

# Report

Date January 21, 2026

File: 6480-30 23.03

Subject Early Consideration - Official Community Plan Amendment at 8150 & Section 20  
Hidden Hills Road

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## PURPOSE

To present an application for Council's early consideration to amend the Official Community Plan to facilitate a 21-lot bare land strata subdivision in the A2 (Rural) Zone at 8150 Hidden Hills Road (PID: 004-522-991) & Section 20 Hidden Hills Road (PID: 008-433-470).

## BACKGROUND

The subject properties - totalling 48.1 hectares (118.9 acres) - are located on the west side of the Trans-Canada Highway, south of Mount Sicker Road and within the Bonsall Creek watershed (Attachments 1 & 2). The lands are designated Agriculture, Forestry, and Conservation (Rural) (AFC) in the Official Community Plan (OCP), are located outside of the Urban Containment Boundary (UCB), and zoned Rural Zone (A2) in Zoning Bylaw 1997 (Attachments 3 & 4). The full contents of the A2 Zone are provided in Attachment 5.

The owners are seeking to consolidate and subdivide the subject properties into 21 bare land strata lots. Despite the existing zoning designation (A2) permitting a minimum lot size of 2-hectares, the OCP policy direction of the AFC designation does not support further subdivision (section 3.2.16). As the municipal Approving Officer must consider OCP compliance when considering an application to subdivide land (section 85-87, *Land Title Act*), the property owner has applied to North Cowichan to amend the OCP designation of the subject properties from Agriculture, Forestry, and Conservation (Rural) (AFC) to Rural Residential (RR) to enable the proposed subdivision.

Should Council approve the 'early consideration' of this proposal, the applicant would be required to prepare and submit a comprehensive OCP amendment application for Council's consideration. Should the OCP amendment proposal be formally adopted by Council, an application to subdivide the lands could subsequently be contemplated by the municipal Approving Officer.

## Context & Surrounding Land Uses

The subject lands are largely forested, except for an existing residential dwelling on 8150 Hidden Hills Road. The municipally-owned forest reserve in the Little Sicker Mountain area is located to the north and west. Immediately to the east is a rural (low-density) bare land strata subdivision and other existing rural residential uses, beyond which is the Trans-Canada Highway and active agriculture.

## PROPOSAL

The applicant proposes to consolidate and subdivide the properties into 21 bare land strata lots, each approximately 2-hectares (5 acres) in size. The strata subdivision would be accessed by an internal strata road. Each lot is anticipated to achieve well and septic service as regulated by Island Health.

The applicant has expressed willingness to protect approximately 22.26 hectares (55 acres) for environmental conservation. This area is largely contiguous and corresponds roughly to North Cowichan development permit areas for environmental sensitivity identified on the parcel, i.e., Map 4, OCP; riparian, woodlands, mature forest. The applicant intends to generally protect these lands by registering a restrictive covenant over the private properties of the proposed lots (section 219, *Land Title Act*).

The applicant's Statement of Intent (or Rationale) is provided in Attachment 6. A Site Plan proposal is provided in Attachment 7.

## **DISCUSSION**

### **1. Official Community Plan Bylaw No. 3900**

In general, OCP policies support intensive housing growth within municipal growth centers inside the UCB (section 3.1, p. 40), and prescribe for limited residential development, environmental protection, and preservation of farmland and forests/forestry on rural land outside the UCB (p. 48).

Outside the UCB there are two predominant land use designations: *Agriculture, Forestry & Conservation (AFC)*, and *Rural Residential (RR)*. The land use policies of the AFC offer the greatest degree of preservation of municipal-wide rural character, support rural economic development opportunities, and limit new residential development. The existing AFC designation is clear in not supporting further subdivision; whereas the RR designation could (potentially) accommodate a proposal of this nature.

The central assessment of this early consideration report is therefore the appropriateness of changing the land use designation.

