



Staff Report
Application # J – 38776
Applicant: Ken Smith; Oswald Smith Foundation
Agent: Chris Clement

DATE RECEIVED: January 22, 2009

DATE PREPARED: March 12, 2009

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To exclude 9.0 ha of the 13.0 ha property to enable a mixed-use development.

BACKGROUND INFORMATION:

Previous application (#22671) to exclude property was approved in principle, based on a specific site plan for an "Artisan Village" and with several conditions. Due to the intensive residential development currently being proposed, which was not included in the original application, it was determined that a new application was required.

Local Government:

The Municipality of North Cowichan

Legal Description of Property:

PID: 001-195-930
Lot 1, Section 17, Range 5, Chemainus District, Plan 41882

Purchase Date:

2008

Location of Property:

2950 Elm St, Chemainus

Size of Property:

13.0 ha (Approximately 9.0 ha is in the ALR).

Present use of the Property:

"Artisan Village" site

BACKGROUND INFORMATION (cont.):

Surrounding Land Uses:

WEST: Dairy farm, ALR
SOUTH: Chemainus Town, ALR
EAST: Chemainus Town Centre, non-ALR
NORTH: Railway, Chemainus Rd., Chemainus Town Centre, non-ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92B/13
The majority of the property is identified as having Secondary ratings, improvable to Class 4.

Official Community Plan and Designation:

North Cowichan, OCP 2002

Zoning Bylaw and Designation:

Zoning Bylaw 2950,
Designation: Split Zoned: Rural (A2) and Commercial General (C2)
Minimum Lot size: 2.0 ha (A2); 560 m² (C2)

PREVIOUS APPLICATIONS:

Application #22671-0

Applicant: MacMillan Bloedel Ltd
Decision Date: February 01, 1989
Proposal: To exclude 9 ha of land from the 13.2 ha parcel for a Pacific Rim Artisan Village. The development would include workshops, a market, theatre, pool, parking, convention facilities, offices, restaurants.
Decision: That the application be approved in principle, subject to buffering and fencing. The land will be excluded once the development is completed.

Application #22671-1

Applicant: MacMillan Bloedel Ltd
Decision Date: August 23, 1989
Proposal: To relax the condition of fencing as per Res. #61/89 to allow development with a temporary barbed wire fence rather than the chain link fence specified.
Decision: The Commission allowed the request subject to the submission of an irrevocable letter of credit in the amount of \$30,000.00 to ensure the eventual construction of a chain link fence.

Application #22671-2

Applicant: MacMillan Bloedel Ltd
Decision Date: March 02, 1995
Proposal: To permit the subdivision of the property prior to exclusion in order to raise the financing for the larger structures, the hotel and the artisan pavilion.
Decision: Allow subject to the fulfillment of the Commission's fencing, bonding and covenant restrictions as per its previous resolutions.

RELEVANT APPLICATIONS:

Application #34733-0 (To South)

Applicant: Mill Creek Estate Ltd

Decision Date: April 29, 2003

Proposal: Mill Creek Estates Ltd is requesting exclusion of this 0.24 ha portion of a 7.21 ha lot. The 0.24 ha area is isolated from the balance of the ALR by a logging haul road (private road). The 0.24 ha area represents the only portion of this lot in the ALR and is not contiguous with other ALR lands. The owner plans to develop the whole of the property, including this small ALR portion, as a residential subdivision.

Decision: Allow exclusion - small area of ALR land surrounded by residential development.

Application #34986-0 (To South)

Applicant: Guilbride, Kurt

Decision Date: September 04, 2003

Proposal: Kurt Guilbride, agent for the estate of Doris Guilbride, is requesting exclusion of this 13.8 ha property from the ALR. The applicant states that the exclusion is for possible future development which would increase its appraised value.

Decision: Allow - land has been used for non-farm use (allowed by Commission in past) and is now compromised in its ability to be used for agriculture in the future.

Application #37813-0 (Adjacent to West)

Applicant: Plester, Gerald and Linda

Decision Date: March 19, 2008

Proposal: To subdivide two separate lots. First to create two (2) 1.0 ha lots with a remainder of 2.8 ha at 3221 River Road (4.8ha). This remainder lot would be amalgamated with the adjacent dairy farm parcel. And secondly to create one (1) lot of 1.0 ha and a 17.0 ha remainder lot at 3144 River Road (16.2 ha) which would also include the designation of a community trail along the eastern boundary of the property.

Decision: Approved subdivision of two 1.0 ha lots at 3221 River Road, subject to the remainder being consolidated with the adjacent farm property as it was viewed to offer a benefit to agriculture. Refused subdivision of 1.0 ha lot at 3144 River Road - no benefit.

Application #37804-0 (Adjacent to South)

Applicant: Demchuk, Frederick and Carol

Decision Date: March, 2008

Proposal: To exclude the 8.4 ha subject property in order to facilitate a residential subdivision.

Decision: Allow partial exclusion of a portion of the property which has been debilitated by previous gravel extraction. Conditions include buffering, and the implementation of community agriculture on the portion of the property to remain in the ALR.

Application #38280-0

Applicant: Townend Park Estates

Decision Date: November 06, 2008

Proposal: Exclusion of 1.3 ha property for small lot residential development.

Decision: Tabled, subject to further discussion with North Cowichan regarding their OCP planning and review of their urban growth boundary.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

North Cowichan Council: Recommend exclusion of the portion of the property as recommended in Director of Planning Report of 12/18/08 (see attached).

Agricultural Advisory Committee: Recommend that only the area of the property south of Askew Creek riparian area be excluded from the ALR.

Technical Planning Committee: Recommend exclusion of the portion of the property as recommended in Director of Planning Report of 12/18/08 (see attached).

Local Government Staff: See comments in attached reports.

STAFF COMMENTS:

- This staff report and file is presented to the Commission for discussion only at this time. The Commission may want to discuss how the application should be handled in terms of the upcoming OCP review, as well as if a public meeting should be scheduled for the next panel trip.
- An exclusion application in North Cowichan (#28280 -Townend Estates) was reviewed by the Commission in November 2008. The Commission's decision was that the application be tabled subject to further discussions with the Municipality of North Cowichan regarding potential revisions to the OCP and urban growth boundary which are currently under review. The Commission may want to consider a similar approach to this application.
- The subject parcel lies both within the ALR and the Growth Centre as identified in the OCP. The area of overlap contains 13 properties. The subject property was included in the Growth Centre due to the previous approval in principle for exclusion by the Commission as well as its close proximity to the town centre.
- Three letters of opposition were received. Key concerns expressed include concern from the neighbouring dairy farm regarding significant farm odours which may result in urban/rural conflicts; the need to retain ALR land for food supply, and preservation of the park-like area and 'Hermit Trails' on the subject property, as well as water concerns. In regards to the odour concerns, a larger buffer has been proposed between the farm property and the proposed residential units.

ATTACHMENTS:

- ALC Context Maps (1:10,000 and 1:20,000)
- Aerial Photograph
- Cover Letter (1/19/09) and Local Government Report (with recommendations)
- North Cowichan Staff Report to AAC, 6 pgs (10/21/08)
- North Cowichan Staff Report to Technical Planning Committee, 8 pgs (12/9/08)
- North Cowichan Director Report to Technical Planning Committee, 2 pgs (12/18/08)
- Public Meeting Notes, 5 pgs (12/9/07)
- Three Letters of Opposition (Attchmt.2-4)
- Minutes of #22671

END OF REPORT

Signature

Date