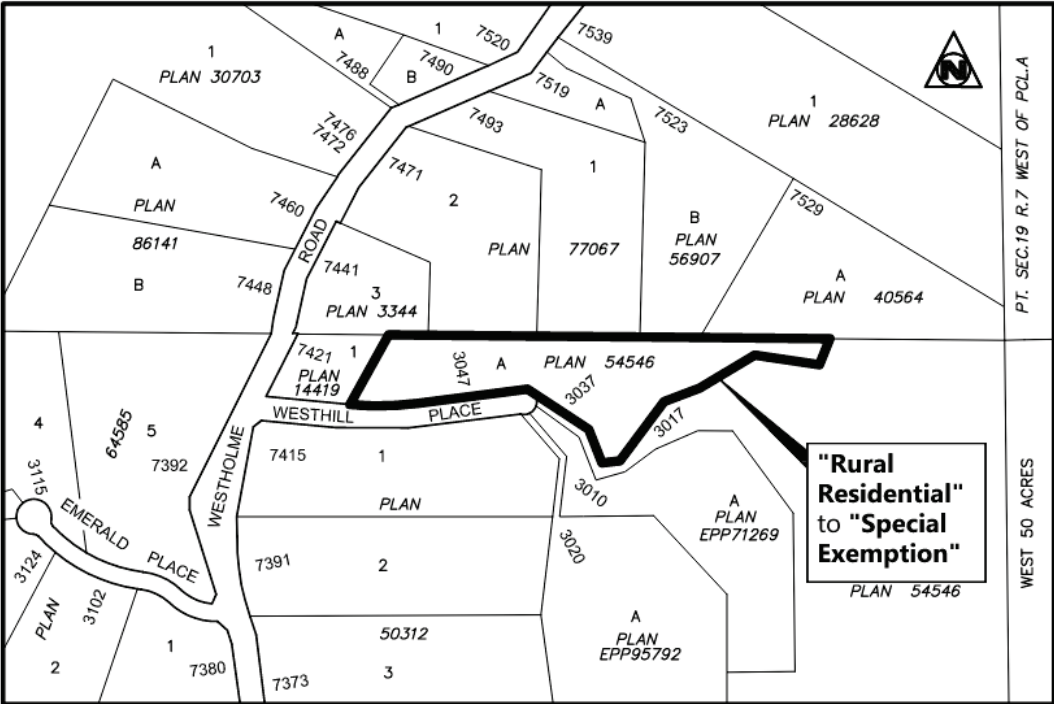
PRESIDING MEMBER

Schedule "1" to accompany "Official
Community Plan Amendment Bylaw No.
4072, 2026".

Presiding Member

Corporate Officer

SCHEDULE "1"



ATTACHMENT 8



The Corporation of the District of North Cowichan

Zoning Amendment Bylaw

BYLAW NO. 4077

A bylaw to amend Zoning Bylaw 1997, No. 2950, to reclassify 3037 and 3047 Westhill Place from A2 to A3.

The Council of The Corporation of The District of North Cowichan, enacts in open meeting assembled, as follows:

Citation

1 This Bylaw may be cited as "Zoning Amendment Bylaw No. 4077, 2026".

Amendment

2 Zoning Bylaw 1997, No. 2950, Schedule 'C' [Zoning Map], be amended by reclassifying 3037 and 3047 Westhill Place (PID: 017-831-105) from Rural Zone (A2) to Rural Restricted Zone (A3), as shown outlined in black in Schedule 1 attached to and forming part of this bylaw.

READ a first time on

READ a second time on

Notice that a public hearing *is scheduled* for this bylaw was posted to the municipality's public notice board and on the municipality's website on ____, 202_, and advertised on the municipality's social media site on ____, 202_, and in the Cowichan Valley Citizen [if applicable, and the Chemainus Valley Courier] on ____, 202_.

CONSIDERED at a Public Hearing on _____.

READ a third time on _____.

COVENANT registered on _____.

ADOPTED on _____.