#### *Existing Designation - Agriculture, Forestry and Conservation (Rural) (AFC)*

The intent of the AFC land use designation is to preserve large parcels for farming, forestry, and rural economic development opportunities (OCP, p. 49; 3.2.16). In this regard, the following policies are particularly relevant to the proposal (OCP, p. 50; section 3.2.17):

*b. Permit subdivisions only in exceptional circumstances (e.g. those that reconfigure parcel boundaries to improve agricultural viability, conservation, or other objectives of the Rural designation).*

*c. Maximize housing options without subdividing or urbanizing land, through zoning agricultural land reserve parcels that allow up to three permanent dwelling units per parcel, within no more than two separate buildings, and subject to servicing criteria or conditions that preserve natural features or agriculture.*

*h. Prioritize retention, protection and regeneration of natural features and wildlife areas.*

The subdivision proposal does not meet any of the above noted policies. Furthermore, there are no other OCP aims to which the proposal responds so fulsomely that the above policies can be said to be outweighed.

Proposed Designation - Rural Residential (RR)

By contrast, the intent of the RR land use designation is to maintain mature tree and vegetation cover while permitting very little housing growth (OCP, p. 51; 3.2.18). The following policies are particularly relevant (OCP, p. 51; section 3.2.19):

- a. Generally not allow subdivision, although it may be permitted where the parcels created are 2 ha or larger.*
- b. 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.*
- c. Configure zoning to maximize housing potential without further subdivision to permit detached accessory dwellings where servicing connections are available, or in the alternative, adequate on-site common septic treatment and water supply can be achieved.*

Based on these policies, the proposed subdivision (consisting of minimum 2.0 ha lots) could therefore be accommodated within the RR designation.

The OCP recognizes that "...pockets of residential development existing throughout the Municipality that are neither urban nor rural" (OCP, p. 51) resulted from previous subdivision processes. The RR designation provides a policy context for such areas that avoids sterilizing all change, but which allows them to evolve to a certain degree without "urbanizing". However, the growth strategy seeks to prevent further proliferation of such forms of quasi-rural development. The subject properties would have the same designation as the rural residential strata development immediately adjacent to the east, thus representing an expansion of a form of development no longer supported in policy terms.

By contrast, the land available for agriculture, forestry, rural development economic activity, and conservation would decrease. There is no policy support or rationale within the OCP for converting AFC areas into expanded RR designations, and no particular considerations apply to this proposal that would justify such a departure from the growth strategy.

Growth Management Policies & Housing Supply

Growth Management policies of the OCP direct higher and intensive residential housing within the areas defined by the UCB, and not outside it.

Containing growth and intensive residential density achieves (OCP, 3.1 Assignment of Growth, p. 40):

- Investment in municipal civil services (e.g., through the payment of Development Cost Charges), and therefore, improved management of municipal infrastructure assets;
- Walkable and compact communities; and,
- Protection of rural lands from residential densification, i.e., by subdivision.

Reciprocally, rural land uses outside the UCB are preserved for high priority OCP policy-supported rural goals, such as:

- Farmland protection for food security;
- Forest protection for forestry, and/or conservation, biodiversity; and,
- Other rural economic development.

The purpose of the RR designation is not to increase the municipal housing supply. It contemplates a permissive approach for limited rural housing supply within already-subdivided areas without diminishing the integrity of rural areas outside the UCB. It should be noted that a significant opportunity already exists for increased residential units outside the UCB in the form of 'Bill 44' provisions allowing at least two dwellings per parcel on every rural lot. Further details regarding latent rural housing potential can be found in the staff report [August 12, 2025 Bill 44 Compliance: OCP & Zoned Capacity](#).

The location and type of housing proposed in this application does not respond well to the [2021 Regional Housing Needs Assessment](#) and [2024 Interim Report](#). Creation of large, remote rural lots does not align with affordability objectives even if lower construction cost modular homes are utilized. Nor does the location of the development carry any walkability benefits, having no nearby shops or services and being entirely dependent on private vehicles (the closest transit stop at Mount Sicker Road is 1.3 km away).

