



STAFF REPORT

To: Electoral Area Services Committee
From: Hayley Katan, Planning Technician

Date: 2025-09-04
File No: 3015-20 2025-07

Subject: Agricultural Land Commission Application for Fill at 1162 Iverson Road, Electoral Area H

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 application for Fill at 1162 Iverson Road, Electoral Area H, to the Agricultural Land Commission with the following comments:

1. A qualified professional Agrologist should provide an assessment report, as well as an assurance that the fill is not contaminated.

BACKGROUND

Fraser Valley Regional District (FVRD) was referred an Agricultural Land Commission (ALC) application for fill at 1162 Iverson Road in Electoral Area H. The proposal is to permit the fill that has already been placed and seeded on site. No further fill placement or extraction is proposed.

Through the lens of the soil deposit framework (adopted by the Board on March 27, 2025, and revised on July 10, 2025), the role of the FVRD Board in an ALC application is to review the information and determine whether 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 will end without ALC consideration.**

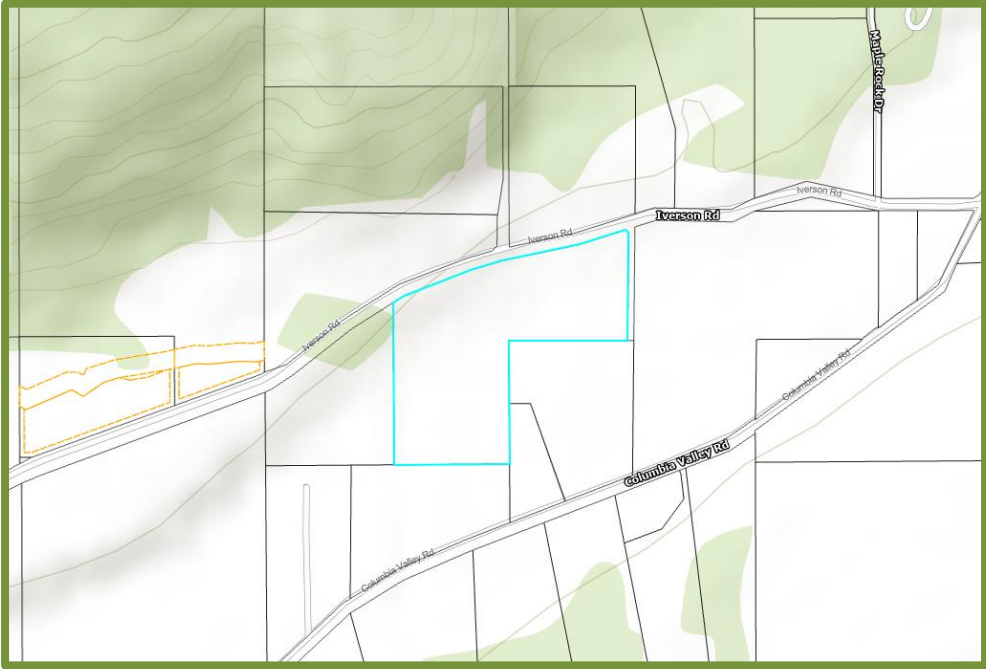
PROPERTY DETAILS			
Address	1162 Iverson Road	Area	H
PID	004-982-878	Owner	Robert Higgins, Sharon Higgins
Folio	733.02938.040	Applicant	Robert Higgins, Sharon Higgins
Lot Size	21.5 Acres (8.7 hectares)	Agent	Tayler Rodriguez
Current Zoning	Agricultural 1 (AG-1)	Proposed Zoning	No change

Current OCP	Agricultural (AG)	Proposed OCP	No change
Current Use	Agricultural	Proposed Use	No change
Development Permit Areas	DPA 5-E Riparian Area		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES

North	^	Agricultural 1 (AG-1); Rural 3 (R-3)
East	>	Agricultural 1 (AG-1)
West	<	Agricultural 1 (AG-1); Rural 3 (R-3)
South	v	Agricultural 1 (AG-1)

NEIGHBOURHOOD MAP



PROPERTY MAP



Property Background

The **property's past fill**-related activities provide context for the current proposal.

