

 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy L-14 January 2016</p> <p style="text-align: center;">PLACEMENT OF FILL OR REMOVAL OF SOIL: CONSTRUCTION OF FARM BUILDINGS</p>
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This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act, 2002](#), including amendments as of September 2014, (the “ALCA”) and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of August 2016, (the “Regulation”). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.

REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), Section 2(1.1)(o) and Section 2(4):

- (1.1) *The activities designated under this section as farm uses for the purposes of the Act must not be prohibited*
- (a) *by any local government bylaw except a bylaw under section 552 of the [Local Government Act](#), or*
 - (b) *by a law of the applicable treaty first nation government, if the activity is undertaken on treaty settlement lands.*
- (2) *The following activities are designated as farm use for the purposes of the Act:*
- (o) *the construction, maintenance and operation of farm buildings including, but not limited to any of the following:*
 - (i) *a greenhouse;*
 - (ii) *a farm building or structure for use in an intensive livestock operation or for mushroom production;*
 - (iii) *an aquaculture facility;*
- 2(4) *Unless permitted under the [Water Sustainability Act](#) or the [Environmental Management Act](#), any use specified in subsections (2) to (2.3) includes soil removal or placement of fill necessary for that use as long as it does not*
- (a) *cause danger on or to adjacent land, structures or rights of way, or*
 - (b) *foul, obstruct or impede the flow of any waterway.*

INTERPRETATION:

If the building approval process has determined that placement of fill or removal of soil is necessary for the construction of a farm building, where the area occupied by the building is less than 2% of the area of the parcel, the acceptable volume of fill or soil removal is that which is necessary to undertake the construction of the farm building. The over-riding principle is that the volume of fill or removed soil is reasonable and the quality of that material is not deleterious to the agricultural suitability of the land or the environment. All activity must be carried out in accordance with good agricultural practice. Fill which is not directly related to the construction of a farm building (ie: used

for the raising of land) will require approval of an application for non-farm use unless permitted by the *ALCA*, Regulation or an order of the Agricultural Land Commission.

Refer to Section 4 of the Regulation for buildings greater than 2% of the area of the parcel.

Reference to the *Water Act* in the Regulation will be deemed to be a reference to the *Water Sustainability Act* where and when appropriate.

Unless defined in this policy, terms used herein will have the meanings given to them in the *ALCA* or the Regulation.