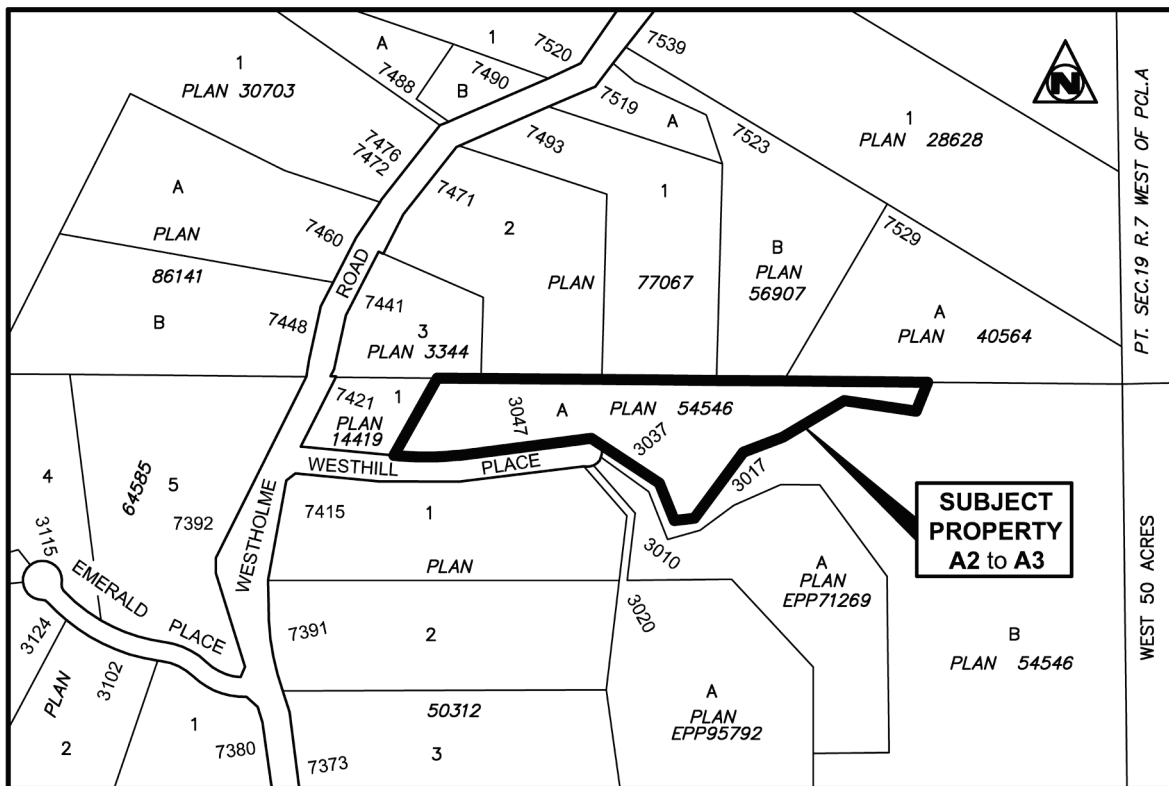
CORPORATE OFFICER

PRESIDING MEMBER

Presiding Member

Corporate Officer

SCHEDULE "1"



COMMITTEE
RECOMMENDATIONS

IT WAS MOVED AND SECONDED:

THAT the minutes of the meeting held July 15, 2025 and October 7, 2025 be adopted, as circulated. CARRIED

4. PUBLIC INPUT ON AGENDA ITEMS

Council received public input from 5 members of the public regarding agenda items 7.1 and 7.2.

5. PRESENTATIONS AND DELEGATIONS

5.1 Delegations

5.1.1 Royal Canadian Legion Chemainus Duncan Branch #191

David Nielsen, David Scandrett and David Goddard of the Royal Canadian Legion Chemainus Duncan Branch presented to the Committee regarding the amalgamation of the two branches in January 2026.

5.1.2 Jim Dias, Request to Remedy the Large Project Fee

Jim Dias presented to the Committee on behalf of LeeAnne and Ken Nickell regarding the Large Project Fee to be imposed on a proposed OCP Amendment.

6. UNFINISHED AND POSTPONED BUSINESS

6.1 Analysis of the Large Project Surcharge for OCP Amendments

IT WAS MOVED AND SECONDED:

THAT the Committee of the Whole recommend that Council takes no further action regarding the proposed amendments to the Large Project Surcharge, thereby retaining the existing fee structure under "Fees and Charges Bylaw No. 3784."

(Opposed: Caljouw, Findlay, Manhas)

CARRIED

6.2 Bill 44 Compliance: OCP Amendment Bylaw 4040 for first and second readings

IT WAS MOVED AND SECONDED:

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. CARRIED

IT WAS MOVED AND SECONDED:

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. CARRIED

7. STAFF REPORTS

7.1 2026 Grant-in-Aid

IT WAS MOVED AND SECONDED:

COUNCIL
RESOLUTIONS

IT WAS MOVED AND SECONDED:

THAT Council appoints Councillor Manhas as Municipal Director to the Cowichan Valley Regional District Board, replacing Councillor Istace, and appoints Councillor Findlay as Alternate Director #1, Councillor Istace as Alternate Director #2, and Councillor Hogg as Alternate Director #3. CARRIED

11.3 Consent Agenda Item 2.1.2 Agricultural Advisory Committee Minutes from May 8, 2025

IT WAS MOVED AND SECONDED:

