

To: Electoral Area Services Committee

Date: 2025-07-10

From: Hayley Katan, Planning Technician

Files: 3015-20 2025-03 and 2025-04

Subject: Agricultural Land Commission Applications 2025-03 and 2025-04 for ALR Inclusion at 41063 North Nicomen Road, Electoral Area G

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

RECOMMENDATION

THAT the Fraser Valley Regional District Board **forward** the Agricultural Land Commission applications 2025-03 and 2025-04 for Agricultural Land Reserve Inclusion at 41069 North Nicomen Road, Area G, with the following recommendation:

- a. That the ALC require that the lands be redesignated to AGRICULTURAL (AG) in the Official Community Plan and rezoned to Agricultural 4 (AG-4) under Zoning Bylaw No. 1638, 2021, at the cost of the applicant, as a condition of their inclusion in the ALR to ensure that zoning and OCP policies are consistent with the ALR status of the lands and the regulations of the ALC.

BACKGROUND

This staff report pertains to two Agricultural Land Commission (ALC) applications made in conjunction with each other for the inclusion of land into the Agricultural Land Reserve (ALR) at 41063 North Nicomen Road, Electoral Area G. As understood by FVRD staff, the applications are separate because each inclusion reflects the interests of a different party and is associated with applications in other municipalities.

2025-03 (ALC Application #104612)

The first application is to propose the inclusion of **4.05 hectares** of land into the Agricultural Land Reserve.

The inclusion application is related to the exclusion of ALR land at 4800 Springs Boulevard in Delta, BC. The exclusion of land in Delta has already been approved by the ALC (ALC File 69337). The applicant **wishes to proceed with the inclusion as "a show of good faith"**.

Two reports were commissioned by the 2025-03 applicant, including:

- **Agricultural Capability Assessment: 41069 North Nicomen Road Deroche, BC** (November 16, 2022), from Statlu Environmental Consulting, by Eryne Croquet, M. Sc., P. Ag., P. Geo.
- **Comparison of Agricultural Parcels located at 41069 North Nicomen Road, Deroche BC and 4800 Springs Boulevard, Delta BC** (March 2, 2023), from McTavish Resource & Management Consultants LTD. by Faskin Martineau DuMoulin LLP

2025-04 (ALC Application #102004)

The second application is to propose the inclusion of **12.2 hectares** of land into the Agricultural Land Reserve.

The inclusion application is related to an application for non-farm use in Richmond, B.C., to store dredged Fraser River sand.

Two reports were commissioned by the 2025-04 applicant, including:

- **Agricultural Capability Assessment for 41069 North Nicomen Road, Deroche, BC** (November 17, 2024), from Soil Matters Consulting Ltd. by Catherine Orban, MSc., P.Ag.
- **Agricultural Land Assessment Report for 14671 Williams Road, Richmond, B.C.: Non-Farm Use Application** (May 14, 2025) by Brian M. French, P.Ag.

Future Inclusion Application

Another 10.0 ha of land on this property is planned to be a part of a future inclusion application.

PROPERTY DETAILS			
Address	41063 North Nicomen Rd.	Area	G
PID	000-819-743	Owner	Joyce & Constant Dell’oca
Folio	775.03628.200	Agent	Dave Vernon
Lot Size	68.2 hectares		
Current Zoning	Rural 2 (R-2), Rural 4 (R-4) & Agricultural 4 (AG-4)	Proposed Zoning	No change.
Current OCP	Limited Use (LU) & Agricultural (AG)	Proposed OCP	No change.
Current Use	Agriculture	Proposed Use	No change.
Development Permit Areas	1-G Geologic & Stream Hazard & 2-G Riparian Areas		
Agricultural Land Reserve	Yes - partly.		
ADJACENT ZONING & LAND USES			
North	^	Civic Assembly (CA) & Rural 4 (R-4); Faith-based retreat, Crown land	
East	>	Rural Residential 2 (RR-2) & Rural 4 (R-4); Residential	

West	<	Agricultural 4 (AG-4) & Rural 4 (R-4); Residential, Dairy farm
South	v	Agricultural 4 (AG-4); Agriculture, Crown land