## 2. Zoning Bylaw

Should an application to amend the OCP designation be formally approved, the policy direction of the RR designation related to subdivision would be consistent with the provisions of the existing A2 Zone, enabling the municipal Approving Officer to consider the proposed subdivision. A subdivision plan conducted by a BC Land Surveyor would be required for a formal subdivision application.

Staff note that the proposed number of lots depicted by the applicant on the concept site plan may not be achievable due to site constraints (Attachment 7). Detailed review would be undertaken at time of formal subdivision application.

## 3. Future Development Permits

Subdivision and future building permit applications would require development permit approvals for the protection of the natural environment (DPA-3) and for hazard lands (DPA-4) where development permit areas (DPAs) are identified (Zoning Bylaw, Schedule J; Map 4, 5, 6, 7).

Guidelines to protect the natural environment authorize the Municipality to require dedication of the lands for conservation purposes or a covenant (Section 219, *Land Title Act*) to be registered on the subject properties to restrict uses over protected areas, such as identified sensitive ecosystems (Zoning Bylaw section 2.3.2f). Therefore, any future development seeking to alter land or remove vegetation that proposes to encroach into the identified DPA-3 (Figure 1), could result in the protection of all or part of the development permit area depending on the nature of the application (Development Permit Guidelines "B", section 2.3).

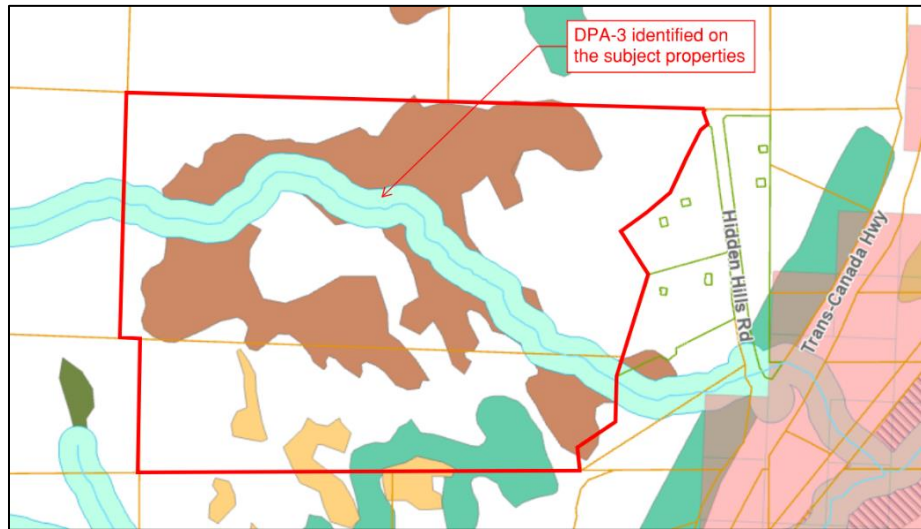


Figure 1: The development permit areas for the protection of riparian areas and woodlands are shown here (DPA3).

#### 4. Servicing, Infrastructure & Access

An internal strata road is proposed to service the bare land strata subdivision. An acceptable internal strata-road design would need to maintain access to the forest reserve in accordance with a blanket statutory right of way (SRW) registered on the title of the properties. Additionally, the internal strata-road design would be required to support the weight of logging trucks to the forest reserve, and optimize fire services access to proposed residences.

Given the proximity of the proposal to the Trans-Canada Highway, comment would be requested from the Ministry of Transit and Transportation (MOTT) by staff should Council request to see a complete application with fulsome staff/agency review, as applicable.

The subject parcels are outside the UCB in a location where municipal sanitary and water services are not available. The applicant has stated they would construct well and septic services for the proposed bare land strata subdivision. Doing so would require application to, and approval from, Island Health, having jurisdiction over well and septic services. A subdivision application with North Cowichan would require that local well and septic services are completed prior to final subdivision approval. Further, a stormwater management plan would be required to demonstrate that rainwater/drainage is managed on each lot in accordance with current engineering standards.