May 12, 2021: Unauthorized fill

- The property owners received a Contravention Notice from the ALC for the Unauthorized Placement of Fill of approximately 400 m³ of fill placed over a 400 m² area on the Property

January 15, 2025: Notice of Intent Application

- The property owners submitted a Notice of Intent (NOI) application to the ALC for the unauthorized fill (subject of the above contravention) and an additional proposed placement of 25,000 m³ of fill to be placed over a 24,944 m² area on the property.

March 6, 2025: Notice of Intent Decision

- The property owners were directed by the ALC to make a fill application, as a NOI was not sufficient, hence was not approved
- The decision stated the following:

Based on my review of the Notice of Intent and accompanying documents, I, as delegate of the CEO, cannot determine that the Proposed Fill Placement Activities are necessary for flood protection and improving drainage on the Property because you have not demonstrated that fill placement is the only option available in order to conduct soil bound agriculture on the Property as per ALC Policy L-23: Placement of Fill for Soil Bound Agricultural Activities

I have concerns that the proposed placement of 25,000 m³ of fill would be excessive for the intended purposes of filling in low lying areas to prevent flooding and improving drainage on the Property.

I, as delegate of the CEO, must therefore order, pursuant to section 20.3(2)(c) of the ALCA, that you must not engage in the Proposed Fill Placement Activities unless a Soil Use for Placement of Fill or Removal of Soil application is first submitted and approved by the Commission.

You may wish to consider including an agrologist report that is prepared by a qualified registered professional (i.e., an Agrologist) with your Soil Use for Placement of Fill or Removal of Soil application submission. If you do decide to include an agrologist report with your application, please ensure the report meets the ALC's Criteria for Technical Reports and ALC Policy P-10.

Applicant ALC Application Proposal

The applicant has now submitted a fill application, as directed in the NOI. However, the proposal has changed, and the applicant no longer intends to bring additional fill onto the property. Instead, the current application seeks only to permit the unauthorized fill already placed. No new NOI application has been made solely for the fill already placed.

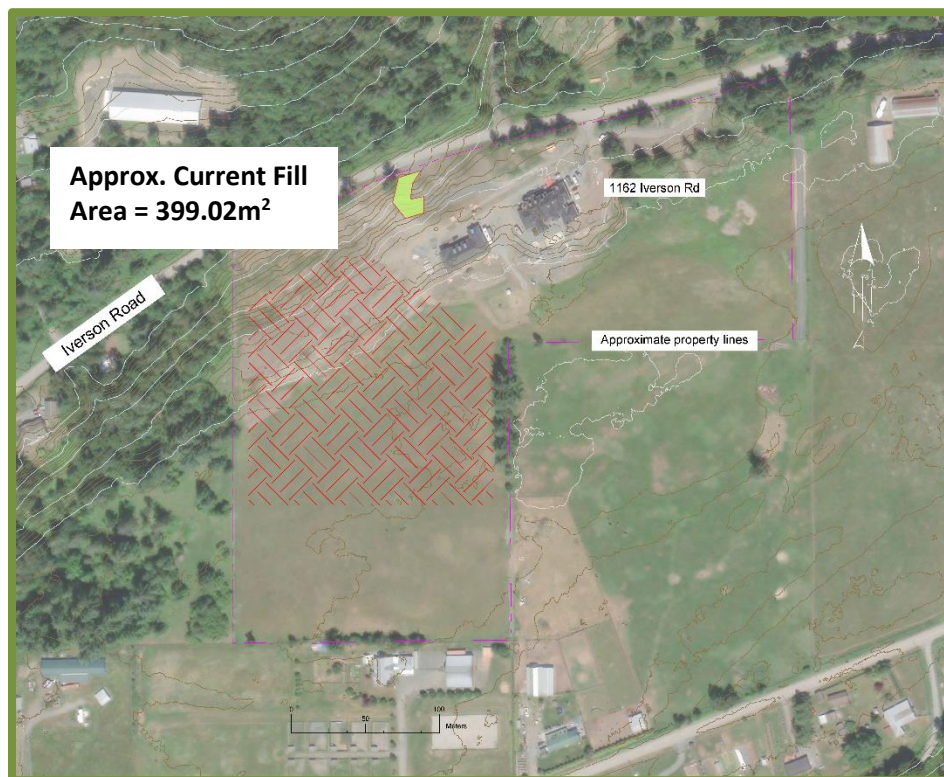
The application states that:

Fill was brought into site that was requested by the landowner to bring the area to grade and landscape it. Once the material was already placed, we were notified that we needed to obtain a permit for importing soil. The purpose of this proposal is to request to leave the already imported, landscaped and seeded material on site.

