

Agricultural Land Commission Soil Conservation Act 1977 – October 31, 2002

**Compiled by
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135-40/ALC/SCA/Act**

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Overview

History of Legislation Concerning the Agricultural Land Reserve

Agricultural Land Commission Soil Conservation Act

20 September 1977	Soil Conservation Act	Bill "57"
21 December 1977	Soil Conservation Act Permit Regulation BC Regulation 603/77	O.C 3856/77
17 January 1989	Soil Conservation Act	Consolidated, Amendment 1983 and 1988
8 June 1992	Bill 42 1992	Application Fees (SCA)
10 November 1992	Soil Conservation Act	Consolidated
2 December 1992	Soil Conservation Act Permit Regulation BC Regulation 603/77	Repealed (Application Fees) BC Regulation 449/92
November 1993	Soil Conservation Act Permit Regulation	Consolidated
9 November 1995	Soil Conservation Act Permit Regulation 603/77	Repealed – BC Regulation 466/95
1996	Soil Conservation Act	Revised Statutes 1996
06 July 2000	Soil Conservation Act Permit Regulation BC Regulation 451/98 Order-in- Council #973, BC Regulation #252/2000	Amended

Prior to the coming into force of the *Soil Conservation Act*, deposit and extraction were regulated as follows:

From 18 January 1973 to 24 October 1973, site development not related to agricultural use was outlawed except where local government had evidence that the work had commenced prior to 21 December 1972 and where either the work could be regulated by the issuance of a building permit, or the land had already been so physically altered that it could not reasonably be used for agriculture. Where local government denied permission to proceed, appeal could be made in writing directly to the Environment and Land Use Committee of Cabinet.

From 25 October 1973 to the date of designation of the ALR for the land in question, the foregoing process still applied, but any appeal was made to the Land Commission, which might hear the appeal and vary, amend, rescind or confirm the action of the local government. For those parts of the Regional District of Kitimat-Stikine where the ALR was never designated, these provisions are still in effect except as may otherwise be provided for areas subject to the Nisga'a Treaty.

From the date of designation of the ALR for the land in question until 15 January 1975 (except in those five regional districts where the ALR was designated after 15 January 1975), any application for deposit or extraction not related to agricultural use was made as a non-farm use application under section 11 of the *Land Commission Act*. There was little further direct municipal involvement, as regional districts processed ALR applications on behalf of municipalities.

From 15 January 1975 or any subsequent date of designation of the ALR until 31 October 2002:

- expanding the workings of an existing gravel pit was allowed provided the total of areas already excavated and currently being worked on did not exceed a total of 2 acres [later 8093.5 m²] in area;
- a "conditional use" application could be made directly to the Commission for
 - gravel pits over 2 acres [later 8093.5 m²] in area,
 - peat extractive areas, or
 - turf farms where reclamation and rehabilitation was possible;
- until September 1977 (precise date not available) all other non-agricultural extraction and all non-agricultural deposit remained subject to a non-farm use application under section 11 of the *Land Commission Act*.

In September 1977, the *Land Commission Act* became the *Agricultural Land Commission Act* and the *Soil Conservation Act* was proclaimed into force, once again closely involving regional districts and all municipalities which elected to take on the responsibilities required under the *Soil Conservation Act*. Nevertheless, for individuals who chose not to apply under the *Soil Conservation Act*, the parallel provisions bulleted above remained in effect until 01 November 2002 when the *Soil Conservation Act* was repealed and the *Agricultural Land Commission Act* and regulations were re-enacted from scratch.

BILL

No. 57]

[1977

Soil Conservation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Interpre-
tation.

1. In this Act,

"agricultural land reserve" means a reserve of agricultural land established under the *Land Commission Act*;

"commission" means the Provincial Land Commission established under the *Land Commission Act*;

"fill" means any material whatever brought on land in an agricultural land reserve;

"local authority" means the Regional Board of a regional district, or, where a municipality within a regional district gives written notice to the Regional Board of that regional district that it wishes to be the local authority in respect of the municipality, the council of that municipality;

"minister" means that member of the Executive Council charged by Order of the Lieutenant-Governor in Council with the administration of this Act;

"permit" means a permit issued under section 3;

"remove" means to take, move or transport soil from land in an agricultural land reserve;

"soil" includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Act* or the *Placer Mining Act*.

Prohibition
of soil
removal and
land fill.

2. No person shall remove soil from or place fill on land in an agricultural land reserve unless

- (a) the commission approves in writing,
- (b) the local authority in which the land is situated issues a permit, and
- (c) the soil is removed or the fill is placed in accordance with the regulations and the terms and conditions set out in the permit.

Permit.

3. (1) Where a local authority in which land is situated is satisfied that

- (a) approval of the grant of a permit has been given by the commission, and
- (b) the applicant has complied with the regulations and paid the prescribed fee,

the local authority may grant a permit to remove soil from or place fill on land in an agricultural land reserve.

135.25/BCREGS
Original

(2) A permit is subject to the prescribed terms and conditions and to any additional terms and conditions imposed by the local authority or the commission and set out in the permit.

Appeal.

4. (1) An applicant who is dissatisfied with a decision of the local authority under section 3, may appeal, in the prescribed manner, to the minister.

(2) The local authority is entitled to be a party on the hearing of the appeal and may take part in the proceedings.

(3) On the hearing of an appeal under this section, the minister may

- (a) make an order confirming, reversing, or varying the decision of the local authority, or
- (b) refer the matter back to the local authority for reconsideration, or
- (c) make such other order as he considers proper in the circumstances.

(4) Where an appeal is allowed under this section, the local authority shall issue a permit on the terms and conditions decided by the minister if those terms and conditions are approved by the commission; but the commission may alter the terms and conditions or refuse its approval.

**Suspension
and
cancellation.**

5. (1) Where a local authority, the commission or the minister determines that a person

- (a) has contravened the terms and conditions of a permit, or
- (b) is removing soil from, or placing fill on, an agricultural land reserve without a permit

the local authority, commission or minister may, without a hearing

- (c) suspend the permit until it is satisfied that the contravention has ceased, or
- (d) cancel the permit if it is satisfied that the person has, by reason of the contravention put it beyond his power to comply with the terms and conditions of the permit, or
- (e) place notices on land at or near the place of contravention stating that removing soil or placing fill is contrary to the Act, or
- (f) order the person to stop the contravention, or
- (g) order the person who caused fill to be placed on the land without a permit or in contravention of the terms and conditions of the permit, to remove the fill, or
- (h) order a person who removed soil from the land without a permit, or in contravention of the terms and conditions of a permit, to rehabilitate the land so that it is suitable for agricultural purposes.

(2) A person adversely affected by a decision under this section may appeal to the Environment and Land Use Committee in accordance with the *Land Commission Act* and, if the Environment and Land Use Committee allows the appeal, it may reinstate the permit, order the removal of notices,

confirm or vary the order or refer the matter back to the local authority, commission or minister, as the case may be, for reconsideration, subject to such terms and conditions as it may impose.

**Land
Commission
Act.**

6. Removing soil from or placing fill on land in an agricultural land reserve in accordance with a permit is not a contravention of the *Land Commission Act*.

**Enforcement
officer.**

7. (1) The local authority shall appoint an enforcement officer to administer and enforce within its area the Act and regulations, subject to the directions of the local authority.

(2) The local authority shall inform the commission of the name of the officer appointed.

(3) The minister shall appoint one or more employees in his ministry as inspectors to assist in the administration of this Act or the regulations.

**Powers and
duties of
enforcement
officers
and
inspectors.**

8. An enforcement officer or inspector appointed under section 7 may

- (a) exercise such powers, and
- (b) take such steps

as are necessary to enforce this Act and the regulations, and for that purpose may enter, inspect, or place notices on land.

Offence.

9. (1) A person who

- (a) contravenes section 2 or the regulations, or
- (b) fails to comply with an order or direction of the minister, an inspector, or an enforcement officer, under this Act, or
- (c) interferes with an inspector or enforcement officer who is carrying out his duties under this Act,

commits an offence.

(2) In addition to any other penalty, where the offence is a continuing one, a person who commits the offence is liable to a fine of not more than \$500 for each day on which the offence is continued.

Regulations.

10. (1) The Lieutenant-Governor in Council may make regulations.

(2) The Lieutenant-Governor in Council may, subject to prescribed terms and conditions, exempt from this Act the removal of soil or placing of fill

- (a) from or on the right-of-way of a highway or drainage work, or
- (b) for the purpose of clearing, preparing, or cultivating land in accordance with good agricultural practice, or
- (c) for the bona fide purpose of carrying out a farming or horticultural operation designated by the regulations.

Repeal.

11. The *Soil Conservation Act*, R.S.B.C. 1960, c. 365 is repealed.

Soil Conservation Act

PERMIT REGULATION

1. In this regulation,
"Act" means the Soil Conservation Act;
"inspector" means a person appointed by the minister under section 7
(3) of the Act;
"officer" means an enforcement officer appointed by a local authority
under section 7 (1) of the Act.