IMAGE 1: NEIGHBOURHOOD MAP

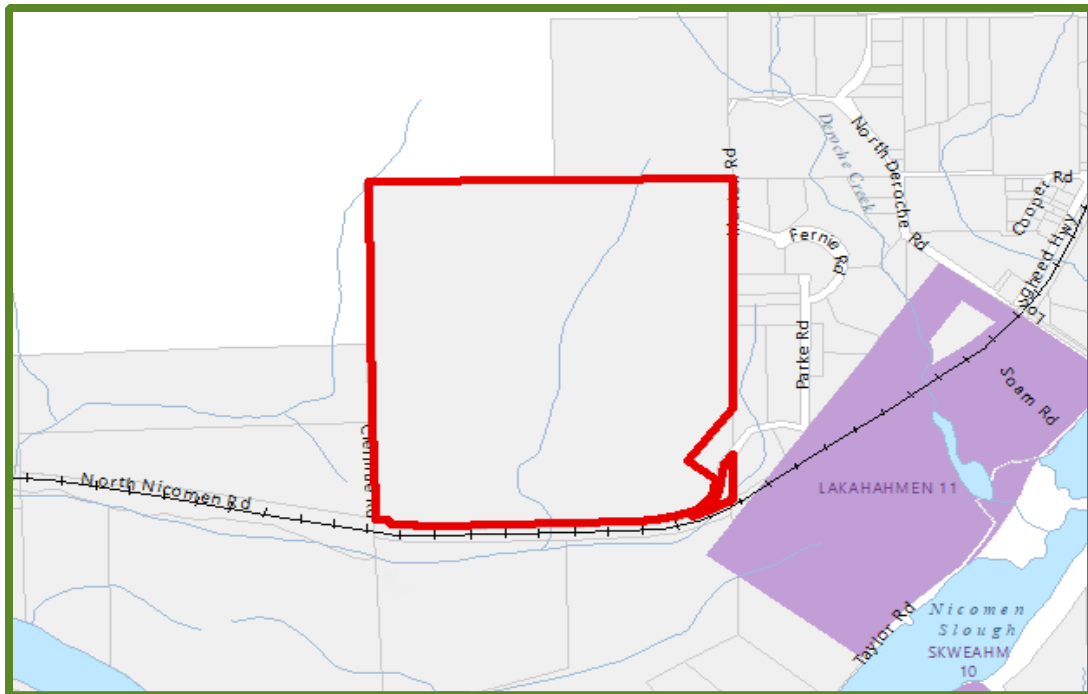
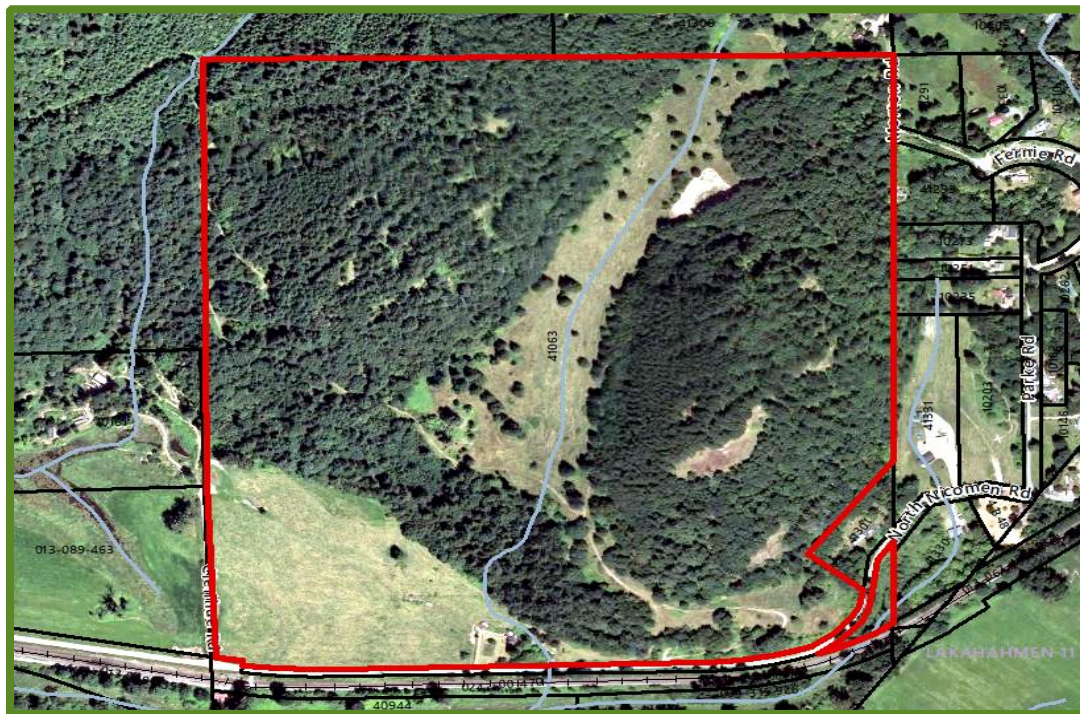


