



## STAFF REPORT

To: Electoral Area Services Committee

Date: 2025-02-13

From: Tracey Heron, Planner I

File No.: 3320-20 2023-03664

**Subject: Covenants relating to the subdivision of land at 41523 Nicomen Island Trunk Road, Electoral Area G**

**Reviewed by:** Katelyn Hipwell, Manager of Planning  
Graham Daneluz, Director of Planning & Development  
Jennifer Kinneman, Chief Administrative Officer

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board authorize its signatories to execute all legal documents relating to subdivision file 3320-20 2023-03664 at 41523 Nicomen Island Trunk Road, Electoral Area G.

### BACKGROUND

The applicant for the subdivision at 41523 Nicomen Island Trunk Road has applied to the Ministry of Transportation and Transit (MOTT) for a boundary adjustment of (four) 4 properties, and subsequent subdivision into three (3) separate parcels.

All parcels are within the agricultural land reserve (ALR), and prior to applying for a subdivision through MOTT, the FVRD Board approved an Agricultural Land Commission (ALC) referral on September 8, 2022, to forward the proposed subdivision application to the ALC for a decision.

The relevant property information is as follows:

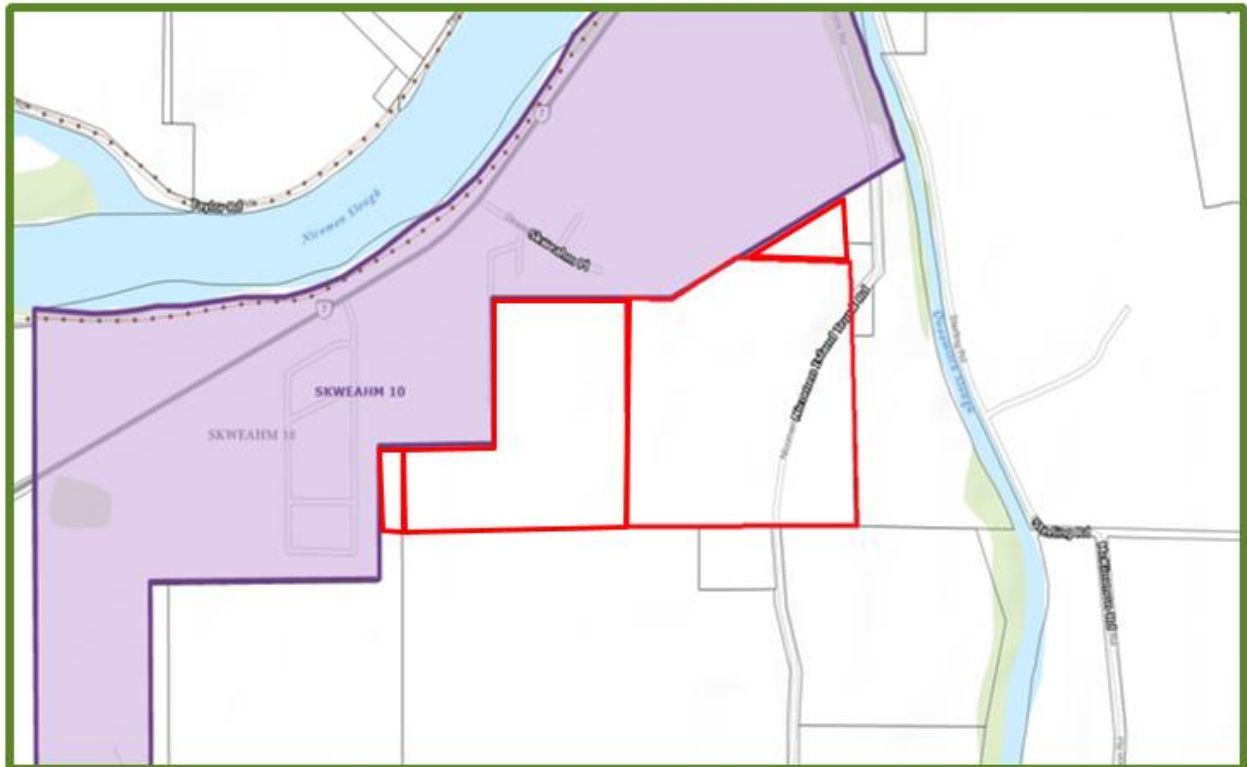
PROPERTY DETAILS			
Address	41523 Nicomen Island Trunk Road	Area	G
PID	013-580-779	Owner	Auguste Browne
Folio	775.03532.400	Agent	OTG Developments – Kristin Webb
Lot Size	37.553 Acres		
Current Zoning	AG-4	Proposed Zoning	n/a
Current OCP	Agricultural	Proposed OCP	n/a
Current Use	Agricultural	Proposed Use	Same
Development Permit Areas	2-G Riparian Areas		

Agricultural Land Reserve      Yes

**ADJACENT ZONING & LAND USES**

North	^	IR Skweahm 10
East	>	Agricultural 4 (AG-4); Agricultural / SFD
West	<	Agricultural 4 (AG-4); Agricultural
South	v	Agricultural 4 (AG-4); Agricultural / SFD

**NEIGHBOURHOOD MAP**



## PROPERTY MAP



## DISCUSSION

The property at 41523 Lougheed Hwy is part of a consolidation of four (4) separate parcels, with a subsequent subdivision into three (3) separate lots. All properties are fully within the agricultural land reserve (ALR) and the *Agricultural Land Commission* (ALC) approved the subdivision of these parcels through ALC Resolution #341/2023. This resolution included the requirement for a restrictive covenant to be registered on the property title, and the FVRD requested to be joint tenants on this covenant.

Water quality has also been shown to have not met the Guidelines for Canadian Drinking Water Quality for two of the proposed lots. This issue can be addressed through a water treatment system and registration of a restrictive covenant.

To support this subdivision application, FVRD Board authorization is required for covenants that are not proforma. Proforma covenants are standard covenants that have been pre-approved by the Board.

### ALC Resolution #341/2023

ALC Resolution #341/2023 requires that future residential development on the two (2) vacant lots be restricted to a covenanted area. This restricted residential footprint is to protect agricultural lands from having large homes placed on them, or by having homes be constructed at locations on the parcel that could limit agricultural uses.

Any construction on these proposed new lots would require building permits through the FVRD Building Department. As such, the FVRD requested to become joint tenants on the ALC covenant.

### Water Treatment Systems

The subdivision of land requires the assurance that adequate servicing is provided to each of the proposed lots. Well drilling on each lot was completed, along with the testing of the water from each of the wells.

The water quality from two (2) of the proposed parcels exceeded the maximum acceptable parameters of the Guidelines of the Canadian Drinking Water Quality document. The qualified professional involved noted that the concerns were common and that treatment systems to alleviate these concerns were possible.

If Fraser Health approves the treatment systems, a covenant would be required to be registered on the properties to ensure that the treatment systems are installed at the time of dwelling construction. The FVRD and MOTT will be joint tenants on this covenant.

### **COST**

All costs for covenant registration are the responsibility of the applicant.

### **CONCLUSION**

The applicant for 41523 Nicomen Island Trunk Road has applied for a boundary adjustment and subsequent subdivision of the parcels into three (3) separate lots.

Restrictive covenants are required to be registered on the property titles as part of the subdivision process. These covenants are not proforma and will require FVRD Board authorization. Staff recommend that the FVRD Board authorize staff to enter into these agreements to facilitate the completion of this proposed 3-lot subdivision.