

 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy L-15 January 2016</p> <p style="text-align: center;">PLACEMENT OF FILL OR REMOVAL OF SOIL: CONSTRUCTION OF A SINGLE FAMILY RESIDENCE</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 Commission Act, 2002, S.B.C. 2002, c. 36, Section 18

18 Unless permitted under this Act,

(a) a local government, a first nation government or an authority, or a board or other agency established by a local government, a first nation government or an authority, or a person or agency that enters into an agreement under the [Local Services Act](#) may not

(ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use

INTERPRETATION:

It is Agricultural Land Commission (“the Commission”) policy that construction of a residence includes the construction of accessory buildings, structures, services, utilities and landscaping requirements directly related to the single family residential use. The Commission recognizes garages, carports, workshops, sheds, water lines, wells, sewer lines, sanitary disposal systems, power conduits, reasonable landscaping and driveways as buildings and services normally associated with the construction of a residence. Please note that unless allowed by policy, the Regulation, the ALCA, or an order of the Commission, workshops must be related to the residential use and must not be a non-farm business. Residential spaces connected by breezeways (for example) do not constitute a single residence for the purposes of this section of the ALCA.

Where it has been determined by the local government through the building approval process that placement of fill or removal of soil is both necessary and reasonable for the construction of a residence, the acceptable volume of fill or soil removal is that needed to undertake the construction of the residence, accessory facilities and services. For example, if 1.0 metre of fill is required to satisfy flood protection requirements but a land owner wishes to deposit 3 metres of fill to enhance a view or for another non-farm related purpose, only 1 metre of fill would be allowed without approval of a non-farm use application to the Commission. The placement of fill or removal of soil should not exceed 0.2 ha of the parcel in total for all the above residential related uses. It is the policy of the Commission that a driveway should not exceed 6 metres in width and may

be constructed with an all-weather surface. The area of the driveway is included as part of the 0.2 ha area as described above.

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