IMAGE 2: PROPERTY MAP



DISCUSSION

The property owners intend to continue grazing cattle and harvesting hay on the land.

The Agricultural Capability Assessment reports demonstrate that, aside from the steeply sloped area, **the land proposed for inclusion is “well-suited” for agricultural use. The proposed inclusion supports the first objective of the Official Community Plan (OCP) to “conserve agricultural lands.”**

In both applications, the quality of the soil and the importance of protecting farmable soils are emphasized as key reasons for requesting inclusion into the Agricultural Land Reserve (ALR).

It is worth noting, however, that an ALR designation permits intensive agricultural uses—such as poultry barns—which can disturb the soil rather than preserve it for long-term agricultural productivity.

IMAGE 3: SITE PLAN (2025-03)

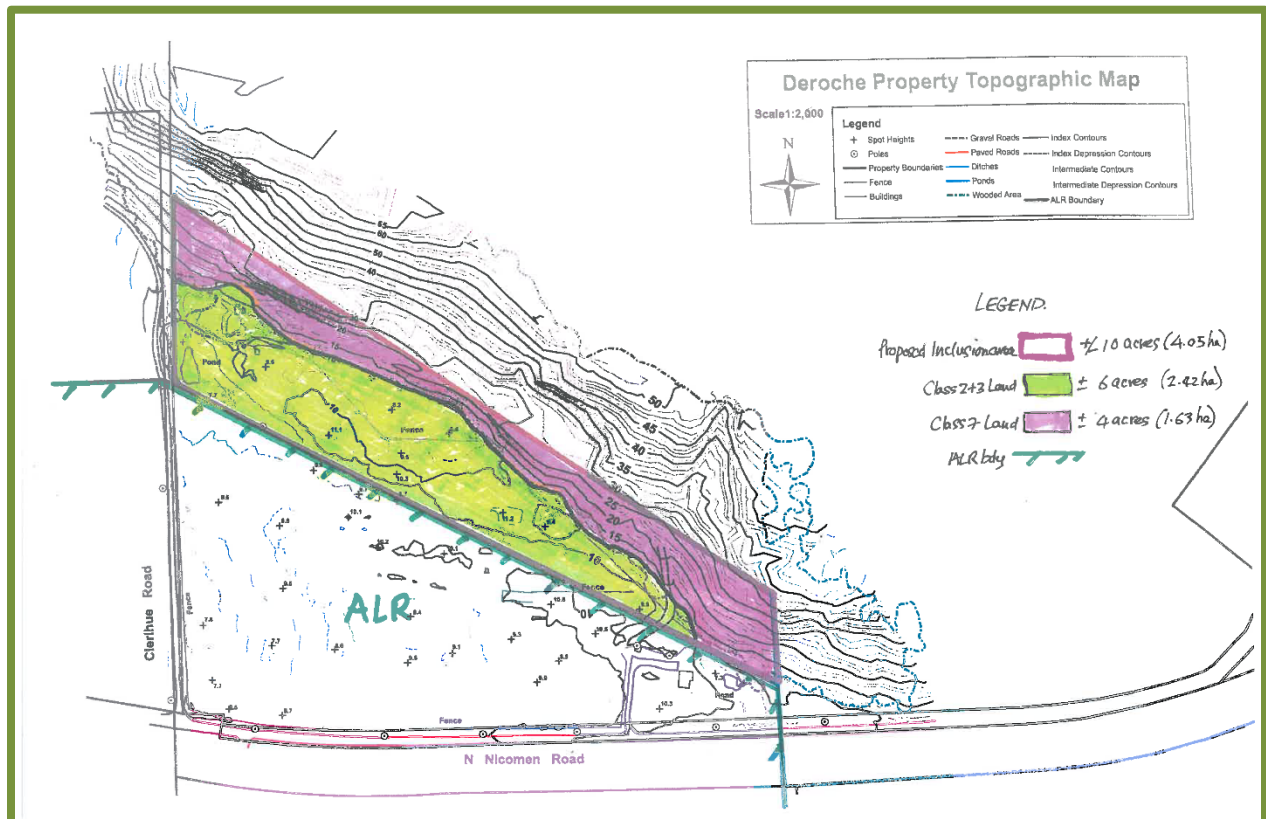
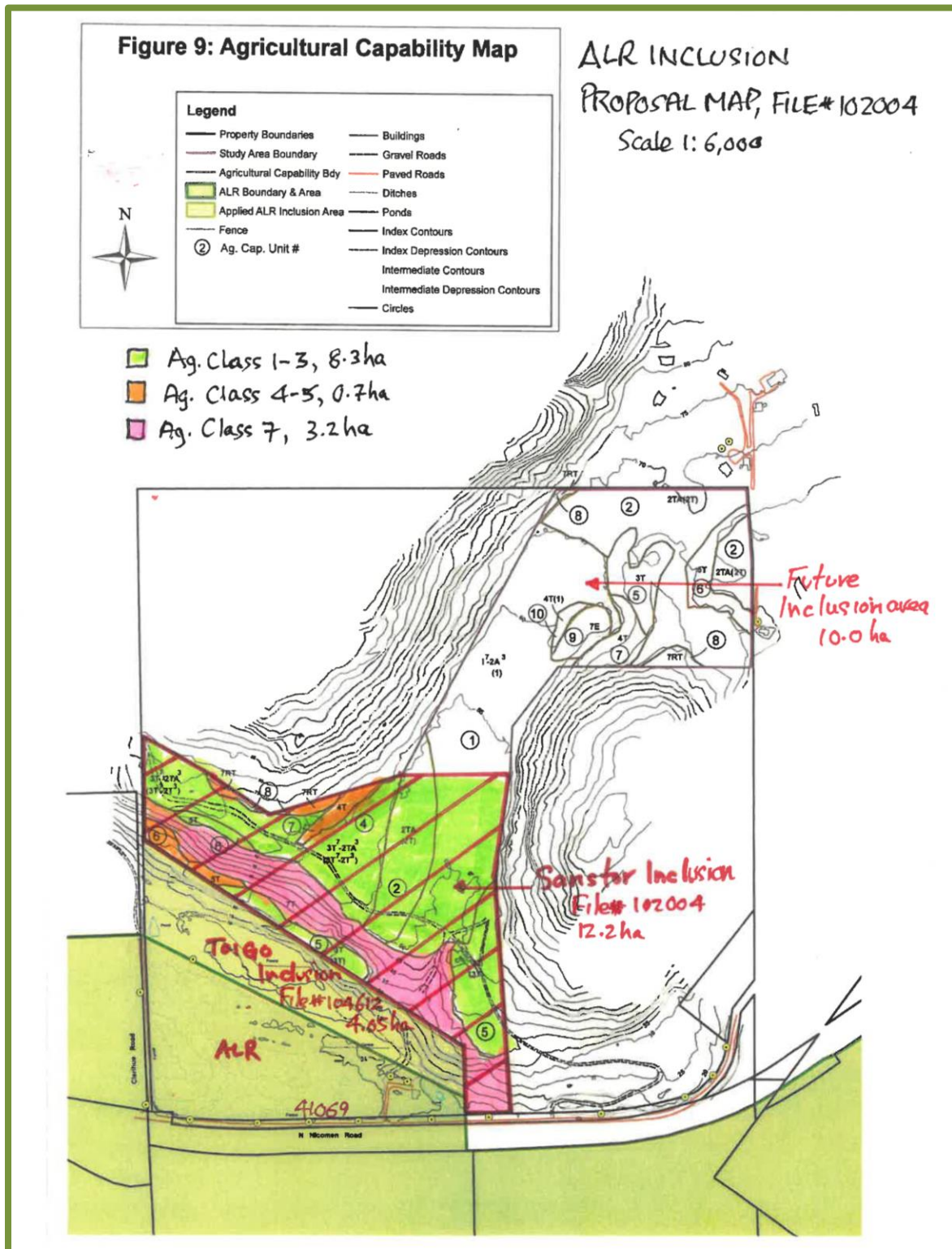