#### 5. Fire Services

The Fire Department has reviewed this application and has significant concerns about its ability to provide fire protection if this development is approved. Due to the inadequate water supply for firefighting at this location, response times from stations would not meet the recommended times set by the Fire Underwriters Survey. Currently, the Fire Department has limited firefighting equipment (for example, water tenders to respond in areas without hydrants). This was apparent during a recent fire in the Panorama subdivision without hydrants resulting in a \$6-7 million dollar fire loss. This area would

be considered unprotected by the Fire Underwriters, which could mean homeowners would not be able to get fire insurance, or would only be able to obtain it at a very high cost.

The property backs onto the Municipal Forrest reserve. If a wildfire were to occur, this could result in additional loss to the Municipal Forrest.

## 6. Comprehensive OCP Amendment Application Requirements

Documents anticipated to be required for a fulsome OCP amendment application, which demonstrates the proposed designation for the intended purpose is feasible (to facilitate 2-ha parcel subdivision for rural residential use), are:

- Environmental assessment to identify sensitive areas; confirm section 11 stream crossings (*Water Sustainability Act*), Riparian Area Protection Regulation for development protection measures;
- Geotechnical report indicates that a future subdivision for the purpose of rural residential development would be safe for the intended use;
- Internal strata road designed to meet engineering standards for the weight anticipated for access to the forest reserve, and with slope/distances considered acceptable for fire services to access and operate fire protection services;
- Stormwater management plan;
- Statement of willingness from the owner to dedicate lands (preferred) or register identified environmentally sensitive lands under a protective covenant (section 219, *Land Title Act*);
- Subdivision proposal conducted by a BCLS that reflects municipal bylaw requirements; and,
- Other documents that may be requested as a result of staff or agency review of a full application.

Staff would request comments from a minimum of the following stakeholders/agencies:

- The municipal Approving Officer;
- Island Health; and,
- Ministry of Transit and Transportation.

No statutory public consultation is required with Council's early consideration of an OCP amendment; however, with a full application, in addition to holding a Public Hearing, Council would consider its legislated requirements to consider consultation that may be early and ongoing, and to persons, organizations, and authorities it believes will be affected, such as:

- Ministry of Transit and Transportation;
- Island Health;
- First Nations; and,
- School District 79 (sections 475 & 476 *Local Government Act*).

## ANALYSIS & CONCLUSION

By pursuing an OCP amendment, it is the applicant's intent that a proposed 21-lot bare land strata subdivision could subsequently be considered by the municipal Approving Officer (LTA sec. 87).

Despite the demonstrated need for new housing within North Cowichan and the proposal's conservation efforts, the application to amend the OCP for the purpose of subdividing rural land for rural residential housing is not supported for the following reasons:

1. There is no rationale or policy support to redesignate AFC areas into RR areas for the purposes of allowing subdivision. Doing so undermines the intent of the AFC designation and the growth strategy with respect to rural areas. The intent of the AFC land use designation is to maintain the rural character of, and especially the potential for, significant farming, forestry, conservation, or other economic opportunity on the parcels to which the designation applies. These policies are especially relevant on large parcels that can support these core objectives/uses, such as the subject properties (OCP section 3.2.16, section 3.2.17 b, c, h). There is no policy support or rationale within the OCP that would justify amending the OCP to expand the RR designation to include the subject properties. The decision to do so would be a noteworthy loss to the land use potential of North Cowichan's AFC-designated lands.
2. North Cowichan's projected 20-year housing needs can adequately be met without compromising rural areas. As noted extensively by staff, there is no need to depart from the OCP's growth strategy by allowing low density subdivisions that deliver limited lots while consuming large amounts of rural land. Furthermore, any strata lots that could be achieved would not align with the tenets of affordability of the OCP's growth management policies due to the cost of land and remote auto-oriented location.
3. Despite the proposal to limit the use of private property over those areas identified on Map 4 - Environmentally Sensitive Areas by registering a Section 219 covenant (*Land Title Act*), this instrument does not enable its comprehensive management for ecological and conservation purpose by a public body. Therefore, not only is the protection of lands as offered by the applicant weak compared to its outright dedication to the municipality for conservation purposes, any perceived benefit through the registration of a Section 219 covenant does not outweigh the significant departure from the growth strategy otherwise represented by this application.
4. The proposal does not represent sound planning practices with respect to environmental impact, the provision of municipal services, location, or housing affordability. The proposal is for very low density residential development, constituting 21 large strata lots with a potential for 42 residential units. It is not proximate to services required for day to day living, nor is it serviced by transit, therefore the development will be entirely vehicle dependent, which erodes any affordability gained through the use of modular housing and has impacts on municipal road networks. Due to its isolated location, it will be challenging for the municipality to provide services such as fire suppression (as detailed above) and garbage collection in a cost effective manner. Additionally, the provision of onsite septic on a lot by lot basis has potentially detrimental environmental impacts and is less than ideal.