2. (1) A permit is not required where
- (a) a person is carrying out research or soil testing, or is engaged by a government, regional district, municipality, university or any other public or private body in carrying out research or soil testing if only such amount of soil is removed or such amount of fill is placed as is reasonably necessary for the research or testing and so long as the research testing is done for agricultural, farming or horticultural purposes,
 - (b) the land is a highway as defined in the Highway Act,
 - (c) soil is removed or fill is placed for the construction of dykes, ditches and related pumphouses and ancillary works, including construction and maintenance of access roads and facilities made necessary by the threat of flooding,
 - (d) removal of soil or placement of fill is associated with or involves the
 - (i) cultivation of land,
 - (ii) application of fertilizers, manures, composts, mulches or soil conditioners,
 - (iii) application of a maximum depth of 30 cm of wood wastes which are readily incorporated into the soil,
 - (iv) construction and maintenance of a farm building or structure on an area of land of 0.2 ha or less per 16 ha,
 - (v) construction and maintenance of roadways, drainage, irrigation and livestock watering works for farm use where the total volume of soil removed or fill placed does not exceed 320 m³/16 ha,
 - (vi) operations of a florist, nurseryman, turf farmer or greenhouse operator where the amount of soil removed or fill placed is reasonably necessary for the growth and maintenance of the plants grown,
 - (vii) construction of one residential dwelling unit and accessory buildings and structures per land registry parcel, including auxiliary services and utilities and reasonable landscaping requirements.
- (2) In order to qualify for the exemption referred to
- (a) in subsection (1) (d) (i) to (vi), the activity must be done in accordance with good agricultural practice, and
 - (b) in subsection (1) (d) (vii), the dwelling unit must be related or incidental to use of land for agricultural, or for farming or horticultural purposes.

3. (1) An applicant for a permit under section 3 of the Act shall apply in writing on a form provided by the local authority, which shall include

- (a) the full name, address and telephone number of the applicant,
- (b) the full name, address and telephone number of the owner of the land, where the applicant is not the owner,
- (c) the title or tenancy under which the land is occupied, where the applicant is not the owner,
- (d) the consent in writing of the owner of the land, where he is not the applicant,
- (e) the general location (regional district, municipality, electoral area) and the legal description of the land,
- (f) a plan indicating in sufficient detail and with reasonable accuracy the location and area of the proposed removal or filling,
- (g) reasons for the removal or filling,
- (h) the maximum depth and quantity of soil to be removed or fill to be placed,
- (i) characteristics of the soil to be removed or fill to be placed,
- (j) the proposed dates of commencement and completion of the removal or filling, and
- (k) the date of the application, the signature of the applicant, and his certification that the information in the application is true.

(2) The applicant shall pay to the local authority a fee of \$10 and such other processing fee as the local authority has power to charge.

(3) An applicant who falsely certifies under subsection (1) (k) or who knowingly provides false or misleading information in an application commits an offence.

4. The local authority shall not grant a permit under section 3 of the Act and the commission shall not give its approval under section 2 of the Act where the removal of soil or placing of fill would, notwithstanding the imposition of terms and conditions, in the opinion of either of them,

- (a) cause danger on or to adjacent land, structures or rights of way,
- (b) foul, obstruct or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, unless the applicant holds a permit to do so under the Water Act or Pollution Control Act,
- (c) make the land unsuitable for agriculture, or
- (d) adversely affect farming on adjacent land.

5. In considering an application for a permit, the local authority or the commission may require the applicant

- (a) to obtain and file with the local authority or the commission a report of a person who is, in the opinion of the local authority or the commission, qualified to make such a report stating

- (i) the depth, quantity and characteristics of the soil to be removed or fill to be placed,
 - (ii) the feasibility of removal or filling,
 - (iii) the proper method of removal or filling,
 - (iv) the method of preventing the occurrences referred to in section 4, and
 - (v) such other information as the local authority or the commission may request, and
- (b) to obtain and file with the local authority or the commission a contour plan prepared by a person who is, in the opinion of the local authority or the commission, qualified to make such a plan, indicating
 - (i) the actual contours of the land,
 - (ii) the area and depth of the removal or filling,
 - (iii) the contours of the land after the proposed removal or filling, and
 - (iv) such other information as the local authority or the commission may request.

6. (1) An applicant for a permit shall sign as part of the application an undertaking, which shall be deemed to be a term and condition of the permit if one is issued,

- (a) to remove soil or place fill in such quantities and in such manner as is specified in the permit, and in accordance with the Act, regulation and the permit,
 - (b) that before the expiry of the permit he will
 - (i) restore the land to a condition fit and suitable for agriculture to a standard approved by the local authority and the commission, or
 - (ii) restore the land to such condition, and at such time and in such manner, as the local authority and the commission may require,
- and
- (c) to pay for any damage to persons or property that, in the opinion of the local authority and the commission, was caused by the applicant.

(2) The local authority or the commission may, as a condition of a permit, require the applicant to give security in cash or certified cheque, or by way of a bond, conditioned on and to secure the proper performance by the applicant of all terms, conditions and requirements of the Act, the regulation and the permit, and the security shall be in such form and amount as the local authority or the commission may require.

(3) It shall be deemed to be a condition of every permit that the local authority or the commission, or their representatives, or an officer or an inspector, has free and unrestricted access to the land referred to in the permit to determine whether the Act, the regulation and the terms and conditions of the permit are being observed and performed.

(4) It shall be deemed to be a condition of every permit that the permit holder shall not do anything in relation to the removal of soil or placing of fill that would likely result in the occurrence of any of the matters referred to in section 4.

7. A local authority shall not grant a permit under the Act until

an officer or an inspector has inspected the area and the site of the proposed removal of soil or placement of fill.

8. The local authority shall, on issuing a permit under this regulation, send to the commission a copy of the permit, the application and other documents in its custody relating to the application for the permit.

9. The permit holder shall keep the permit prominently displayed at his place of business, if any, and a copy at the site of soil or removal or placement of fill.

10. Unless otherwise specified in the permit, or unless the permit is suspended or cancelled under the Act, a permit shall expire one year after the date it is issued.

11. An application for renewal of a permit shall be made in the same manner and on payment of the same fees as an original application.

Appeal Procedure

12. An applicant who is dissatisfied with a decision of the local authority under section 3 of the Act may appeal to the minister by delivering or mailing by registered mail a notice of appeal to the minister, commission and local authority.

13. The notice of appeal must be delivered or mailed within 60 days after the date on which the local authority made the decision being appealed.

14. The appellant shall include with the notice of appeal
- (a) the original application for a permit and any attached copies filed with the local authority on the original application,
 - (b) any other pertinent documentation, including new information not in the original application, and
 - (c) a statement of reasons for the appeal and the grounds on which the decision of the local authority is alleged to be wrong.

15. On receipt of the notice of appeal, the minister shall notify the appellant, local authority and commission of the date of an appeal hearing.

16. The appellant, local authority and commission are entitled to appear and make representations in person or by agent at the hearing and each are entitled to copies of all documents filed with the minister pertaining to the appeal.

603/77

SOIL CONSERVATION ACT
PERMIT REGULATION

17. During the hearing the minister may receive such evidence as he considers relevant to the appeal.

[Provisions of the Soil Conservation Act relevant to the enactment of this regulation: section 10]

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Victoria, 1992

31/7/82

603/1774 J.H.B. 13-11-77

B.C. Reg. 603/77

Filed December 21, 1977

SOIL CONSERVATION ACT

ORDER IN COUNCIL 3856, APPROVED AND ORDERED DECEMBER 15, 1977

Pursuant to the *Soil Conservation Act*, and upon the recommendation of the undersigned, the Lieutenant-Governor, by and with the advice and consent of the Executive Council, orders that the following regulations be made:

PERMIT REGULATIONS

1. In these regulations,

"Act" means the *Soil Conservation Act*;

"inspector" means a person appointed by the Minister under section 7 (3) of the Act;

"officer" means an enforcement officer appointed by a local authority under section 7 (1) of the Act.

2. (1) A permit is not required where

(a) a person is carrying out research or soil testing, or is engaged by a government, regional district, municipality, university, or any other public or private body in carrying out research or soil testing if only such amount of soil is removed or such amount of fill is placed as is reasonably necessary for the research or testing and so long as the research testing is done for agricultural, farming, or horticultural purposes;

(b) the land is a highway as defined in the *Highway Act*,

(c) soil is removed or fill is placed for the construction of dykes, ditches, and related pumphouses and ancillary works, including construction and maintenance of access roads and facilities made necessary by the threat of flooding;

(d) removal of soil or placement of fill is associated with or involves the

(i) cultivation of land;

(ii) application of fertilizers, manures, composts, mulches, or soil conditioners;

(iii) application of a maximum depth of 30 cm of wood wastes which are readily incorporated into the soil;

→ (iv) construction and maintenance of a farm building or structure on an area of land of 0.2 ha or less per 16 ha;

→ (v) construction and maintenance of roadways, drainage, irrigation, and livestock watering works for farm use where the total volume of soil removed or fill placed does not exceed 320 m³/16 ha;

(vi) operations of a florist, nurseryman, turf farmer, or greenhouse operator where the amount of soil removed or fill placed is reasonably necessary for the growth and maintenance of the plants grown;

(vii) construction of one residential dwelling unit and accessory buildings and structures per land registry parcel, including auxiliary services and utilities and reasonable landscaping requirements.

(2) In order to qualify for the exemption referred to

(a) in subsection (1) (d) (i) to (vi), the activity must be done in accordance with good agricultural practice; and

- (b) in subsection (1) (d) (vii), the dwelling unit must be related or incidental to use of land for agricultural, or for a farming or horticultural purposes.