IMAGE 4: SITE PLAN (2025-04)

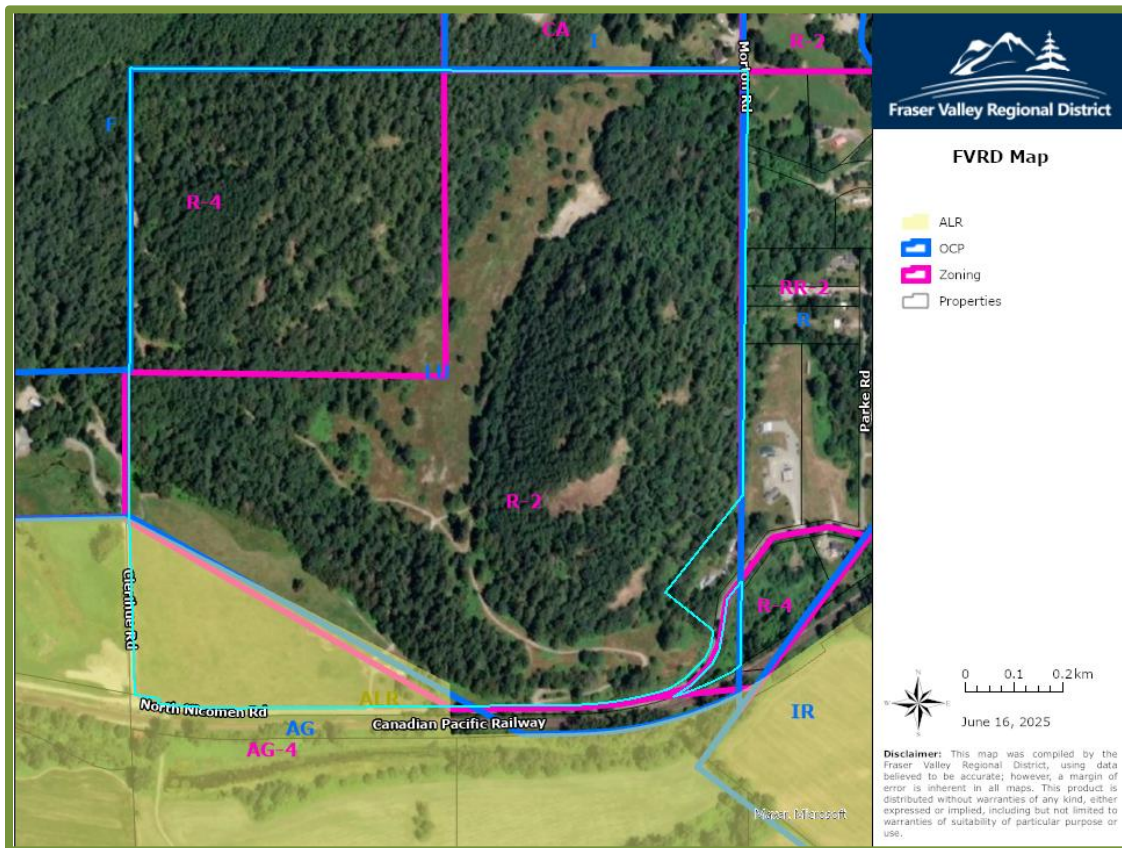


Zoning and Official Community Plan Designations

As seen in the map below (Image 5), parts of the property are within three different zones. The northwestern and southeastern corners of the property are zoned Rural 4 (R-4). The majority of the property, and the area that is proposed for inclusion, is Rural 2 (R-2). The portion of the parcel currently in the ALR is zoned Agricultural 4 (AG-4).

The official community plan designates the upper portion of the property as Limited Use (LU) and the lower portion as Agricultural (AG). The proposed inclusion area is within the LU designation.

