



CORPORATE REPORT

To: Electoral Area Services Committee
From: Tracey Heron, Planning Technician

Date: 2024-04-11
File No: 3015-20 2023-08

Subject: Agricultural Land Commission Application – Non-Farm Use in the Agricultural Land Reserve at 8309 Thompson Road, Area G

RECOMMENDATION

THAT the Fraser Valley Regional District Board forward the Non-Farm Use, Placement of Fill application for 8309 Thompson Road, Electoral Area G, to the Agricultural Land Commission,

AND THAT the Agricultural Land Commission require a monitoring plan for the proposed fill placement and provide FVRD Board with each field report including the final report.

BACKGROUND

The Fraser Valley Regional District has received a referral from the Agricultural Land Commission (ALC) for a Non-Farm Use, Placement of Fill application at 8309 Thompson Road, Electoral Area G. The proposal is for the placement of clean fill to elevate portions of the property being affected by a high water table. While the property lies fully within the Agricultural Land Reserve (ALR), it is not classified as a farm through BC Assessment. This property is used primarily for residential use, and farming is not occurring on site.

As the area for soil fill is to increase the useable area for residential use, and not for farm use, an agrologist report was not obtained by the property owner.

The role of the FVRD Board in an ALC application is to review the information and determine whether or not the application should proceed to the ALC for a final decision. If forwarded, the Board may provide additional comments **beyond this staff report for the ALC's consideration**. If the Board decides to refuse to forward the application, the application would end without ALC consideration.

PROPERTY DETAILS

Address	8309 Thompson Road	Area	G
PID	009-824-898	Owner	Hang Thi Nguyen
Folio	775.02512.000	Agent	Tam Tri Nguyen
Lot Size	3.26 acres		
Current Zoning	Agricultural 4 (AG-4)	Proposed Zoning	No change
Current OCP	Agricultural (AG)	Proposed OCP	No change

Current Use	Residential	Proposed Use	Agriculture
Development Permit Areas	2-G Riparian Areas		
Agricultural Land Reserve	Yes		