3. (1) An applicant for a permit under section 3 of the Act shall apply in writing on a form provided by the local authority, which shall include

- (a) the full name, address, and telephone number of the applicant;
- (b) the full name, address, and telephone number of the owner of the land, where the applicant is not the owner;
- (c) the title or tenancy under which the land is occupied, where the applicant is not the owner;
- (d) the consent in writing of the owner of the land, where he is not the applicant;
- (e) the general location (regional district, municipality, electoral area) and the legal description of the land;
- (f) a plan indicating in sufficient detail and with reasonable accuracy the location and area of the proposed removal or filling;
- (g) reasons for the removal or filling;
- (h) the maximum depth and quantity of soil to be removed or fill to be placed;
- (i) characteristics of the soil to be removed or fill to be placed;
- (j) the proposed dates of commencement and completion of the removal or filling;
- (k) the date of the application, the signature of the applicant, and his certification that the information in the application is true.

(2) The applicant shall pay to the local authority a fee of \$10 and such other processing fee as the local authority has power to charge.

(3) An applicant who falsely certifies under subsection (1) (k) or who knowingly provides false or misleading information in an application commits an offence.

4. The local authority shall not grant a permit under section 3 of the Act and the commission shall not give its approval under section 2 of the Act where the removal of soil or placing of fill would, notwithstanding the imposition of terms and conditions, in the opinion of either of them,

- (a) cause danger on or to adjacent land, structures, or rights-of-way; or
- (b) foul, obstruct, or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain, or sewer, unless the applicant holds a permit to do so under the *Water Act* or *Pollution Control Act*; or
- (c) make the land unsuitable for agriculture; or
- (d) adversely affect farming on adjacent land.

5. In considering an application for a permit, the local authority or the commission may require the applicant

- (a) to obtain and file with the local authority or the commission a report of a person who is, in the opinion of the local authority or the commission, qualified to make such a report stating
 - (i) the depth, quantity, and characteristics of the soil to be removed or fill to be placed;
 - (ii) the feasibility of removal or filling;
 - (iii) the proper method of removal or filling;

(iv) the method of preventing the occurrences referred to in section 4; and

(v) such other information as the local authority or the commission may request;

(b) to obtain and file with the local authority or the commission a contour plan prepared by a person who is, in the opinion of the local authority or the commission, qualified to make such a plan, indicating

(i) the actual contours of the land;

(ii) the area and depth of the removal or filling;

(iii) the contours of the land after the proposed removal or filling; and

(iv) such other information as the local authority or the commission may request.

6. (1) An applicant for a permit shall sign as part of the application an undertaking, which shall be deemed to be a term and condition of the permit if one is issued,

(a) to remove soil or place fill in such quantities and in such manner as is specified in the permit, and in accordance with the Act, regulations, and the permit;

(b) that before the expiry of the permit he will

(i) restore the land to a condition fit and suitable for agriculture to a standard approved by the local authority and the commission; or

(ii) restore the land to such condition, and at such time and in such manner, as the local authority and the commission may require; and

(c) to pay for any damage to persons or property that, in the opinion of the local authority and the commission, was caused by the applicant.

(2) The local authority or the commission may, as a condition of a permit, require the applicant to give security in cash or certified cheque, or by way of a bond, conditioned on and to secure the proper performance by the applicant of all terms, conditions, and requirements of the Act, the regulations, and the permit, and the security shall be in such form and amount as the local authority or the commission may require.

(3) It shall be deemed to be a condition of every permit that the local authority or the commission, or their representatives, or an officer or an inspector, has free and unrestricted access to the land referred to in the permit to determine whether the Act, the regulations, and the terms and conditions of the permit are being observed and performed.

(4) It shall be deemed to be a condition of every permit that the permit holder shall not do anything in relation to the removal of soil or placing of fill that would likely result in the occurrence of any of the matters referred to in section 4.

7. A local authority shall not grant a permit under the Act until an officer or an inspector has inspected the area and the site of the proposed removal of soil or placement of fill.

8. The local authority shall, on issuing a permit under these regulations, send to the commission a copy of the permit, the application, and other documents in its custody relating to the application for the permit.

9. The permit holder shall keep the permit prominently displayed at his place of business, if any, and a copy at the site of soil or removal or placement of fill.

10. Unless otherwise specified in the permit, or unless the permit is suspended or cancelled under the Act, a permit shall expire one year after the date it is issued.

11. An application for renewal of a permit shall be made in the same manner and on payment of the same fees as an original application.

Appeal Procedure

12. An applicant who is dissatisfied with a decision of the local authority under section 3 of the Act may appeal to the minister by delivering or mailing by registered mail a notice of appeal to the minister, commission, and local authority.

13. The notice of appeal must be delivered or mailed within 60 days after the date on which the local authority made the decision being appealed.

14. The appellant shall include with the notice of appeal

- (a) the original application for a permit and any attached copies filed with the local authority on the original application;
- (b) any other pertinent documentation, including new information not in the original application; and
- (c) a statement of reasons for the appeal and the grounds on which the decision of the local authority is alleged to be wrong.

15. On receipt of the notice of appeal, the minister shall notify the appellant, local authority, and commission of the date of an appeal hearing.

16. The appellant, local authority, and commission are entitled to appear and make representations in person or by agent at the hearing and each are entitled to copies of all documents filed with the minister pertaining to the appeal.

17. During the hearing the minister may receive such evidence as he considers relevant to the appeal.

J. J. HEWITT
Minister of Agriculture

W. R. BENNETT
Presiding Member of the Executive Council

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Victoria, 1981

SOIL CONSERVATION ACT**CHAPTER 391****Interpretation****1. In this Act**

- "agricultural land reserve" means a reserve of agricultural land established under the *Agricultural Land Commission Act*;
- "commission" means the Provincial Land Commission established under the *Agricultural Land Commission Act*;
- "fill" means any material brought on land in an agricultural land reserve;
- "local authority" means the regional board of a regional district, or, where a municipality within a regional district gives written notice to the regional board of that regional district that it wishes to be the local authority in respect of the municipality, the council of that municipality;
- "permit" means a permit issued under section 3;
- "remove" means to take, move or transport soil from land in an agricultural land reserve;
- "soil" includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Act* or the *Mining (Placer) Act*.

1977-81-1.

Prohibition of soil removal and land fill

2. A person shall not remove soil from or place fill on land in an agricultural land reserve unless

- (a) the commission approves in writing;
- (b) the local authority where the land is situated issues a permit; and
- (c) the soil is removed or the fill is placed in accordance with the regulations and the terms and conditions in the permit.

1977-81-2.

Permit

- 3.** (1) Where a local authority where land is situated is satisfied that
- (a) approval of the grant of a permit has been given by the commission; and
 - (b) the applicant has complied with the regulations and paid the prescribed fee,

the local authority may grant a permit to remove soil from or place fill on land in an agricultural land reserve.

(2) A permit is subject to the prescribed terms and conditions and to any additional terms imposed by the local authority or the commission and set out in the permit.

1977-81-3.

Appeal

- 4.** (1) An applicant who is dissatisfied with a decision of the local authority under section 3, may appeal, in the prescribed manner, to the minister.

- (2) The local authority is entitled to be a party on the hearing of the appeal and may take part in the proceedings.
- (3) On the hearing of an appeal under this section, the minister may
- (a) make an order confirming, reversing or varying the decision of the local authority;
 - (b) refer the matter back to the local authority for reconsideration; or
 - (c) make any other order he considers proper in the circumstances.
- (4) Where an appeal is allowed under this section, the local authority shall issue a permit on the terms and conditions decided by the minister if those terms and conditions are approved by the commission; but the commission may alter the terms and conditions or refuse its approval.

1977-81-4.

Suspension and cancellation

5. (1) Where a local authority, the commission or the minister determines that a person
- (a) has contravened the terms and conditions of a permit; or
 - (b) is removing soil from, or placing fill on, an agricultural land reserve without a permit
- the local authority, commission or minister may, without a hearing
- (c) suspend the permit until satisfied the contravention has ceased;
 - (d) cancel the permit, if satisfied that the person has by reason of the contravention put it beyond his power to comply with the terms and conditions of the permit;
 - (e) place notices on land at or near the place of contravention stating that removing soil or placing fill is contrary to this Act;
 - (f) order the person to stop the contravention;
 - (g) order the person who caused fill to be placed on the land without a permit or in contravention of the terms and conditions of the permit, to remove the fill; or
 - (h) order a person who removed soil from the land without a permit, or in contravention of the terms and conditions of a permit, to rehabilitate the land so that it is suitable for agricultural purposes.

(2) A person adversely affected by a decision under this section may appeal to the Environment and Land Use Committee in accordance with the *Agricultural Land Commission Act* and, if that committee allows the appeal, it may reinstate the permit, order the removal of notices, confirm or vary the order or refer the matter back to the local authority, commission or minister, as the case may be, for reconsideration, subject to the terms and conditions it imposes.

1977-81-5.

Permit

6. Removing soil from or placing fill on land in an agricultural land reserve in accordance with a permit is not a contravention of the *Agricultural Land Commission Act*.

1977-81-6.

Enforcement officer

7. (1) The local authority shall appoint an enforcement officer to administer and enforce within its area this Act and the regulations, subject to the directions of the local authority.

(2) The local authority shall inform the commission of the name of the officer appointed.

(3) The minister shall appoint one or more employees in his ministry as inspectors to assist in the administration of this Act and the regulations.

1977-81-7.