IMAGE 5: ZONING AND OCP MAP



Note: The subject property is outlined in blue

Existing ALR Land on the Property

The existing area of the property within the ALR is zoned Agricultural 4 (AG-4) and designated as AGRICULTURAL (AG) in the Official Community Plan.

The AGRICULTURAL Area Destination is described as:

About 45% of lands in Electoral Area "G" (55% of EA "G" north of the Fraser) are within the Agricultural Land Reserve (ALR), including a significant number of large intact agricultural parcels. Most of these parcels are also in the 1:200-year floodplain of the Fraser River, a

contributing factor to the high quality soils found in the area and a limitation for higher density land uses. Generally, land within the AGRICULTURAL designation is also within the ALR.

Plan policies aim to preserve ALR land within the Official Community Plan area. The Agricultural Land Commission Act, regulations thereto and Orders of the Commission take precedence on matters of land use and subdivision of land in the ALR. Designating ALR lands as AGRICULTURAL will ensure that only agricultural uses and uses associated with and complementary to agriculture are permitted.

The Regional Board assists in the administration of ALR land by commenting on applications for subdivision, non-farm use, and exclusion of land from the ALR. The policies established in this Plan will provide guidance for future Regional Board comments on these applications.

An agricultural designation better aligns with the ALC policies for ALR land use and would allow for the option of intensive agricultural use.

The Portion of the Property Subject to the Applications

The portion of the property subject to these ALR inclusion applications is zoned Rural 2 (R-2) and Rural 4 (R-4). **'Farm' is a permitted use under these zones** (Section 7.2.1 and 7.4.1).

The proposed inclusion areas are designated LIMITED USE (LU) in the Official Community Plan. Agriculture is an allowable use within LU (Policy 6.6.7). The LIMITED USE Area Designation is described as:

...intended to constrain development in areas with significant geological and flood hazards, limited road access, areas isolated from community services and areas which are environmentally sensitive. However, LIMITED USE lands may be re-designated if future studies show that an area can accommodate a broader range of uses without being affected by geological hazards or damaging environmentally sensitive areas, and where access and other requirements can be met.

Future Zoning and OCP Designations

The FVRD Board has an interest in ensuring that the Official Community Plan designation and zoning of the lands are ultimately consistent with their ALR status. Under the Agricultural Land Commission Act, local governments may only permit uses or structures on ALR land permitted in the ALC Act. Additionally, local governments must ensure consistency between local bylaws and the ALC Act, its regulations, or any resolutions of the Commission. Furthermore, local governments are required by the Local Government Act to include statements and map designations for the location, amount and type of agricultural land uses in an OCP.

The land proposed to be included in the ALR is designated LU in the OCP and zoned R-2/R-4. This is inconsistent with the ALR land within the same parcel (and immediately adjacent to the proposed inclusion area), which is designated Agricultural (AG) and zoned Agricultural-4 (AG-4).

This inconsistency in land use may make future development applications more difficult if the land is all ALR but the proposal is between zones with different restrictions. For example, in the current zoning and OCP designation for the inclusion area, agricultural use is permitted, but it is limited.

To better align with the ALC land use policies, and meet requirements of the ALC Act and Local Government Act for consistency between local bylaws and plans and ALC regulations, it is recommended that the portion for inclusion be rezoned and redesignated in the zoning bylaw and OCP to align with the other ALR area on the property. This is consistent with and supported by the following OCP policy:

6.1.4 - AGRICULTURAL areas may be extended or created through Plan amendment where additional areas suited to farm production are identified pursuant to the Agricultural Land Commission Act.

2024-05 ALC Inclusion Application

The 2025-03 application proposes the same 4.05 ha inclusion area as the previous 2024-05 application, which was included on the November 14, 2024, EASC agenda. However, before EASC, the applicant **requested that the FVRD close the ALC file due to a disagreement with staff's recommendation that** the steep, poor soil quality areas not be included in the ALR. At the time the staff report was prepared, staff were not informed that this application was part of a larger group of coordinated ALR inclusion applications.

In the previous application, staff also recommended that the applicant initiate a rezoning and OCP redesignation process—**at the applicant's expense**—to align land use designations with the proposed ALR boundaries. That recommendation remains in place, as the FVRD cannot recover these costs and does not wish to place the financial burden on taxpayers.