THAT Council receives the minutes of the May 8, 2025 Agricultural Advisory Committee meeting. CARRIED

IT WAS MOVED AND SECONDED:

THAT Council delays consideration of the following two Agricultural Advisory Committee recommendations for 6 weeks (July 16, 2025 Council meeting):

THAT Council:

1. *Endorses the Strategic Agricultural Plan Scope of Work substantially as attached to the Planning Manager's June 4, 2025 report to form the basis of a competitive tender process for consultancy services.*
2. *Authorizes expenditure of up to \$75,000 from the Agricultural Reserve Fund for the revision, update and replacement of the 2001 Strategic Agricultural Plan.*

(Opposed: Istace, Justice)

CARRIED

11.4 Consent Agenda Item 2.2.2 Chemainus Festival of Murals Society re- Budget Increase for 2026 and Lighting in Waterwheel Park

IT WAS MOVED AND SECONDED:

THAT Council directs staff to include the request from Chemainus Festival of Murals Society for a budget increase for 2026 and lighting in Waterwheel Park, in upcoming budget deliberations. CARRIED

11.5 Consent Agenda Item 2.2.3 Jim Dias, Agent re- Rezoning 3037 and 3047 Westhill Place

IT WAS MOVED AND SECONDED:

THAT Council refers the letter dated May 27, 2025, from Jim Dias to staff and directs staff to return with a report that would outline options to establish further structure to the large site surcharge component of the Fees & Charges Bylaw, and to reach out to Mr. Dias. (Opposed: Douglas)

CARRIED

12. NOTICE OF MOTIONS

12.1 Cowichan Trail Stewardship Society [Adopt-a-Trail program]

Councillor Istace introduced the following motion which Council will consider at the June 18, 2025, Regular Council Meeting:

9.1 Early Consideration – Proposed Official Community Plan Amendment for 3037 & 3047 Westhill Place

IT WAS MOVED AND SECONDED:

THAT Council denies OCP00032 to amend Official Community Plan Bylaw No. 3900, 2022, to redesignate 3037 & 3047 Westhill Place (PID: 017-831-105) from “Rural Residential” to “Special Exemption” to facilitate a 2-lot subdivision of the property.

(Opposed: Caljouw, Findlay, Hogg, Manhas)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council directs staff to proceed with processing OCP00032 and draft an amendment to Official Community Plan Bylaw No. 3900, 2022, in conjunction with a rezoning application for Council’s consideration.

(Opposed: Douglas, Istace, Justice)

CARRIED

9.2 Traffic Safety Review for the Sherman Road/Ryall Road Intersection

IT WAS MOVED AND SECONDED:

THAT Council approves extending the ‘no parking’ zone on the north side of Sherman Road west of Ryall Road by 6 m to increase visibility and implement this as part of the annual road maintenance work in 2026.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council approves narrowing of the existing wide travel lanes on Sherman Road by introducing an interim protected cycling infrastructure on Sherman Road using cost-effective construction methods and with measures to offset any loss of street parking.

(Opposed: Caljouw, Findlay, Hogg, Manhas)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council approves implementing an ‘all-way’ stop control at the intersection of Sherman Road/Lane Road as part of the 2026 Capital Program subject to availability of resources.

CARRIED

Council recessed at 7:09 p.m., and reconvened at 7:13p.m.

9.3 Island Rail Corridor in North Cowichan

IT WAS MOVED AND SECONDED:

THAT Council directs the Mayor to write to Island Corridor Foundation (ICF) to request that once ICF has completed its engagement process it provides the Municipality with a detailed summary along with an explanation of its mandate.

CARRIED

9.4 Pump Track Proposal – Cowichan Sportsplex

IT WAS MOVED AND SECONDED:

THAT Council:

1. Supports in principle, the development of a pump track, substantially in the location shown in Attachment 2; and,

IT WAS MOVED AND SECONDED:

THAT Council directs staff to register a section 219 *Land Title Act* covenant prior to consideration of adoption of Zoning Amendment Bylaw No. 4063, 2026 to secure a financial contribution equal to three times the current Development Cost Charges rate (Chemainus) toward the Short-term Infrastructure Fund, effective until and when the updated Development Cost Charges Bylaw is in full force and effect, or as may be lower at the time the Development Cost Charges Bylaw is adopted. (Opposed: Douglas)

CARRIED

10.4 Zoning Amendment Bylaw No. 4071, 2026 for first three readings

IT WAS MOVED AND SECONDED:

THAT Council gives first, and second reading to Zoning Amendment Bylaw No. 4071, 2026 to rezone 1438 and 1448 Adelaide Street from R1-U to CD28.

CARRIED

IT WAS MOVED AND SECONDED:

THAT Council gives third reading to Zoning Amendment Bylaw No. 4071, 2026.