Powers and duties of officers

8. An enforcement officer or inspector appointed under section 7 may

(a) exercise the powers; and

(b) take the steps

necessary to enforce this Act and the regulations, and for that purpose may enter, inspect or place notices on land.

1977-81-8.

Offence

9. (1) A person commits an offence who

(a) contravenes section 2 or the regulations;

(b) fails to comply with an order or direction of the minister, an inspector or an enforcement officer under this Act; or

(c) interferes with an inspector or enforcement officer who is carrying out his duties under this Act.

(2) In addition to any other penalty, where the offence is a continuing one, a person who commits the offence is liable to a fine of not more than \$500 for each day on which the offence is continued.

1977-81-9.

Regulations

10. (1) The Lieutenant Governor in Council may make regulations.

(2) The Lieutenant Governor in Council may, subject to prescribed terms and conditions, exempt from this Act the removal of soil or placing of fill

(a) from or on the right of way of a highway or drainage work;

(b) for the purpose of clearing, preparing or cultivating land in accordance with good agricultural practice; or

(c) for the bona fide purpose of carrying out a farming or horticultural operation designated by the regulations.

1977-81-10.

SOIL CONSERVATION ACT

CHAPTER 391

[Consolidated January 17, 1989]

Interpretation

1. In this Act

- "agricultural land reserve" means a reserve of agricultural land established under the *Agricultural Land Commission Act*;
- "commission" means the Provincial Land Commission established under the *Agricultural Land Commission Act*;
- "fill" means any material brought on land in an agricultural land reserve;
- "local authority" means the regional board of a regional district, or, where a municipality within a regional district gives written notice to the regional board of that regional district that it wishes to be the local authority in respect of the municipality, the council of that municipality;
- "permit" means a permit issued under section 3;
- "remove" means to take, move or transport soil from land in an agricultural land reserve;
- "soil" includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act*.

1977-81-1; 1988-5-68.

Prohibition of soil removal and land fill

2. A person shall not remove soil from or place fill on land in an agricultural land reserve unless

- (a) the commission approves in writing;
- (b) the local authority where the land is situated issues a permit; and
- (c) the soil is removed or the fill is placed in accordance with the regulations and the terms and conditions in the permit.

1977-81-2.

Permit

3. (1) Where a local authority where land is situated is satisfied that

- (a) approval of the grant of a permit has been given by the commission; and
- (b) the applicant has complied with the regulations and paid the prescribed fee,

the local authority may grant a permit to remove soil from or place fill on land in an agricultural land reserve.

(2) A permit is subject to the specified terms and conditions and to any additional terms imposed by the local authority or the commission and set out in the permit.

1977-81-3; 1983-10-21, effective October 26, 1983 (B.C. Reg. 393/83).

Appeal

4. (1) An applicant who is dissatisfied with a decision of the local authority under section 3, may appeal, in the prescribed manner, to the minister.

(2) The local authority is entitled to be a party on the hearing of the appeal and may take part in the proceedings.

- (3) On the hearing of an appeal under this section, the minister may
- (a) make an order confirming, reversing or varying the decision of the local authority;
 - (b) refer the matter back to the local authority for reconsideration; or
 - (c) make any other order he considers proper in the circumstances.

(4) Where an appeal is allowed under this section, the local authority shall issue a permit on the terms and conditions decided by the minister if those terms and conditions are approved by the commission; but the commission may alter the terms and conditions or refuse its approval.

1977-81-4.

Suspension and cancellation

5. (1) Where a local authority, the commission or the minister determines that a person

- (a) has contravened the terms and conditions of a permit; or
- (b) is removing soil from, or placing fill on, an agricultural land reserve without a permit

the local authority, commission or minister may, without a hearing

- (c) suspend the permit until satisfied the contravention has ceased;
- (d) cancel the permit, if satisfied that the person has by reason of the contravention put it beyond his power to comply with the terms and conditions of the permit;
- (e) place notices on land at or near the place of contravention stating that removing soil or placing fill is contrary to this Act;
- (f) order the person to stop the contravention;
- (g) order the person who caused fill to be placed on the land without a permit or in contravention of the terms and conditions of the permit, to remove the fill; or
- (h) order a person who removed soil from the land without a permit, or in contravention of the terms and conditions of a permit, to rehabilitate the land so that it is suitable for agricultural purposes.

(2) A person adversely affected by a decision under this section may appeal to the Environment and Land Use Committee in accordance with the *Agricultural Land Commission Act* and, if that committee allows the appeal, it may reinstate the permit, order the removal of notices, confirm or vary the order or refer the matter back to the local authority, commission or minister, as the case may be, for reconsideration, subject to the terms and conditions it imposes.

1977-81-5.

Permit

6. Removing soil from or placing fill on land in an agricultural land reserve in accordance with a permit is not a contravention of the *Agricultural Land Commission Act*.

1977-81-6.

Enforcement officer

7. (1) The local authority shall appoint an enforcement officer to administer and enforce within its area this Act and the regulations, subject to the directions of the local authority.

(2) The local authority shall inform the commission of the name of the officer appointed.

(3) The minister shall appoint one or more employees in his ministry as inspectors to assist in the administration of this Act and the regulations.

1977-81-7.

Powers and duties of officers

8. An enforcement officer or inspector appointed under section 7 may

(a) exercise the powers; and

(b) take the steps

necessary to enforce this Act and the regulations, and for that purpose may enter, inspect or place notices on land.

1977-81-8.

Offence

9. (1) A person commits an offence who

(a) contravenes section 2 or the regulations;

(b) fails to comply with an order or direction of the minister, an inspector or an enforcement officer under this Act; or

(c) interferes with an inspector or enforcement officer who is carrying out his duties under this Act.

(2) In addition to any other penalty, where the offence is a continuing one, a person who commits the offence is liable to a fine of not more than \$500 for each day on which the offence is continued.

1977-81-9.

Regulations

10. (1) The Lieutenant Governor in Council may make regulations.

~~(1.1) The Lieutenant Governor in Council may prescribe the fee referred to in section 3.(1).~~

(2) The Lieutenant Governor in Council may, subject to prescribed terms and conditions, exempt from this Act the removal of soil or placing of fill

(a) from or on the right of way of a highway or drainage work;

(b) for the purpose of clearing, preparing or cultivating land in accordance with good agricultural practice; or

(c) for the bona fide purpose of carrying out a farming or horticultural operation designated by the regulations.

1977-81-10; 1988-31-17.

Bill 42/92.
pg 4 SCA

Certified correct as passed Third Reading on the 8th day of June,
1992 Ian D. Izard, Law Clerk.

MINISTER OF AGRICULTURE,
FISHERIES AND FOOD.

BILL 42 - 1992

AGRICULTURE, FISHERIES AND FOOD STATUTES AMENDMENT ACT, 1992

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Agricultural Land Commission Act

1. *Section 10 of the Agricultural Land Commission Act, R.S.B.C. 1979, c. 9, is amended by adding the following subsection:*
 - (6) The applications referred to in subsections (3) and (5) must be made in accordance with section 25.1.
2. *Section 11 is amended by adding the following subsection:*
 - (4) The applications referred to in subsections (1) and (2) must be made in accordance with section 25.1.
3. *Section 12 (1) is amended by adding "in accordance with section 25.1," after "apply to the commission".*
4. *Section 20 (1) is amended by adding "made in accordance with section 25.1" after "hear applications".*
5. *The following sections are added:*

Applications

- 25.1** (1) In this section, except in subsection (2), "application" means an application under section 10 (3) or (5) or 12 (1) or an application for permission under section 15 (2), 16, 18 or 19 (2).

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- (2) A municipality or regional district that makes an application to the Lieutenant Governor in Council under section 11 must pay the prescribed application fee.
- (3) A person who makes an application to the commission, other than an application
 - (a) to use land in an agricultural land reserve for a prescribed type of use, or
 - (b) to subdivide land in an agricultural land reserve in prescribed circumstances,must do so by submitting the application and, except in the case of an application under section 10 (3) or (5), by paying the prescribed application fee
 - (c) to the municipality, if the land described in the application is in a municipality, and
 - (d) to the regional district, if the land described in the application is in a regional district but not in a municipality.
- (4) A person who makes an application to the commission
 - (a) for a prescribed type of use, or
 - (b) to subdivide land in prescribed circumstancesreferred to in subsection (3) must submit the application and pay the prescribed application fee directly to the commission.
- (5) In respect of an application to the commission
 - (a) for a prescribed type of use, or
 - (b) to subdivide land in prescribed circumstancesreferred to in subsection (3), the commission may require assistance from a municipality or regional district in which the land described in the application is situated.
- (6) The municipal council of a municipality or the regional board of a regional district that receives an application under subsection (3) shall
 - (a) review the application, and
 - (b) subject to subsection (7), forward the application to the commission together with the council's or board's comments and recommendations concerning the application.

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- (7) In a case where section 12 (4) or 20 (2) applies to an application or proposed application, the requirement in subsection (6) (b) to forward the application to the commission does not apply if the municipality's or regional district's authorization, required by that section, is refused.

Application fees

25.2 (1) A municipality or regional district that receives application fees under section 25.1

- (a) may retain a prescribed portion of the application fees, and
- (b) must remit the balance of the application fees to the commission at the prescribed times.

- (2) Despite subsection (1), in a case where section 12 (4) or 20 (2) applies to an application or proposed application and the municipality's or regional district's authorization required by that section is refused, the portion of the application fee that would otherwise be remitted to the commission under subsection (1) (b) shall be returned to the applicant by the municipality or regional district, as the case may be.