The breakdown of proposal includes the following:

Fill already Placed	
Volume	400 m ³
Area	400 m ²
Maximum Depth	2 m
Average Depth	1 m

SITE PLAN



The applicant states that:

- The fill is clean and came from Maple Falls Road and Kosikar Road (Blue Creek Kettle)
- The fill was placed to level out the property to prevent flooding and runoffs
- The fill has been levelled out, and grass seed has been planted, as shown in the photo provided by the applicant:



- That the following alternative measures were considered before placing fill:

We evaluated whether the site could be regraded using existing on-site materials without the need to import fill. However, the native soils lacked the necessary volume and structural stability to achieve the desired grade and compaction, making this option unfeasible. Given these considerations, the placement of fill was determined to be the most effective and practical solution to level the property for its intended use, while still complying with applicable regulations and minimizing environmental disturbance.

DISCUSSION

FVRD Policies, Regulations, and Role

Official Community Plan (OCP)

The subject property is designated AGRICULTURAL (AG) in the *FVRD Official Community Plan for Electoral Areas E and H Bylaw No. 1115, 2011*. The OCP promotes preservation and enhancement of agricultural operations (5.1.2).

The property is also within the Riparian Areas Development Permit Area 5-E. In general, a Riparian Development Permit is required for activities within 30 metres of a watercourse. There are no noted watercourses on this property.

Zoning Bylaw

The subject property is zoned Agricultural 1 (Ag-1) in *Fraser Valley Regional District Zoning Bylaw No. 1638, 2021*. The fill placement activities are outside the scope of the Zoning Bylaw.

Framework for Consideration of Soil Related Development Applications and Referrals

The FVRD has seen an increase in applications involving soil deposits, coinciding with a regional crisis of illegal dumping and unauthorized soil placement. These unauthorized activities have been found to pose risks to agricultural operations, the community, and the environment.

To address this increase in applications, a **soil deposit framework, titled “Framework for Consideration of Soil Related Development Applications and Referrals,”** was endorsed by the Board at the March 27, 2025, meeting and later revised at the July 10, 2025, Board meeting. The Framework outlines three main approaches for Board resolution on ALC Applications: 1) Refuse to forward, 2) Forward with comments identifying gaps, and 3) Forward without comments.

When **assessing the Board’s options to either refuse** to forward or forward with comments, by applying the Framework, considerations include the following:

FVRD Considerations	Applicability to this proposal
Purpose of Fill Application	To permit the fill that has already been placed and seeded on site.
Minor Fill Area Placement	The proposal involves the minor fill area covering of 0.04 hectares of the 8.7-hectare property. That is 0.005% of the property.
Fill Source	<p>The proposed fill consists of topsoil sourced from Maple Falls Road and Kosikar Road, believed to be part of the province-directed Blue Kettle debris flow clean-up and excavation following the atmospheric river event.</p> <p>This is a local source of fill. However, there is no documentation provided with the application that assures the source or quality of the fill.</p>
Technical Assessment & Assurance	<p>No technical assessment and no assurance have been received. A technical assessment was recommended to be included for this Fill application by the ALC at the time of the NOI refusal. However, the fill placement that was proposed in the NOI is no longer the current proposal.</p> <p>Instead of a report, the following information has been provided as part of the application:</p>

<p>1) Reclamation Plan:</p> <p><i>The reclamation process included the area being filled in and graded to the surrounding grade and seeded as per the [above photo].</i></p> <p>2) Steps taken to reduce impacts to surrounding agricultural land: (source: application form)</p> <p><i>Minimal amount of fill was placed to backfill an old driveway along the road and is not near any agriculturally sensitive areas.</i></p> <p>Both statements (1 and 2) lack a clearly identified author or professional assurance, indicating an absence of Qualified Professional oversight.</p> <p>These gaps in reporting and professional assurances are under the authority of the ALC. The ALC should determine if a technical assessment (e.g. Agrologist Report) is required for this application.</p>	
Adjacent Properties and Broad Community Impacts (Floodplains, Flooding, Noise, Dust and Safety)	The fill is already placed and will have no further impacts if left undisturbed as proposed.
Infrastructure Concerns (Roads) and Off-Site Impacts (Traffic)	The Ministry of Transportation and Transit has not been notified of this proposal, as there are no proposed impacts to roads or traffic if the fill is to stay on site.