In the opinion of staff, the proposed OCP amendment to facilitate subdivision for rural residential housing undermines the integrity of the OCP's growth management principles, and does not sufficiently justify the permanent loss of lands available for agriculture, forestry, rural development economic activity, and conservation and does not represent best practice with respect to planning.

An early consideration request gauges Council's interest to receive a fulsome and comprehensive application. Should Council approve the early consideration request, it would not be fettered from approving or denying the complete application.

## OPTIONS

### 1. (Recommended Option)

THAT Council denies application OCP00025 to amend Official Community Plan No. 3900, 2022, to redesignate 8150 (PID: 004-522-991) and Section 20 (PID: 008-433-470) Hidden Hills Road from *Agriculture, Forestry & Conservation (Rural)* to *Rural Residential* to facilitate subdivision for rural residential housing.

- *The owner has existing development rights under the current A2 zone. An amended land use designation to facilitate low density residential development on rural land would result in a permanent loss of farm, forest/forestry, and other rural economic opportunities on this large parcel, as well as undermine the integrity of the OCP's growth management principles.*

2. THAT Council directs staff to proceed with processing application OCP00025 and draft an amendment to the Official Community Plan Bylaw No. 3900, 2022 for Council's consideration.

- *Staff have recommended an early consideration approach because, on the balance, the OCP amendment request significantly contradicts land use policy direction of the OCP. Moreover, the subject property is located well outside the UCB. These criteria were used by Council in the past to evaluate 'early consideration' applications<sup>1</sup>.*

## IMPLICATIONS

Should Council deny the 'early consideration' request to amend the OCP land use designation for the subject properties, the applicant would be discouraged from further pursuing a comprehensive application for Council's consideration. However, it is the applicant's prerogative to apply for an OCP amendment under a comprehensive application, irrespective of Council's early consideration decision (Option 1).

Should Council direct staff to proceed with the application (Option 2), additional work would be required to return the application to a future Council meeting, together with a draft OCP amendment bylaw. A comprehensive OCP amendment application could require (but not be limited to) additional information as outlined in the subsection: "5. Comprehensive OCP Amendment Application Requirements".

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<sup>1</sup> On [February 21, 2023](#), Council considered 5 zoning amendment applications that were in-stream when Council adopted OCP Bylaw 3900 (Item 9.2). Early consideration decisions to approve or deny a request were based on an application's in/consistency with the intent of the OCP and growth management principles.

**RECOMMENDATION**

THAT Council denies application OCP00025 to amend Official Community Plan No. 3900, 2022, to redesignate 8150 (PID: 004-522-991) and Section 20 (PID: 008-433-470) Hidden Hills Road from *Agriculture, Forestry & Conservation (Rural)* to *Rural Residential* to facilitate subdivision for rural residential housing.

Report prepared by:

*Caroline von Schilling*

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Development Planner

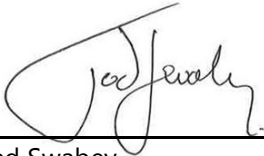
Report reviewed by:



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

**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) OCP Map
- (5) A2 Rural Zone
- (6) Rationale Letter
- (7) Site Plan