- (3) Subject to the approval of the commission, if the clerk of a municipality or the secretary of a regional district considers that a case of hardship exists, he or she may waive the application fee payable under section 25.1 (3).

- (4) If the commission considers that a case of hardship exists it may waive the application fee payable under section 25.1 (4).

- (5) If, under section 25.1 (5), the commission requires assistance from a municipality or regional district, the commission must remit a prescribed portion of the application fee to the municipality or regional district.

- (6) This section applies notwithstanding the *Financial Administration Act*.

Consolidated revenue fund

32.1 The commission shall pay as soon as practical all money received by it, other than money received pursuant to an appropriation under a *Supply Act* or under section 32 of this Act, into the consolidated revenue fund.

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6. *Section 37 is amended by renumbering it as section 37 (1) and by adding the following subsection:*

- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations
 - (a) establishing different application fees for different types of applications and applications in different circumstances, and
 - (b) exempting classes of persons from payment of a prescribed application fee.

Soil Conservation Act

7. *Section 2 of the Soil Conservation Act, R.S.B.C. 1979, c. 391, is amended by renumbering it as section 2 (1) and by adding the following subsections:*

- (2) The commission in granting an approval under subsection (1)
 - (a) may impose terms and conditions it considers advisable.
- (3) The commission must promptly inform the applicant and the local authority of the commission's decision whether or not to grant the approval and of any terms and conditions imposed by the commission under subsection (2).

8. The following sections are added:

Applications

2.1 (1) A person may apply in respect of land in a municipality or regional district to a local authority for a permit under section 3 and to the commission for an approval under section 2

(1) (a) by

(a) submitting an application in the prescribed form and manner, and containing or accompanied by the prescribed information or types of information, and

(b) paying the prescribed application fee
to the local authority.

(2) The local authority that receives an application under subsection (1) must retain a copy of the application for its purposes relating to the permit applied for and forward the

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application to the commission for the commission's purposes relating to the approval applied for.

Application fees

2.2 (1) A local authority that receives application fees under section 2.1 (1)

- (a) may retain a prescribed portion of the application fees, and
- (b) must remit the balance of the application fees to the commission at the prescribed times.

(2) Subject to the approval of the commission, if the secretary of, or other official authorized by, the local authority considers that a case of hardship exists he or she may waive the application fee payable under section 2.1 (1).

(3) The commission, as soon as practical, shall pay the money remitted to it under subsection (1) (b) into the consolidated revenue fund.

(4) This section applies notwithstanding the *Financial Administration Act*.

9. *Section 3 is amended*

(a) *in subsection (1) by striking out "Where" and substituting "On application in accordance with section 2.1 (1), if",*

(b) *in subsection (1) (b) by striking out "and paid the prescribed fee", and*

(c) *by repealing subsection (2) and substituting the following:*

(2) A permit is subject to the prescribed terms and conditions and to any additional terms and conditions that are

- (a) imposed by the local authority or by the commission, and
- (b) included by the local authority in the permit.

10. *Section 10 (1.1) and (2) is repealed and the following substituted:*

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations

- (a) establishing different application fees for different types of applications and applications in different circumstances,

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- (b) exempting classes of persons from payment of a prescribed application fee,
- (c) prescribing conditions precedent to the granting of an approval of the commission under section 2 (1) (a) or of a permit by a local authority under section 3 (1),
- (d) exempting from this Act the removal of soil or placing of fill
 - (i) from or on the right of way of a highway or drainage work,
 - (ii) for the purpose of clearing, preparing or cultivating land in accordance with good agricultural practice, or
 - (iii) for the bona fide purpose of carrying out a farming or horticultural operation designated by the regulations, and
- (e) prescribing the terms and conditions of exemptions granted under paragraph (d).

Commencement

- 11.** This Act comes into force by regulation of the Lieutenant Governor in Council.

SOIL CONSERVATION ACT

CHAPTER 391

[Consolidated November 10, 1992]
[See status sheet following this Act.]

Interpretation

1. In this Act
- "agricultural land reserve" means a reserve of agricultural land established under the *Agricultural Land Commission Act*;
 - "commission" means the Provincial Land Commission established under the *Agricultural Land Commission Act*;
 - "fill" means any material brought on land in an agricultural land reserve;
 - "local authority" means the regional board of a regional district, or, where a municipality within a regional district gives written notice to the regional board of that regional district that it wishes to be the local authority in respect of the municipality, the council of that municipality;
 - "permit" means a permit issued under section 3;
 - "remove" means to take, move or transport soil from land in an agricultural land reserve;
 - "soil" includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act*.

1977-81-1; 1988-5-68.

Prohibition of soil removal and land fill

2. A person shall not remove soil from or place fill on land in an agricultural land reserve unless
- (a) the commission approves in writing;
 - (b) the local authority where the land is situated issues a permit; and
 - (c) the soil is removed or the fill is placed in accordance with the regulations and the terms and conditions in the permit.

1977-81-2.

Permit

3. (1) Where a local authority where land is situated is satisfied that
- (a) approval of the grant of a permit has been given by the commission; and
 - (b) the applicant has complied with the regulations and paid the prescribed fee,
- the local authority may grant a permit to remove soil from or place fill on land in an agricultural land reserve.
- (2) A permit is subject to the specified terms and conditions and to any additional terms imposed by the local authority or the commission and set out in the permit.

1977-81-3; 1983-10-21, effective October 26, 1983 (B.C. Reg. 393/83).

Appeal

4. (1) An applicant who is dissatisfied with a decision of the local authority under section 3, may appeal, in the prescribed manner, to the minister.

- (2) The local authority is entitled to be a party on the hearing of the appeal and may take part in the proceedings.
- (3) On the hearing of an appeal under this section, the minister may
 - (a) make an order confirming, reversing or varying the decision of the local authority;
 - (b) refer the matter back to the local authority for reconsideration; or
 - (c) make any other order he considers proper in the circumstances.
- (4) Where an appeal is allowed under this section, the local authority shall issue a permit on the terms and conditions decided by the minister if those terms and conditions are approved by the commission; but the commission may alter the terms and conditions or refuse its approval.

1977-81-4.

Suspension and cancellation

5. (1) Where a local authority, the commission or the minister determines that a person
 - (a) has contravened the terms and conditions of a permit; or
 - (b) is removing soil from, or placing fill on, an agricultural land reserve without a permitthe local authority, commission or minister may, without a hearing
 - (c) suspend the permit until satisfied the contravention has ceased;
 - (d) cancel the permit, if satisfied that the person has by reason of the contravention put it beyond his power to comply with the terms and conditions of the permit;
 - (e) place notices on land at or near the place of contravention stating that removing soil or placing fill is contrary to this Act;
 - (f) order the person to stop the contravention;
 - (g) order the person who caused fill to be placed on the land without a permit or in contravention of the terms and conditions of the permit, to remove the fill; or
 - (h) order a person who removed soil from the land without a permit, or in contravention of the terms and conditions of a permit, to rehabilitate the land so that it is suitable for agricultural purposes.

(2) A person adversely affected by a decision under this section may appeal to the Environment and Land Use Committee in accordance with the *Agricultural Land Commission Act* and, if that committee allows the appeal, it may reinstate the permit, order the removal of notices, confirm or vary the order or refer the matter back to the local authority, commission or minister, as the case may be, for reconsideration, subject to the terms and conditions it imposes.

1977-81-5.

Permit

6. Removing soil from or placing fill on land in an agricultural land reserve in accordance with a permit is not a contravention of the *Agricultural Land Commission Act*.

1977-81-6.

Enforcement officer

7. (1) The local authority shall appoint an enforcement officer to administer and enforce within its area this Act and the regulations, subject to the directions of the local authority.

(2) The local authority shall inform the commission of the name of the officer appointed.

(3) The minister shall appoint one or more employees in his ministry as inspectors to assist in the administration of this Act and the regulations.

1977-81-7.

Powers and duties of officers

8. An enforcement officer or inspector appointed under section 7 may

(a) exercise the powers; and

(b) take the steps

necessary to enforce this Act and the regulations, and for that purpose may enter, inspect or place notices on land.

1977-81-8.

Offence

9. (1) A person commits an offence who

(a) contravenes section 2 or the regulations;

(b) fails to comply with an order or direction of the minister, an inspector or an enforcement officer under this Act; or

(c) interferes with an inspector or enforcement officer who is carrying out his duties under this Act.

(2) In addition to any other penalty, where the offence is a continuing one, a person who commits the offence is liable to a fine of not more than \$500 for each day on which the offence is continued.

1977-81-9.

Regulations

10. (1) The Lieutenant Governor in Council may make regulations.

(1.1) The Lieutenant Governor in Council may prescribe the fee referred to in section 3 (1).

(2) The Lieutenant Governor in Council may, subject to prescribed terms and conditions, exempt from this Act the removal of soil or placing of fill

(a) from or on the right of way of a highway or drainage work;

(b) for the purpose of clearing, preparing or cultivating land in accordance with good agricultural practice; or

(c) for the bona fide purpose of carrying out a farming or horticultural operation designated by the regulations.

1977-81-10; 1988-31-17.

SOIL CONSERVATION ACT - STATUS SHEET

**SOIL CONSERVATION ACT
RS1979, c. 391**

AMENDMENTS NOT IN FORCE

Section	Reference
2 to 2.2, 3 and 10	1992-29-7 to 10

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Victoria, 1993

Nov. 10, 1992

SOIL CONSERVATION ACT

CHAPTER 391

[Consolidated November 10, 1992]
[See status sheet following this Act.]