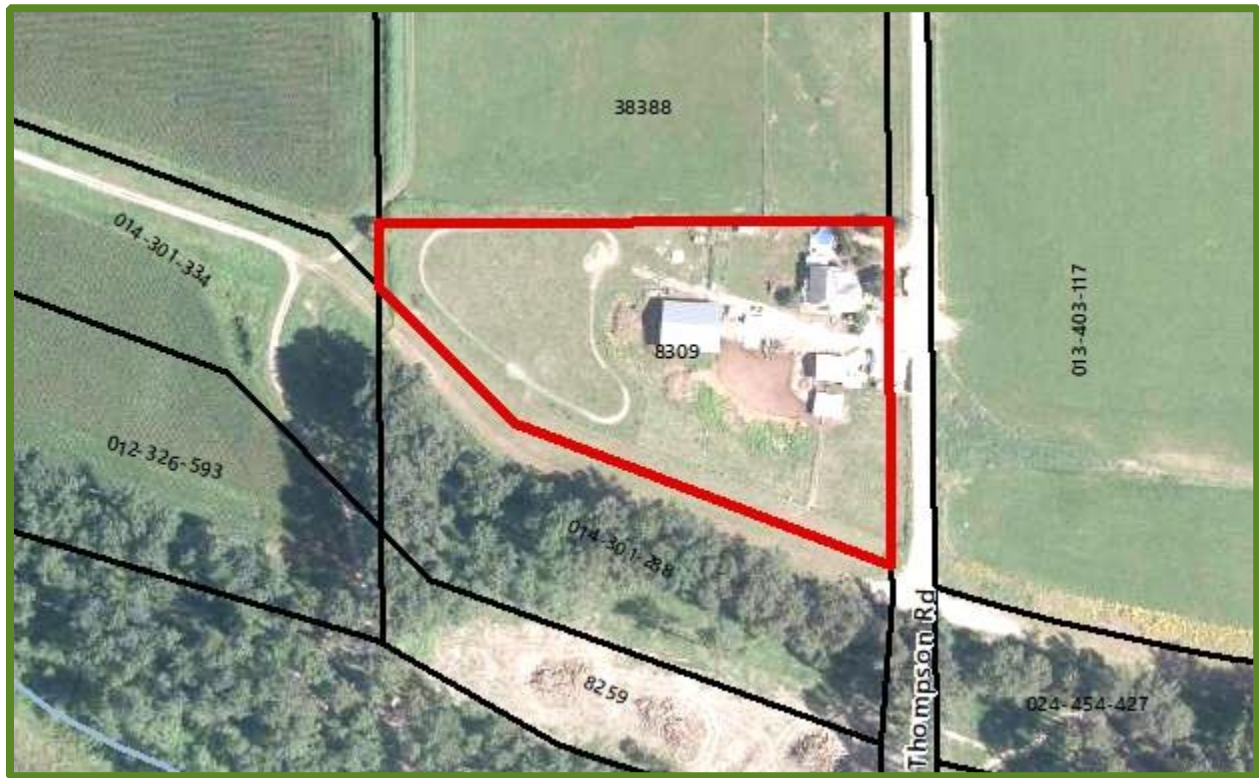
ADJACENT ZONING & LAND USES

North	^	Agricultural 4 (AG-4); Agriculture, SFD
East	>	Agricultural 4 (AG-4); Thompson Road, Agriculture
West	<	Agricultural 4 (AG-4); Agriculture
South	v	Agricultural 4 (AG-4); Forest, Strawberry Slough

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Property Description

The 1.3 ha (3.26 acre) parcel at 8309 Thompson Road is situated at the southern end of Thompson Road in Electoral Area G. It is located fully within the Fraser River floodplain and the Agricultural Land Reserve (ALR).

The property is mainly flat with some small undulations. Its location adjacent to the Nicomen Dike and Strawberry Slough creates a high, fluctuating water table in the lower areas of the property from autumn through to late spring.

Applicant Proposal

Due to the high water table affecting lower elevations of the property several months of the year, the applicant is looking to raise approximately 0.16 ha (0.4 acres) of the total 1.32 ha (3.26 acres) property area. The two areas needing fill are shown in Figure 1, and are:

- an area of land between an open deck area on the northern end of the residence and an existing barn near the middle of the property; and
- a small front yard area in the northeastern portion of the property which slopes down substantially towards the north and east towards Thompson Road.

A Notice of Intent through the ALC portal was applied for prior to this Non-Farm Use application, but was denied as the proposed fill placement activities were outside the scope of duties of the delegate of the ALC CEO to approve. It was requested that if the applicant wished to pursue the proposed soil placement activities, that a Soil or Fill Use application be submitted. Subsequently, this ALR application referral was received by the FVRD.



Figure 1: This image shows the location of the two sites proposed to be raised higher above the water table with soil fill.

The larger rectangular area is undulating creating constant wet areas from autumn through to late spring, while the smaller area slopes considerably down from the house to the corner of the property creating the same wet conditions.

The applicant states the following in the application and the updated soil fill proposal plan, both attached to this report:

Various Components of the Land	Dimensions
Total fill placement area	0.16 ha (0.4 acre)
Maximum depth of material to be placed as fill	1.0 m (3.3 ft)
Volume of material to be placed as fill	1,584 m ³ (55,938 ft ³)
Estimated duration of the project	3-6 months

The applicant also states that farming is not occurring on the property, and there is no intention in the near future to begin any agricultural practices, other than potentially a small chicken coop.

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. Soil classes identify the potential for agriculture on a scale of 1 through 7; Class 1 is applied to land where the climate and soil 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. These classes are then divided by subclasses on the basis of the type of limitation to agricultural use.

