



Staff Report
Application # S – 37628
Applicant: James and Ronda Dickinson, Michelle Jager

DATE RECEIVED: August 22, 2007

DATE PREPARED: October 1, 2007

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To exclude the 16.0 ha subject property to develop a 300 unit "aging in place" community targeted toward seniors requiring differing levels of care.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

The application states that Lantzville is characterized by an aging population and a limited range of housing options. The proposal will offer 300 units of a variety of living situations for seniors and a small clinic/diagnostic facility. In addition, the proposal includes the donation of the heritage buildings on site and a portion of the property to the District of Lantzville for community use (park space, community hall, and museum).

This property has been subject to multiple previous applications for exclusion which have all been refused by the Commission on the grounds that the property has good agricultural capability.

Local Government:

District of Lantzville

Legal Description of Property:

PID: 009-543-856

District Lot 66, Easterly 1/2, Nanoose District, EXCEPT 3.51 Acres

Purchase Date:

1999-06-01

Location of Property:

7491 Lantzville Road, Lantzville

Size of Property:

16.0 ha (The entire property is in the ALR).

Present use of the Property:

Dog Kennel, Two Dwelling Units and Accessory Buildings

Surrounding Land Uses:

WEST: Properties within the ALR
SOUTH: Inland Island Highway
EAST: Residential - 1/2 acre minimum permitted parcel size
NORTH: Waterfront Residential 1/2 acre minimum permitted parcel size

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.030(digital)
The majority of the property is identified as having Prime Dominant ratings. The majority of the property is identified as improvable to Class 2 and 3 lands with limitations of topography and soil moisture deficiency.

Official Community Plan and Designation:

District of Lantzville OCP Bylaw No. 50 (2005)
Designation: Resource - Agriculture

Zoning Bylaw and Designation:

District of Lantzville Zoning Bylaw No. 60 (2005)
Designation: Rural 1, Subdivision District D
Minimum Lot Size: 2.0 ha

PREVIOUS APPLICATIONS:

Application #34552-0

Applicant: Dickinson, James & Ronda
Decision Date: October 29, 2002
Proposal: Subdivision of the 2.1 ha portion of the property in the NE corner of the lot in order to separate the existing dog kennel operation from the balance of the land. The owners state that the kennel is an independent business from the balance of the land and it is necessary to separate the two entities to allow farm development of the agricultural portion.
Decision: Refuse as proposed but would allow a smaller parcel of 0.4 ha to be subdivided around the existing kennel. ***This subdivision was never registered.***

Application #17735-0

Applicant: Hayden & MacLean,
Decision Date: 1984
Proposal: Non-farm use to operate a dog kennel
Decision: Allowed based on location in NE corner in area already debilitated

Application #14689-0

Applicant: MacLean/Hayden/Hayden,
Decision Date: August 1982
Proposal: Exclusion for residential development
Decision: Refused based on good agricultural capability -Terrestrial Studies onsite

Application #07947-0

Applicant: MacLean/Hayden,
Decision Date: March 1979
Proposal: Exclusion
Decision: Refused based on good agricultural capability - onsite inspection conducted

Application #78-6326

Applicant: McAuley
Decision Date: 1978
Proposal: Enforcement issue – soil removal without permit

Application #03549-0

Applicant: Travco Enterprises Ltd
Decision Date: March 1977
Proposal: To exclude the property
Decision: Refused based on agricultural capability.

Application #04803-0

Applicant: McLean, R.B.
Decision Date: October 1977
Proposal: Exclude 16 ha property
Decision: Refused based on good agricultural capability - request for leave to appeal to ELUC – refused - Commission onsite. Reconsidered October 1978: Refusal confirmed.

Application #76-866

Applicant: McLean
Decision Date: 1976
Proposal: Subdivide into 2 ha hobby farms
Decision: Refused-good capability

Application #74-1099

Applicant: McLean
Decision Date: 1974
Proposal: Subdivide along Island Highway
Decision: Allowed – created present lot

RELEVANT APPLICATIONS:

Application #26019-0 (Adjacent to west)

Applicant: MacLean/Hayden/Chic/Negrin,
Decision Date: 1991
Proposal: To exclude five properties of 26 ha total
Decision: Refused due to agricultural capability

Application #37503-0 (Adjacent to South)

Applicant: Van Nguyen, Hue
Decision Date: August 30, 2007
Proposal: To subdivide the 4 ha subject property in half to build an additional dwelling on the new lot.
Decision: Allow as requested based on agricultural capability.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Council of District of Lantzville: Forwarded without comment.

Local Government Staff: Recommend forwarding without comment.

STAFF COMMENTS:

- 9 letters of opposition were received with the application (attached).
- 7 letters of support were included with the application (attached).

- The applicant has supplied an agrologist report and a report on water capabilities.
- The applicant argues that the proposal should be considered on the grounds of poor soil and water quality, and the proximity of residential uses. Further, that the proposal will provide a community benefit. However, no information or analysis has been provided to support this claim to consider the proposal on the basis of a community need.
- The property has been refused for exclusion several times in the past on the grounds of high agricultural capability. Although the majority of the previous applications for exclusion are over 20 years old, previous Commissions did conduct site visits and review soils information, as well as took into consideration encroaching development. The soil capabilities of the property have likely not changed, however, a site visit is recommended to assess the suitability of agriculture on the property and the impact the proposal may have on surrounding agricultural properties.

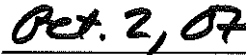
ATTACHMENTS:

- ALC Context Map
- Agricultural Capability Map
- Aerial Photo
- Proposal from Applicant
- Madrone Environmental Services Report
- 9 letters of opposition (6 pages)
- 7 letters of support (4 pages)

END OF REPORT



Signature



Date