Today's report no longer recommends excluding the steep, poor-quality land, as the 2025-03 and 2025-04 applications together support a clearer and more contiguous ALR boundary, should the area be included.

The previous ALC inclusion application for this 4.05 ha portion of the parcel resulted in a review of ALC Act provisions regarding the local government's authority to refuse to forward inclusion applications to the ALC. The ALC regulation that was brought into question is as follows:

34.1 (2) A local government or First Nation government that receives an application must review the application and do one of the following:

(a) forward to the commission

(i) the application, and

(ii) the comments and recommendations of the local government or First Nation government respecting the application;

(b) notify the applicant that the application will not be forwarded to the commission if

(i) the application is refused, or

(ii) the application may not, under this Act, proceed unless authorized by a resolution of the local government or a law of the First Nation government and the required resolution or law is refused.

To avoid the ambiguity in the legislation regarding local government authority, staff recommends that the application be forwarded to the ALC with a recommendation that the inclusion of the land in the ALR be subject to zoning and OCP amendments to ensure that zoning and OCP designation of the lands are compatible with ALC regulations and the requirements of the ALC Act and Local Government Act.

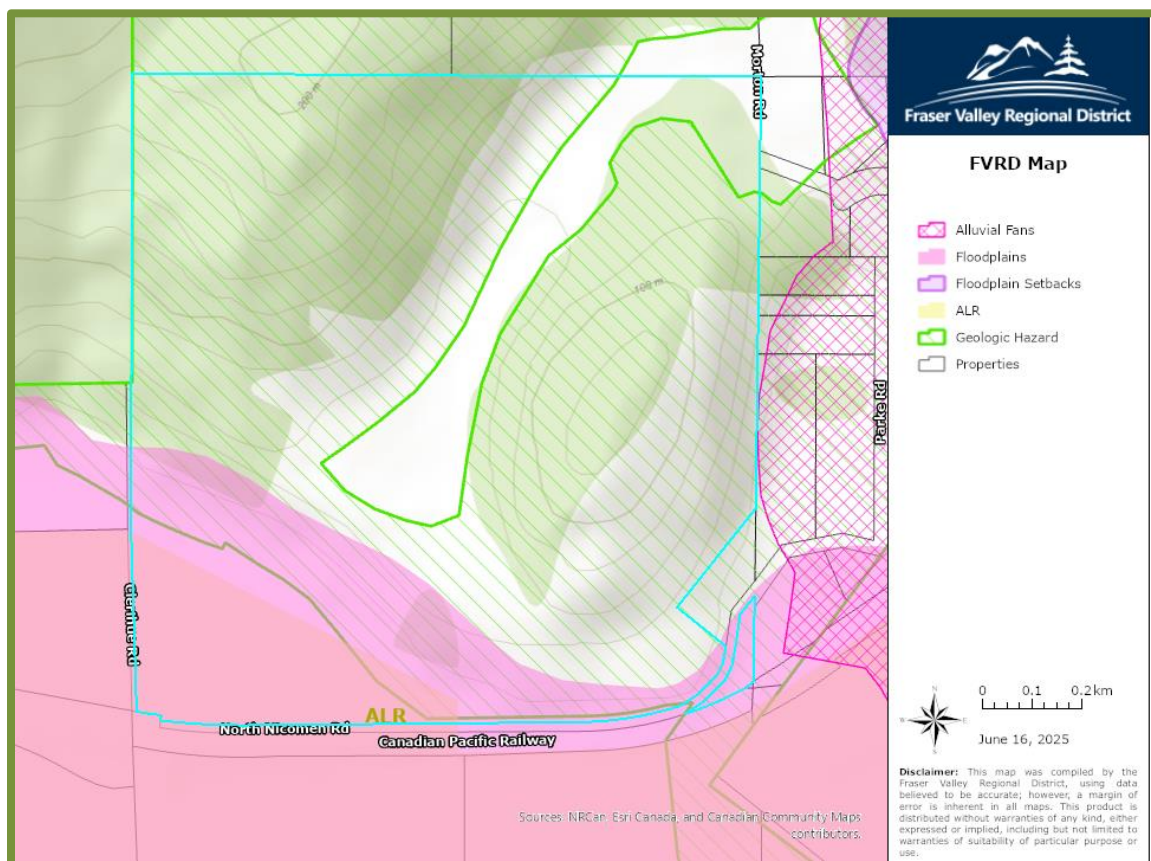
Development Permit Areas and Other Hazards

As shown on the map below (Image 6), this property is primarily located within Geologic and Stream Hazard Development Permit Area 1-G. The entire property also falls within Riparian Areas Development Permit Area 2-G; however, agricultural development does not currently require a Riparian Development Permit.