Interpretation

1. In this Act

"agricultural land reserve" means a reserve of agricultural land established under the *Agricultural Land Commission Act*;

"commission" means the Provincial Land Commission established under the *Agricultural Land Commission Act*;

"fill" means any material brought on land in an agricultural land reserve;

"local authority" means the regional board of a regional district, or, where a municipality within a regional district gives written notice to the regional board of that regional district that it wishes to be the local authority in respect of the municipality, the council of that municipality;

"permit" means a permit issued under section 3;

"remove" means to take, move or transport soil from land in an agricultural land reserve;

"soil" includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act*.

1977-81-1; 1988-5-68.

Prohibition of soil removal and land fill

2(1) A person shall not remove soil from or place fill on land in an agricultural land reserve unless

- (a) the commission approves in writing;
- (b) the local authority where the land is situated issues a permit; and
- (c) the soil is removed or the fill is placed in accordance with the regulations and the terms and conditions in the permit.

(2) The commission in granting an approval under subsection (1) (a) may impose terms and conditions it considers advisable.

(3) The commission must promptly inform the applicant and the local authority of the commission's decision whether or not to grant the approval and of any terms and conditions imposed by the commission under subsection (2).

Applications

2.1 (1) A person may apply in respect of land in a municipality or regional district to a local authority for a permit under section 3 and to the commission for an approval under section 2 (1) (a) by

- (a) submitting an application in the prescribed form and manner, and containing or accompanied by the prescribed information or types of information, and

(b) paying the prescribed application fee to the local authority.

(2) The local authority that receives an application under subsection (1) must retain a copy of the application for its purposes relating to the permit applied for and forward the

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application to the commission for the commission's purposes relating to the approval applied for.

Application fees

2.2 (1) A local authority that receives application fees under section 2.1 (1)

- (a) may retain a prescribed portion of the application fees, and
- (b) must remit the balance of the application fees to the commission at the prescribed times.

(2) Subject to the approval of the commission, if the secretary of, or other official authorized by, the local authority considers that a case of hardship exists he or she may waive the application fee payable under section 2.1 (1).

(3) The commission, as soon as practical, shall pay the money remitted to it under subsection (1) (b) into the consolidated revenue fund.

(4) This section applies notwithstanding the *Financial Administration Act* on application in accordance with Section 2:1(1); if a local authority where

Permit

3. (1) ~~Where a local authority whose~~ land is situated is satisfied that
- (a) approval of the grant of a permit has been given by the commission; and
 - (b) the applicant has complied with the regulations ~~and paid the prescribed fee,~~

the local authority may grant a permit to remove soil from or place fill on land in an agricultural land reserve.

(2) A permit is subject to the prescribed terms and conditions and to any additional terms and conditions that are

- (a) imposed by the local authority or by the commission, and
- (b) included by the local authority in the permit.

4

Repeated

Suspension and cancellation

5. (1) If a local authority or the commission determines that a person

- (a) has contravened a permit; or
- (b) is removing soil from, or placing fill on, an agricultural land reserve without a permit,

the local authority or the commission may, *and*

- (c) suspend the permit until satisfied the contravention has ceased;
- (d) cancel the permit, if satisfied that the person has by reason of the contravention put it beyond his power to comply with the terms and conditions of the permit;
- (e) place notices on land at or near the place of contravention stating that removing soil or placing fill is contrary to this Act;
- (f) order the person to stop the contravention;
- (g) order the person who caused fill to be placed on the land without a permit or in contravention of the terms and conditions of the permit, to remove the fill; or
- (h) order a person who removed soil from the land without a permit, or in contravention of the terms and conditions of a permit, to rehabilitate the land so that it is suitable for agricultural purposes.

(2) A person adversely affected by a decision under this section may appeal to the Environment and Land Use Committee in accordance with the *Agricultural Land Commission Act* and, if that committee allows the appeal, it may reinstate the permit, order the removal of notices, confirm or vary the order or refer the matter back to the local authority, commission or minister, as the case may be, for reconsideration, subject to the terms and conditions it imposes.

Repealed

1977-81-5.

Permit

6. Removing soil from or placing fill on land in an agricultural land reserve in accordance with a permit is not a contravention of the *Agricultural Land Commission Act*.

1977-81-6.

Enforcement officer

7. (1) The local authority shall appoint an enforcement officer to administer and enforce within its area this Act and the regulations, subject to the directions of the local authority.

(2) The local authority shall inform the commission of the name of the officer appointed.

(3) The minister shall appoint one or more employees in his ministry as inspectors to assist in the administration of this Act and the regulations.

1977-81-7.

Powers and duties of officers

8. An enforcement officer or inspector appointed under section 7 may

- (a) exercise the powers; and
- (b) take the steps

necessary to enforce this Act and the regulations, and for that purpose may enter, inspect or place notices on land.

1977-81-8.

Offence

- 9.** (1) A person commits an offence who
- (a) contravenes section 2 or the regulations;
 - (b) fails to comply with an order or direction of the minister, an inspector or an enforcement officer under this Act; or
 - (c) interferes with an inspector or enforcement officer who is carrying out his duties under this Act.
- (2) In addition to any other penalty, where the offence is a continuing one, a person who commits the offence is liable to a fine of not more than \$500 for each day on which the offence is continued.

1977-81-9.

Regulations

- 10.** (1) The Lieutenant Governor in Council may make regulations.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations
- (a) establishing different application fees for different types of applications and applications in different circumstances,
 - (b) exempting classes of persons from payment of a prescribed application fee,
 - (c) prescribing conditions precedent to the granting of an approval of the commission under section 2 (1) (a) or of a permit by a local authority under section 3 (1),
 - (d) exempting from this Act the removal of soil or placing of fill
 - (i) from or on the right of way of a highway or drainage work,
 - (ii) for the purpose of clearing, preparing or cultivating land in accordance with good agricultural practice, or
 - (iii) for the bona fide purpose of carrying out a farming or horticultural operation designated by the regulations, and
 - (e) prescribing the terms and conditions of exemptions granted under paragraph (d).

Commencement

- 11.** This Act comes into force by regulation of the Lieutenant Governor in Council.

SOIL CONSERVATION ACT - STATUS SHEET

**SOIL CONSERVATION ACT
RS1979, c. 391**

AMENDMENTS NOT IN FORCE

Section	Reference
2 to 2.2, 3 and 10	1992-29-7 to 10

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Victoria, 1993

Nov. 10, 1992

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LEUTENANT GOVERNOR IN COUNCIL


Order in Council No. **1763**, Approved and Ordered - 3 DEC 1992

Agricultural Land Commission

BC REG 449/92

09 MAR 1994

RECEIVED


 Lieutenant Governor
 Administrator

Executive Council Chambers, Victoria - 2 DEC 1992

On the recommendation of the undersigned, the ~~Lieutenant Governor~~ ^{Administrator}, by and with the advice and consent of the Executive Council, orders that effective January 1, 1993

1. The Agriculture, Fisheries and Food Statutes Amendment Act, 1992, S.B.C. 1992, c. 29, is brought into force.
2. Sections 3 (2) and 11 of B.C. Reg. 803/77, the Permit Regulation, are repealed and the following substituted:
 11. (1) The prescribed application fee for the purposes of section 2.1 (1) (b) of the Act is \$550.00.
 - (2) The prescribed portion of the application fee that a local authority may retain for the purposes of section 2.2 (1) (a) of the Act is \$250.00.
 - (3) The prescribed times for the purposes of section 2.2 (1) (b) of the Act are March 31, June 30, September 30 and December 31 of each year.

3. The following section is added to B.C. Reg. 313/78, the Agricultural Land Reserve Procedure Regulation:

Sharing of application fee proceeds

48. (1) The prescribed application fee
 - (a) for an application under section 11 or 12 of the Act is \$750.00,
 - (b) for an application under section 20 of the Act to which section 44 or 46 of this regulation does not apply is \$550.00, and
 - (c) for an application to which section 44 or 46 of this regulation applies is \$400.00.
- (2) The prescribed portion of the application fee that a municipality or regional district may retain for the purposes of section 25.2 (1) (a) of the Act is \$250.00 for an application under section 12 of the Act or for an application described in subsection (1) (b) of this section.
- (3) The prescribed portion of an application fee that must be remitted by the commission for the purposes of section 25.2 (5) of the Act is \$150.
- (4) The prescribed times for the purposes of section 25.2 (1) (b) of the Act are March 31, June 30, September 30 and December 31 of each year.


 Minister of Agriculture, Fisheries and Food


 Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Agricultural Land Commission Act, s. 87; Soil Conservation Act, s. 10 and
 Other (specify):- Agriculture, Fisheries and Food Statutes Amendment Act, 1992, s. 11

November 17, 1992

1989/92/13 jh

QUEEN'S PRINTER LIST
OF CONSEQUENTIAL LEGISLATIVE
AMENDMENTS

This list contains amendments relevant to the SOIL CONSERVATION ACT at the time of purchase.