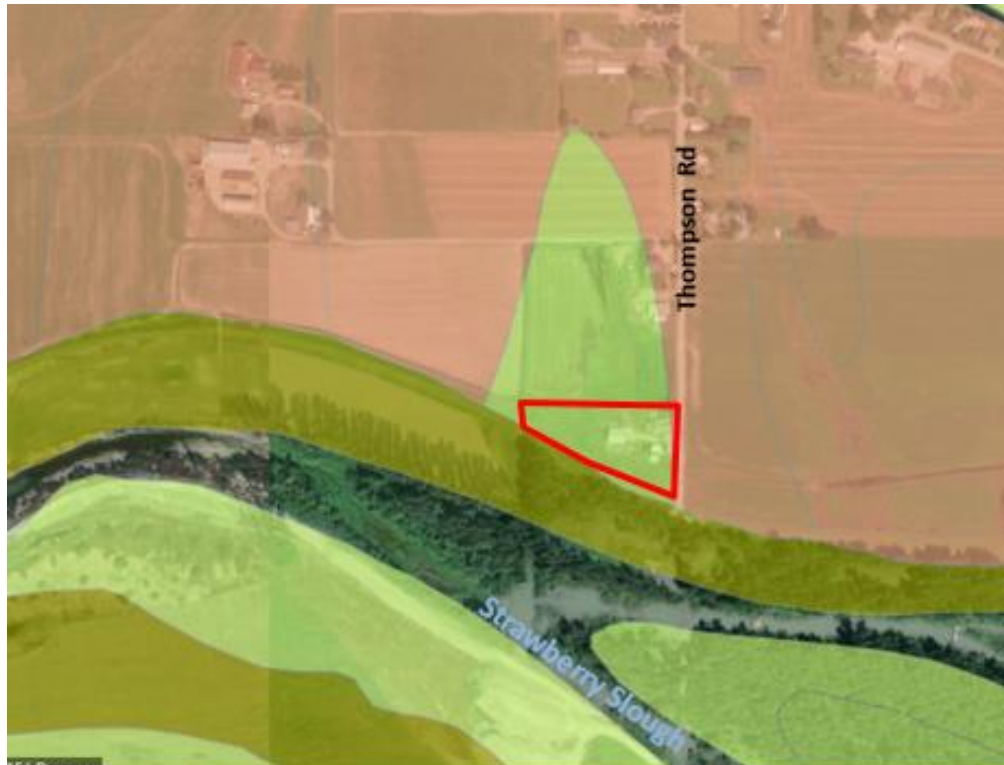


Figure 2: The red outline in the image shows the location on the subject property.

The different colour shading shows the different agricultural capacities of the soils in the ALR, with the lime green shading under the property outline being Class 4.

Class 4 soils have limitations on what crops can be grown.

The soil at 8309 Thompson Road is classified as Class 4, with a subclass W. Class 4 soils have limitations which make them suitable for only a few crops, or the yield for a wide range of crops is low, or the risk of crop failure is high. The subclass W indicates the soils have excess water, usually through groundwater.

FVRD Bylaws

Zoning Bylaw

The property lies within the Agricultural 4 (AG-4) zone under *Zoning Bylaw No. 1638, 2021*. The primary uses within the AG-4 zone are:

AG-4 - Permitted Uses
Cannabis Production Facility
Farm
Intensive Agriculture
Kennel
Residential

The property is not currently being used for farming purposes, and while farming practices are supported, one of the principal uses in the zone is also residential. This is the main use of the property at present.

This parcel is small at 1.3 ha (3.26 acres) and would not meet the minimum parcel size of 16.0 ha if subdivision of the land were to be considered in the future.

If any structures are to be placed on the site in the future, they may require a building permit and would be required to follow the setbacks as outlined in the zoning bylaw.

Official Community Plan

The property lies within the Agricultural designation under *Official Community Plan Bylaw No. 866, 2008* where plan policies aim to preserve ALR land within the Official Community Plan area.

It is the policy of the Regional Board that:

6.1.1 *Agricultural land shall be preserved by discouraging subdivision and fragmentation of farm parcels and the introduction of incompatible uses.*

6.1.2 *The agricultural economy and land base should be protected and enhanced by providing for a variety of uses, supplementary and ancillary to farm use which support farm incomes without jeopardizing the long term viability of farm land.*

Staff Comment: The raising of the land with soil fill should not jeopardize the long-term viability of the farmland if clean fill is brought in. It will also not be introducing any incompatible uses to the property as the fill would be supporting the existing use.