(Opposed: Douglas, Justice)

CARRIED

Council, by unanimous consent, recessed the meeting at 7:35 p.m. and reconvened at 7:42 p.m.

10.5 Proposed Official Community Plan and Zoning Bylaw Amendments for 3037 & 3047 Westhill Place

IT WAS MOVED AND SECONDED:

THAT Council:

- a. Denies Official Community Plan Application No. OCP00032, and,
- b. Denies Zoning Application No. ZB000294.

(Opposed: Caljouw, Findlay, Hogg, Manhas)

DEFEATED

IT WAS MOVED AND SECONDED:

THAT Council:

- a. Gives first and second reading to Official Community Plan Amendment Bylaw No. 4072, 2026;
- b. Gives first and second reading to Zoning Amendment Bylaw No. 4077, 2026; and,
- c. Directs staff to schedule a public hearing. (Opposed: Douglas, Istace, Justice)

CARRIED

10.6 Fees and Charges Amendment Bylaw No. 4079, 2026 for introduction

IT WAS MOVED AND SECONDED:

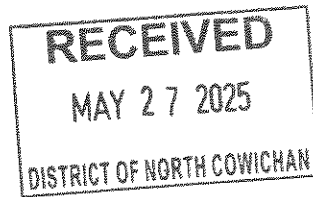
THAT Council gives first, second and third reading to Fees and Charges Amendment Bylaw No. 4079, 2026.

(Opposed: Findlay)

CARRIED

OTHER
CORRESPONDENCE

Mayor & Council
District of North Cowichan
7030 TransCanada Highway
North Cowichan BC, V9L 6A1



May 27, 2025

Dear Mayor & Council

I am assisting Ken and LeeAnne Nickell, owners of 3037 & 3047 Westhill Place, and on their behalf have submitted an application through the Planning Department to amend the Official Community Plan and to subsequently rezone their property. The property is 5.04 acres (2.04ha), zoned Rural A2 and has two residences, one built in 1992 and the other in 2000, and is not in the ALR. Each residential unit has its own driveway and approved sewage disposal system. Other than fronting on a public road, and having the normal road maintenance and garbage collection, they do not need any other municipal services. There is no increase in the demand for service from MNC. The owners would simply like to subdivide to create two lots of equal size with separate titles. The opportunity to subdivide would be of great assistance to them and their families in preparing for retirement and estate planning.

We appreciate very much that our application is now ongoing with staff for review under the category of "early consideration" to obtain Council's indication of whether the application has sufficient merit to go forward in a more formal sense. I understand getting our application to you for early consideration may take a few months.

In the meantime, we would like to draw your attention to an area of your fee structure "the large project surcharge fee" which we consider unreasonable in our situation.

The total fees we submitted in order for staff to begin processing our application are as follows:

OCP Amendment Application Base Fee	\$2500
Large Project Surcharge Fee	\$5000
Public Hearing Notice Fee	\$2000
Public Hearing Surcharge	\$500

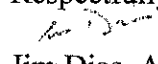
My clients have no objection to any of the fees other than the Large Project Surcharge Fee of \$5000.

In your Fees and Charges Bylaw No 3784 the fees required to be paid are outlined on Schedule C. There are two references in this schedule (items 6&7) to the Large Project Surcharge Fee. Item 6 provides a basis for exclusion of the fee, where text amendments to certain zones are applied for or a zoning amendment where residential density is increased by 3 or fewer units. As the property in question is A2 Rural we need to rezone to Rural Residential A3 in order to subdivide. If approved we would subdivide into two lots (2.5 acres). As per item 6 if this was only a rezoning, no surcharge fee would apply. Where things get complicated is in item 7 of Schedule C wherein an application to amend the OCP attracts the Large Project Surcharge Fee of \$5000 and which is based on the size of property. The fee applies if your property is between 1.4 and 3.0 ha. and ours is approximately 2ha and therefore attracts the fee to be applied.

Our assumption is that amendments to the OCP would generally reflect the amount of staff time involved in processing the amendment. Not to be disrespectful of staff but it is our sense that our application is pretty straightforward, taking two homes on an existing five acre parcel, under one title, and creating two new lots with new separate titles. Not what we and hopefully you would agree is a "Large Project". There is no increase in density and no impact on municipal services. Our property is in a rural area and has been developed the way it stands now for 25+ years.

We are appealing to Council to consider our request to either waive this surcharge fee, in this case, or to amend the Fees & Charges Bylaw to provide staff with a degree of flexibility when it comes to imposing the "large project surcharge fee". We would welcome the opportunity to be before council to answer any questions or concerns and to perhaps further outline our application.

Respectfully submitted


Jim Dias, Agent