

To: Electoral Area Services Committee

Date: 2021-01-14

From: Julie Mundy, Planner 1

File No: 3015-20 2020-08

Subject: Agricultural Land Commission application – Proposed subdivision (lot line adjustment) at 38332 Nicomen Island Trunk Road, Electoral Area G

RECOMMENDATION

THAT the Fraser Valley Regional District Board forward the application for subdivision (lot line adjustment) in the Agricultural Land Reserve at 38332 Nicomen Island Trunk Road, Electoral Area G to the Agricultural Land Commission with support

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Foster a Strong & Diverse Economy

BACKGROUND

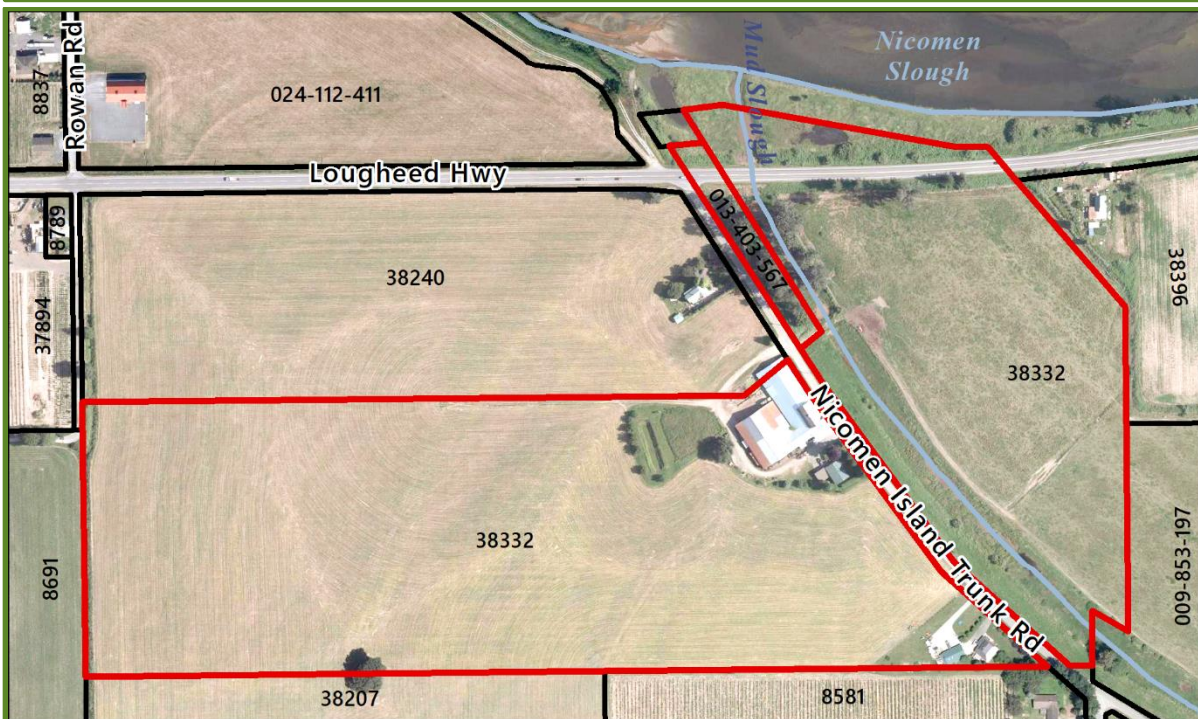
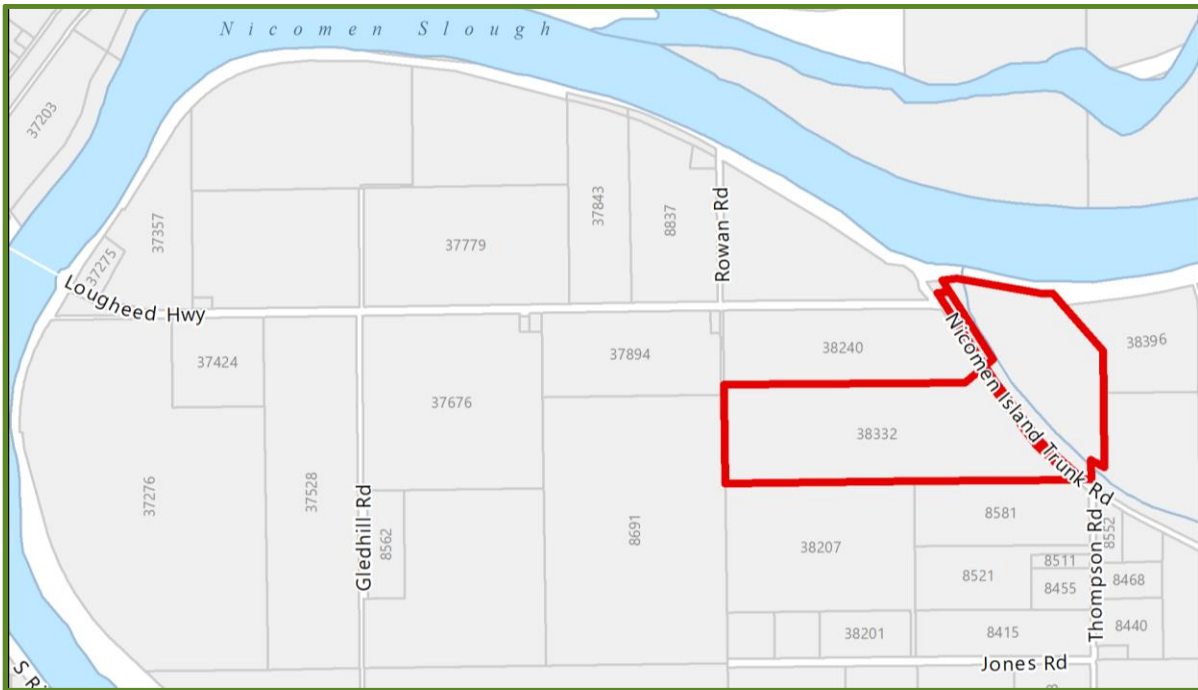
The agent of 38332 Nicomen Island Trunk Road is seeking a lot line adjustment (subdivision) between two adjacent properties in the Agricultural Land Reserve. The properties are 38332 Nicomen Island Trunk Road and PID 013-403-567. The proposal is to amalgamate a 0.45 ha parcel (PID 013-403-567) into the adjacent property, and to simultaneously subdivide a 0.45 ha parcel in a difficult to farm area.

