



**Agricultural Land  
Commission Act**

**Policy L-13**

**January 2016**

**ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE:  
DIKES FOR FLOOD CONTROL AND IRRIGATION IN THE ALR**

*This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act, 2002](#), including amendments as of September 2014, (the “ALCA”) and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of August 2016, (the “Regulation”). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.*

**REFERENCE:**

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), Section 3(1)(n)

*3(1) The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:*

*(n) construction and maintenance, for the purpose of drainage or irrigation or to combat the threat of flooding, of*

*(i) dikes and related pumphouses, and ancillary works including access roads and facilities*

**INTERPRETATION:**

The Regulation allows as non-farm uses dikes, pumphouses and ancillary works including access roads and facilities for drainage, irrigation or flood control, on a parcel in the Agricultural Land Reserve (“ALR”).

The amount of fill placed or the removal of soil for the purpose of drainage or irrigation must be justifiable and the Agricultural Land Commission (the “Commission”) suggests that the local authority rely on flood level information to determine the elevation necessary to prevent flooding. If it is determined that the construction of a dike is necessary, the volume of fill permitted would be the volume necessary to properly construct a stable barrier to the required elevation. Prior to the dike construction, and in accordance with good agricultural practices, the Commission requires native topsoil to be stripped for use elsewhere on the property. The Commission also recommends that other excavated soils from extraction be retained and used elsewhere on the property if appropriate.

The Regulation does not allow widespread or area-wide filling to create a uniform elevation above the flood plain; but rather allows perimeter or sectional flood control or irrigation measures and structures such as dikes or ditches for these purposes.

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