NOTE: This list is printed for convenience only and has been consolidated as of:

JULY 29, 1993

This list contains bills enacted JULY 1993

Amended by	Section	Amended Acts and Amendments	Effective Date
BILL 42, 1993		<p style="text-align: center;"><i>Soil Conservation Act</i></p> <p>32. <i>Section 4 of the Soil Conservation Act, R.S.B.C. 1979, c. 391, is repealed.</i></p> <p>33. <i>Section 5 is amended</i></p> <p style="padding-left: 40px;"><i>(a) in subsection (1) by striking out everything before paragraph (c) and substituting the following:</i></p> <p style="padding-left: 80px;">(1) If a local authority or the commission determines that a person</p> <p style="padding-left: 120px;">(a) has contravened a permit; or</p> <p style="padding-left: 120px;">(b) is removing soil from, or placing fill on, an agricultural land reserve without a permit,</p> <p style="padding-left: 80px;">the local authority or the commission may, and</p> <p style="padding-left: 40px;"><i>(b) by repealing subsection (2).</i></p>	BY REGULATION

Soil Conservation Act

PERMIT REGULATION

1. In this regulation,
"Act" means the Soil Conservation Act;
"inspector" means a person appointed by the minister under section 7
(3) of the Act;
"officer" means an enforcement officer appointed by a local authority
under section 7 (1) of the Act.

2. (1) A permit is not required where
- (a) a person is carrying out research or soil testing, or is engaged by a government, regional district, municipality, university or any other public or private body in carrying out research or soil testing if only such amount of soil is removed or such amount of fill is placed as is reasonably necessary for the research or testing and so long as the research testing is done for agricultural, farming or horticultural purposes,
 - (b) the land is a highway as defined in the Highway Act,
 - (c) soil is removed or fill is placed for the construction of dykes, ditches and related pumphouses and ancillary works, including construction and maintenance of access roads and facilities made necessary by the threat of flooding,
 - (d) removal of soil or placement of fill is associated with or involves the
 - (i) cultivation of land,
 - (ii) application of fertilizers, manures, composts, mulches or soil conditioners,
 - (iii) application of a maximum depth of 30 cm of wood wastes which are readily incorporated into the soil,
 - (iv) construction and maintenance of a farm building or structure on an area of land of 0.2 ha or less per 16 ha,
 - (v) construction and maintenance of roadways, drainage, irrigation and livestock watering works for farm use where the total volume of soil removed or fill placed does not exceed 320 m³/16 ha,
 - (vi) operations of a florist, nurseryman, turf farmer or greenhouse operator where the amount of soil removed or fill placed is reasonably necessary for the growth and maintenance of the plants grown,
 - (vii) construction of one residential dwelling unit and accessory buildings and structures per land registry parcel, including auxiliary services and utilities and reasonable landscaping requirements.
- (2) In order to qualify for the exemption referred to
- (a) in subsection (1) (d) (i) to (vi), the activity must be done in accordance with good agricultural practice, and
 - (b) in subsection (1) (d) (vii), the dwelling unit must be related or incidental to use of land for agricultural, or for farming or horticultural purposes.

603/77-CONS. NOV. 93

3. (1) An applicant for a permit under section 3 of the Act shall apply in writing on a form provided by the local authority, which shall include

- (a) the full name, address and telephone number of the applicant,
- (b) the full name, address and telephone number of the owner of the land, where the applicant is not the owner,
- (c) the title or tenancy under which the land is occupied, where the applicant is not the owner,
- (d) the consent in writing of the owner of the land, where he is not the applicant,
- (e) the general location (regional district, municipality, electoral area) and the legal description of the land,
- (f) a plan indicating in sufficient detail and with reasonable accuracy the location and area of the proposed removal or filling,
- (g) reasons for the removal or filling,
- (h) the maximum depth and quantity of soil to be removed or fill to be placed,
- (i) characteristics of the soil to be removed or fill to be placed,
- (j) the proposed dates of commencement and completion of the removal or filling, and
- (k) the date of the application, the signature of the applicant, and his certification that the information in the application is true.

Repealed — (2) The applicant shall pay to the local authority a fee of \$10 and such other processing fee as the local authority has power to charge.

(3) An applicant who falsely certifies under subsection (1) (k) or who knowingly provides false or misleading information in an application commits an offence.

4. The local authority shall not grant a permit under section 3 of the Act and the commission shall not give its approval under section 2 of the Act where the removal of soil or placing of fill would, notwithstanding the imposition of terms and conditions, in the opinion of either of them,

- (a) cause danger on or to adjacent land, structures or rights of way,
- (b) foul, obstruct or impede the flow of any stream, creek, waterway, watercourse, waterworks, ditch, drain or sewer, unless the applicant holds a permit to do so under the Water Act or Pollution Control Act,
- (c) make the land unsuitable for agriculture, or
- (d) adversely affect farming on adjacent land.

5. In considering an application for a permit, the local authority or the commission may require the applicant

- (a) to obtain and file with the local authority or the commission a report of a person who is, in the opinion of the local authority or the commission, qualified to make such a report stating

- (i) the depth, quantity and characteristics of the soil to be removed or fill to be placed,
- (ii) the feasibility of removal or filling,
- (iii) the proper method of removal or filling,
- (iv) the method of preventing the occurrences referred to in section 4, and
- (v) such other information as the local authority or the commission may request, and
- (b) to obtain and file with the local authority or the commission a contour plan prepared by a person who is, in the opinion of the local authority or the commission, qualified to make such a plan, indicating
 - (i) the actual contours of the land,
 - (ii) the area and depth of the removal or filling,
 - (iii) the contours of the land after the proposed removal or filling, and
 - (iv) such other information as the local authority or the commission may request.

6. (1) An applicant for a permit shall sign as part of the application an undertaking, which shall be deemed to be a term and condition of the permit if one is issued,

- (a) to remove soil or place fill in such quantities and in such manner as is specified in the permit, and in accordance with the Act, regulation and the permit,
- (b) that before the expiry of the permit he will
 - (i) restore the land to a condition fit and suitable for agriculture to a standard approved by the local authority and the commission, or
 - (ii) restore the land to such condition, and at such time and in such manner, as the local authority and the commission may require,
- and
- (c) to pay for any damage to persons or property that, in the opinion of the local authority and the commission, was caused by the applicant.

(2) The local authority or the commission may, as a condition of a permit, require the applicant to give security in cash or certified cheque, or by way of a bond, conditioned on and to secure the proper performance by the applicant of all terms, conditions and requirements of the Act, the regulation and the permit, and the security shall be in such form and amount as the local authority or the commission may require.

(3) It shall be deemed to be a condition of every permit that the local authority or the commission, or their representatives, or an officer or an inspector, has free and unrestricted access to the land referred to in the permit to determine whether the Act, the regulation and the terms and conditions of the permit are being observed and performed.

(4) It shall be deemed to be a condition of every permit that the permit holder shall not do anything in relation to the removal of soil or placing of fill that would likely result in the occurrence of any of the matters referred to in section 4.

7. A local authority shall not grant a permit under the Act until

an officer or an inspector has inspected the area and the site of the proposed removal of soil or placement of fill.

8. The local authority shall, on issuing a permit under this regulation, send to the commission a copy of the permit, the application and other documents in its custody relating to the application for the permit.

9. The permit holder shall keep the permit prominently displayed at his place of business, if any, and a copy at the site of soil or removal or placement of fill.

10. Unless otherwise specified in the permit, or unless the permit is suspended or cancelled under the Act, a permit shall expire one year after the date it is issued.

11. (1) The prescribed application fee for the purposes of section 2.1 (1) (b) of the Act is \$550.00.
- (2) The prescribed portion of the application fee that a local authority may retain for the purposes of section 2.2 (1) (a) of the Act is \$250.00.
- (3) The prescribed times for the purposes of section 2.2 (1) (b) of the Act are March 31, June 30, September 30 and December 31 of each year.

Appeal Procedure

12. An applicant who is dissatisfied with a decision of the local authority under section 3 of the Act may appeal to the minister by delivering or mailing by registered mail a notice of appeal to the minister, commission and local authority.

13. The notice of appeal must be delivered or mailed within 60 days after the date on which the local authority made the decision being appealed.

14. The appellant shall include with the notice of appeal
- (a) the original application for a permit and any attached copies filed with the local authority on the original application,
 - (b) any other pertinent documentation, including new information not in the original application, and
 - (c) a statement of reasons for the appeal and the grounds on which the decision of the local authority is alleged to be wrong.

15. On receipt of the notice of appeal, the minister shall notify the appellant, local authority and commission of the date of an appeal hearing.

16. The appellant, local authority and commission are entitled to appear and make representations in person or by agent at the hearing and each are entitled to copies of all documents filed with the minister pertaining to the appeal.

603/77

SOIL CONSERVATION ACT
PERMIT REGULATION

17. During the hearing the minister may receive such evidence as he considers relevant to the appeal.

[Provisions of the Soil Conservation Act relevant to the enactment of this regulation: section 10]

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Victoria, 1992

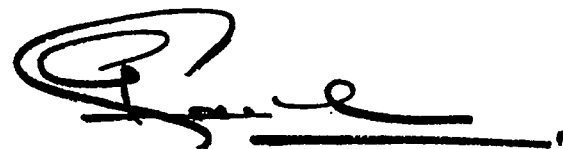
31/7/82

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No.