PROPERTY DETAILS			
Electoral Area	G		
Address	38332 Nicomen Island Trunk Road		
PID	013-402-625		
Folio	775.02499.000		
Lot Size	56.67 acres		
Owner	Joyce & Ronald Dell'Oco	Agent	John van Dongen
Current Zoning	Floodplain Agriculture (A-2)	Current OCP	Agricultural (AG)
Development Permit Areas	Riparian Areas Development Permit Area 2-G		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES

North	^	Floodplain Agriculture (A-2)/ Rural 4 (R-4); Nicomen Slough
East	>	Floodplain Agriculture (A-2); Farm
West	<	Floodplain Agriculture (A-2); Farm
South	v	Floodplain Agriculture (A-2); Farm

NEIGHBOURHOOD & PROPERTY MAPS



DISCUSSION

Property History and Current Farm Activity

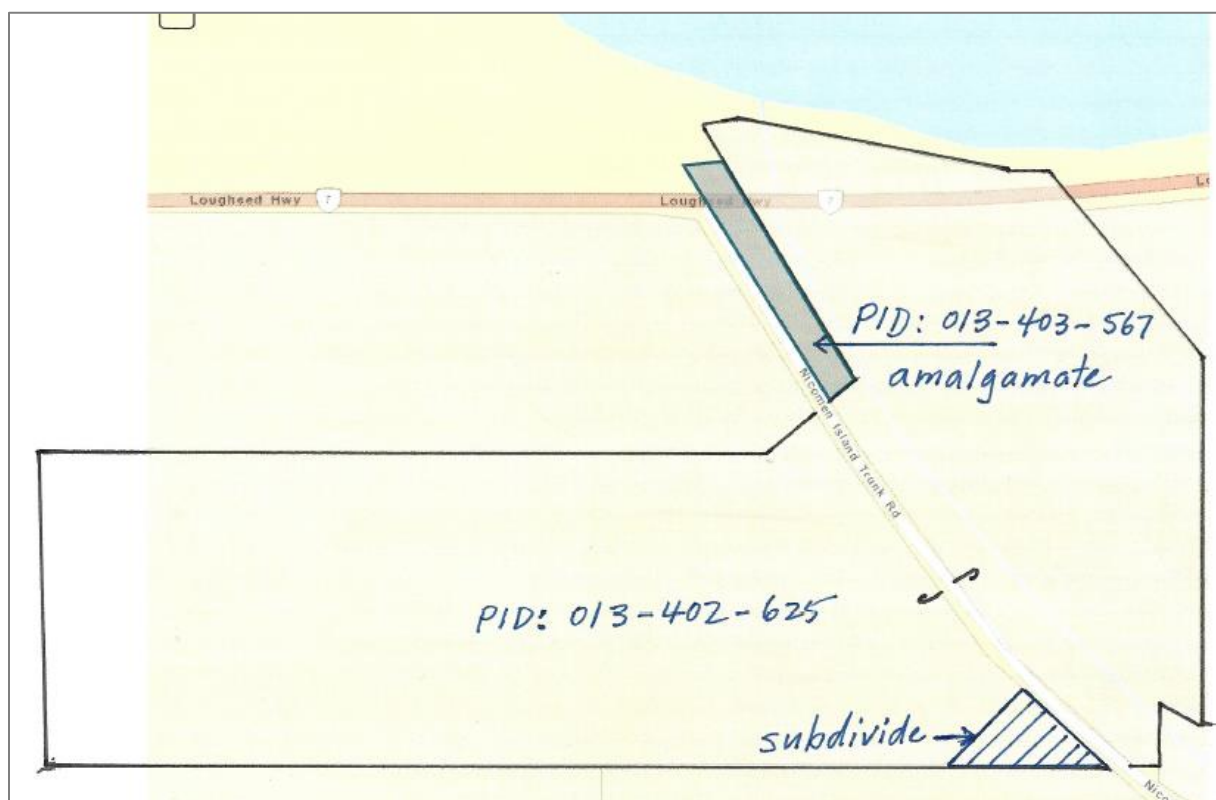
The properties are located on the east end of Nicomen Island in Electoral Area G. Both properties are currently farmed as part of a well established dairy farm. The applicant advises the properties have been continuously farmed by the Dell'Oca family since 1951, and 1966 when each property was purchased. Both properties are classified by BC Assessment as Dairy Farm, and the property owners have identified another 13 parcels on Nicomen Island that form part of their farm operation.

The majority of the main parcel is fenced and hayed. The smaller property is currently fenced, and partially treed. Structures on the main property include dairy barns, a bunker silo, a manure pit, a milking parlour, and two houses. One house was constructed in 1914, and the other was constructed in the 1970's. The older house was moved to the triangular corner of the property in 1991.

Proposal

The applicants are proposing to amalgamate PID 013-403-567 into the main property, and to split an equivalent sized lot from the southern corner of the main property.

Property	Current Size
Lot 1 (main parcel)	56.67 acres (22.9 ha)
Lot 2 (adjusted parcel)	1.12 acres (0.45 ha)



