

March 6, 2025

ALC File: 103220

SENT BY E-MAIL

Dear Tayler Rodriguez:

**Re: Notice of Intent Order Under Section 20.3(2)(c) of the Agricultural Land Commission Act**

PID: 004-982-878

Legal Description: Lot 17 Section 8 Township 22 New Westminster District Plan 51689

Civic Address: 1162 Iverson Rd, Columbia Valley, BC  
(the "Property")

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On January 16, 2025 the Chief Executive Officer (CEO) of the Agricultural Land Commission received a Notice of Intent (NOI) pursuant to section 20.3(1)(c) of the *Agricultural Land Commission Act* (ALCA) to place fill on the Property (the **Proposed Fill Placement Activities**). The CEO also received a fee of \$150 with respect to the NOI pursuant to subsection 20.3(1)(c)(ii).

As delegate CEO pursuant to section 20.3(6) of the ALCA, I understand the following about the Proposed Fill Placement Activities from the NOI and accompanying documents:

- The landowners of the Property are Robert Charles Higgins and Sharon Elaine Higgins;
- Tayler Rodriguez of Tuya Construction Ltd. was appointed as Agent;
- The total area of the Property is 8.81 ha;
- The Property is currently used for grain (i.e., hay) farming;
- The purpose of the Proposed Fill Placement Activities is to fill the low-lying areas prone to flooding and to improve drainage on the Property;
- The total area of the Proposed Fill Placement Activities is 2.4944 ha (24,944 m<sup>2</sup>);
- The type of material proposed to be placed on the Property is topsoil and quality sediment;
- The proposed volume of materials to be placed on the Property is 25,000 m<sup>3</sup>;
  - The NOI submission states approx. 400 m<sup>3</sup> of unauthorized fill has already been placed over a 400 m<sup>2</sup> area on the Property without ALC authorization;
- The proposed depth of material to be placed on the Property is 4 m; and
- The proposed duration of the Proposed Fill Placement is two (2) months.

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](#). In addition, I have concerns that the proposed placement of 25,000 m<sup>3</sup> 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.**

If you wish to pursue the Proposed Fill Placement Activities, **you may initiate the Soil Use for Placement of Fill or Removal of Soil application process** by submitting the required form and paying the requisite fee: (\$750) to the local government [Fraser Valley Regional District]. The remainder of the application fee (\$600) will only be required if your local government forwards the above noted application to the Agricultural Land Commission. The application can be submitted through the [ALC's Application Portal](#). Information on the application process can be found on the ALC website under [Applications](#).

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](#).

Please note that Notice of Intent decisions are not subject to section 33(1) of the ALCA [Reconsideration of decisions of panel]. Under section 20.3(2)(c) of the ALCA, a person ordered not to proceed may make an application under section 20.3(5) of the Act for approval of the Activities.

As agent, it is your responsibility to advise your client of this correspondence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jenny Huynh'.

Jenny Huynh  
Delegate of the Chief Executive Officer

cc: Fraser Valley Regional District ([planning@fvrld.bc.ca](mailto:planning@fvrld.bc.ca))

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