And in addition,

6.1.6 *Agricultural areas shall be used for only agricultural, conservation, park and park reserve, recreation, silviculture, single family residential, accessory residential, and associated rural residential uses.*

Staff comment: The Agricultural designation allows for single-family residential and associated rural residential uses, which is the current use of the land. Soil fill to bring areas of the land above the water table would allow more useable land area for residential use on the property.

Traffic Control Plan

Due to the quantity of soil fill required to raise the lands at 8309 Thompson Road, it may be necessary to obtain a Traffic Control Plan through the Ministry of Transportation and Infrastructure (MoTI). It is recommended that the ALC send a referral to MoTI if the soil fill application receives approval from the ALC.

ALC Application Process

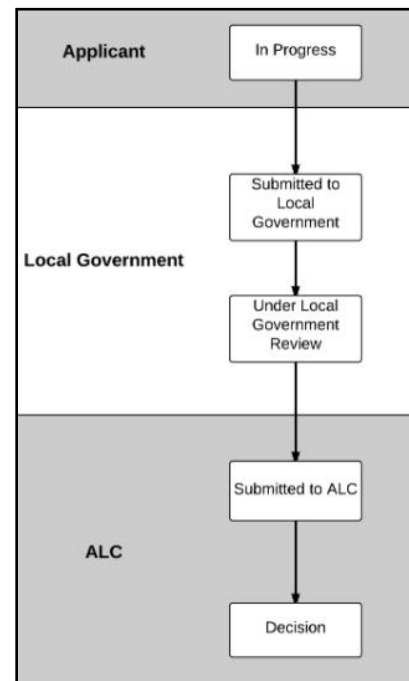
Non-farm use applications are submitted by the applicant through the ALC Application Portal. The portal then forwards the application to the appropriate local government for review.

The FVRD Board must decide if the application should proceed to the ALC for further review. The FVRD Board may either:

1. Authorize the application to proceed to the ALC; or
2. Refuse to authorize the application to proceed to the ALC.

If the application is forwarded, the ALC will make a decision on the application.

Any additional applications, such as building permits, will be made directly to the FVRD.



COST

The \$750 FVRD portion of the application fee has been paid. The applicant will pay the \$750 ALC portion of the fee if the application is forwarded to the ALC.

CONCLUSION

The FVRD received a referral from the Agricultural Land Commission (ALC) for a Non-Farm Use, Placement of Fill application to allow for soil fill at 8309 Thompson Road, to raise the land higher above the water table to allow for better drainage on site.

An agrologist report was not obtained prior to the application as the soil fill is not intended for farm use. Regardless, the owner intends to bring in clean fill as per ALC requirements. While the use of the land after the placement of soil is not intended to be for farming, the residential use of the site is generally consistent with both zoning and OCP policies. As such, staff recommend that the FVRD Board forward the application to the ALC for a decision.

OPTIONS

Option 1 – Forward to the ALC (staff recommendation)

MOTION: THAT the Fraser Valley Regional District Board forward the Non-Farm Use, Placement of Fill application at 8309 Thompson Road, Area G, to the Agricultural Land Commission,

AND THAT if approved, the Agricultural Land Commission require a monitoring plan for the proposed fill placement and provide FVRD Board with each field report, including the final report.

Option 2 – Refuse

MOTION: THAT the Fraser Valley Regional District Board refuse to forward the application for a Non-Farm Use, Placement of Fill at 8309 Thompson Road, Area G, to the Agricultural Land Commission.

COMMENTS BY:

Hasib Nadvi, Deputy Director of Planning & Development: reviewed and supported

Graham Daneluz, Director of Planning & Development: reviewed and supported

Kelly Lownsborough, Director of Corporate Services/CFO: Reviewed and supported.

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.