Applicant Rational

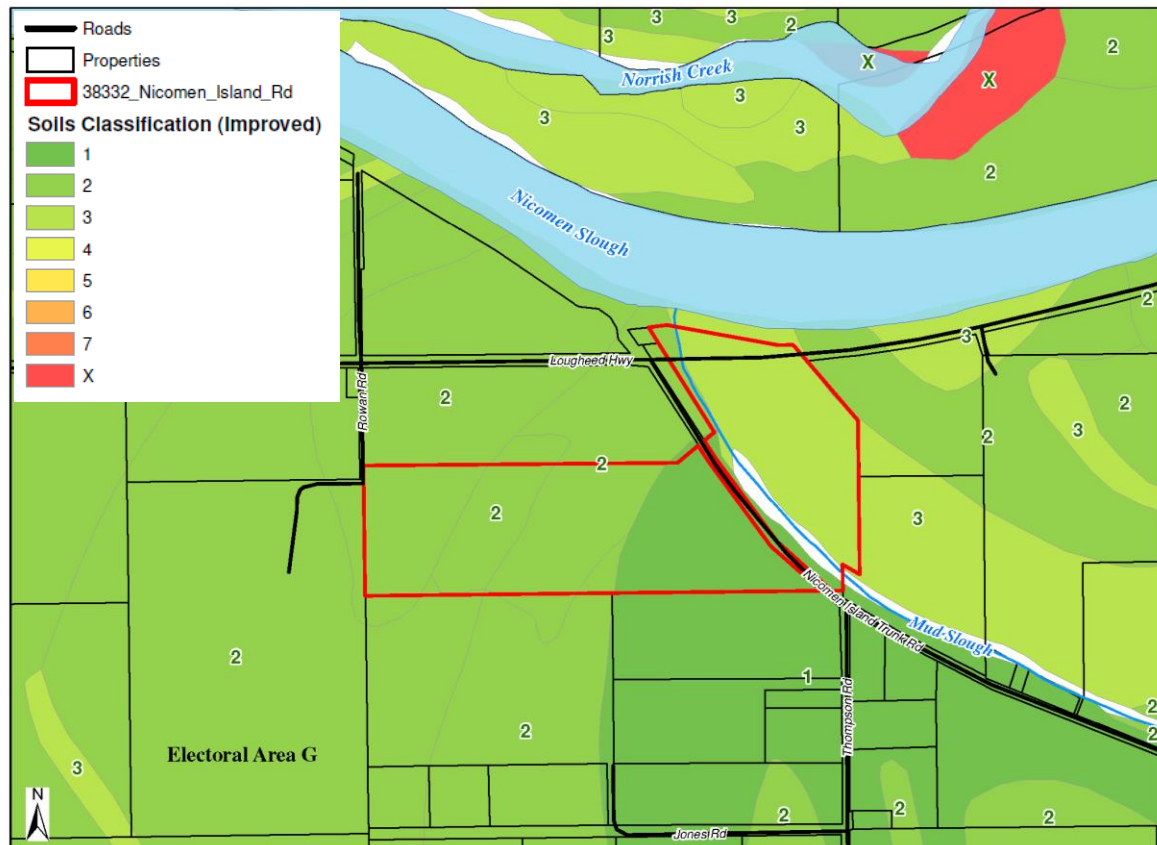
The applicant advises:

- The triangle corner of the property (proposed subdivision area) is an inefficient configuration for farming with large equipment. Specifically, triangular corners are hard on universal joints in power take-off shafts in large farm equipment
- The house was moved to the triangular corner for the purpose of increasing farm efficiency
- The house has been occupied since 1992 by the property owner's daughter who works full time on the farm
- Amalgamating the existing small lot into the larger farm operation will prevent the lot from being used for residential purposes, and alienating farm use.

Agricultural Capability Classification

Lands within the Agricultural Land Reserve are classified according to their ability to produce a range of crops when considering climate and topography. Soils are classified on a scale of 1 through 7; Class 1 is applied to land that have the climate and soil to allow growth of the widest range of crops and Class 7 is applied to land considered non-arable, with no potential for soil bound agriculture.

The properties have an improved agricultural capability classification of 1, 2, and 3. These lands have the capability to produce the widest range of crops.



FVRD Policies and Regulations

Zoning

The subject properties are zoned Floodplain Agriculture (A-2) under '*Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*'. The proposed subdivision generally qualifies under the Boundary Adjustment policies in Section 413 of the bylaw.