Staff follow the Framework for Consideration of Soil-Related Development Applications and Referrals, which guides the review of ALC fill placement applications. As shown in the table above, there are concerns with the proposal that support refusal, including the lack of a fill assessment and professional oversight. However, this is considered a minor fill application, as the area is small relative to the overall property and was placed primarily to level the ground. The fill has already been seeded and has settled; therefore, removal would likely cause greater disturbance. The applicant has stated that fill is from a local provincially led project and the fill itself is allegedly clean. The framework is intended as a **guide for the Board’s decision-making** and is not intended to fetter future decisions of the Board as they relate soil deposit activities.

Soil Deposit Bylaw

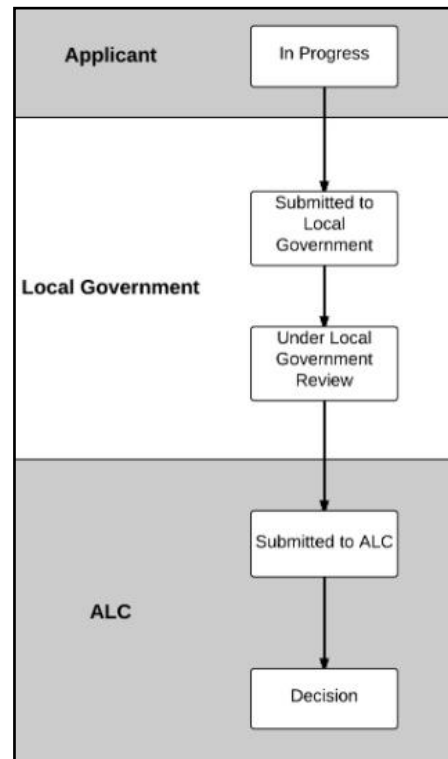
FVRD does not currently have a Soil Deposit Bylaw for the Electoral Areas of the region. However, the FVRD Board has directed that a Soil Deposit Bylaw be developed in 2025. Once adopted, any soil deposit activity occurring after its adoption will be subject to the provisions of the new bylaw, which may include permits, fees, and technical reporting. There are no grandfathering rights applicable to soil deposit bylaws. Compliance with the bylaw will be mandatory from the date of adoption,

regardless of when the soil deposit commenced. However, this application is seeking retroactive approval for soil deposit that has already occurred and is complete. It does not propose new soil deposits and is unlikely to be impacted by a future soil deposit bylaw, should one be adopted by the FVRD Board.

Role of the FVRD on ALC Referrals

The FVRD is a referral agency for ALC application files, and the role of the Board is to review the proposal and determine whether the application should proceed to the ALC for a final decision. If forwarded, the Board may provide additional comments for **the ALC's consideration**. **If the Board decides to refuse to forward the application, the application will end without ALC consideration. The applicant would need to make a new application to the ALC should they wish to continue with their proposal.**

ALC APPLICATION REFERRAL PROCESS



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

Placement of fill in the Agricultural Land Reserve (ALR) is regulated by the Agricultural Land Commission (ALC). According to the applicant, the fill that was placed on the property in 2021 was to facilitate flood mitigation, improve drainage and enhance agricultural productivity.

Staff are recommending forwarding the application for further consideration by the ALC for the following reasons:

- This is a minor fill application (minor in area compared to the greater site area)

- The purpose of the fill is to level the ground to prevent flooding and runoff (depression filling is a listed example within the framework as a minor soil deposit)
- The fill has already been seeded and settled (removal would cause greater disturbance)
- The fill is stated to be clean and from a local provincially led project
- Reporting requirements (e.g. an Agrologist report) would be up to determination by the ALC, and by forwarding the application, the ALC has the opportunity and authority to request a certain level of reporting and assurance that the fill is not contaminated

Options

OPTION 1: Forward to the ALC with comments (Staff Recommendation)

THAT the Fraser Valley Regional District Board **forward** the application for Fill at 1162 Iverson Road, Electoral Area H, to the Agricultural Land Commission with the following comments:

1. A qualified professional Agrologist should provide an assessment report, as well as an assurance that the fill is not contaminated.

OPTION 2: Refuse to forward to the ALC

THAT the Fraser Valley Regional District Board **refuse** to forward the application for Fill at 1162 Iverson Road, Electoral Area H, to the Agricultural Land Commission.