1354

Approved and Ordered NOV. -9.1995

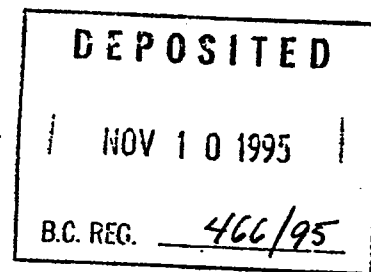


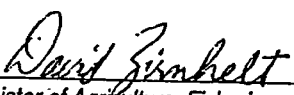
Lieutenant Governor

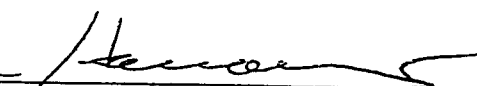
Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) effective January 1, 1996, B.C. Reg. 313/78, the Agricultural Land Reserve Procedure Regulation is amended as set out in Appendix 1 to this order, and
- (b) sections 12 to 17 of B.C. Reg. 603/77, the Permit Regulation, are repealed.




Minister of Agriculture, Fisheries and Food


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

and section:- Soil Conservation Act, section 10; Agricultural Land Commission Act, section 37

Other (specify):-

RBC 1991 c. 391

RBC 1977 c. 9

October 27, 1995

1663 /95/13/sas

SOIL CONSERVATION ACT

CHAPTER 434

Contents

Section

- 1 Definitions
- 2 Prohibition of soil removal and land fill
- 3 Applications
- 4 Application fees
- 5 Permit
- 6 Suspension and cancellation
- 7 Permit
- 8 Enforcement officer
- 9 Powers and duties of officers
- 10 Offence
- 11 Power to make regulations

Definitions

1 In this Act:

“agricultural land reserve” means a reserve of agricultural land established under the *Agricultural Land Commission Act*;

“commission” means the Provincial Agricultural Land Commission continued under the *Agricultural Land Commission Act*;

“fill” means any material brought on land in an agricultural land reserve;

“local authority” means the regional board of a regional district, or, if a municipality within a regional district gives written notice to the regional board of that regional district that it wishes to be the local authority in respect of the municipality, the council of that municipality;

“permit” means a permit issued under section 5;

“remove” means to take, move or transport soil from land in an agricultural land reserve;

“soil” includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act*.

Prohibition of soil removal and land fill

- 2** (1) A person must not remove soil from or place fill on land in an agricultural land reserve unless
- (a) the commission approves in writing,
 - (b) the local authority where the land is located issues a permit, and
 - (c) the soil is removed or the fill is placed in accordance with the regulations and the terms and conditions in the permit.

Section 3

- (2) The commission in granting an approval under subsection (1) (a) may impose terms and conditions it considers advisable.
- (3) The commission must promptly inform the applicant and the local authority of the commission's decision whether or not to grant the approval and of any terms and conditions imposed by the commission under subsection (2).

Applications

- 3 (1) A person may apply in respect of land in a municipality or regional district to a local authority for a permit under section 5 and to the commission for an approval under section 2 (1) (a) by
 - (a) submitting an application in the prescribed form and manner, and containing or accompanied by the prescribed information or types of information, and
 - (b) paying the prescribed application fee, to the local authority.
- (2) The local authority that receives an application under subsection (1) must retain a copy of the application for its purposes relating to the permit applied for and forward the application to the commission for the commission's purposes relating to the approval applied for.

Application fees

- 4 (1) A local authority that receives application fees under section 3 (1)
 - (a) may retain a prescribed portion of the application fees, and
 - (b) must remit the balance of the application fees to the commission at the prescribed times.
- (2) Subject to the approval of the commission, if the secretary of, or other official authorized by, the local authority considers that a case of hardship exists, he or she may waive the application fee payable under section 3 (1).
- (3) The commission, as soon as practical, must pay the money remitted to it under subsection (1) (b) into the consolidated revenue fund.
- (4) This section applies despite the *Financial Administration Act*.

Permit

- 5 (1) On application in accordance with section 3 (1), if a local authority where land is located is satisfied that
 - (a) approval of the grant of a permit has been given by the commission, and
 - (b) the applicant has complied with the regulations,the local authority may grant a permit to remove soil from or place fill on land in an agricultural land reserve.

- (2) A permit is subject to the prescribed terms and conditions and to any additional terms and conditions that are
 - (a) imposed by the local authority or by the commission, and
 - (b) included by the local authority in the permit.

Suspension and cancellation

- 6 If a local authority or the commission determines that a person
 - (a) has contravened a permit, or
 - (b) is removing soil from, or placing fill on, an agricultural land reserve without a permit,the local authority or the commission may
 - (c) suspend the permit until satisfied the contravention has ceased,
 - (d) cancel the permit, if satisfied that the person has because of the contravention put it beyond his or her power to comply with the terms and conditions of the permit,
 - (e) place notices on land at or near the place of contravention stating that removing soil or placing fill is contrary to this Act,
 - (f) order the person to stop the contravention,
 - (g) order the person who caused fill to be placed on the land without a permit or in contravention of the terms and conditions of the permit, to remove the fill, or
 - (h) order a person who removed soil from the land without a permit, or in contravention of the terms and conditions of a permit, to rehabilitate the land so that it is suitable for agricultural purposes.

Permit

- 7 Removing soil from or placing fill on land in an agricultural land reserve in accordance with a permit is not a contravention of the *Agricultural Land Commission Act*.

Enforcement officer

- 8
 - (1) The local authority must appoint an enforcement officer to administer and enforce within its area this Act and the regulations, subject to the directions of the local authority.
 - (2) The local authority must inform the commission of the name of the officer appointed.
 - (3) The minister must appoint one or more employees in the ministry as inspectors to assist in the administration of this Act and the regulations.

Section 9

Powers and duties of officers

- 9 (1) An enforcement officer or inspector appointed under section 8 may exercise the powers, and take the steps necessary to enforce this Act and the regulations.
- (2) For the purposes of subsection (1) an enforcement officer or inspector appointed under section 8 may enter, inspect or place notices on land.

Offence

- 10 (1) A person commits an offence who does any of the following:
- (a) contravenes section 2 or the regulations;
 - (b) fails to comply with an order or direction of the minister, an inspector or an enforcement officer under this Act;
 - (c) interferes with an inspector or enforcement officer who is carrying out his or her duties under this Act.
- (2) In addition to any other penalty, if the offence is a continuing one, a person who commits the offence is liable to a fine of not more than \$500 for each day on which the offence is continued.

Power to make regulations

- 11 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:
- (a) establishing different application fees for different types of applications and applications in different circumstances;
 - (b) exempting classes of persons from payment of a prescribed application fee;
 - (c) prescribing conditions precedent to the granting of an approval of the commission under section 2 (1) (a) or of a permit by a local authority under section 5 (1);
 - (d) exempting from this Act the removal of soil or placing of fill
 - (i) from or on the right of way of a highway or drainage work,
 - (ii) for the purpose of clearing, preparing or cultivating land in accordance with good agricultural practice, or
 - (iii) for the genuine purpose of carrying out a farming or horticultural operation designated by the regulations;
 - (e) prescribing the terms and conditions of exemptions granted under paragraph (d).

SOIL CONSERVATION — HISTORICAL TABLE

Legislative History

SOIL CONSERVATION ACT

RSBC 1996, chapter 434

Section	History
1	RS1979-391-1; 1988-5-68.
2	RS1979-391-2; 1992-29-7.
3	RS1979-391-2.1; 1992-29-8.
4	RS1979-391-2.2; 1992-29-8.
5	RS1979-391-3; 1983-10-21; 1992-29-9.
6	RS1979-391-5; 1993-38-33.
7	RS1979-391-6.
8	RS1979-391-7.
9	RS1979-391-8.
10	RS1979-391-9.
11	RS1979-391-10; 1988-31-17; 1992-29-10.

EXPLANATORY NOTE

Amendments Not in Force: If there are any legislative changes to the Act that are not in force as of December 31, 1996, these are identified in *italics* at the beginning of the historical table. The "Section" column identifies the affected provisions of the Act. The "Citation" column identifies the amending legislation by its citation in the 1996 Statute Revision Supplement.

Legislative History: The second part of the table provides a legislative history of each section of the Act between the 1979 Statute Revision and the 1996 Statute Revision. The "Section" column identifies all sections of the Act in force on December 31, 1996. The "History" column for each section begins with the citation of the section immediately before the 1996 Statute Revision. This is followed by a list of citations for the legislation that enacted or amended the section between the 1979 Statute Revision and the 1996 Statute Revision (if a section was repealed and replaced during that period, these last citations begin at the most recent replacement).

Legislative citations have the format of "year-chapter-section".

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Victoria, 1997

PROVINCE OF BRITISH COLUMBIA

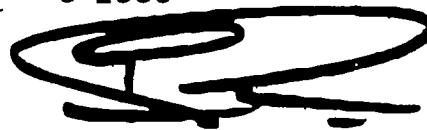
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LAND RESERVE
COMMISSION

JUL 10 2000

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. — 973 . Approved and Ordered

JUL - 6 2000



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that *section 2 (1) (d) (iv) of B.C. Reg. 451/98, the Agricultural Land Reserve Permit Regulation, is repealed and the following substituted:*

- (iv) the construction and maintenance of a farm building or structure, including a greenhouse or a farm building or structure for use in an intensive livestock operation or for mushroom production, on an area of land
- (A) less than or equal to 0.2 ha/16 ha, or
- (B) greater than 0.2 ha/16 ha if the prior written consent of the commission is obtained for that construction and maintenance, .

DEPOSITED

JUL 07 2000

B.C. REG. 252/2000



Minister of Agriculture, Food and Fisheries



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Soil Conservation Act, s. 11

Other (specify):-

June 19, 2000

1091/2000/13