413 Subdivision and Development Control, (6) Boundary Adjustments

Where an application to subdivide adjoining parcels for the purpose of a boundary adjustment; and where either one or all of the original parcels are less than the minimum parcel size for the zone in which the original parcels are located; and where the subdivision relocates the common boundary between the original parcels being subdivided; then the subdivision may be approved by the Approving Officer provided that:

- (a) none of the new parcels are smaller in size than the smallest of the original parcels being subdivided; and
- (b) the number of new parcels is not greater than the number of original parcels being subdivided; and
- (c) no greater number of new parcels will be created which do not comply with the minimum parcel size requirement for the zone in which the parcels are located; and
- (d) for land within an Agricultural Land Reserve, no parcel less than 0.8 hectares shall be created.

The minimum parcel size of 0.8 ha for new parcels in the ALR is not met with the current proposal. The main property is large enough that the applicant could amend their proposal to meet the minimum parcel size requirement. To achieve this, a portion of currently hayed land could be included in the new subdivided parcel.

It may be beneficial to have a smaller parcel size that encompasses the residential footprint while leaving currently farmed land intact. If the ALC is amenable to the proposed parcel sizes, FVRD could consider reducing the minimum parcel size requirement through a Development Variance Permit. FVRD would seek advice from the ALC on the potential impact to agriculture before considering a variance of this nature.

Neither option would require a zoning amendment.

Official Community Plan

The subject properties are designated Agricultural (AG) under *Fraser Valley Regional District Official Community Plan for Electoral Area G Bylaw No. 0866, 2008*.

The proposal shows consistency with the goals of the Official Community Plan subdivision policies, specifically:

Policy 6.1.16 New parcels created by subdivision within the AGRICULTURAL Area Designation shall be configured to maximize agricultural suitability and minimize potential conflicts between farm and non-farm uses.

Additionally, the properties are within Riparian Areas Development Permit Area 2-G for the protection of the natural environment, its ecosystems, and biological diversity. Per the DPA guidelines, a development permit must be obtained through the subdivision process if ALC approval is granted.

Subdivision Requirements

Should the applicant receive approval for the proposed subdivision from the ALC, a subsequent subdivision application is required to the Ministry of Transportation and Infrastructure (MOTI). This application will be reviewed by FVRD to ensure it meets FVRD policies and regulations, including any environmental protections and necessary servicing requirements. The minimum parcel size requirement on ALR lands will also need to be addressed.

COST

The \$750 FVRD portion of the application fee has been paid. The applicant will pay the Agricultural Land Commission portion of the fee (\$750) if this application is forwarded to the Agricultural Land Commission.

CONCLUSION

The ALC makes the final decision on applications forwarded to them. The role of FVRD is to review, provide comments, and decide if the application should continue forward for ALC review.

From the perspective of FVRD zoning, official community plan, and subdivision policies, the proposed boundary adjustment (subdivision) may be approvable. Any approval is subject to the formal subdivision process, including Ministry of Transportation and Infrastructure and FVRD review.

Staff recommend that the application be forwarded to the Agricultural Land Commission with support for the following reasons:

- The number of parcels is not increasing
- The proposal will prevent a residence from being constructed on an existing small parcel
- The proposal generally meets minimum parcel size requirements for a boundary adjustment in the Zoning Bylaw

If the ALC is not supportive of the proposed parcel size, an alternate proposal resulting in a larger minimum parcel size could easily be made.

Option 1 – Forward to the ALC with Support – (Staff Recommendation)

MOTION: THAT the FVRD Board forward the application for subdivision (lot line adjustment) in the ALR to the Agricultural Land Commission with support.

Option 2 – Forward to the ALC

MOTION: THAT the Fraser Valley Regional District Board forward the application for ALR subdivision (lot line adjustment) to the Agricultural Land Commission.

Option 3 – Refuse

MOTION: THAT the Fraser Valley Regional District Board decline to forward the application for ALR subdivision (lot line adjustment) to the Agricultural Land Commission

COMMENTS BY:

Graham Daneluz, Director of Planning & Development: Reviewed and supported.

Kelly Lownsbrough, Chief Financial Officer/ Director of Finance: Reviewed and supported.

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.