The southern, lower-lying portion of the property lies within the Fraser River Floodplain, and to the east, adjacent to the property, is the Deroche Creek Alluvial Fan. According to Map 8 of the Official Community Plan (OCP), the property is within both 'Significant' and 'Potential' Geologic Hazard Areas. OCP Map 9 identifies a large portion of the property as being within the High Interface Fire Hazard Zone.

Any future development applications will need to address these identified hazards as part of the review process. Agricultural use remains appropriate for lands within the floodplain and areas subject to potential alluvial fan hazards.

IMAGE 6: HAZARDS MAP



Note: The property is outlined in blue.

COST

There are no fees for ALR inclusion applications.

Including land in the ALR will likely result in a reduction of property tax revenue to FVRD from those lands because ALR properties pay reduced property taxes in conjunction with having farm status. Since there is no corresponding reduction in servicing costs to FVRD, the owners of non-ALR properties will pay a slightly greater share of the costs of FVRD services to make up for it. It is beyond the scope of this report to quantify the change in the amount of property tax paid for these parcels, but it is anticipated to be minor in relation to current Area G property taxes and the distribution of service costs amongst property owners.

An additional consideration is that the inclusion of the land in the ALR would reduce the potential future range of land uses and the potential future property tax revenues over the long term. For example, the inclusion of the land in the ALR would prevent more intensive development of the land for residential uses. This could result in reduced future development potential, lower tax revenues and less ability to fund regional district services beyond the horizon of the current OCP.

Accordingly, staff are not entirely comfortable with the concept of electoral area lands being included in the ALR in conjunction with the exclusion of ALR lands for development and higher-value uses in other communities. It is difficult to assess the degree of concern this should cause in any one instance, but staff and the Board should be aware of these long-term implications.

CONCLUSION

The purpose of the ALC Inclusion applications is to add 4.05 ha and 12.2 ha of the property at 41063 North Nicomen Road, Area G, into the ALR. The proposal would be a contiguous expansion of the existing ALR land on the property and is supported by **the OCP objective to “conserve agricultural land.”**

The existing zoning and OCP designation support the continued agricultural use of the property. However, staff recommend that the area proposed for inclusion in the ALR be rezoned and redesignated to align with the existing ALR land. This will ensure that FVRD meets provincial requirements that OCPs and zoning reflect the ALR status of land and ALC regulations. It would also allow for a broader range of agricultural uses, such as intensive agriculture, and reduce potential **future development issues associated with ‘split zoning’ of the farmable area. This is consistent with Area G OCP policy.**

OPTIONS

The FVRD Board may consider the following options with respect to ALC Inclusion referral applications 2025-03 and 2025-04:

OPTION 1: FORWARD TO ALC WITH RECOMMENDATIONS (Staff Recommendation)

THAT the Fraser Valley Regional District Board **forward** the Agricultural Land Commission applications 2025-03 and 2025-04 for Agricultural Land Reserve Inclusion at 41069 North Nicomen Road, Area G, with the following recommendation:

- a. That the ALC require that the lands be redesignated to AGRICULTURAL (AG) in the Official Community Plan and rezoned to Agricultural 4 (AG-4) under Zoning Bylaw No. 1638, 2021, at the cost of the applicant, as a condition of their inclusion in the ALR to ensure that zoning and OCP policies are consistent with the ALR status of the lands and the regulations of the ALC.

OPTION 2: REFER TO STAFF

THAT the Fraser Valley Regional District Board **refer** Agricultural Land Commission applications 2025-03 and 2025-04 for Agricultural Land Reserve Inclusion at 41069 North Nicomen Road, Area G, back to staff for further clarification on whether the Board has the authority to refuse an inclusion application.